

ACTS

3299a

OF THE

SIXTY-EIGHTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW JERSEY,

AT THE SESSION BEGUN AT TRENTON ON THE TWENTY-FOURTH DAY
OF OCTOBER, EIGHTEEN HUNDRED AND FORTY-THREE.

Being the First Sitting.



FREEHOLD:

PRINTED BY BERNARD CONNOLLY.

1844.

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

AN ACT to authorize and empower the executors of the last will and testament of Samuel Fidler, deceased, to sell and convey the real estate of said deceased.

WHEREAS, it appears that Samuel Fidler, late of the township of Hopewell, in the county of Mercer, hath departed this life, having made and executed his last will and testament in due form of law, and appointed Joshua Bunn and Joseph Burroughs, executors thereof;— and whereas, it appears that the said Samuel Fidler, after making various bequests in said will, constituted the second Methodist Episcopal Church of the township of Hopewell, and the Trustees of the Missionary Society of the New Jersey Annual Conference of said Methodist Episcopal Church, his residuary legatees;— and whereas, it was the manifest intention, of said testator that the legacies mentioned in his will should be paid out of the proceeds of the sale of his real as well as his personal estate; but that the said testator omitted to vest a power to make such sale of his real estate

Preamble.

in his executors, or any other person;—and whereas, it is represented that the interest of the residuary legatees and the intentions of the testator would be much promoted by authorizing a sale of said real estate, at an earlier period than can be if the parties interested are compelled to resort to the courts to procure such authority; and whereas, this legislature are willing to aid the benevolent designs of said testator—therefore,

Executors authorized 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 Joshua Bunn and Joseph Burroughs, executors of the last will and testament of the said Samuel Fidler, deceased, be and they are hereby authorized and empowered to make sale of the real estate of which said Samuel Fidler died seized, as fully as if they had been thereto authorized by the will of said Samuel Fidler.

Executors to give bond.

Sec. 2. *And be it enacted*, That before said executors proceed to make such sale, they shall enter into bond to the Ordinary of this State, before the surrogate of the county of Mercer, with one or more sufficient securities, in a penalty double the estimated value of said real estate, for the faithful appropriation of the proceeds of said sale, according to the will of the testator.

Executors to make report to Orphan's Court.

Sec. 3. *And be it enacted*, That said sales shall be conducted in all respects, in the same manner as is prescribed by the various acts of the legislature for sales of land by executors or administrators by order of the Orphans' Court; and that when a sale of said real estate or any part thereof shall have been made, the said executors shall report the same to the Orphans' Court of the county of Mercer; and if the said Orphans' Court shall approve said sale, they shall confirm the same as valid and effectual in law, and direct the said executors to make a good and sufficient conveyance for the same to the purchaser or purchasers thereof; and that said conveyance so made shall vest in the purchaser or purchasers, the same title to said real estate as the said Samuel Fidler had at the time of his decease.

In case of death of Executor, power vested in survivor.

Sec. 4. *And be it enacted*, That in case either of said executors shall depart this life before the complete execution of the powers conferred by this act, then all the powers hereby granted to the two, shall be thenceforth vested in the survivor.

Passed November 1, 1834.

AN ACT to appoint Commissioners to make partition of the real estate of Jacob De Groot, late of Somerset county, deceased.

WHEREAS, it has been represented to the legislature, by the petition of Samuel Swan and Aletta his wife, Sarah Boudinot and others, that Jacob De Groot by his last will and testament, devised the one half of his real estate to his daughter Aletta, wife of Samuel Swan, and the other half to his executors in trust for his said daughter Sarah Boudinot, during their natural lives; and on the death of either of his said daughters, devised the one half of said real estate in fee simple to such child or children as such daughter might leave,—and whereas, it has been farther represented, that no petition of said lands can be made between the said tenants for life, that will be permanent and binding upon the children of said tenants, some being minors; but upon the death of either of said tenants for life, her children and grand children may require and obtain a new and different division of said lands; in consequence whereof, the said tenants for life will be restrained from making improvements on said lands;—and whereas, it is considered equitable and just and for the best interests of all persons concerned in said lands, that the said partition should be permanent and conclusive upon the devisees of the fee simple—therefore, pursuant to the prayer of said petition,

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 Ross, Caleb C. Brokaw, and Peres Bonney, be, and they hereby are, appointed commissioners, with full power and authority to make partition of said real estate of the said Jacob De Groot, deceased, into two equal shares or parts, having due regard to the situation, quantity, quality and advantages of each part or share, so that they may be equal in value, as nearly as may be:—and the said commissioners shall make a true field book, specifying the bounds of each part or share: and when the same shall be made and completed, shall proceed to assign by ballot, the said parts or shares to the said tenants for life, respectively.

Commissioners to make partition of real estate.

Partition
made by com-
missioners, to
be binding.

Proviso.

Sec. 2. *And be it enacted*, That the said partition, so to be made by said commissioners, or any two of them, shall be as binding and conclusive upon the said tenants for life, and upon their children respectively, as if the same had been so expressly declared by the said testator, in his last will and testament: *provided*, that nothing in this act contained, shall in any wise affect or alter the rights of the devisees, under said will further than that the said lands, by virtue of said partition, shall be held in severalty, and not in common, according to the respective estates under said will.

Commission-
sioners to be
sworn.

Sec. 3. *Be it enacted*, That the said commissioners, before they proceed to the execution of the powers invested in them by this act, shall be severally sworn or affirmed, before one of the Judges of the Inferior Court of Common Pleas of the county of Somerset, that they will honestly, faithfully and impartially make the partition intended by this act, to the best of their skill, knowledge and judgment.

Commission-
ers to make
return of pro-
ceedings.

Sec 4. *And be it enacted*, That the said commissioners shall transmit a copy of this act, and their oath or affirmation, properly certified by the officer administering the same, and the field book, and their accounts, and all their proceedings, to the judges of the Court of Common Pleas of said county of Somerset, in which the lands lie: who, after inspecting the same, shall order the same, excepting the account of expenses, to be recorded in the clerk's office of the said county, which shall be good evidence of such partition.

Passed, November 4, 1843.

An Act to confirm certain acknowledgments and proofs of deeds, and other instruments taken by Lucas A. Van Boskerck.

WHEREAS, it appears to the legislature that Lucas A. Van Boskerck was duly appointed a commissioner for taking acknowledgments and proofs of deeds, for the township of Bergen, in the county of Hudson, on the seventeenth day of January, in the year of our Lord one thousand eight hundred and forty-three, for the term of five years, and was duly sworn into that office, and acted therein;—and whereas, by an act of the legislature of this State, passed on the tenth day of February, in the year of our Lord one thousand eight hundred and forty-three, entitled “an act to divide the township of Bergen, in the county of Hudson,” a certain part of the said township of Bergen, in which the said Lucas A. Van Boskerck, resided, was set off into a separate township called the township of North Bergen, whereby the said Lucas A. Van Boskerck became disqualified from performing the duties of his said office as commissioner, &c.;—and whereas, the said Lucas A. Van Boskerck not knowing that he was so disqualified, continued after the said tenth day of February, to take acknowledgments and proofs of deeds and other instruments as he had been authorised to do by his said commission until the twenty-fourth day of October, in the year our Lord one thousand eight hundred and forty-three—therefore,

Preamble

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the several acknowledgments and proofs of deeds and other instruments, taken and certified by Lucas A. Van Boskerck, as commissioner, aforesaid, between the tenth day of February and the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and forty-three, be, and the same are hereby confirmed and declared valid and effectual, in like manner as if the said Lucas A. Van Boskerck had been duly qualified as required by law; provided, nevertheless, that nothing in this act contained shall be con-

Acknowledgments of deeds, &c. taken by Lucas A. Van Boskerck, confirmed.

Proviso

strued so as to affect the rights of any judgment creditor, or bona fide purchaser or mortgage creditor, for a valuable consideration, before the passage of this act.

Sec. 2. *And be it enacted*, That this act shall take effect immediately.

Passed Nov. 4, 1843.

AN ACT to divorce Mary Ann F. Randolph, from her husband, Stelle F. Randolph.

Mary Ann F. Randolph and Stelle F. Randolph, divorced.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Mary Ann F. Randolph be, and she is hereby divorced from her husband, Stelle F. Randolph, and that the marriage contract heretofore existing between them, be, and the same is hereby fully and absolutely dissolved—*provided nevertheless*, that the issue of said marriage shall not be deemed illegitimate, in consequence of this act.

Mother to be guardian of children during infancy.

Sec. 2. *And be enacted*, That Ann Forman Randolph, and Thomas F. Randolph, infant children of the said Stelle F. Randolph and Mary Ann F. Randolph, being the only issue of the said marriage, be, and they are hereby committed during their infancy, to the care of their said mother, who shall be the guardian of said infants, persons and estate, during their minority—and that the said Stelle F. Randolph shall not have, or exercise any power or control over his said children during their minority, for or by reason of paternity.

Father released from obligation to support children.

Sec. 3. *And be it enacted*, That the said Stelle F. Randolph, be, and he is hereby released from the civil obligation to support and maintain his said children, which would have rested upon him in case this act had not been passed.

Passed November 6, 1843.

A further supplement to the act, entitled "An act concerning Sheriffs," passed the 18th of March, seventeen hundred and ninety-six.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the supplement passed on the twenty-second day of February, eighteen hundred and forty-three, to the act entitled "An act concerning Sheriffs," shall extend to all cases where the Sheriff either before or after the expiration of his term of office, shall die, or remove out of the jurisdiction of this State, or otherwise become disabled by law to execute the duties of his office.

Provisions of supplement extended to cases of death repositibility of Sheriff.

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

Act when to take effect.

Passed November 6, 1843.

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

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

Payment of officers provided for.

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

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

To each of the associate justices of the supreme court.

of this state for the time being, at the rate of fourteen hundred dollars by the year.

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

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

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

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

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

Salaries how paid.

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

Members of Council and Assembly, how paid.

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

Secretary of Council and Clerk of Assembly, how paid.

Sec. 3. *And be it enacted,* That there shall be paid to the secretary of Council and to the clerk of Assembly the sum of three dollars and fifty cents, each, for every day they have attended, or may attend, this or any future sitting of this legislature; and the sum of eight cents by the sheet, computing one hundred words to the sheet, for

entering the minutes of Council and Assembly and the joint-meeting in the journal; and eight cents by the sheet, computing one hundred words to the sheet, for a copy thereof for the printers, on a certificate produced to the treasurer, signed by the president or vice president of Council, for the secretary of Council, and by the speaker of the House of Assembly, for the clerk of Assembly.

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

Sergeant at arms and door keeper, how paid.

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

Engrossing clerk, how paid.

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

Limitation of Act.

Passed November 8, 1843.

AN ACT to authorize and empower Thomas Cain, Junior, administrator *de bonis non cum testamento annexo* of Mary Bond, deceased, to make a deed for certain real estate sold by the executor of the last will of said Mary Bond to Richard J. Bond.

Preamble.

WHEREAS, it is represented to the satisfaction of this legislature, that Mary Bond, late of the city of Trenton, died, leaving a last will and testament, in and by which Thomas Cain, of said city, was appointed executor thereof; that the said Thomas Cain duly proved said will and assumed the burden of the execution thereof; that said Thomas Cain, in the course of his administration of said estate, having found the personal estate of the testatrix to be insufficient to pay her debts, made application to the Orphans' Court of Mercer county, and was by said court ordered to sell the whole of the real estate whereof said Mary Bond died seized in the county of Mercer, for the payment of her debts; that in pursuance of said order the said Thomas Cain exposed the said real estate to public sale, on the twenty-fifth day of February last, and sold the same to Richard J. Bond, who was the highest bidder, for the sum of one hundred dollars and fifty cents; that after making said sale and before reporting the same to the Orphans' Court of Mercer county, for confirmation according to law, the said Thomas Cain departed this life—and whereas, it is represented that there is no means by which the said sale can be perfected, and a title made, other than an act of the legislature; and whereas, Thomas Cain, Junior, administrator *de bonis non cum testamento annexo*, of the said Mary Bond, deceased, hath prayed that he may be authorized to make a deed for said real estate to the said Richard J. Bond, and to receive the purchase money, for administration according to law and the will of the testatrix—therefore,

Administrator authorized to make deed, &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 the said Thomas Cain, Junior, administrator *de bonis non cum testamento annexo*, of the said Mary Bond, deceased, be, and he is hereby authorized

and empowered to make a deed of conveyance to the said Richard J. Bond, for the real estate so sold to the said Richard J. Bond, by Thomas Cain, executor of the last will and testament of the said Mary Bond, deceased, and to receive from the said Richard J. Bond the purchase money of said real estate, and the same to administer according to law and the will of the testatrix.

Sec. 2. *And be it enacted*, That before the said Thomas Cain, Junior, shall proceed to act, he shall enter into bond to the Ordinary, before the Surrogate of the county of Mercer, with sufficient surety, in the penalty of six hundred dollars, for the faithful application of the purchase money for said real estate according to law and the will of said Mary Bond, deceased. Administrator to give bond.

Sec. 3. *And be it enacted*, That the deed of conveyance of said Thomas Cain, Junior, shall vest in the said Richard J. Bond, the same title to said real estate as the said Mary Bond had at the time of her decease, as fully as if the sale by the said Thomas Cain, executor of the said Mary Bond had been reported to the Orphans' Court of Mercer county, and been by the said court confirmed as valid and effectual in law, and a deed of conveyance had thereupon been made by the said Thomas Cain, executor as aforesaid. Title vested in purchaser.

Passed November 9, 1843.

AN ACT to dissolve the marriage between Charles William Appleton and Tacy Maria Appleton, his wife.

Sec. 1. 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 bond of matrimony heretofore existing between Charles William Appleton and Tracy Maria Appleton his wife, of the city of New Brunswick, in the county of Middlesex, be, and the same is hereby fully and absolutely dissolved. Charles William and Tacy Maria Appleton divorced.

Issue of marriage to be legitimate.

Sec. 2. *And be it enacted*, and declared, That Greenleaf Webb Appleton, the infant son of the said Charles William Appleton and the said Tracy Maria Appleton, being the only issue of the marriage between the said parties, shall be deemed and taken to be legitimate.

Mother to have guardianship of infant.

Sec. 3. *And be it enacted*, That the said Greenleaf Webb Appleton, be, and he is hereby committed during his infancy to the care and guardianship of his said mother.

Father not to have authority over infant

Sec. 4. *And be it enacted*, That it shall not be lawful for the said Charles William Appleton, from henceforth, to have, exercise, or assert any right or authority of, in, to, or over the said Greenleaf Webb Appleton, during his infancy aforesaid, for or by reason of paternity.

Passed, November 9, 1843.

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AN ACT to facilitate the improvement of the Paterson and Hudson River Rail Road.

WHEREAS, it is represented by the petition of "The President and Directors of the Paterson and Hudson River Rail Road Company," that they have negotiated an arrangement for the purchase of iron, for improving rail road, by agreeing to issue the bonds of the company, to bear six per cent. interest per annum, and to be secured by mortgages upon the property, and franchises of the company; but that doubts have arisen whether they have sufficient powers to make such bonds and mortgages; and they thereupon, having requested legislative aid in the premises, therefore—

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Board of Directors of "The President and Directors of the Paterson and Hudson River Rail Road Company,"

Directors to issue bonds.

May hypothecate Railroad.

to issue bonds of the said Company to the amount of one hundred thousand dollars, for no less denomination than five hundred dollars, for the purpose of buying iron and of borrowing money, payable to the owners, or bona fide holders thereof, at such times as to them shall appear expedient, and can be agreed upon, bearing an interest of six per centum per annum; and for securing the due payments of the bonds, with the interest to accrue thereon, it shall and may be lawful for them to pledge or hypothecate, by way of mortgage, trust or otherwise, "The Paterson and Hudson River Rail Road," with all its appendages and appurtenances, and all the lands, tenements, premises, chartered rights, franchises, and privileges belonging to the said company; and such pledges, hypothecations, mortgages, or trusts, shall be valid for the security of the due payments of all bonds, with the interest thereof, which may be intended to be secured thereby, and of all new bonds which may be issued upon the cancellation of any original bonds; and in case a default shall be made in the payment of any bonds so issued, or of the interest thereof, the person or persons, body-politic or corporate, or legal representatives, or assigns, claiming under any such pledge, hypothecation, mortgage or trust, may by due process of law, acquire, and have, hold, use, enjoy, or sell the said rail road, with its appendages, and appurtenances, and the property of the said company; and they, or any purchaser or purchasers thereof, may enjoy and dispose of the property, and may take and receive the tolls, issues and profits of the said rail road, and enjoy the rights of said company, during the whole residue of the term for which the said company is chartered, in as full and ample a manner as the stockholders of the said company, could, or might have disposed of, used and enjoyed the same; subject nevertheless, to all the restrictions, limitations, impositions and conditions, which are upon the said company.

Act when to take effect.

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

Passed, January 18, 1844.

AN ACT for the relief of William Robinson and Isaac White.

Sec. 1. *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 Robinson of the county of Salem, and Isaac White of the county of Gloucester, be, and they are hereby released from their respective recognizances, entered into, before John Moore White, Esquire, an associate Justice of the Supreme Court, on the thirty-first day of October, A. D. 1842, for the appearance of John Pedrick, before the next Court of Oyer and Terminer, of the county of Gloucester, at Woodbury, in the said county, and also, from the judgments obtained against them in the Circuit Court of the county of Gloucester, on the said recognizances, and from the payment of any monies, to which the said William Robinson and Isaac White, or either of them, have become liable, by the forfeiture of said recognizance, or the judgment rendered in consequence thereof, provided that the said William Robinson and Isaac White shall not hereby be exonerated from the costs of the suits on said recognizances.

W. Robinson
and J. White
released from
recognizances.

Proviso.

Passed, January 19, 1844.

AN ACT to incorporate the Mount Pleasant Cemetery Company of Newark, in the County of Essex.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That William Rankin, Peter S. Duryee, David A. Hayes, John P. Jackson, Horace E. Baldwin, John Annin, Nathaniel W. Sanford, Abraham M. Van Vleck, Samuel L. Tolles, Tunis A. Waldron, Al-

Names of
Corporators.

Style of Incorporation.

germon S. Hubbell, Isaac Baldwin, William Shugard, and their associates, be and they are hereby constituted a body politic and corporate in law, by the name of the "Mount Pleasant Cemetery Company of Newark," and by that name shall have power to use a common seal, to sue and be sued, to defend and be defended in all courts of law or equity; to hold and convey real and personal estate, and to do all such other things as are incident to a corporation, and necessary for the purposes of this Act.

Powers.

Qualifications of members.

Sec. 2. *And be it enacted*, That the said Mount Pleasant Cemetery Company of Newark, shall be composed only of persons who are or shall be owners of sub-lots or burial places in said cemetery; and that the said corporation shall have power to take hold in fee, the tract of land situated in the city of Newark, and lying on the east side of the road leading to Belleville, adjoining the land of Frederick Bange and Martin Rowen, containing about fourteen acres; and being the same premises conveyed to Joseph Harrison, by deed from Jonathan Osborn, Jun. Sheriff of Essex County, bearing date the 15th day of October, A. D. 1838, for such cemetery; and such other land, which the said corporation may hereafter add thereto for the purpose aforesaid, not exceeding forty acres in the whole; and that the said corporation shall hold such tract or tracts of land in trust and for the uses hereinafter mentioned, to wit:

Objects of incorporation.

First—The said corporation shall have power to lay out and divide said tract or tracts into sub-lots, and may sell or otherwise dispose of the said sub-lots in the said cemetery, and take the proceeds of sale to their own proper use and behoof; and may erect thereon such improvements buildings and accommodations, as they may deem suitable.

Second—The sub-lots shall be conveyed to the respective purchasers in fee, and the purchaser of each lot, his heirs and assigns, shall have the exclusive use and occupation thereof only for the interment of deceased persons, with the common use of avenues and walks; subject to such regulations as may be established by the said corporation, relative to the rights and privileges of the holders of lots; and the transfer of the same, the digging of graves, the building of vaults, the erecting of monuments, and the ornamenting and preserving of the whole or any part of said cemetery.

Sec. 3. *And be it enacted*, That the care and manage-

ment of the said cemetery, and the business of the said corporation, shall be confided to nine managers being lot-holders, who shall have the exclusive superintendence thereof, with power to fill any vacancy that may occur in the Board of Managers,—from the death, resignation, neglect or refusal to act of any manager, and with power to appoint and to employ such officers and agents, as they may deem expedient, and to fix the compensation of such officers and agents; which managers shall be chosen as hereinafter mentioned by the owners of the sub-lots, at such time and place, as the Board of managers for the time being may direct.

Business of corporation to be conducted by nine managers.

Sec. 4. *And be it enacted*, That the following persons shall constitute the first Board of Managers, that is to say: William Rankin, Horace E. Baldwin, Frederick S. Thomas, Algernon S. Hubbell, Lorenzo A. Sykes, James R. Sayre, Joseph W. Duryea, Nathaniel W. Sanford and David Ball—who shall within one month after the passage of this act, be divided by agreement or by lot, into three classes consisting of three persons each, and be so arranged, that the term of service of one of said classes shall expire at the end of one year; one at the end of two years; and one at the end of three years; that three managers shall be elected at the end of the first year, three at the end of the second year, three at the end of the third year, by a majority of the proprietors present, either in person or by proxy, and in like manner from year to year. And it shall be the duty of the managers for the time being, immediately before proceeding to an election, to make a report to the proprietors, of the state of the affairs of the association; and whenever any annual or other meeting of the stockholders shall be called, public notice shall be given in at least one newspaper published in Newark for two weeks stating the time, place, and object, of such meeting.

First managers.

Sec. 5. *And be it enacted*, That a majority of the proprietors present at their first meeting convened for such purpose, and at each successive annual meeting as aforesaid, shall have power to make by-laws, rules and regulations, relative to the duties of the managers, the rights of lot-holders, the privilege of visitors, and the general government of the affairs of the cemetery: *Provided* however, that after any by-law, rule or regulation shall be adopted, the same shall not be altered or repealed, except by a vote of two thirds of the proprietors represented at a meeting regularly convened for that purpose.

Proprietors to make By-laws, &c.

Proviso.

each lot in all cases to be entitled to one vote; and *provided* further that the proprietors may at their first meeting, or at any annual meeting if a majority concur, empower and direct the managers for the time being, to make any by-laws, rules and regulations for the government of the cemetery, which they may deem expedient.

Premises not
subject to tax

Sec. 6. *And be it enacted*, That the premises, burial lots, vaults, monuments, and other fixtures of said cemetery, shall not be subject to any assessment, taxes or fines, unless otherwise directed by the board of chosen freeholders of the county of Essex, or liable to be seized upon, distrained, sold, or otherwise subject to any process of law, or assignments under any insolvent law whatever, except for incumbrances existing at or previous to the passage of this act: and that no street or road shall hereafter be opened through the lands of this corporation.

Act to be
deemed public
act.

Sec. 7. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such, in all courts and places whatsoever, and shall go into effect immediately on the passage thereof.

Passed January 24, 1844.

A supplement to an act entitled "an act to authorize the sale of certain Real Estate of John Matthews, deceased, late of the county of Cumberland.

T. Ferguson
authorized to
make deed of
conveyance.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Thomas Ferguson be, and he is hereby authorized to make and execute to Carlton P. Stokes, a good and lawful deed of conveyance for the tract of land mentioned in the original act, to which this is a supplement, which John Matthews, late of the county of Cumberland, died seized, situate in Gloucester

county, lying on Long-a-coming branch, containing fifty nine acres and thirty-three hundredths, be the same more or less; and said deed shall vest in said Carlton P. Stokes, his heirs and assigns, as good and perfect a title as said John Matthews was possessed, or entitled unto at the time of his decease.

Passed January 24, 1844.

SECTION 1.

An act to incorporate the Allowaystown Union Beneficial Society of Upper Alloways Creek, in the county of Salem, 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 Charles H. Powell, William T. Dubois, William C. Lambert, Horatio G. Davis, Richard C. Ballenger, Samuel Craig, Daniel Vanneman, Furman Wintzell, and all such other persons, not exceeding at any one time, three hundred, as now are or hereafter shall become, members of the said society, be, and they are hereby ordained, constituted and declared a body corporate and politic, in fact and in law, by the name and title of the Alloways Union Beneficial Society; and by such name they shall have succession and continuance, and be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever, in all manner of action and actions, suits, matters, complaints, and causes whatsoever; and that they and their successors may have and use a common seal, and shall have the power to alter and change the same at pleasure; and by their name as aforesaid, and under their common seal, may make and enter into, form and execute any contracts or agreements relating to, touching or concerning the objects of the said corporation.

Names of
Corporators,

Style of in-
corporation,

Powers.

Sec. 2. *And be it enacted,* That for the more effectual accomplishment of the objects of the said incorporation,

Officers of in-
corporation.

there shall be a President, Vice President, Secretary, Assistant Secretary, Treasurer, three Stewards and a Messenger, and such other officers and assistants as shall be deemed necessary; who shall be elected by ballot by a majority of the members present at such election, at such times and places as the said corporation shall, from time to time, appoint and direct.

What real or personal estate, corporation may hold.

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

May make constitution and by-laws.

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

Proviso.

Objects of incorporation.

Sec. 5. *And be it enacted*, That the sole and exclusive object of the society hereby incorporated, shall be the relief of its respective members, when sick or disabled by bodily infirmities from pursuing their ordinary avocation, the payment of the expenses incident to the decent interment of deceased members, or the deceased wives of members, as provided for in the constitution and by-laws of said society, and such other necessary expenses as shall accrue by carrying into effect the objects set forth in this and the foregoing sections of this act; and no part of the funds of the said corporation shall be used

for banking purposes, or in any other way except as provided for in this act.

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

Passed, January 24, 1844.

An act to divorce Martha Ackerman, of the county of Bergen, from her husband, Jacob Ackerman.

Sec. 1. 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 Martha Ackerman, of the county of Bergen, and her husband, Jacob Ackerman, be, and the same is hereby dissolved, as fully to all intents and purposes, as if they had never been joined together in matrimony. Martha and Jacob Ackerman divorced

Passed, January 25, 1844.

A supplement to an act entitled "An act to provide for voting by ballot in the township of Franklin, in the county of Bergen," passed March 11th, 1841.

Sec. 1. 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 specified in the third section of the act to which this is a supplement, for closing the poll, shall hereafter be at four o'clock in the afternoon. Poll to be closed at 4 o'clock.

Sec. 2. *And be it enacted*, That so much of the said third section as refers to the time of closing the poll, be, and the same is hereby repealed. Part of former act repealed.

Passed, January 25, 1844.

AN ACT to ratify and confirm the sale of the real estate of Silas Young, deceased, late of the county of Morris.

Preamble.

WHEREAS, it is represented to the legislature that Silas Young, late of the county of Morris, deceased, departed this life on or about the first day of November, eighteen hundred and thirty-five, having first made and published his last will and testament in writing, duly executed, to pass real estate, and therein and thereby did direct his executors to sell such portions as would support his wife and children, if the use of certain property therein mentioned would not support them, and directing the said property to be equally divided among his children, and appointing Charles Matthews, and one William Hopping, now deceased, his executors, which said will was duly proved by the said Charles Matthews, who was duly authorized, and did take upon himself the administration of the estate of said deceased testator, Silas Young. *And whereas*, it is represented that the said Silas Young's wife, Mary B. Young, has since departed this life, and also William Young, one of his children, leaving Harriet W. Young, and Arthur Young, minors under the age of twenty-one years, his only children, and that it was for the interest of the said infant children, and for the said estate, that the whole of the said real estate should be sold together, and that the said executor, Charles Matthews, did sell and convey the said real estate to one Calvin S. Dennis, for a full and valuable consideration; *And whereas*, doubts have arisen whether the said last will and testament of the said Silas Young, deceased, authorized the said sale and conveyance of the whole of the said real estate, in manner aforesaid, and the said executor having prayed that an act might be passed confirming the sale and conveyance so made as aforesaid, by him to the said Calvin S. Dennis, and the said petition appearing reasonable, therefore—

Sec. 1: BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That upon the said Charles Matthews, executor as aforesaid, entering into bond to the ordinary

Sale made valid, upon Executor giving bond.

or Surrogate General of this state in such sum and with such security as the Surrogate of the said county of Morris shall approve, conditioned for the faithful performance of the trust reposed in him, to be filed in the office of the said Surrogate, the aforesaid sale and conveyance of the said real estate of Silas Young, late of the county of Morris, deceased, from the said Charles Matthews, as executor as aforesaid, to the said Calvin S. Dennis, be, and the same is hereby confirmed and made valid, and binding in law upon said children and their respective heirs and assigns, and all other person or persons claiming, or to claim, by, from, through or under them, or any of them, or by, from, through, or under the aforesaid last will and testament of the said Silas Young, deceased; and in case the said bond shall become forfeited, it shall and may be lawful for the Surrogate General of this state to cause the same to be prosecuted at the request, and for the benefit, and at the proper costs and charges, of the person or persons aggrieved by such forfeiture.

Bond may be prosecuted if forfeited.

Passed, January 25, 1844.

AN ACT to divorce Stephen D. Hunting, of the county of Morris, from his wife Eugenia C. Hunting.

Sec. 1. 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 Stephen D. Hunting, of the county of Morris, and Eugenia C. Hunting, his wife, be, and the same is hereby dissolved, as fully, to all intents and purposes, as if they had never been joined together in matrimony.

Stephen D. and Eugenia C. Hunting-divorced.

Passed, January 26, 1844.

AN ACT to divorce Rachel Blauvelt from her husband
Abraham Blauvelt.

Rachael and
Abraham
Blauvelt di-
vorced.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Rachel Blauvelt of the county of Passaic, be, and she is hereby divorced from her husband Abraham Blauvelt, and that the marriage contract heretofore existing between them be, and the same is hereby absolutely dissolved; *provided*, that the issue of their marriage shall not be deemed illegitimate in consequence of this act.

Rachael
Blauvelt to
be guardian
of infant
children.

Sec. 2. *And be it enacted*, That the infant children of the said Abraham Blauvelt and Rachel his wife, be, and they are hereby committed to the care and guardianship of the said Rachel Blauvelt; and that the said Abraham Blauvelt shall not have or exercise any power or control over the issue of said marriage for or by reason of paternity, and that he be, and is hereby released from all and every civil obligation to support and maintain his said children.

Passed, January 26, 1844.

AN ACT to divorce Norman A. Freeman, of the county
of Hudson, from his wife Susan M. Freeman.

Norman A.
and Susan M.
Freeman di-
vorced.

Sec. 1. *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 Norman A. Freeman, of the county of Hudson, and Susan M., his wife, be, and the same is hereby dissolved, as fully to all intents and purposes, as if they had never been joined together in matrimony.

Passed, January 26, 1844.

AN ACT to incorporate "The Temperance Union Beneficial Society of Burlington, New Jersey."

WHEREAS, a number of the inhabitants of the township of Burlington, in this state, have formed themselves into an association, or society, to which they have given the name of "The Temperance Union Beneficial Society of Burlington, New Jersey," the object of which is, to raise a fund to be applied towards the relief or support of such of the members thereof as shall, by sickness, casualty, or other cause, be rendered incapable of attending to their usual trade or calling; and, also, towards the decent interment of deceased members, or the deceased wives of members; *And whereas*, it is believed an act of incorporation will promote the objects of the Society, and add to the security of the property thereof:—therefore,

Preamble.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Thomas Hancock, Lewis C. Leeds, Joseph Kerlin, George Gaskill, Joseph L. Powell, Jacob Laumaster, Joseph L. Wright, Samuel Fort, and such other persons, not exceeding at any one time five hundred, as now are, or hereafter may become members of said society, be and they are hereby ordained, constituted and declared a body corporate and politic, in act and in law, by the name, style and title of "The Temperance Union Beneficial Society of Burlington, New Jersey;" and by that name, they and their successors shall have continual succession, and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever, in all manner of action and actions, suits, matters, complaints and causes whatsoever; and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure; and by their name as aforesaid, under their common seal, may make and enter into, form and execute, any contracts or agreements relating to, or touching and concerning the objects of the said incorporation.

Names of corporators.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted*, That, for the more effectual

Officers of incorporation.

accomplishment of the objects of the said corporation, there shall be a President, Vice President, Secretary, Treasurer, and such other officers and assistants as shall be deemed necessary; who shall be elected annually by ballot, by a majority of the members present, at a meeting convened for that purpose, of which two weeks public notice shall be given.

What real and personal estate may be held.

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

May make Constitution and by-laws.

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

Proviso.

Objects of incorporation.

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

Sec. 6. *And be it enacted*, That this act shall go into effect immediately after the passage thereof, and that it shall be lawful for the Council and General Assembly of this state, at any time hereafter, to amend, repeal, or modify this act as they shall think proper. Act when to take effect.

Passed, January 26, 1844.

AN ACT to establish a new Township in the county of Gloucester, to be called The Township of Spicer.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all that part of the townships of Woolwich and Greenwich, in the county of Gloucester, which is within the following limits, to wit: beginning in the middle of Oldman's creek, in the division line between the counties of Gloucester and Salem, and running a north east direction between lands of Thomas Edwards, Benjamin H. Lippencott, John Lippencott, Benj. P. Lippencott, Joseph Pullinger, John Batten, and Phineas Kirkbride on the east, and lands of Nathan M. Robbins, Jacob Howey, Thomas Ballinger, Charles Batten, and George Batten on the west—crossing Raccoon creek on the west side of the line or corner, between lands of Bernard B. Vanlear, and Jeremiah Adams, and continuing by a straight line to a marked tree to the head of a south branch of Repaupo creek, west of Joseph Stout's house in the line between the townships of Woolwich and Greenwich; thence by a straight line to a wall in the corner of Benjamin Gooden's lot on the east side of the Cumberland road, at Cox's hill; thence by a straight line to the Greenwich and Franklin township line, in the middle of the main road leading from Mulleca Hill to Glassboro'; thence south west, bounding on said Franklin township, to the head of the aforesaid Oldman's creek; thence down the middle of the same, by the several courses thereof, to the place of beginning—shall be, and the same is hereby set off from the townships of Woolwich and Greenwich. Boundaries of township.

and established into a new township, to be known by the name of the township of Spicer.

Inhabitants
Incorporated.

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

Time and
place of first
town meeting

Sec. 3. *And be it enacted*, That the inhabitants of the said township of Spicer shall hold their first annual town meeting at the house of Mary Wood, at Mulleca Hill, in said township of Spicer, on the day appointed by law for holding the annual town meetings in the other townships in said county of Gloucester.

Township
committees
to allot mo-
ney, proper-
ty, &c.

Sec. 4. *And be it enacted*, That the township committees of the townships of Spicer and Woolwich, shall meet on the Monday next after their annual town meetings, at the Inn now kept by Samuel Rice, in the township of Woolwich, at 1 o'clock, P. M., and shall then and there proceed, by writing, signed by a majority of the members of each committee, to allot and divide between the said townships, all the property or moneys on hand or due, in proportion to the taxable property and ratables, as valued and assessed by the assessors within the respective limits of said townships at the last assessment; and again, in like manner, the township committees of the townships of Spicer and Greenwich, shall meet on the Tuesday next after their annual town meetings, at the Inn of Samne Sailer, in the township of Greenwich, at 1 o'clock, P. M., and when so met, shall proceed to make division in like manner as in the case of Woolwich; and the inhabitants of the said township of Spicer shall be liable to pay their just proportion of the debts, and maintain and support the paupers which may be allotted to them; and if any of the persons composing either of said township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority present, shall be final and conclusive; *provided*, that it shall and may be lawful for a majority of said committee to adjourn to such time and place as they may direct.

Proviso.

Sec. 5. *And be it enacted*, That nothing in this act shall

be so construed to impair or in anywise affect the right of said Spicer township, of, in and to any portion of the surplus revenue of the General Government, to which the said township may now or at any time hereafter be entitled, in the distribution of said surplus revenue. Rights of township to surplus money not improved.

Sec. 6. *And be it enacted*, That this act shall take effect on the second Wednesday of March next, and not before. Act when to take effect.

Passed January 26, 1844.

AN ACT to confirm the last will and testament with the codicil thereto, of Hiram Garretson, late of the township of Hillsborough, in the county of Somerset, deceased.

WHEREAS, Hiram Garretson, late of the township of Hillsborough, in the county of Somerset, in this state, in and by his last will and testament, in writing signed, sealed and published in the presence of two subscribing witnesses, bearing date the sixteenth day of April, in the year of our Lord one thousand eight hundred and forty, did, among other things, (after giving the income of all his property to his wife Alche Garretson, during her life,) give and devise unto his wife's sister's son, John M. Quick, all his real and personal estate, and **WHEREAS**, on the eleventh day of October, in the year of our Lord one thousand eight hundred and forty-one, he made his codicil, in which he ratified and confirmed his said will, except where the same was revoked by the said codicil, but did not revoke the devise to the said John M. Quick, and **WHEREAS**, by reason of there being but two subscribing witnesses to the said will, and but two subscribing witnesses to the said codicil of the said Hiram Garretson, deceased, the same is insufficient to pass real estate, and the said devise therein to the said John M. Quick, of his land and real estate is void and unavailing, and thereby the clear intention of the said testator, Hiram Garretson, deceased, has been entirely defeated, and it appearing by the petition of the said John M. Quick, verified by affidavit, that the intention of the said testator, Hiram, Preamble.

Garretson, deceased, would be effected by confirming his will and the codicil thereto, therefore,

Will of Hiram Garretson confirmed

Section 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the said last will and testament of the said Hiram Garretson, deceased, late of the township of Hillsborough, in the county of Somerset, in this state, bearing date the sixteenth day of April, in the year of our Lord one thousand eight hundred and forty, and the several bequests and devises therein contained shall be, and the same are hereby declared to be as good, valid, and effectual in law, to all intents and purposes, as if the said will of the said Hiram Garretson had been executed, published, signed and declared in the presence of three subscribing witnesses, in the manner prescribed by law.

Codicil confirmed.

Sec 2. *And be it enacted*, That the codicil to the last will and testament of the said Hiram Garretson, deceased, be in all things confirmed, and be as valid and effectual in the law, as if the same had been duly executed in the presence of three subscribing witnesses.

Passed, January 26, 1844.

AN ACT to divorce Permelia Riggs, of the county of Monmouth, from her husband, David Riggs.

Permelia and David Riggs divorced.

Sec. 1. 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 Permelia Riggs, of the county of Monmouth, and David, her husband, be, and the same is hereby dissolved, as fully, to all intents and purposes, as if they had never been joined together in matrimony.

Passed, January 26, 1844.

AN ACT to divorce Maria M. Todd, from her husband
Richard J. Todd.

Sec. 1. 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 subsisting between Maria M. Todd and Richard J. Todd, be, and the same is hereby dissolved, as fully to all intents and purposes, as if they had never been joined together in matrimony; *provided, however,* that nothing herein shall be construed to render the issue of the said marriage illegitimate. Maria M. and
Richard J.
Todd divorced.

Proviso.

Passed January 26, 1844.

AN ACT to divorce Joshua O. Horton, of the county
of Middlesex, from his wife, Jane Horton.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Joshua O. Horton, of the county of Middlesex, be, and he hereby is divorced from his wife, Jane Horton, and that the marriage contract heretofore existing between them be, and the same is hereby as fully and absolutely dissolved, as if they never had been joined in matrimony. Joshua O.
and Jane
Horton di-
vorced.

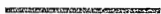
Passed January 27, 1844.

AN ACT to divorce Marshia Karseboom of the county of Mercer, from her husband, Hermanus Karseboom.

Marshia and
Hermanus
Karseboom
divorced.

Sec. 1. 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 Marshia Karseboom, of the county of Mercer, and Hermanus, her husband, be, and the same is hereby dissolved, as fully, to all intents and purposes, as if they had never been joined together in matrimony.

Passed January 27, 1844.



AN ACT for the relief of Henry Iszard, of the county of Cape May.

\$50 per annum to be paid to H. Iszard.

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

Passed January 27, 1844.

AN ACT for the relief of Recompence Hand of the
county of Cape May.

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

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

Passed January 27, 1844.

AN ACT for the relief of Jeremiah Hand, of the county
of Cape May.

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

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

Passed January 27, 1844.

AN ACT to enable the owners and possessors of the meadows and flowed lands on the Passaic river, and its branches, between the mill-dam at the Little Falls, and the mill-dam at Chatham, in the counties of Essex, Morris, and Passaic, to break up the reefs in said river, to widden the channel of the same, and to remove all obstructions to the free course of the water out of the said river, between the said mill-dam at the Little Falls, and one hundred yards above the two bridges.

Managers to
make assess-
ment,

Sec 1. 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 and their successors, to be appointed in the manner hereinafter directed, to assess all the flowed lands on the River Passaic and its branches, except Pompton river, between the mill-dam at the Little Falls and the mill-dam at Chatham, benefited by breaking up the reefs in said river, widening the channel of the same, wherever in the opinion of the managers it shall be necessary, and removing all obstructions to the free course of the waters out of said river between the mill-dam at the Little Falls on said river, and one hundred yards above the two bridges, for such sums of money as shall in their judgment be sufficient to break up and remove said reefs, widen said channel, and remove said obstructions, and for the expenses of assessing, collecting, and expending the same.

Assessments
when paya-
ble.

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 above flowed lands, whether in the hands of the owners and possessors, in proportion as well to the quantity each person is possessed of, as the benefits each person may receive therefrom; which assessment shall be payable in three equal instalments, the first not to be paid sooner than thirty days, the second not sooner than six months, the third not sooner than twelve months; and the managers, or one of them, shall give notice to the owner or possessor; and if such owner or possessor shall think him, her, or themselves aggrieved by any assessment made by virtue of this act, it shall and may be lawful for such person or persons to apply to Abraham Britten, Silas Tuttle and Justice A. Burnit, who are hereby appointed commissioners of appeal, to meet for the purpose of examining all taxes on lands supposed to be over-taxed, giving notice to the managers appointed at least three

days previous to the meeting of the said commissioners of appeal; and if it appears to them that such person or persons are overtaxed, to strike off such sum or sums as shall appear too much, together with such part of the expenses of said attendance as they shall think just and right; and the judgment of said commissioners, or any two of them, shall be conclusive to the parties; but the expense of ascertaining the quantity of flowed lands each person is possessed of in cases where the quantity is disputed, shall be borne by such owner or possessor, him, her, or themselves.

Sec. 3. *And be it enacted*, That if any person or persons who shall be assessed by the managers aforesaid, shall neglect or refuse for the space of forty days, after notice given them in writing, to pay the money, by one of the managers, or if they think themselves aggrieved, to procure the said commissioners of appeal to meet and determine the same, that then it shall be lawful for the managers, or any one of them, to make return of the name or names of the person or persons, with the sum he, she, or they were taxed, or which shall be judged to be due by said commissioners of appeal, to any justice of the peace in the county where such person or persons reside; which justice, upon the oath of one of the managers, that the tax has been demanded twenty days previous thereto, shall immediately issue his warrant of distress, directed to some one of the constables of said county, commanding him within thirty days, to seize upon the goods and chattels not reserved by law, of such delinquent or delinquents, and to make sale of the same, or so much thereof as may be sufficient to pay the sum assessed, together with the costs, and to pay the same to the managers or one of them; and when no goods and chattels of any delinquent owners and possessors can be found, or not sufficient of the same to pay the assessments of such delinquent or delinquents, then commanding said constable to enter upon his, her, or their said meadow and flowed lauds, and within the time aforesaid to make sale, by giving ten days' notice thereof by advertisement set up in three of the most public places in the neighborhood of said meadows and flowed lands, of the timber or herbage, or both, standing and growing upon the same, or so much thereof as shall be sufficient to pay the assessments aforesaid, and the costs accruing thereon; and shall pay over the same to the managers; and the said constable shall make return of said execution within three days after the expiration of said thirty days, and the justice and constable shall receive the same fees, and be liable to the same penalties as in actions of debt.

Proceedings
in case of
neglect or re-
fusal to pay
assessment.

Sec. 4. *And be it enacted*, That when the said constable

Bands of delinquents may be sold for a term of years.

shall make return that no goods and chattels, or timber and herbage, standing and growing on said meadows and flowed lands of such delinquent or delinquents could be found, or not a sufficient amount of the same to pay such assessments as aforesaid; that then, for the security of the money so assessed, the meadow and flowed lands of such delinquent and delinquents, shall be a pledge for the payment thereof, into whose hands soever the same may come; and the said managers may, for the recovery of the sum or sums of money so assessed, and for the costs made as aforesaid, sell, by public vendue, for a year, or a term of years, the meadow or flowed lands of such delinquent owner or possessor, and make a good and valid lease for the same during such term, taking care to sell the same for the shortest period of time that will raise the unpaid sum or sums, with costs and expenses attending such delinquency; and it shall be the duty of the managers to give at least thirty days' previous notice, in three of the most public places in the neighborhood of said meadow and flowed lands, by advertisements, before they proceed to sell or lease the property of any delinquent owner or possessor; *provided nevertheless*, that such delinquent or delinquents shall have the privilege of redeeming his said land, so leased, by paying to the lessee the sum or sums of money so paid for the same, together with the costs and interest that shall have accrued thereon, within six months from the time of leasing the same.

Proviso.

Managers to make annual statement of accounts, &c.

Sec. 5. *And be it enacted*, That the said managers shall, in a book kept for that purpose, keep a regular account of the money they have received, the payments they have made, and the expenses they have been at, which account they shall lay before a committee, to be chosen by the owners and possessors, on the first Monday in May, in the year of our Lord one thousand eight hundred and forty-four, and on every first Monday in May thereafter, until said river shall be widened, and said reefs and obstructions be removed; and said managers shall be liable for all money by them received, but not applied for breaking up said reefs, removing said obstructions, and widening said channel, and shall deliver the balance in their hands, together with said book and other papers, to their successors in office; and on their refusal or neglect to do the same, shall be liable to an action of debt, to be sued for and recovered by said committee in their own names, in any court where the same may be cognizable, to be applied to the objects hereinbefore mentioned.

Managers may enter upon lands, &c.

Sec. 6. *And be it enacted*, That the said managers shall have power to enter upon any lands necessary, and break up any reef or reefs in the said river; and shall also widen,

the channel of the same wherever in the opinion of the said managers it shall be necessary, so as to be of sufficient width and depth to drain the waters off the meadows and flowed lands aforesaid, and to remove all obstructions to the free course of the waters out of said river, between the mill-dam at the Little Falls and one hundred yards above the Two Bridges, the limits above specified; the reef to which the dam is attached at Little Falls not to be included in the above provision.

Sec. 7. *And be it enacted,* That when the said managers cannot agree with the owner or owners and mortgagees of the land on which the said reefs are situated for a remuneration of the said damages to be sustained, or supposed to be sustained, by such removal, or when, by reason of the legal incapacity or absence of such owner or owners and mortgagees, no such agreement can be made, then the said managers shall make application, in writing, to one of the justices of the supreme court of this state, for the appointment of commissioners to assess the said damages; which application shall be made on ten days' notice to the said owner or owners and mortgagees, if they reside in this state, or in case such owner or owners and mortgagees reside out of this state, then by public advertisement, in a newspaper published in the city of Newark, for three weeks at least, once in each week, of the time and place of such application, at which time, upon satisfactory evidence to him of the service or publication of such notice, the said justice shall appoint under his hand and seal, three disinterested, impartial, and judicious freeholders, residents in the counties of Morris, Essex, or Passaic, commissioners to examine and assess the damages, upon such notice, to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than five days; and it shall be the duty of such commissioners (having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding) to meet at the time and place appointed, and proceed to examine and ascertain the said damages, and make a just and equitable assessment of the said damages, and determine what portion thereof shall be paid to the owners, and what to the mortgagees of said land; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and ready to be delivered to the respective parties within twenty days after the meeting of the said commissioners as aforesaid; and the amount of said damages so ascertained, shall be paid or tendered to the parties enti-

Disputes relative to damages how settled.

ted to the same, prior to any work being done for the removal of the said reefs, and the money required therefor shall be raised by an assessment upon the owners of the said overflowed lands, in the manner provided by the first and second sections of this act.

Time and
mode of elec-
tion of offi-
cers.

Sec. 8. *And be it enacted,* That the owners and possessors of said meadows and flowed lands, shall on the first Monday in May, in the year of our Lord one thousand eight hundred and forty-four, at one o'clock in the afternoon, meet and assemble at the house now kept as an inn by William B. Speer, in the township of Caldwell, in the county of Essex; and on every succeeding year at the same time and place, unless those present shall, at their first or any subsequent meeting appoint another time and place, then it shall be held at such other time and place, and then and there choose by ballot a moderator and clerk, and any number of persons, not less than three, nor more than five, to be managers for the ensuing year, and also three persons as a committee to examine and settle the accounts of said managers; and all persons entitled to vote, may vote in person or by proxy, and shall be entitled to vote according to the number of acres they may severally own and possess of the said meadows and flowed lands, allowing one vote for each acre of land they may so own or possess.

Managers re-
fusing to act
—penalty for

Sec. 9. *And be it enacted,* That if any person who shall be appointed or chosen as a manager, in pursuance of this act, and shall accept the said appointment, shall neglect or refuse to do any thing hereby enjoined, he shall forfeit and pay the sum of fifty dollars, to be sued for and recovered by any succeeding manager, whose duty it shall be to prosecute and recover the same with costs, in an action of debt in any court of competent jurisdiction; which sum, when collected, shall be applied to the objects above specified: and in case any vacancy shall happen, by death or otherwise, of one or more of the managers or commissioners of appeal, it shall be the duty of the managers, their survivor or survivors, to advertise in six of the most public places nearest said river for four weeks, appointing a time and place for the owners and possessors to meet, and choose some person or persons to supply the vacancies in the board of managers, or to choose some disinterested person or persons to supply the vacancies in the board of commissioners aforesaid, as the case may be; which owners and possessors, when so met, shall have power to choose such manager or managers, commissioner or commissioners; in making such choice shall vote as aforesaid, and the said persons, when so chosen, shall have all the

Vacancy how
supplied.

privileges, and be subject to all the penalties, as those whose places they are chosen to supply.

Sec. 10. *And be it enacted,* That if the owners and possessors of said land^s shall neglect to meet and elect managers, and three persons to be a committee as aforesaid, that in such case the managers and committee for the preceding year shall continue in office and have the same powers as before, until new ones are chosen. Former managers to act until others are chosen.

Sec. 11. *And be it enacted,* That if any person or persons or corporate bodies, shall raise any dam, already constructed, any higher, or erect any new dam, or otherwise in any manner obstruct the waters of the said river, between the Little Falls and Two Bridges, he, she, or they so offending shall forfeit and pay the sum of fifty dollars for every week they shall continue the said obstructions, together with all damages, to be sued for and recovered in any proper form of action, in any court having cognizance of the same, with costs of suit, to be applied to removing the said reefs, widening the said river, and removing all obstructions as aforesaid; and the managers for the time being are hereby enjoined and authorized to prosecute for the same, in their own name or in the name of any one of them. Penalty for obstructing waters of river.

Sec. 12. *And be it enacted,* That it shall be the duty of the said managers to confer with the owner or owners and mortgagees of the mill-dam or reefs at the Little Falls, and ascertain for what sum or sums of money the same can be purchased, or any part thereof, to a sufficient level to drain the lands aforesaid; and if in their opinion the propositions of the said owner or owners, or mortgagees, may make, shall seem reasonable and not excessive, that then it shall and may be lawful for the said managers for the time being to call a meeting of the owners of the flowed lands aforesaid, by giving twenty days' notice, by advertisements put up in ten of the most public places in the vicinity of said lands, and signed by the said managers, or a majority of them; and it shall be lawful for said meeting when so met, or a majority of those present, to authorize and empower the said managers, and their successors in office, to purchase the said mill-dams and reefs, or any part thereof, they may think necessary, in their own names, to the use of the owners of the meadows and flowed lands aforesaid, and the said managers and their successors in office, shall raise the consideration money in the manner herein before directed. Managers may be authorized to purchase lands.

Sec. 13. *And be it enacted,* That the said managers, for the services performed by them under this act, shall receive Compensation for managers.

ceive such compensation as the land-owners and possessors shall direct at their annual meeting:

Act to be
taken as pub-
lic act.

Sec. 14. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall be recognized as such in all courts and places whatever, and shall go into effect immediately after the passage thereof.

Passed. February 1, 1844.

A Further Supplement to the act entitled "An act to incorporate the City of Newark.

Land sold
under former
acts may be
redeemed.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That, at any time before the expiration of one year from the sale of any real estate, under the act entitled a further supplement to the act entitled "An act to incorporate the city of Newark," passed March 4th, 1841, any person having a legal or equitable interest in said premises may redeem the same by paying or tendering to the purchaser the amount paid by him for the said premises, to the collector of arrears of taxes, with the addition at the rate of twelve per cent. per annum thereon, from the time of such sale. If the said purchaser or his duly authorized agent shall accept the same, he shall deliver up to such person or his duly authorized agent the deed executed by the collector of arrears of taxes, and delivered to the purchaser, together with a receipt thereon, for the amount so paid, and acknowledged in the manner in which deeds are required by law to be acknowledged; and upon the filing of such deed, receipt and acknowledgment in the Clerk's office of the county of Essex, the lien of such purchaser on said premises shall be ended; and the purchaser, his heirs and assigns shall peaceably render up the said premises to the lawful owner or owners thereof; and if the purchaser be a non-resident of said city, or if he cannot be found on due enquiry and notice published in one of the newspapers of said city three times successively, or if he shall

Proceedings
in case of re-
fusal to give
up deed, &c.

refuse to receive the said amount which shall be so tendered, and to deliver up the said deed and give such receipt acknowledged as aforesaid, the owner of such premises may make affidavit thereof, before any officer authorized to administer oaths, and upon delivering such affidavit to the Treasurer of the City of Newark, the amount to be paid for the purpose of redeeming the said premises, may be paid to the said Treasurer, who shall give a receipt for the same annexed to the said affidavit, specifying the purpose for which the same has been so paid; and certify thereon that the requisitions of this section have been complied with, if upon due enquiry he shall have good cause to believe that such is the case; and upon the filing of such affidavit and certificate in the said Clerk's office (the said certificate being first acknowledged as aforesaid) the lien of the said purchaser, his heirs and assigns on such premises shall cease and be void, and he and they shall peaceably and quietly render up the said premises to the lawful owner or owners thereof; and the said Treasurer, on demand, shall pay over to the person or his legal representatives to whom the said premises were conveyed by the collector of arrears of taxes, the said monies received by him, as aforesaid, excepting the sum of fifty cents, which he shall or may retain for his services in such matter.

Passed, January 26, 1844.

AN ACT to enable the owners and possessors of flowed lands on the Passaic River and its branches, between the mill-dam at Chatham, and Horse Neck Bridge, in the counties of Essex and Morris, and also certain owners and possessors of land lying in the long meadows, in the township of Caldwell, in the county of Essex, to dig a canal or ditch from the said river at Pine Brook, in a direct course, to intersect the river again near the Deepavaal Bridge, to drain said lands, by diverting a part of the waters of said river from their present channel.

Sec. 1. 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 flowed lands, or meadows lying on the river Passaic, and its branches, between the mill-dam at Chatham and Horse Neck Bridge over said river, and the owners of all lands lying in the long meadows in the township of Caldwell, in the county of Essex, in the vicinity of the ditch hereinafter authorized to be made, who shall be benefitted by the same, to meet together on the first Tuesday of April annually, at one o'clock in the afternoon, and that the first meeting shall be held at the house now kept by George M. Crane, in the township of Pequannack, in the county of Morris, where the annual meetings shall continue to be held, (unless otherwise ordered by a majority of votes of such owners and possessors, as shall attend at any of said annual meetings,) and when so met shall, after the appointment of a President, Secretary and Tellers of said meeting, proceed to elect, by ballot, and by a plurality of the votes of the owners and possessors of said meadows and flowed lands, or their proxies duly authorized in writing, then present, allowing one vote for every acre of the said meadows and flowed lands, not less than three nor more than five managers, all of whom shall continue in office one year, or until others are chosen: and in case of the death, removal, inability, or refusal to serve, of said managers, or either of them, then it shall be lawful for any ten of the said owners and possessors, upon twenty days notice given, by advertisements under their hands, set up in ten of the most public places in the neighborhood of the said lands, to call a meeting of said owners and possessors of said meadows and flowed lands, at the place where the last annual meeting was held; and then and there elect in the manner hereinbefore prescribed, one or more managers to fill up all vacancies, as the case may require.

Time and place of annual meeting of owners.

Mode of election of managers.

Vacancies how supplied

Assessments how paid.

Sec. 2. *And be it enacted,* That it shall be the duty of the managers chosen as aforesaid, to proceed to ascertain and determine each owners and possessors number of acres of meadow and flowed lands, within the limits aforesaid, and to ascertain and determine the proportion that each owner or possessor shall pay per acre, for any sum of money which shall be raised, as hereinafter provided, which assessment shall be payable in three equal instalments, the first not to be paid sooner than thirty

days; the second not sooner than six months; the third not sooner than twelve months, according to the proportion of benefit; which, in the judgment of said managers, or a majority of them, the meadows and flowed lands of such owners and proprietors will receive; and shall provide a suitable book, in which shall be entered the number of acres of each owner or possessor, and the rate or proportion of such assessments or determinations per acre as aforesaid, which book the said managers shall retain in their possession during their continuance in office, and upon the expiration of such time, shall deliver the same to their successors in office; which record shall be received as evidence of each persons possession, and all assessments and votes (when the same shall be completed) shall be made and given thereby, except so far as the same may be varied, by any subsequent sale or change of possession; PROVIDED, NEVERTHELESS, the lands of no person or persons, through which the canal or ditch hereinafter authorized to be made, shall pass, shall be taxed or assessed, the owners or possessors of which will give a gratuitous right or title to the said managers to dig the said ditch or canal through the same.

Managers to record names of owners and amount of assessment.

Proviso.

Sec. 3. *And be it enacted*, That the said land owners and possessors, at the time of the election of the said managers, yearly and every year, shall also elect, in manner aforesaid, three freeholders, resident in the counties of Essex and Morris, not interested in said lands, for commissioners of appeal, who shall meet at such time and place as the managers shall appoint, to hear and determine all appeals that may be made to them, by any land owner or possessor, from any assessment that may be made against them under this act. And the said managers, or one of them, shall give notice in writing to each of the said owners and possessors resident in the counties of Essex and Morris, of the amount of money so assessed against him or her as aforesaid: and also, of the time of meeting of the said commissioners of appeal, at least ten days before the time so appointed; and if it shall appear to said commissioners, or any two of them, that any assessment so made against any of the said owners and possessors is excessive, it shall be the duty of said commissioners to reduce the same to such sum as to them may seem equitable and just; and the determination of said commissioners, or any two of them, made in writing, shall be final and conclusive; the reasonable costs and expenses of such appeal shall be taxed by said

Time and mode of election of Commissioners of Appeal.

Managers to give notice of amount assessed, &c.

commissioners, or any two of them, and paid, if the assessment be affirmed by the said owner or possessor; otherwise, by the said managers out of the funds raised by the assessments aforesaid in their hands.

Proceeding in
case of neg-
lect to pay
assessment.

Sec. 4. *And be it enacted*, That if any person or persons who shall be assessed by the managers aforesaid, shall neglect, for the space of thirty days after the time of meeting of the commissioners of appeal, to pay the money so assessed or taxed against them, then it shall be lawful for the managers, or one of them, to make return of the name or names of the person or persons, with the sum so assessed against such person or persons respectively, or which shall be determined to be due by said commissioners of appeal, to any justice of the peace in the county where such person or persons reside; which justice, upon the oath or affirmation of one of the managers, that the tax or assessment has been demanded ten days before the making of said return, shall immediately issue his warrant of distress, directed to some one of the constables of said county in which such delinquent owner or owners, possessor or possessors may reside, commanding him, within thirty days, to seize upon the goods and chattels not reserved by law of such delinquent or delinquents, and upon giving fifteen days notice thereof by advertisements set up in three of the most public places in the neighborhood, to make sale of the same, or so much thereof as shall be sufficient to pay the said assessments and costs accruing thereon, and to pay over the same to the said managers or one of them; and if no goods and chattels can be found, or not sufficient of the same to pay the assessment of such delinquent or delinquents, then to enter upon his, her, or their meadows and flowed lands, and by giving notice by advertisements as aforesaid, in three of the most public places in the vicinity of said lands, to make sale of the timber or herbage, standing and growing upon the same, or so much thereof, as shall be sufficient to pay the said assessments aforesaid, and the cost accruing thereon, and to pay over the same to the managers or one of them, which execution shall be returned within forty days from the date thereof; and the justice and constable shall be entitled to the same fees as for issuing and serving an execution in debt in the court for the trial of small causes; and for any neglect or violation of the duty hereby imposed upon said justice and constable, they shall severally be subject to the same actions, liabilities, and penalties as for like neglect or violations, under the "Act constituting courts for the trial of small causes," passed February twelfth, eighteen hundred and eighteen, and the several supplements thereto.

Sec. 5. And be it enacted, That when the said constable shall make return that no goods and chattels or timber and herbage standing and growing upon the said meadows and flowed lands of such delinquent or delinquents could be found, or not a sufficient amount of the same to pay such assessments as aforesaid, that then, for the security of the money so assessed, the meadow and flowed lands of every such delinquent and delinquents shall be a pledge for the payment thereof, into whose hands soever the same may come; and the said managers may, for the recovery of the sum or sums of money so assessed, and for the costs made as aforesaid, sell by public vendue, for a year or term of years, the meadow or flowed land of such delinquent owner and possessor, and make a good and valid lease for the same during such term, taking care to sell the same for the shortest period of time that will raise the so unpaid sum or sums, with costs and expenses attending such delinquency; and it shall be the duty of the managers to give at least thirty days previous notice, in three of the most public places in the neighborhood of said meadows and flowed lands, by advertisement, before they proceed to sell or lease the property of any delinquent owner or possessor; **PROVIDED, NEVERTHELESS,** that such delinquent or delinquents shall have the privilege of redeeming his said land so leased, by paying the lessee the sum or sums of money so paid for the same, together with the costs and interest that shall have accrued thereon, within six months from the time of leasing the same.

Lands of delinquents may be sold for a term of years.

Proviso.

Sec. 6. And be it enacted, That the said managers, their agents and servants, and all persons employed by or under them, for the purposes contemplated by this act, shall be, and are hereby invested with full power and authority, to enter upon any lands necessary, and lay out a ditch or canal, beginning at the river at or near Pine Brook, and running thence as nearly in a direct course to intersect the said river again near the Deepavaal bridge, as will in their judgment make the digging of the said ditch or canal the least expensive to the owners and possessors of the flowed lands aforesaid, as will best carry off the water, and drain the lands aforesaid it is intended to benefit, and as will the least injure the lands of those persons through which the said ditch or canal is to run; and that the said ditch or canal may be laid out and dug of such size and dimensions, as the said managers may think necessary for effectually draining the said meadows and flowed lands; **Provided,** that said ditch shall not be laid out and dug with less than ten, nor more than thirty feet bottom; and the said managers may direct and cause the earth taken therefrom, to be thrown on both sides

Managers, &c authorized to enter upon lands, &c.

Proviso.

Proviso.

or either side of said ditch, as they may judge necessary; and the said managers are hereby authorized and empowered to raise all such sums of money, by one or more assessments, in the manner hereinbefore directed, as will be sufficient, in their judgment, to lay out and dig the said canal or ditch, and also for the expense of assessing and collecting the same; and for all other necessary expenses contemplated in this act; *Provided*, also, that no water from the river at Pine Brook shall be let into the said ditch or canal, until the upper reef in the said Passaic River in the vicinity of the mill dam at the Little Falls shall be lowered eight inches, in conformity with the provisions of an act entitled "An Act to enable the owners or possessors of the meadows and flowed lands on the Passaic River and its branches, between the mill dam at the Little Falls and the mill dam at Chatham, in the counties of Essex, Morris and Passaic, to break up the reefs in said river, to widen the channel of the same, and to remove all obstructions to the free course of the water out of the said river, between the said mill-dam at the Little Falls, and one hundred yards above the two bridges.

Disputes relative to dam
ages, how
settled.

Sec. 7. *And be it enacted*, That if any of the owners of land through which the said canal or ditch 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 said land to meet at the house now kept by Wm. B. Speer, in Caldwell township, in the county of Essex; on ten days notice being given, by advertisements, signed by the said managers, or a majority of them, put up in five of the most public places in the vicinity of said canal or ditch; and to choose one respectable freeholder in the county of Essex, not interested, and the said managers 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 the 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 managers, the amount of the compensation, which shall be paid by the managers, to such of the applicants as they shall conceive to be injured, on which payment or tender thereof to the owner or owners, the managers shall become 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 land, through which the said ditch or canal is to 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, or of unsound mind, or out of the state,

or in case the men thus chosen shall not decide thereon, then it shall be lawful for one of the justices of the Supreme Court, upon the application of either party, and at the costs and charges of the managers, to direct a special jury of freeholders, of any township in the said county through which the ditch or canal aforesaid shall not run, to be struck before such justice, in the manner in which special juries are generally struck, who shall view, examine, and survey the said lands, tenements, and hereditaments, and estimate the injury and damage 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 said county in which the inquisition is taken; and it shall be the duty of such sheriff, to attend before the said justice, with the book of the freeholders, at such time and place as the said justice shall appoint, upon reasonable notice being given him for the purpose of striking such jury; and also, upon like notice, to have the jury upon the premises in question, at the time mentioned in said notice, and to administer the oath or affirmation to said jurors; and the said sheriff and jurors shall be entitled to the like fees for their services, as are allowed by law in other cases of special juries; and upon the coming in of such inquisition or report, and the confirmation thereof, and the said managers paying to the said owners respectively the sums in such report, in full compensation for such lands, or for the injury sustained as aforesaid, the managers shall become seized in the same estate in the said lands which the owners held in the same; and they and all who have acted under them, shall be acquitted and freed from all responsibility for and on account of such injury; *provided*, that the payment of damages aforesaid, for land through which the said ditch or canal may be laid, or tender thereof be made, before the said managers, or any person under their direction, or in their employ, enter upon and break ground in the premises, except surveying and laying out said ditch or canal, unless the consent of the owner of such land be first obtained. Provi-o.

Sec. 8. *And be it enacted*, That it shall be the duty of the said managers, and they are hereby authorized and empowered, from time to time, and at all times, when it shall be necessary, to clear out any obstructions in the said ditch or canal, formed by the mud or dirt washing in, or by the banks of the same caving in, or whatever said obstructions may be, to remove the same, and make assessments in the manner aforesaid, from time to time, and collect all such money in manner aforesaid, as may be necessary to defray such expenses, taking care to assess the money on all the lands benefited by clearing out the same. Managers authorized to clear obstructions.

Managers to
record all
proceedings,
&c.

Sec. 9. *And be it enacted,* That the said managers shall procure a book or books to be kept by them, in which shall be recorded the proceedings of the several meetings of the owners and possessors aforesaid; and the said managers shall also, in addition to the book hereinbefore directed to be provided for the entry of all assessments to be made by them, provide another suitable book or books, in which said managers shall enter all their proceedings, and a just and true account of all the moneys they shall receive and expend, or lay out in the said business, and shall at every annual meeting, produce, and lay the same before the said meeting, with fair vouchers, for all the monies by them received and expended, by virtue of this act, and the said owners and possessors shall, at their annual meeting, appoint in manner aforesaid, a committee of three persons, to examine and settle the accounts of said managers; and said managers shall produce and show said books above mentioned, to any of the said owners and possessors, at any reasonable time when thereunto requested, and shall deliver the balance of all monies unexpended in their hands, together with the said books, and all other necessary papers, to their successors in office, and on default thereof, and for any wilful neglect in any part of their duties prescribed by this act, they, the said managers, shall forfeit and pay for a breach of their trust, and such wilful neglect of their duty, in an action of debt, in any court of competent jurisdiction, the sum of fifteen dollars; and also pay all damages that may arise by their negligence, to be sued for and recovered, by any of the owners or possessors of the said meadows and flowed lands, who shall be grieved or injured by such negligence of the said managers, in and with the above action of debt; and said managers shall be accountable for any money remaining in their hands at the end of every year; and if the said managers shall refuse to pay such balances in their hands, to their successors, then their successors shall sue for and recover the same, in any court of competent jurisdiction, with costs of suit.

Penalty for
neglect of du-
ty.

Sec. 10. *And be it enacted,* That the said managers for the services performed by them under this act, shall receive such compensation as the land owners and possessors shall direct at their annual meeting.

Compensa-
tion of man-
agers.

Penalty for
injuring ditch

Sec. 11. *And be it enacted,* That if any person or persons shall wilfully do any injury or damage to the said ditch or canal authorized by this act, he, she, or they shall, for every such offence forfeit and pay the sum of twenty dollars, together with all damages, to be sued for and recovered in an action of trespass, in any court, or before any justice of the peace having cognizance of the same, with costs of suit, to be applied to re-

pairing said ditch or canal so injured, and the managers for the time being are hereby enjoined and authorized to prosecute the same, in their own name or in the name of either of them.

Sec. 12. *And be it enacted,* That this act shall be deemed and taken to be a public act, and shall be recognized as such, in all courts and places whatsoever, and shall go into effect immediately after the passage thereof. Act to be deemed a public act.

Passed February 1, 1844.

AN ACT TO EMPOWER JOHN MARLOW, GUARDIAN OF ALICE A. VOORHEES MANNERS, AND JANE MARIA MANNERS, TO SELL CERTAIN REAL ESTATE OF HIS WARDS.

WHEREAS, Alice A. Voorhees Manners and Jane Maria Manners, minors, under the age of twenty-one years, children of Abraham Manners, dec'd, of this State, and wards of John Marlow of the township of Raritan, in the county of Hunterdon and State of New Jersey, are seized in fee simple of two equal fourteenth parts of the homestead farm, whereon David Manners, Esq., deceased, lately lived, in the township of Amwell, county of Hunterdon and State of New Jersey, now occupied by Jacob S. Manners, and supposed to contain about three hundred and two acres, more or less. Preamble.
And whereas, it is represented that it would be greatly to the interest of the said Alice A. Voorhees, and Jane Maria, the minors, to sell and convey the said land in fee simple; but that the same cannot be done without the aid of a special law for that purpose, and the said John Marlow, their guardian, having by his petition asked for a law to empower him to sell the same, and that an advantageous sale thereof can be made if power therefor be given.—
THEREFORE—

Sec. 1. *BE IT ENACTED* by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same. That the said John Marlow, guardian of the said Alice A. Voorhees and Jane Maria, be, and he is, hereby authorized and empowered to grant, bargain, sell and convey the lands, tenements and real estate, aforesaid, of the said. Guardian authorized to sell real estate.

Alice A. Voorhees and Jane Maria, his wards, in fee simple, and execute a deed or deeds thereof, and therefor, which shall be as good and effectual to grant, sell and convey, and assure the said lands, tenements and real estate, and hereditaments and appurtenances to the same belonging, to the purchaser or purchasers thereof, as if the said deed or deeds were made by the said Alice A. Voorhees and Jane Maria, the wards themselves, after they and each of them had attained their full age of twenty-one years. *Provided always*, That such deed or deeds shall have no force or effect until the said sale or sales shall be reported to the Orphans' Court of the county of Hunterdon, and approved by the said Court.

Proviso.

Guardian to give bond.

Sec. 2. *And be it enacted*, That before the execution of the said deed or deeds, the said John Marlow shall, together with sufficient security, to be approved by the Surrogate of the county of Hunterdon, execute a bond to the ordinary of the State, in double the sum for which the said premises were sold, conditioned for the faithful application of the proceeds of the said sale, according to law.

Proceeds of sale, how disposed of.

Sec. 3. *And be it enacted*, That the said John Marlow, guardian as aforesaid, shall invest the money arising from the sale of the said premises, after deducting therefrom all reasonable and legal costs and charges which he may have incurred by or on behalf of the said minors, the same having been first audited and allowed by the Surrogate of said county of Hunterdon, in such manner and in such security as shall be approved by the Orphans' Court of said county, and the said guardian may apply the interest and profits accruing from the balance of monies herein directed to be invested, towards the support and education of the said minors, but no part of the principal sum shall be expended for or on account of the said minors during their minority.

Act when to take effect.

Sec. 4. *And be it enacted*, That this act shall take effect immediately after the passage of the same.

Passed January 31, 1844.

AN ACT to incorporate the Washington Manufacturing Company of the city of Camden.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That John W. Mickle, William Folwell, Philip J. Gray, _____, David S. Brown, Charles W. Churchman, Joseph R. Evans, Gideon Scull, Lewis R. Ashurst, John Siter, and their associates and successors are hereby made and created a body politic and corporate in law, by the name of "The Washington Manufacturing Company," for the purpose of manufacturing, bleaching and printing all goods, of which cotton or other fibrous materials form a part, and all the machinery incident thereto, and for the transaction of such business as may be necessarily connected therewith, and may erect such mills and other works as may be required to carry on such branches of manufacture, and they shall have power to raise by subscription a capital of five hundred thousand dollars.

Names of
corporators.

Style of In-
corporation.

Powers.

Sec. 2. *And be it enacted,* That the said corporation may purchase and hold such real estate in the city of Camden, or within three miles thereof, as may be required for the purposes of the said corporation, and may dispose of the same, and may sue and be sued in all courts of law and equity; may have and use a common seal, and make such bye-laws for their regulation and government as they see proper, provided the same are not inconsistent with the constitution and laws of the United States, or of this State.

May hold
real-estate, &c

Sec. 3. *And be it enacted,* That the said corporation shall not go into operation until one hundred and twenty-five thousand dollars of the capital stock shall be first paid in gold or silver coin, or current bank notes, and an affidavit thereof shall be made by a majority of the associates, named in the first section of this act, and filed in the office of the Secretary of this State.

When to go
into operation.

Sec. 4. *And be it enacted,* That the capital stock shall be deemed personal estate, and be transferable upon the books of the said corporation, and no part of the said capital stock shall at any time, or upon any pretence whatever, be divided amongst the stockholders for dividends, and no dividend shall be made or paid, except from the actual profits; and each stockholder shall in the election of Directors, have one vote for each share of stock he holds in said company.

Capital stock
to be deemed
personal es-
tate.

Capital stock
not to be re-
funded until
debts are
paid.

Sec. 5. *And be it enacted*, That no part of the capital stock shall be withdrawn or refunded to the stockholders, until all debts and liabilities of the company are fully paid, and in case of any violation of the provisions of this section, the president, directors and stockholders of said corporation, shall be personally liable in their own estate jointly and severally for all debts previously contracted and due from said company.

Books to be
opened for
subscriptions.

Sec. 6. *And be it enacted*, That John W. Mickle, William Folwell, David S. Brown, Charles W. Churchman, and Gideon Scull, or any three of them may open books and take subscriptions for the capital stock, first giving two weeks notice previously, in a newspaper published at Camden, of the time, place and object of said meeting; and the stockholders at a meeting to be called in like manner, after the stock is taken as aforesaid, may proceed to elect by a plurality of those present or legally represented, such directors, officers and agents, as may be deemed necessary for conducting the affairs of the company.

Directors to
make annual
statement.

Sec. 7. *And be it enacted*, That in the month of May, annually, the directors shall submit to the stockholders, a written statement under oath or affirmation, of the amount of capital stock paid in, and the amount of all existing debts against the company, and no dividend shall be declared or paid to the stockholders when such payment would render the company insolvent, and the debts of the said corporation shall at no time be suffered to exceed the capital stock actually paid in; and in case of any violation of the provisions of this section, the President, Directors and Stockholders shall be personally liable in their own estate, jointly and severally, for all debts of the company previously contracted and then unpaid.

Capital not
to be employ-
ed in banking

Sec. 8. *And be it enacted*, That no part of the capital stock or any of the funds of the said corporation shall at any time during the continuance of this charter be used or employed directly or indirectly in banking operations, or for any purpose whatever, inconsistent with the provisions of this act.

Limitation of
act.

Sec. 9. *And be it enacted*, That this act shall continue in force thirty years and no longer, but it shall and may be lawful for the Legislature of this State to alter, modify or repeal the same, whenever, in their opinion, the public good requires it.

Passed January 31, 1844.

AN ACT to incorporate the Eaton Town Steamboat Company.

WHEREAS, John P. Lewis and others, in April last, associated as a company, under the name of the Eaton Town Steam-Boat Company, and purchased a steamboat, which they have put into operation, and continued to run between Eaton Town landing and the city of New York, up to the present time, and have prayed to be incorporated, for the purpose of managing and conducting the business and concerns of the said company.

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 P. Lewis, Ethan A. Fay, George A. Corlies, Edwin Lewis, William Kelly, John Howland, Benjamin Woolley, Deborah and Leah Parker, Robert C. White, John P. Corlies, Cornelius P. Hulick, Peter Casler, James H. Woolley, John T. Philips, James Mount, and John D. Hurley, and such other persons as hereafter shall be associated with them, for the purpose of conducting the business of carrying passengers and freights, by steamboats, to and from the township of Shrewsbury, and the city of New York, and their successors and assigns, be, and are hereby ordained, constituted and declared to be for the purpose aforesaid, a body corporate and politic, in fact and in name, by the name of "The Eaton Town Steam-Boat Company," for the term of thirty years, from the passage of this act; and by that name, they and their successors shall and may have succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and that they, and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors, by the name of "The Eaton Town Steam-boat Company," shall in law be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, or real or personal estate whatsoever, necessary for the objects of this corporation.

Names of Corporators.

Style of incorporation.

Powers.

Sec 2. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of thirty thousand dollars, which shall be divided into shares of thirty dollars

Amount of capital stock and how vested.

each, and eight thousand dollars thereof shall be first paid down in gold or silver coin or current bank notes, and to be employed and vested in the steam-boat which they now own, or the building or purchasing of one or more steam-boats, with steam-engines, boilers, and machinery, and all their rigging, furniture, tackle, and apparatus; and in the repairs necessary thereto, from time to time, and in the purchase of such real estate as may be necessary and convenient for steam-boat landings; that the stock of the said company shall be deemed and considered personal estate, and that nothing herein contained shall authorize and empower the said company to carry on banking business, or to use or to employ their funds, or any part thereof, or to permit the same to be used or employed in the purchase of the stock of any bank in the United States, or any other public stock, or for any other purpose, or in any manner whatsoever, not herein expressly authorized.

Present directors.

Sec. 3. *And be it enacted,* That for the better carrying into execution the affairs of the said company, there shall be for the present, five directors, who shall hold their offices from the date of the passing of this act, until there shall be a new election of directors, in pursuance of the provisions of this act; that the first five directors shall be John P. Lewis, Ethan A. Fay, Edwin Lewis, George A. Corlies, and John Howland, out of which number the said directors, at their first meeting, shall appoint their president.

Time and mode of annual election of Directors.

Sec. 4. *And be it enacted,* That after the time limited by this act for the continuance in office of the directors hereby nominated and appointed, the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by a board of directors, which shall consist of not less than five nor more than seven stockholders, who shall be annually elected on the first Saturday of May, by a majority of the stockholders, who may attend for that purpose, either in person or by proxy, at such place and time of the said day, as shall be designated by the directors for the time being, by public notice, to be published in at least one public newspaper printed in the county of Monmouth, for three weeks before the said annual election, and under such other further regulations, as the by-laws of the said corporation shall and may direct; Provided,—that in case it should happen that an election of directors should not be made on the day, when, pursuant to this act it ought to have been made, the said corporation for that cause shall not be deemed to be dissolved; but it shall and may be lawful on any other day to hold an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Proviso.

Sec. 5. *And be it enacted*, That the before named directors, or a majority of them, or their successors in office, shall have power, from time to time, to make, constitute, ordain and establish all bye-laws, rules, ordinances and regulations, touching the election of directors, not hereinbefore provided for, and also for the transaction of the business of the said company, not repugnant to the constitution and laws of the United States, or of this State; Provided,—that all contracts, engagements and responsibilities, entered into on the part of the said company, by the directors, or a majority of them, and signed by their president, shall be binding on the said company, in like manner as any contract would be, if made and entered into by any individual.

Directors may make constitution and by-laws.

Proviso.

Sec. 6. *And be it enacted*, That no part of the capital stock of the said company, shall be withdrawn or refunded to the stockholders, nor shall any part of the real or personal estate of said corporation be sold while any debts are due from the said corporation—and the said Board of Directors shall annually in the month of May, submit to the stockholders a written statement under oath or affirmation of the amount of capital stock actually paid, with a full and complete list and inventory of all the estate, real and personal, of said corporation, the amount of all existing debts and liabilities of said company; and no dividend shall at any time be declared or paid when such payment would render the company insolvent, and the debts of said corporation shall at no time be suffered to exceed the amount of capital actually paid in, and in case of a violation of the several provisions of this section, or any or either of them, the President, Directors and Stockholders of the said company shall be personally liable in their own estate jointly and severally for all debts, liabilities and engagements of said company then existing and unpaid.

No part of capital stock to be withdrawn.

Penalty for violation of provisions of this section.

Sec. 7. *And be it enacted*, That if any subscriber or subscribers to the capital stock of this company, neglects or refuses to pay any instalment or instalments, or debts due the company, on the number of shares which he or they may have subscribed, or holders thereof, for the space of thirty days after the same may have been called for and appointed for the payment thereof, by the president and directors, by an advertisement in one of the newspapers in the county of Monmouth, for the space of thirty days previous thereto; that in such case the president and directors may declare such share or shares forfeited, and shall have full power and authority to sell and dispose of the same, for the use, benefit, and advantage of the said company, or they may in the name of the said corporation, sue for and recover the sum or sums so remaining unpaid, with costs and interest thereon; and that such

Shares forfeited in case of neglect or refusal to pay instalment.

delinquents shall not, during the time that any of the instalments aforesaid, are due and unpaid, be entitled to vote at any meeting of the stockholders, or to receive any dividends thereon.

Act may be amended or repealed.

Sec. 8. *And be it enacted*, That it shall be lawful for the Legislature of this State, at any time hereafter, to amend, repeal, or modify this act as they shall think proper.

Passed February 2, 1844.

An act to divorce Jane Sayre of the County of Essex, from her husband, Daniel R. Sayre.

Jane and Daniel Sayre Divorced.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State. and it is hereby enacted by the authority of the same*, That Jane Sayre, of the county of Essex, be, and hereby is, divorced from her husband, Daniel R. Sayre, and the marriage contract now existing between them, be, and the same is hereby dissolved.

Passed February 2, 1844.

AN ACT to repeal the act entitled "An act to set off from the township of Harrington, in the county of Bergen, a new township, to be called the township of Washington," passed January thirteenth, A. D. 1840.

Former act repealed.

Sec. 1. 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 set off from the township of Harrington, in the county of Bergen,

"a new township, to be called the township of Washington," passed January thirteen, eighteen hundred and forty, be, and the same is hereby repealed; and that all that part of the county of Bergen, embraced within the limits of the township of Washington, shall be, and the same is hereby attached to, and made a part of the township of Harrington, in said county.

Sec 2. *And be it enacted,* That all the real and personal estate belonging to the inhabitants of the said township of Washington, shall belong to, and the same is hereby vested in the inhabitants of the township of Harrington, in said county, and the debts due, to or from the said inhabitants of the township of Washington, shall be received and paid by the inhabitants of the township of Harrington, in said county. Estate vested in township of Harrington

Sec 3. *And be it enacted,* That the first town-meeting hereafter to be held in the said township of Harrington, shall be held on the second Monday in April next, at the house of Thomas Post, in said township. Time and place of holding first town meeting.

Sec. 4. *And be it enacted,* That this act shall take effect on and after the second Monday in April next. Act when to take effect.

Passed Feb. 2, 1844.

AN ACT to release to Ann Daly, the right and title of the State of New Jersey to certain land and premises in the city of Newark.

WHEREAS, John Daly, an alien, late of the county of Essex, and state of New Jersey, died intestate, seized, of a certain lot of land and premises in Academy street, in the city of Newark, and State aforesaid; AND WHEREAS, it is represented that the said John Daly, left no heirs capable of inheriting the said real estate, and that the same has escheated to the State of New Jersey, under and by virtue of the laws in such case made and provided; AND WHEREAS, the said John Daly has left a widow without the necessary means of support and maintenance, THEREFORE— Preamble.

Right of the
State of New
Jersey, re-
leased.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all the right, title, interest, property, claim and demand of the State of New Jersey, of, in and to the land and premises, with the appurtenances, situated in Academy street in the city of Newark, aforesaid, of which the said John Daly died seized, is hereby granted, remised, released and confirmed unto Ann Daly, widow of the said John Daly, and to her heirs and assigns forever.

Passed February 5, 1844.

REPUBLICAN PARTY

AN ACT for the relief of Susan Cook, widow of Col. James Cook, deceased, of the county of Morris.

\$40 per annum to be paid to Susan Cook.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the Treasurer of this State for the time being, shall, and he is hereby authorized and required to pay Susan Cook, widow of Col. James Cook, deceased, of the county of Morris, an officer in the revolutionary war of the United States, or to her order, the sum of forty dollars per annum, to be paid to the said Susan Cook, in half yearly payments, from the passage of this act, during the lifetime of the said Susan Cook, the first payment to be made on the passage of this act, and the receipt of the said Susan Cook, or her order, shall be a sufficient voucher to the Treasurer, for such sums of money as he may pay by virtue of this act, in the settlement of his accounts.

Passed February 6, 1844.

AN ACT to incorporate the Millville Beneficial Society of Millville.

WHEREAS, a number of the inhabitants of the town of Millville, in the county of Cumberland, have formed themselves into an association or society, to which they have given the name of "The Millville Beneficial Society," the object of which is to create a fund to be applied towards the relief or support of such of the members thereof, as shall, by sickness or bodily infirmity, or other cause, be rendered incapable of attending to their usual occupation or calling, and also, towards the decent interment of deceased members;—and whereas, it is believed that an act of incorporation will promote the objects of the society and add to the security of its property, and the said society having, by petition, presented to the Legislature, prayed to be incorporated, THEREFORE—

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 Jacob Johnson, William Pognæ, Pierson D. Socwell, Lewis Mulford Furman L. Mulford, Lewis Tredenick, David Corson, Preston Stratton and all such other persons, not exceeding at any one time five hundred, as now are, or shall hereafter, become members of said society, be, and are hereby ordained, constituted and declared to be a body corporate and politic in fact and in law, by the name, style and title of "The Millville Beneficial Society," and by that name they and their successors shall have continued succession, and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity, whatsoever, in all manner of actions, suits, matters, complaints and causes whatsoever; and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure, and by their name, aforesaid, and under their common seal, may make and enter into, form and execute any contracts or agreements, relating to, touching or concerning the objects of the said incorporation.

Names of Corporators.

Style of incorporation.

General powers.

Sec. 2. And be it enacted, That for the more effectual accomplishment of the objects of the said incorporation, there shall be a President, Vice President, Secretary, Treasurer, two Stewards and an Investigating Committee of three, and such other officers and assistants as shall be deemed necessary, all of whom shall be elected annually by ballot, by a majority of

Officers, when and how appointed.

the members present, at the annual meeting of the said society, held in January of each and every year.

What lands and real estate, &c. corporation may hold.

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

May make constitution and by-laws.

Proviso.

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

Objects of incorporation.

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

Act may be amended or repealed.

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

Passed February 6, 1844.

AN ACT to regulate the fisheries in Raritan and South River.

Sec. 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall not be lawful for any person or persons, to set any net, seine, or other device across either the Raritan or south rivers, nor any hoop-net, gilling-net, wear or fike further into the same than the edge of the channel thereof, on the same side where such net, wear or fike is set or constructed.

Nets not to be set across rivers.

Sec. 2. *And be it enacted,* That if any person or persons shall offend against this act, he or they shall forfeit and pay for every such offence, any sum not less than ten nor more than fifty dollars, to be sued for and recovered in an action of debt in any court having cognizance of the same, and in the name of any person who shall make complaint thereof, to be applied, when recovered, one half to the Overseers of the Poor of the township where such offence shall be committed, for the use of the poor of said township, and the other half to the person who shall make complaint and prosecute the same.

Penalty for offending.

Sec. 3. *And be it enacted,* That it shall and may be lawful for any person or persons, to seize and carry away any seine, net, fike or other device fixed or set contrary to this act; and forthwith place the same in the care and custody of any Justice of the Peace of the county where such seizure has been made, and the said Justice shall call to his assistance any other Justice of the Peace of said county, and the two are hereby required and empowered to meet at such time and place as they shall appoint for the trial thereof, and hear and determine the same in a summary manner; and in case the same shall be condemned, it shall be sold by the order and under the direction of the said Justices, who, after deducting all legal costs and expenses, shall pay one half to the Overseers of the Poor of the township where such seizure was made, for the use of the poor of said township, and the other half to the person who shall have seized and prosecuted the same.

Nets set contrary to this act may be seized.

Sec. 4. *And be it enacted,* That if any person shall make use of any shad seine or shad net, for the purpose of catching fish in the river Raritan, or South River after the tenth day of June in each and every year, every such person or

Penalty of fishing after 10th June.

persons so offending, and being convicted thereof before any Justice of the Peace in the county where the said offence shall be committed, shall forfeit and pay to the use of the poor of the township where such offence was committed, any sum not less than five nor more than fifty dollars; and for every second offence so committed against this section, he may be imprisoned in the county jail for any time not exceeding thirty days, at the discretion of the Justice before whom the same may have been heard and determined.

Former acts
repealed.

Sec. 5. *And be it enacted*, That the act entitled "An act to regulate the fisheries in Raritan River," and to repeal a certain act therein mentioned, and the acts regulating the shad fisheries of south River passed in 1804, and the several supplements thereto, be, and the same are hereby repealed.

Act when re-
pealed.

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

Passed February 6, 1844.



A further supplement to the act entitled "An act to provide for the instruction of indigent blind persons, inhabitants of this State," passed the eighth of March, 1836.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same*, That the sum of one thousand dollars, in addition to the sum provided in the act to which this is a supplement, be appropriated annually, out of any moneys in the treasury not otherwise appropriated to be applied for the instruction of indigent blind persons, inhabitants of this State, pursuant to the provisions of the said act and the supplement thereto.

\$1000 appro-
priated annu-
ally.

Passed February 6, 1844.

AN ACT to divorce Albert G. Durand, of the county of
Essex, from his wife, Lodoiska Durand.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Albert G. Durand, of the county of Essex, be, and he hereby is, divorced from his wife, Lodoiska Durand, and that the marriage contract now existing between them, be, and the same is hereby dissolved.

Albert G. &
Lodoiska Du-
rand divorced.

Passed February 7, 1844.

AN ACT to divorce Ephraim A. Beckwith, of the
county of Sussex, from his wife, Hannah Beck-
with.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Ephraim A. Beckwith, of the county of Sussex, be, and hereby is divorced from his wife, Hannah Beckwith, and that the marriage contract, now existing between them, be, and the same is hereby dissolved.

Ephraim A.
and Hannah
Beckwith di-
vorced.

Passed January 31, 1844.

AN ACT to divorce Simion Vannortwick of the county
of Somerset, from his wife, Catharine Vannortwick.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Simon Vannortwick, of the county of Somerset, be, and he is hereby divorced from his wife,

Simion and
Catherine
Vannortwick
divorced.

Catharine Vannortwick ; and that the marriage contract heretofore existing between them, be, and the same is hereby fully and absolutely dissolved ; *Provided, nevertheless,* that the issue of said marriage shall not be deemed illegitimate in consequence of this act.

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

Passed February 9, 1844.

AN ACT to divorce Jasper D. Canfield, of the county of Essex, from his wife, Caroline Canfield.

Jasper D. & Caroline Canfield divorced. Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Jasper D. Canfield, of the county of Essex, be, and he is hereby divorced from his wife, Caroline Canfield, and the marriage contract now existing between them be, and the same is hereby dissolved.

Passed February 9, 1844.

AN ACT authorizing a trustee to sell and convey certain real estate in the county of Hudson, whereof Peter Seely died seized.

Preamble. WHEREAS, Peter Seely, late of the city of New York, on the eighteenth day of January, in the year of our Lord one thousand eight hundred and forty; departed this life intestate, leaving his widow, Harriet Seely, and eight children, viz: Emma L., who has intermarried with Russell W. Robinson; Peter L., Harriet, Eliza, Eleanor, Francis, Thomas G., and William James Seely, him surviving, of

whom three, viz: Emma L., Peter L., and Harriet, have arrived at the full age of twenty-one years; and the said Eliza, Eleanor, Francis, Thomas G., and Wm. James, are still minors;—and whereas, the said Peter Seely, was, at the time of his death, seized in fee simple, of a certain tract of land and premises, situate, lying and being in the township of Bergen, in the then county of Bergen, (now county of Hudson,) and state of New Jersey, bounded as follows: beginning at the southeast corner of the said tract, and on the public road; thence running north twenty-eight degrees, east three chains and seventy-five links; thence north forty-six degrees, west four chains and seventy-nine links; thence north thirty-three degrees, east ninety-six links; thence north twenty-seven degrees, west twenty-two chains to the Newark Bay; thence along said bay south thirty-seven degrees and forty-five minutes, west two chains and sixty-four links; thence returning to the beginning corner, and running from thence north twenty-seven degrees, west twenty-eight chains to the Newark Bay aforesaid; bounded easterly by the public road; north-easterly by woodlands of Hartman Vreeland, and lands of Egbert Waters; westerly by the Newark Bay; and south-westerly by woodlands of D. B. Salter—containing six acres, and one half of an acre, be the same more or less, as described in a certain deed of conveyance from James L. Van Buskirk, Wm. C. Vreeland, and Garret Sip, commissioners to divide the estate of Paul Salter among the tenants in common thereof, to the said Peter Seely, deceased;—and whereas, it is represented that the said Harriet Seely, widow, after the decease of her said husband, advanced the sum of five hundred and eight dollars of her own individual funds towards paying off and discharging a certain indenture of mortgage, existing upon the said premises at the time of the death of the said Peter Seely; that the said minor children are dependant upon their said mother for their support and education; that a partition of the said premises among the said children is not only impracticable, but against the manifest interest of all concerned; that the whole of the said tract might be sold so as to yield a legal interest on the principle value of the same, amounting to a much larger sum than the yearly rent; and the said widow and children having united in a petition, praying that the said tract of land be sold; Therefore—

Section 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Harriet Seely, widow of the late

Trustees au-
thorized to
sell certain
real estate.

Peter Seely, of the city of New York, deceased, be, and she is hereby appointed a trustee, with full power and authority to sell and convey, either at public or private sale, all of the said tract of land and premises above mentioned for the highest and best sum of money that she can obtain for the same; and upon receiving the consideration money therefor, to execute and deliver to the purchaser or purchasers thereof, a good and sufficient deed or deeds of conveyance, in her own name, as trustee of the said children of her deceased husband, according to the estate, right, title, and interest which the said Peter Seely, deceased, had in the same at the time of his death; and such deed or deeds of conveyance shall vest in the purchaser or purchasers, his, her, or their heirs and assigns forever, all the estate, right, title, claim, interest and demand, which the said Peter Seely, deceased, had in and to the said premises at the time of his decease.

Proceeds of
sale how ap-
plied.

Sec. 2. *And be it enacted,* That having first paid and discharged all necessary and proper costs and charges, to be allowed by the Surrogate of the said county of Hudson, she, the said Harriet Seely, widow, shall be allowed to retain and keep, for her own individual use and behoof, out of the monies arising from the said sale, the said sum of five hundred and eight dollars so advanced by her, towards paying off and discharging the said encumbrance of mortgage, together with interest thereon, at the rate of six per cent. per annum, from the seventeenth day of October, A. D. one thousand eight hundred and forty, to the date of the said sale; and also, that upon releasing all her dower and right of dower, of in and to the said premises, to the purchaser or purchasers thereof, she, the said Harriet Seely, widow, shall be allowed to retain and keep, for her own individual use and behoof, out of the said monies arising from the said sale, the further sum of five hundred dollars, in consideration of her releasing her said dower in the said premises.

Balance of
proceeds of
sales how to
be disposed of

Sec. 3. *And be it enacted,* That after deducting the said several sums above mentioned, the rest and residue of the said consideration money shall be equally divided into eight proportions, and the three-eighths thereof shall be paid by the said trustee to the said Emma L., Peter L., and Harriet, the three children of the said Peter Seely, deceased, who have attained the age of twenty-one years, respectively, and their receipt therefor, filed in the said Surrogate's office, shall forever release and discharge the said land and premises, and the said trustee, of and from all claim and demand for the same.

Sec. 4. *And be it enacted,* That the remaining five-eighths of the balance of the said consideration money shall be in-

vested in a bond, and secured by a mortgage upon the said premises, which said bond and mortgage shall be made and executed by the purchaser or purchasers of the said premises, to the said Harriet Seely, widow, or trustee of the said Eliza, Eleanor, Francis, Thomas G., and William James, the five minor children of her said deceased husband, and shall be conditioned for the payment unto them, when they shall respectively attain the age of twenty-one years, the sum or proportion of the said consideration money, which shall be due to them respectively, with the interest on each minor's share, from the date of the said mortgage, at the rate of six per cent. per annum, payable semi-annually unto the said trustees, for the use, benefit and behoof of the said minors, until the principal be paid; *provided*, that if either or any of the said five minor children shall die before he, she, or they shall arrive at the age of twenty-one years, that then the share or proportion of the said consideration money, which would have become due and payable to him, her, or them so dying, shall become immediately due and payable, together with the interest thereon, and the said trustee shall collect and receive the same, and pay it to the persons entitled thereto according to the laws of this state.

Shares of minor children how disposed of.

Proviso.

Sec. 5. *And be it enacted*, That if the said Harriet Seely, trustee, shall die before the younger surviving of the said minor children shall attain the age of twenty-one years, that then the eldest surviving brother or sister, as the case may be, of the said children shall act as trustee, with all the powers aforesaid, and shall be accountable for all monies received by him or her, upon executing a bond, in such sum as shall be designated by the Orphans' Court of Hudson county, to the Governor of this state, with approved security for the faithful performance of such trust; and the said Harriet Seely shall also give a like bond for the security of said estate before entering upon the duties of said trust.

Proceedings in case of death of trustees.

Sec. 6. *And be it enacted*, That the said trustee shall, within six months after the sale of the said real estate, exhibit under oath to the Surrogate of the said county of Hudson, an exact statement of the amount of sales, and the amount she has received for the same, together with the costs and charges attending the same, and the amount belonging to each heir respectively.

Trustee to exhibit statement.

Passed February 11, 1844.

AN ACT to divorce Esther Minor from her husband Austin Minor.

Esther and Austin Minor divorced.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Esther Minor, of the county of Monmouth, be, and she hereby is divorced from her husband Austin Minor, and the marriage contract now existing between them be, and the same is hereby dissolved.

Passed, February 13, 1844.

AN ACT to incorporate the Essex County Mutual Insurance Company.

Names of Corporators.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Ira Dodd, William R. Peters, Caleb D. Baldwin, Charles Wharry, Calvin Dodd, Philip Kingsly, Wheeler Lindsly, Araon B. Harrison, Timothy W. Mulford, Jonathan Provost, Caleb D. Harrison, Francis R. Post, John Munn, Jarred E. Harrison, Isaac D. Dodd, and all other persons who may hereafter associate with them, in the manner herein prescribed, shall be a corporation, by the name of

Style of Incorporation.

“The Essex County Mutual Insurance Company,” for the purpose of insuring their respective dwelling-houses, stores, shops and other buildings, household furniture, merchandize and other property against loss or damage by fire; and by that name they and their successors may have perpetual succession, and shall have power to sue and be sued, and to defend and be defended, in all courts, whether in law or equity, and by that name may, also, have, purchase, possess and enjoy, to them and to their successors, lands, tenements and hereditaments, goods, chattles and effects, of what nature and kind soever, necessary for the purposes of said corporation, and the same may grant, demise, alien and dispose of at pleasure, for the benefit of said company; and may, also, have a common seal, and alter and renew the same at pleasure; also,

Powers.

may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of said institution, and put the same into execution:—Provided, that they be not contrary to the constitution or laws of this State, or of the United States. Proviso.

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

Sec. 3. *And be it enacted*, That all the affairs, property, and concerns of said corporation shall be managed and conducted by fifteen directors, who shall continue in office for one year, and until others shall be chosen in their places, all of whom shall be members of the said corporation, shall take an oath or affirmation of office, and choose out of their body a President. All vacancies may be filled for the remainder of the year, by such person or persons as a majority of the board of directors, for the time being may appoint; and a majority of the whole shall constitute a quorum for the transaction of business. Affairs of corporation to be managed by 15 directors.

Sec. 4. *And be it enacted*, That Ira Dodd, William R. Peters, Caleb D. Baldwin, Charles Wharry, Calvin Dodd, Philip Kingsly, Wheeler Lindsly, Aaron B. Harrison, Jonathan Provost, Caleb D. Harrison, Timothy W. Mulford, Francis R. Post, John Munn, Jared E. Harrison, and Isaac D. Dodd, shall be the first directors of said corporation; and that annually, hereafter, a board of directors may be elected at such time and place, in the county of Essex, and State of New Jersey, as the said corporation in their by-laws shall appoint, of which election due notice shall be given in, at least, one of the public newspapers, printed in said county, for two weeks, immediately preceding such election; and it shall be the duty of the board of directors, for the time being, to appoint three discreet persons, not members of said board, to be inspectors of such election, and to count the votes that may be given in, and to declare the result of such election, which shall be by a plurality of the votes of the members, or their proxies, then present, allowing one vote to each member for every hundred dollars insured in said company; and it shall be the duty of such inspectors, or a majority of them, to make and sign a certificate of the result of such election, stating who are elected by the greatest number of votes, and to deliver such certificate to the Secretary of the company, for the time being, which certificate shall be filed and recorded by the Secretary and be conclusive evidence of the result of such election, until set aside by some court, having competent authority to do so. First Directors.
Time and mode of annual election

Board of directors to appoint officers, &c.

Sec. 5. *And be it enacted,* That the board of directors may appoint a Secretary and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as they may deem reasonable, and also, determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance.

Policies valid with or without seal.

Sec. 6. *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 under the seal thereof, and shall be subscribed by the President, and attested by the Secretary, and being so subscribed and attested, shall be binding and obligatory upon said company; and the company shall be liable for all loss or damage sustained by fire or other casualty, agreeably to and on such terms and conditions as shall be contained in the policy.

Terms of effecting insurance.

Sec. 7. *And be it enacted,* That every person who shall become a member of said corporation, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such a sum of money as shall be determined by the directors, and that a part, not exceeding five per cent., of said note, shall be immediately paid, and the remainder of said deposit note shall be payable, in part or the whole at any time when the directors shall deem the same requisite for the payment of losses by fire and such incidental expenses as shall be necessary for transacting the business of said company; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the maker thereof; and it shall be lawful for said company to loan or put out on interest their moneys or any part thereof not immediately wanted for the purposes of said corporation, on bonds and mortgages on real estate, or may invest the same or any part thereof in government or other stocks, and may from time to time, call in such moneys or change such investments.

Company may loan money.

Policy may be surrendered when property is alienated.

Sec. 8. *And be it enacted,* That when any property insured by the said corporation shall be alienated by sale or otherwise, the policy of such insurance may be surrendered to the directors of said company to be cancelled; and upon such surrender the assured shall be entitled to receive his deposit note or notes, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him, for his own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of said

directors, for such portion of the deposit or premium note or notes, as shall remain unpaid; and by such ratification and confirmation such grantees or alienees, shall be entitled to all the rights and privileges, and be subject to all the liabilities, to which the original party to whom the policy insured was entitled and subjected.

Sec. 9. *And be it enacted,* That every member of said company shall be bound to pay for losses and such necessary expenses as aforesaid, accruing in and to said company, in proportion to the amount of his deposit note or notes; and all buildings insured by said company, together with the right, title and interest, of the assured to the lands on which they stand, shall be, and they are hereby pledged to said company; and the said company shall have a lien thereon, in the nature of a mortgage, to the amount of his deposit note, which shall continue during his policy and commence whenever the said company shall file with, and have entered in the book of mortgages, kept by the Clerk of the county where the property is situate, a memorandum of the name of the insured, a description of the property, the amount of the deposit note or notes, and the term for which said policy shall continue.

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

Sec. 10. *And be it enacted,* That suits at law or in equity, may be maintained by said corporation against any of its members, for the collection of their deposit notes, or any assessment thereon, or for any other cause relating to the business of said corporation; also, suits at law or in equity, may be prosecuted and maintained by any member against said corporation for losses or damages by fire, if payment be withheld more than three months after the company are duly notified of such loss or damage; and no member of the corporation, not being in his individual capacity a party to such suit shall be incompetent as a witness in any cause, on account of his being a member of said corporation.

Suits may be maintained against members for deposit notes.

Sec. 11. *And be it enacted,* That the directors, shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment against said company for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportions of said loss, and publish the same in such manner as they shall see fit or as the by-laws shall have prescribed; and the sum to be paid by each member, shall always be in proportion to the original amount of deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall for the space of thirty days, after the publication of said notice, neglect or refuse to pay the sum assessed, upon him as his proportion of any loss as

Duties of directors in ascertaining loss by fire.

aforesaid; in such case the directors may sue for and recover the whole amount of his deposit note or notes with costs of suit; and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have accrued, or may thereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration or cancellation of his or her policy.

When funds of company are insufficient, assessments may be made on the members.

Sec. 12. *And be it enacted*, That whenever, and so often as it shall happen, that the whole amount of the funds of the said company, and of the sums due on the deposit notes held by it shall be insufficient to pay the whole loss occasioned by any fire, the directors shall assess upon and demand from each member a further sum, in proportion to the original amount of his or her deposite note, and shall divide the whole amount of the said funds, deposit note and assessment, among the sufferers by such fire who have been insured by said company, in proportion to their losses and the amounts by them respectively insured; but no assessment of a greater amount than one dollar on every hundred dollars by the members respectively insured; shall at any time be made for the loss or damage occasioned by any one fire, and any member who shall pay the whole amount of his or her deposite note and of any assessment then made, and surrender his or her policy of insurance, shall be discharged from all liability for any loss or damage that may occur after such payment and surrender.

When company can issue policies.

Sec. 13. *And be it enacted*, That no policy shall be issued by said company until application shall be made for insurance to the amount of fifty thousand dollars at least.

Place of business.

Sec. 14. *And be it enacted*, That the operations and business of the corporation, shall be carried on and conducted at such place in the county of Essex as shall be designated by a majority of the directors present at their first regular meeting in every year.

Directors to make annual statement of affairs.

Sec. 15. *And be it enacted*, That at every annual meeting of the said company, the directors for the time being, shall make or exhibit a full and true statement of the affairs and business of the said company for the preceding year, for the general satisfaction of the members of said company.

Limitation of act.

Sec. 16. *And be it enacted*, That this act shall continue in force thirty years, subject to be altered, amended, modified or repealed by the Legislature, at any time hereafter, when, in their opinion, the public good may require it.

Passed February 13, 1844.

AN ACT to incorporate the Temperance Beneficial Association of Vincent Town.

WHEREAS, a number of the inhabitants of the village of Vincent Town and its vicinity, in the county of Burlington; have formed themselves into an Association or Society, to which they have given the name of "the Temperance Beneficial Association of Vincent Town," the object of which is to create a fund to be applied towards the relief or support of such of the members thereof as shall by sickness, casualty or other cause, be rendered incapable of attending to their usual occupation or calling, as well as to discourage Intemperance; and, also, towards the decent interment of deceased members, or the deceased wives of members;—

And whereas, it is believed an act of incorporation will promote the object of the Society, and add to the security of its property, and the said society, having, by petition presented to the Legislature, praying to be incorporated:—

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 Oliver Cox, Jonathan Haines, Joseph A. Jones, Andrew H. Scott, John Doron, Abraham B. Brown, Stacy G. Lee, Israel Alloways, Andrew E. Budd, M. D., Thomas B. Woolston, George W. Dobbins, and all such other persons, not exceeding at any one time five hundred, as now are or hereafter shall become, members of the said Society, be, and they are hereby ordained, constituted, and declared a body corporate and politic, in fact and in law, by the name and title of "the Temperance Beneficial Association of Vincent Town," and by such name they shall have succession and continuance, and be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever, in all manner of action and actions, suits, matters, complaints, and causes whatsoever; and that they and their successors may have and use a common seal, and shall have the power to alter and change the same at pleasure; and by their name as aforesaid, and under their common seal, may make and enter into, form and execute, any contracts or agreements relating to, touching or concerning the objects of the said corporation.

Names of corporators.

Style of Incorporation.

Powers.

Sec. 2. And be it enacted, That for the more effectual accomplishment of the objects of the said incorporation, there

Officers, how shall be a President, Vice President, Secretary, Assistant Secretary, Treasurer, two Stewards, and one Messenger; and such other officers and assistants as shall be deemed necessary; all of whom shall be elected annually by ballot, by a majority of the members present at a meeting convened for that purpose, upon two weeks notice of such meeting being published in one of the newspapers published at Mount Holly in the county of Burlington.

What real & personal estate corporations may hold.

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

Proviso.

May make constitution and by-laws.

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

Objects of incorporation.

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

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

Passed February 14, 1844.

AN ACT for the relief of Joseph Parker of the county of Mercer.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the Treasurer of this state, be, and he is hereby authorized and directed to pay unto Joseph Parker, of the county of Mercer, a soldier of the revolutionary war, or his order, the sum of one hundred and twelve dollars, in full of his claims against the state, not heretefore provided for. \$112 to be paid to Jos. Parker.

Passed February 14, 1844.

A supplement to an act entitled "An act to incorporate the Howell Works Company," passed the 4th day of March, 1828.

Sec. 1. 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, the Howell Works Company, incorporated under the act entitled "An act to incorporate the Howell Works Company," passed the fourth day of March, one thousand eight hundred and twenty-eight, be, and they are hereby authorized to engage in, and carry on, in the township of Howell, in the county of Monmouth, in addition to their other powers under said act, the manufacture of Cotton and Woollen goods in any, and all their different varieties, and the business incident thereto, any thing in the original act of incorporation, to the contrary notwithstanding. Manufacture of Cotton & woollen good authorized.

Passed February 14, 1844.

AN ACT for the relief of Jasper Provost, of the county
of Middlesex.

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

Passed February 14, 1844.

NEW JERSEY LEGISLATURE

AN ACT to confirm the sales of the Real Estate where-
of Edmund Kearney, deceased, late of the county
of Monmouth, died seized.

Preamble. WHEREAS, the Orphans' Court of the county of Monmouth, in this state, in the term of April, eighteen hundred and twenty-nine, upon the petition of Daniel Holmes, appointed James Hopping, Edward Taylor, and Leonard Walling, commissioners, to divide the real estate whereof Edmund Kearney, deceased, late of said county of Monmouth, died seized, among the persons entitled thereto, upon which application such proceedings were had that in the term of July, eighteen hundred and twenty-nine, the said Orphans' Court ordered said commissioners to sell said real estate, under which last mentioned order, the said commissioners, on the third and fourth days of November, eighteen hundred and twenty-nine, sold said real estate, consisting of a tract of land, containing about seven hundred and eighty one acres, situated in the township of Middletown, in the county of Monmouth, aforesaid, in parcels, to the following persons, viz :

Lot No. 1—containing two hundred and twenty-four acres and eighty-two hundredths of an acre, or thereabout, to Isaac K. Lippincott, for the sum of six thousand seven hundred and forty-four dollars and sixty cents, or about that sum.

Lot No. 2—containing fifty-six acres and forty-two hundredths of an acre, or thereabout, to Thomas Carhart, for the sum of one thousand five hundred and ninety-three dollars and eighty-six cents or about that sam.

Lot No. 3—containing thirty-two acres and eighty-five hundredths of an acre, or thereabout, to Amos Walling, for the sum of eight hundred and seventy-eight dollars, and seventy-three and three-quarters of a cent, or about that sum.

Lot No. 4—containing eighteen acres and forty-three hundredths of an acre, or thereabout, to Jonathan Tilton, for the sum of seven hundred and nine dollars and fifty-five and a half cents, or about that sum.

Lot No. 5—containing fifty-nine acres and fifty-two hundredths of an acre, or thereabout, to Ezra Osborn, for the sum of one thousand, three hundred and thirty-nine dollars, and twenty cents, or about that sum.

Lot No. 6—containing fifty-six acres, and eighty-four hundredths of an acre, or thereabout, to Ezra Osborn, for the sum of seven hundred and fifty-three dollars, and thirteen cents, or about that sum.

Lot No. 7—containing forty-eight acres and forty-six hundredths of an acre, or thereabout, to Isaac K. Lippincott, for the sum of one thousand two hundred and twenty-three dollars, and sixty-one cents, or about that sum.

Lot No. 8—containing twenty-four acres, and eleven hundredths of an acre, or thereabout, to Richard C. Burrows, for the sum of one thousand and thirty-six dollars, and seventy-three cents, or about that sum.

Lot No. 9—containing seven acres, and thirty-four hundredths of an acre, or thereabout, to Isaac K. Lippincott, for the sum of one hundred and thirty-five dollars and seventy-nine cents, or about that sum.

Lot No. 10—containing sixteen acres, and fifty-seven hundredths of an acre, or thereabout, to Ezra Osborn, for the sum of one hundred and ninety-four dollars, and sixty-nine and three-quarter cents, or about that sum.

Lot No. 11—containing fifty-nine acres, and thirteen hundredths of an acre, or thereabout, to James Sproul, for the sum of one thousand, nine hundred and eighty dollars, and eighty-five cents, or about that sum.

Lot No. 12—containing twenty-six acres, and two hundredths of an acre, or thereabout, to Thomas I. Walling, for the sum of eight hundred and fifty-eight dollars, and sixty-six cents, or about that sum.

Lot No. 13—containing forty-nine acres, and forty-two hundredths of an acre, or thereabout, to Amos Walling, for the sum of one thousand four hundred and fifty-seven dollars and eighty-eight cents, or about that sum.

Lot No. 14—containing forty acres, and thirty-five hundredths of an acre, or thereabout, to Joseph Carhart, for the sum of two hundred and eighty-two dollars, and forty-five cents, or about that sum.

Lot No. 15—containing sixty-one acres, and thirty-four hundredths of an acre, or thereabout, to Horatio Kearney, for the sum of seven hundred and fifty-one dollars, and forty-one cents and a half, or about that sum, amounting in the whole to the sum of nineteen thousand, nine hundred and forty-one dollars, and nineteen cents, or about that sum—who were duly reported by said commissioners, to the said Orphans' Court, in the term of January, eighteen hundred and thirty, as the purchasers of said property, and thereupon the said Orphans' Court, in the said term of January, eighteen hundred and thirty, duly approved and confirmed said sales, and ordered the said commissioners to make deeds therefor to the purchasers respectively.

AND WHEREAS, after the said sale, some of the said purchasers parted with their interest in whole, or in part, for a valuable consideration in the property thus purchased by them as aforesaid, in consequence whereof, some of the deeds were made and executed, not to the purchaser or purchasers, at the said commissioners' sale, but to the person or persons who held, under such purchaser or purchasers, that is to say, the deed for lot No. 4, purchased at said commissioners' sale by Jonathan Tilton, was made by the said commissioners to Joseph R. Walling; the deeds for lots Nos. 5, 6, and 10, purchased at said commissioners' sale by Ezra Osborn, and for lots, Nos. 7 and 9, purchased at said commissioners' sale by Isaac K. Lippincott, and for lot No. 8, purchased at said commissioners' sale by Richard C. Burrows, were made by said commissioners to John I. Taylor; the deed for lot No. 13, purchased at said sale by Amos Walling, was made by said commissioners to Amos Walling, Douglas E. Stout and William Walling; and the deed for lot No. 11, purchased at said sale by James Sproul, was made to James Sproul, John Sproul and Joseph Sproul, which is alleged to be irregular.

AND WHEREAS, the said deeds were made and accepted under the full impression, and belief on the part of the said commissioners and purchasers that such substitution was frequently made, and that the same was a virtual and proper compliance with the order of said Orphans' Court, legal and valid in itself,

AND WHEREAS, it is represented that some, or all of the said commissioners, were at the time of, or shortly after the said sale, by the said commissioners, in some way interested in said property, or some part thereof, by reason of all which and of other alleged informalities, and irregularities, in the said sale, and conveyances of the said property, by the said commissioners, doubts have arisen respecting the title to all of said lots.

AND WHEREAS, it is represented that the said sale, by the said commissioners, and the conveyances by them subsequently made, were made in good faith, and for a fair, just and full consideration has all been honestly and fully paid to the persons lawfully entitled to receive the same.

AND WHEREAS, since the said sale, by the said commissioners, great and valuable improvements have been made and put upon the said property, and that the same is now in the hands of many innocent owners and occupants, holding under the said deeds from the said commissioners, and it is expedient and just to have the difficulties, if any exist, removed, and the titles, if they be defective, confirmed by Legislative enactment.

NOW THEREFORE, for the purpose of quieting the titles of said purchasers, and of all who hold under the said commissioners, either directly, or by subsequent conveyance or conveyances;—

Sec. 1. 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 deeds so given by the said commissioners, for the said several lots, shall be deemed and taken, and the same are hereby declared to be valid and effectual in law, to convey the estate therein and thereby intended to be conveyed, and that the said deeds, or any of them, and all subsequent conveyances of the said estate, or any part thereof, shall not be impeached in any court whatever, for any such alleged interest in the said commissioners, or any of them, in the property so sold by them as aforesaid, or for any alleged defect or informality in the execution of the powers of the said commissioners, or in the proceedings of the said Orphans' Court, and that the said deeds, or any of them shall not be impeached, or invalidated upon any other ground than that of absolute, direct and actual fraud on the part of the said commissioners.

Deeds given
by Commis-
sioners made
valid.

Passed February 14, 1844.

AN ACT to divorce John Minor from his wife Rachel Minor.

John and Rachel Minor divorced.

Sec. 1. 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 Minor, of the county of Mercer, be, and he is hereby, divorced from his wife, Rachel Minor, and that the marriage contract now existing between them be, and the same is hereby absolutely dissolved; *provided, however,* that nothing herein contained shall be construed or taken to render the issue of said marriage illegitimate.

Passed February 14, 1844.

AN ACT to divorce Martha Jacobus, of the county of Essex, from her husband, Calvin D. Jacobus.

Martha and Calvin D. Jacobus divorced.

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

Passed February 15, 1844.

AN ACT to relieve the creditors of the Trenton Delaware Falls Company.

WHEREAS, the receivers appointed by the Chancellor to sell the real estate, franchises, and works of the Trenton Delaware Falls Company, have represented that said work is encumbered for more than it would bring at public sale, and that doubts exist whether by the law now existing, the same can be sold at sheriff's sale; and have represented that the interests of the creditors of said company would be promoted by a sale of such real estate, franchises and works, clear of all encumbrance, and have prayed for legislative aid 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 said receivers may sell the real estate, franchises and works of the Trenton Delaware Falls Company, at public sale, to the highest bidder, free and clear of all incumbrance, and may make to the purchaser thereof, as good and sufficient a title in law, as the said company had in said real estate, franchises and works, free and clear of all mortgages, judgments, or other liens whatever.

Receivers authorized to sell real estate.

Sec. 2. And be it enacted, That the purchasers thereof shall hold said works, franchises and real estate, as a joint-stock company, in the same manner as the original stockholders held the same;—*Provided*, they shall not extend their capital beyond the limits of the charter, or in anywise contravene the provisions thereof;—And *Provided* further, that after said purchase, the said company shall be known as "The Trenton Water-Power Company," and by that name may sue and be sued, have a common seal, and exercise all its corporate powers.

Purchasers to be joint stock co.
Proviso.

Sec. 3. And be it enacted, That nothing in this act shall be construed to affect the rights of the several creditors of the said "The Trenton Delaware Falls Company" to receive their distributive share of the proceeds of the said sale according to law, and provided further that nothing herein contained shall be construed to invalidate any existing leases made by said company or assignments thereof.

Rights of creditors not to be affected.

Passed February 15, 1844.

AN ACT respecting "The Paterson and Ramapo Rail Road Company," incorporated by an Act passed March 10th, 1841.

Preamble.

WHEREAS, the subscribers to a majority of the stock of "the Paterson and Ramapo Rail Road Company," have represented by their petition, that it is necessary for effecting the objects of the incorporation, that the Company should be organized, although the whole capital is not yet subscribed for, and have asked that a law may be passed, authorising the same: THEREFORE—

Commissioners authorized to call meeting.

Sec. 1. 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 Commissioners named in the act, incorporating "The Paterson and Ramapo Rail Road Company," or a majority of them, may call a meeting of the present subscribers for the capital stock of the said company, to choose seven directors, in the same manner that they might do, if all the shares were subscribed for; and that such election shall be conducted in all respects as is provided in the Charter of the said Company.

Act when to take effect.

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

Passed February 15, 1844.

AN ACT to divorce Mary Ann Disbrow, of the county of Middlesex, from her husband, Samuel A. Disbrow.

Mary Ann & Samuel A. Disbrow divorced.

Sec. 1. 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 Mary Ann Disbrow, of the county of Middlesex, and Samuel A. her husband, be, and the same is hereby dissolved, as fully, to all intents and purposes, as if they had never been joined together in matrimony.

Passed February 16, 1844.

AN ACT to enable the Owners of Meadows on Little Newton Creek, in the county of Gloucester, to put and keep in repair, the Tide-bank and Water Works, protecting said Meadows on the river Delaware.

Sec. 1. 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 of meadow on Little Newton Creek, in the townships of Newton and Camden, in the county of Gloucester, shall meet on the second Monday in March next, at the house of Ebenezer Toole, at Kaighn's Point, and there, between the hours of one and three in the afternoon, elect and choose, by a majority of votes, as hereinafter described, two of their number, to act as managers, to put and keep in repair said bank and water works, extending from the fast land of Isaac Mickle, in the township of Newton, to the fast land of Charles Kaighn, in the township of Camden; and also, in the same manner, elect one of their number a collector, to collect and receive all such sum and sums of money as shall be assessed as hereinafter described; and said officers shall serve until next meeting, or until their successors shall be appointed, which election shall be held at such time and place as a majority of said owners at their first meeting may determine.

Time and mode of appointing managers.

Collector, how appointed.

Sec. 2. *And be it enacted,* That in all cases of an election for officers, or for other purposes, the manner of voting shall be by person, or proxy in writing, duly executed, in the following ratio: for every fifty dollars assessed value of meadow, marsh or swamp, within said bank, the owner thereof shall be entitled to one vote.

Election how conducted.

Sec. 3. *And be it enacted,* That the said owners shall meet on the second Monday in March in each and every year at such place as a majority at the last preceding meeting shall have determined, and elect two of their number managers, and one of their number a collector, as aforesaid, who shall serve for one year, or until their successors be appointed, and may receive such compensation as a majority of said voters may agree upon.

Time of annual election

Sec. 4. *And be it enacted,* That said managers when appointed at the first meeting, as aforesaid shall, as soon as may be, cause all the meadow, marsh and swamp, on said creek, and within said bank and water works, to be accurately surveyed and measured, and a plot or draught to be made, showing the quantity belonging to each owner; and said managers

Duty of managers.

shall also cause a valuation to be made of the said meadow, marsh and swamp, within the bank, held by each owner, separately: said valuation to be made by two disinterested persons, to be agreed upon by said owners, at their first meeting as aforesaid; and said appraisers shall be entitled to receive each such compensation, as a majority of said owners at the said meeting may determine.

Managers to
make assess-
ment,

Sec. 5. *And be it enacted*, That said managers shall, as soon as may be after their election as aforesaid, assess the sum or sums of money ordered by said owners to be raised as aforesaid, rateably on said meadow, marsh and swamp, agreeably to said valuation and quantity each owner may have within the bank, and shall state the said assessment in a regular duplicate containing the names of the owners and possessors, the number of acres and parts of acres held by each; the sums assessed on them severally, and the time or times of payment; which duplicate they shall deliver without any undue delay, to the collector chosen as aforesaid.

Proceedings
in case of
neglect or re-
fusal to pay
assessment.

Sec. 6. *And be it enacted*, That the said collector on receipt of said duplicate shall inform each owner or possessor, in person or by notice in writing, left at his or her usual place of abode, twenty days before the time of payment, of the sum or sums assessed on his or her respective meadow or marsh swamp aforesaid; and if any of the said owners or possessors shall neglect or refuse to pay the sum or sums assessed 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, on ten days notice being given by public advertisement in five of the most public places in the vicinity of said meadow, to sell at public vendue, so much of the grass, herbage, or wood, on such delinquent owner's or possessor's meadow, marsh or swamp, as will be sufficient to discharge said demand and costs, but if the grass, wood, or herbage on said meadow, marsh or swamp should not be sufficient to satisfy the demand, then to lease at public vendue as aforesaid, so much of the said meadow, marsh or swamp of said owner or possessor as will be sufficient to discharge said demand, with all reasonable costs, to any person who will pay said demand in cash, at the close of the sale, for the shortest term; and it shall and may be lawful for said collector to make and execute a lease to such purchaser for such term, which lease shall be good and effectual in law, and shall vest the possession of said meadow, marsh or swamp in said purchaser, and bar the owner and all others during said term.

Managers to
make repair,
&c.

Sec. 7. *And be it enacted*, That said owners, by a majority vote as aforesaid, may alter the course of said bank, and erect and lay any new sluice or erect any other waterworks that

may be necessary; and said managers, and their successors, shall attend and keep the whole in good repair; and to enable said managers to do and perform the same, and to execute the orders of said owners, passed as aforesaid, it shall and may be lawful for them to make assessments, from time to time, on the valuation of each owner's meadow, marsh or swamp within said bank; and every valuation or appraisement shall be made as hereinbefore directed; which may be once in five years, at the option of said owners, but not oftener; and in case any owners or possessors shall neglect or refuse to pay or discharge the sum for which he or she may be so charged on any such assessment, then it shall be lawful for the said collector for the time being, on the receipt of the duplicate as aforesaid, to proceed against him or her for the recovery thereof in the manner herein before directed; or by action of debt; in which case he shall produce the said assessment in evidence; and it shall be necessary in either case, before the said collector proceed, that the said assessment shall be attested by oath or affirmation of one or both of said managers before a justice of the peace; and said managers shall, at each and every annual meeting of said owners, produce said assessment, together with an account of their expenditures for the preceding year, and pay over the balance, if any, in their possession, to their successors in office, to be appropriated to the purposes to which said assessments were made.

Sec. 8. *And be it enacted*, That said owners shall, at their first meeting aforesaid, and at every stated annual meeting thereafter elect and choose one of their number a clerk, who shall enter in a book to be provided and kept for that purpose, all votes, proceedings, and orders made by said owners, at any of their meetings. Duty of clerk

Sec. 9. *And be it enacted*, That it shall and may be lawful for the executors or administrators of any person, deceased, to whose estate a part of the meadow, marsh or swamp did belong, and to and for the guardians of minors, and to and for the agents of single women; or other persons who cannot attend the meetings of the said owners, such agents, being appointed in writing, to vote as aforesaid at said meetings. Executors,
guardians,
&c may vote.

Sec. 10. *And be it enacted*, That if either of the managers or collector should at any time within the year for which they, or either of them may be elected, by death or other disability, become incapable of executing the duties required by this act, it shall and may be lawful for a manager or any three of the owners or possessors, to call a meeting by notice in writing left at the usual place of abode of each owner or possessor, or by advertising at three of the most public places in the vicinity, at least one week previous thereto, for the purpose of supplying Vacancies,
how supplied

the vacancy or vacancies: the persons appointed in consequence shall have the like powers for the remainder of the year, as those had in whose place they may be appointed.

Owners to
fix salaries.

Sec. 11. *And be it enacted*, That said owners, or their representatives, at the annual meetings, shall fix and determine, from time to time, by vote as aforesaid, of a majority of those met, the wages or salaries to be paid to the managers, collector, and clerk, from year to year.

Assessments,
how made
and collected

Sec. 12. *And be it enacted*, That the expense of cleaning out the said creek, or main water course, inside the bank or outside, or both, whenever said owners, by a majority vote as aforesaid, shall deem it necessary, as well as all other sums ordered to be raised by said owners in manner aforesaid, shall be equitably and rateably assessed as aforesaid, on all the meadow, marsh and swamp within said bank; and such sums and all others shall be collected by said collector in manner aforesaid and without any undue delay; which he, the said collector, shall pay out by order of the managers for work done or services performed under their direction; and any balance in his possession, at the expiration of the time for which he may have been chosen, he shall pay to his successor in office.

Former act
repealed.

Sec. 13. *And be it enacted*, That the act passed February the thirteenth, A. D., one thousand seven hundred and thirteen, entitled "An Act for enabling the owners of the meadows adjoining to the lands of Sarah Mickle, John Doyle, John Kaighn, Tobias Griscom, and others, adjacent to Delaware river, in the township of Newton and county of Gloucester, to stop the tide from overflowing them," be, and the same is hereby repealed.

Passed February 16, 1844.

AN ACT for the relief of Anthony Chardavoyne, of the county of Sussex.

§60 per an-
num to be
paid to A.
Chardavoyne

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state and it is hereby enacted by the authority of the same*, That the treasurer of this state, be, and he is hereby authorized and directed to pay unto Anthony

Chardavoyne, of the county of Sussex, a soldier of the revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments of thirty dollars each, the first payment to be made the fourth day of March next.

Passed February 16, 1844.

AN ACT to constitute and make Crosswicks creek a lawful fence from the place known as the mill-dam, at Groveville, down to the mouth of said creek.

WHEREAS, those valuable tracts of marsh and meadow land situate along the shores of the Crosswicks creek are so low and much exposed to the ice and high freshets, that it is not practicable to make a fence stand along the same;— and whereas, sundry people who have no right, do make it a common practice to drive their horses and cattle over Crosswicks creek into the said marsh and meadow land, whereby the same is rendered almost useless to the owners and proprietors, for remedy thereof Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That from and after the first day of April next, the said Crosswicks creek is declared, constituted, and made a lawful fence from the place known as the mill-dam, at Groveville; down to the mouth of the said creek, and if any cattle or horses shall wander or be driven over said creek, the owners of said cattle or horses shall be liable as trespassers, and all damages accrued thereby shall be recovered in the same manner and form as is directed by the act entitled, "An act for regulating fences." Creek made a lawful fence.

Passed February 16, 1844.

AN ACT to incorporate the Mount Holly Female Benevolent Association.

Preamble.

WHEREAS, an association has existed in the town of Mount Holly, for a period of thirty years, under the name of the Female Benevolent Association, whose object has been, and continues to be, to relieve poverty, suffering and distress; and it is believed that an act of incorporation will promote the object of the society, increase its usefulness, and add to the security of its property;—and whereas, a memorial has been presented by its members, praying that the society may be incorporated; therefore—

Style of incorporation.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all who now are, or hereafter shall become members of the said society, be, and they are hereby ordained, constituted and declared a body corporate and politic in fact and in law, by the name, and title of the “Female Benevolent Association, of Mount Holly;” and by such name shall have succession and continuance, and be in law, capable of suing and being sued, pleading and being impleaded, in all courts of law and equity, whatever; and that they and their successors may have and use a common seal, and the same may alter and amend at pleasure; and by their name as aforesaid, and under their common seal, may make and enter into, form and execute any contracts or agreements, relating to, touching or concerning the objects of the said corporation.

Powers.

May make constitution and by-laws.

Sec. 2. *And be it enacted,* That the said corporation, be, and they are hereby authorized to make, adopt and use, and from time to time, to alter, amend or change, as by them may be deemed expedient, such general form of a constitution and such by-laws, for the transaction of business, and for effecting the objects of its incorporation, as to the members, or a majority of the members present, duly met, shall be deemed right and proper: and that the names and number of the officers of the said corporation, with their powers, liabilities, rights and duties, respectively, shall be determined by and in the said constitution, and shall be elected annually by ballot, by a majority of the members present, at a meeting convened for that purpose, in the mode by the said constitution to be prescribed;—Provided, that nothing in the said constitution and by-laws, be repugnant to the constitution and laws of this State, or of the United States.

Officers, when and how appointed.

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

What real and personal estate may be held.

Proviso.

Sec. 4. *And be it enacted*, That the objects of the said corporation shall be solely and exclusively of a benevolent and charitable nature, and that no part of the funds of the said corporation, shall be used for banking purposes, or in any other way except as provided for in this act.

Objects of incorporation.

Sec. 5. *And be it enacted*, That it shall be lawful for the Legislature of this State at any time, hereafter, to amend, repeal or modify this act.

Act may be amended or repealed.

Passed February 16, 1844.

AN ACT to authorize Isaac P. White, trustee of Deborah Brower, to convey certain real estate.

WHEREAS, it has been represented that Jacob Brower of the township of Shrewsbury, in the county of Monmouth, hath heretofore made and executed a deed of conveyance of certain real estate in trust to Isaac P. White for the use and benefit of his wife Deborah Brower and children;—and whereas, at the time of the execution of said conveyance, the said property was encumbered by mortgage to the amount of three hundred dollars, which mortgage is still a lien thereon:—and whereas, it appears that a part of said property can now be sold for the said sum of three hundred dollars, and Joseph King has agreed to give that sum for four acres thereof, and the existing encumbrance be

Preamble.

thereby discharged, but doubts having arisen whether the said trustee could make a good and valid title for the same, and legislative aid has been prayed in the premises;—
Therefore,

Trustees au-
thorized to
make con-
veyance.

Proviso.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Isaac P. White, trustee as aforesaid, be, and he hereby is authorized and empowered to make, execute and deliver to the said Joseph King a deed of conveyance for four acres of the said real estate, or so much thereof as will be sufficient to satisfy and pay the aforesaid mortgage, which said deed shall vest in the said Joseph King as good and valid a title to the same, as the said Jacob Brower had in and to the same at and before the execution of the said deed of trust, and the proceeds arising from such sale and conveyance as aforesaid, shall be applied by the said trustee to the payment and discharge of the aforesaid mortgage, and to no other purpose whatsoever; *provided,* that before the execution of the said deed to the said Joseph King, the said mortgage shall be cancelled as of record and delivered to the said Jacob Brower.

Passed February 16, 1844.

AN ACT to divorce Phebe B. Tayman from her husband Elisha G. Tayman.

Phebe B. &
Elisha G.
Tayman di-
vorced.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Phebe B. Tayman, of the county of Cape May, be, and she is hereby divorced from her husband, Elisha G. Tayman, and that the marriage contract now existing between them, be, and the same is hereby absolutely dissolved.

Passed February 16, 1844.

AN ACT to authorize the erection of a bridge with a pivot or draw over Raccoon Creek, at Bridgeport, in the county of Gloucester.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the Board of Chosen Freeholders of the county of Gloucester, be and they hereby are authorized to build, and at all times hereafter to rebuild, repair and maintain a good and sufficient bridge over Raccoon Creek, at the village of Bridgeport in said county, at or near the site of the present bridge, and as nearly in a line with the main street of said village, as the ground and other circumstances will admit of, with a draw or pivot, the opening to be made by the draw or pivot therein, to be at least thirty-six feet wide; and said opening to be made in such part of said bridge where the vessels and boats may pass through with the greatest convenience.

Board of chosen freeholders authorized to build bridge.

Sec. 2. *And be it enacted,* That if any captain of a vessel, or other person or persons shall open said bridge, or hoist the draw of said bridge (if any) and leave the same open or up, so as to prevent travellers and others from passing over the same, for more than fifteen minutes, when the same is not absolutely necessary for the passage of some vessel or boat through the same; or if any person or persons whatever, without lawful authority therefor, shall cut, remove or destroy any piece or pieces of timber, or any plank or planks belonging thereto, or any part of said bridge, draw or pivot, posts or piles, or shall remove any iron work or stone work of, or belonging to said bridge, or otherwise wilfully damage or do any act which may have a tendency to injure said bridge, he, she, or they shall, for every and each offence, forfeit and pay the sum of twenty dollars over and above the damage done to said bridge, to be recovered in an action of debt or on the case, in any court having competent jurisdiction, with costs of suit; one half of said sum for the use of the prosecutor and the other half for the use of the county of Gloucester, and on recovery to be paid into the hands of the collector of said county.

Penalty for leaving open or injuring bridge.

Sec. 3. *And be it enacted,* That "An act to authorize the Board of Chosen Freeholders of the county of Gloucester to build a draw bridge over Raccoon Creek, near the mouth thereof," passed November eleventh, eighteen hundred and seven, be and the same is hereby repealed.

Former act repealed.

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

Act when to
take effect.

Passed February 16, 1844.

AN ACT to authorise Parcyrus Heitsman, administrator of George Heitsman, deceased, to fulfil a certain contract therein named.

Preamble.

WHEREAS, George Heitsman, late of the county of Warren, deceased, in his lifetime made verbal agreement with Samuel Plummer, of the county of Warren, to sell and convey to the said Samuel Plummer, a certain lot of land, situate in the township of Harmony, in the county of Warren, adjoining land of John Seffler and Margaret Heitsman, containing two acres and thirty-six hundredths of an acre of land;—And whereas, the said Samuel Plummer, was under and by virtue of said agreement, put in possession of the same, in the lifetime of the said George Heitsman, and paid to the said George Heitsman the purchase money of said land;—And whereas, the said George Heitsman departed this life without having executed and delivered any deed for the same: THEREFORE—

Administra-
tor author-
ized to make
deed, &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 Parcyrus Heitsman, administrator of the said George Heitsman, deceased, be, and he is hereby authorised to execute and deliver to the said Samuel Plummer or his assigns, a deed of conveyance for the tract of land above mentioned, and that the said conveyance shall have the same force and effect as a deed executed and delivered by the said George Heitsman in his lifetime would have had.

Passed February 16, 1844.

AN ACT to incorporate the Hudson and Ramapo Railroad Company.

Sec 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That James S. Wanmaker, Abraham Van Horn, Wm. G. Hopper, James Crouter, John G. Ackerson, Jacob H. Hopper, Elijah Rosencants, Pétér Van Emburgh, Garret Van Dien, George Voorhis, Garret Oldis, Isaac Vanderbeek, Garret Myers, David D. Demarest, Michael Fisher, Asa Wright, Abraham L. Van Boskerek, Garret Benson, and such other persons as may hereafter be associated with them, shall be, and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Hudson and Ramapo Railroad Company," and by that name they and their successors and assigns shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and they and their successors by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattles, necessary or expedient to the objects of this corporation, and shall be clothed with all the rights, powers and privileges, pertaining to corporate bodies, and requisite for the purposes aforesaid.

Names of
Corporators.

Style of In
corporation.

Powers.

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

Amount of
capital stock.

Sec. 3. *And be it enacted,* That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation at such time or times and place or places in the counties of Hudson and Bergen as they or a majority of them may think proper, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in the newspapers printed in Jersey city, and in a newspaper printed in the city of New York, and that the said books shall be kept open for three days at least, from ten o'clock in the forenoon until three o'clock in the afternoon, and as much longer as the said commissioners or a majority of them shall think proper, and if

Books for
subscriptions
when and
where to be
opened.

more subscriptions be taken than the amount of capital stock hereby authorized, it shall be the duty of the said commissioners or a majority of them, to apportion the stock among the subscribers in proportion to their subscriptions; but no apportionment shall be made of any subscription for five shares or less.

Time and mode of election of first directors.

Sec. 4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid to the above named persons, or some of them, upon each share subscribed for, which money shall be paid over to the treasurer of the company as soon as one shall be appointed; and when three hundred thousand dollars of the said capital stock shall be subscribed for, if the same shall be deemed necessary, or whenever the said capital stock shall be subscribed for, and the books closed and the apportionment made, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose seven directors, a majority of whom shall be residents in this State, and such election shall be made by ballot, by such of the stockholders as shall attend for the purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote, and the said named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors, and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall in the same manner elect the same number of directors, a majority of whom shall be residents of this State, and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or by a majority of them; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their own number a president, and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors or a majority of them; and in case of the absence of the president, the said board of directors or a majority of them may appoint a president pro tempore who shall have such power and functions as the by-laws of the said corporation shall provide.

Vacancy, how supplied

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

Sec. 5. *And be it enacted*, That in case an election of directors should not be made during the day, when by this act it ought to have been made, the said corporation shall not be deemed to be dissolved, but such election may be after-

wards held according to law, on notice as aforesaid, and the directors for the time being shall continue in office until an election shall take place.

Sec. 6. *And be it enacted,* That five directors of said corporation shall be a quorum to transact business; and they shall have power to call in the remainder of the capital stock by such instalments, not exceeding five dollars on each share at one time, and at such times as they may direct, and in case of the non-payment of such instalment, to forfeit the share or shares upon which such default shall arise; and shall have power to appoint a secretary, treasurer, engineers, agents, and such workmen as may be required to transact the business of the company, with such compensation to them and the presidents as the board shall deem proper, and to take from the treasurer sufficient security for the due performance of his trust; and further, to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper;—*Provided*, the same be not repugnant to the laws or constitution of this State or of the United States.

Powers and duties of directors.

Sec. 7. *And be it enacted,* That the said company be, and they are hereby authorized and vested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point or place on the New Jersey and New York State line, in the township of Franklin, between the Ramapo creek and the Mawway brook, thence through the county of Bergen, and village of Hackensack, in said county, and so to continue through the county of Hudson, and to terminate at some suitable point or place on the Hudson river, between Bull's ferry and the southern boundary of the village of Hoboken, and to locate and form said railroad, not exceeding sixty-six feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, and others in their employ, to enter upon all lands and waters for the purpose of exploring, surveying, levelling and laying out the route of such railroad, and of locating the same; and when the route and the location of said road shall have been determined upon, and a survey thereof deposited in the office of the Secretary of State, it shall then be lawful for said company, by its officers, engineers, agents, contractors and workmen to enter upon, take possession of, hold, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other necessary works thereon, and to lay rails and do all other things which may be suitable and necessary for the completion and repairs of the said railroad, and to carry into full effect the object of this act; and may also take and use any stone, gravel, sand, clay or other materials, (wood and

Route of rail road.

Directors &c. authorized to enter upon lands, &c.

Proviso.

timber excepted) on or near the said route, which may be required for the construction of, repairing or altering the said road or any of the works or appendages, subject to such compensation to be made therefor as is hereinafter provided; *Provided always*, that the payment of all damages for the occupancy of lands through which the said railroad may be laid out and located be made by the company, either to the owner or into court, as hereinafter provided for, before they or any person under their direction or in their employ shall enter upon or break ground upon the premises excepting for the purpose of surveying and laying out said railroad, unless the consent of the owner or owners of such lands be first had and obtained in writing.

Proceedings
when compa-
ny and own-
ers of land
cannot agree.

Sec. 8. *And be it enacted*, That when the said company or its agents cannot agree with owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of the said road shall be given in writing under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this State, who shall cause the said company to give notice thereof to the persons interested, if known and in this State, or, if unknown or out of this State, to make publication thereof, as he shall direct for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, to be paid by the company for such land or materials and damages aforesaid, and to make

a report thereof under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county wherein said lands or materials may be, to remain of record therein, and shall be recorded by the said clerk, which report or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess and enjoy the said land or materials after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same, for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice shall tax and allow such costs, fees and expenses to the justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company; *Provided* Proviso. *always*, that should the said company, or the owner or owners of any of the land or materials, feel himself, herself, or themselves aggrieved by the decision of the commissioners aforesaid, he, she, or they may appeal to the next circuit court, in the county wherein the said lands or materials shall be.

Sec. 9. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section, shall be made in writing, and filed with the clerk of the circuit court of the county wherein the lands or materials appraised by the said commissioners shall be; and notice in writing of such appeal, shall be given to the opposite party, within ten days after the filing thereof; and thereupon, without any further proceedings, the parties shall be considered as at issue, and the like proceedings shall be had, and the like process awarded, for the trial thereof by a jury, and for compelling the attendance of witnesses, as may be had or awarded for the trial of any other issue before the said court, and the like judgment shall be rendered on the verdict of the jury, with costs, if costs ought to be awarded; and such judgment shall be recorded in the same manner, and have the like force and effect as in any action of trespass, or on the case prosecuted in the said court; and execution may be thereupon issued, as in other cases; and if the verdict of the jury shall be for a greater amount than was reported by the commissioners, or upon an appeal made by the company, shall be for the same amount which was reported by the commissioners, costs shall

Appeals from decision of commissioners how to be made.

be awarded against the said company; and if the verdict of the jury shall be for a less amount than was reported by the commissioners, or upon an appeal made by the owner of the land or materials, shall be for the same amount which was reported by the commissioners, then each party shall pay his, her, or their own costs, and such appeal shall be brought on and disposed of at the first term of the court after the filing thereof, unless good and sufficient cause be shown to the court for a postponement; and the judgment of the circuit court rendered in such appeal shall be sufficient to authorize the company to take possession of, and use the said land or materials; *Provided*, the amount of the said judgment shall first be paid to the party or parties recovering the same, or upon his, her, or their refusal to receive it, on tender thereof, if first be paid into the said court to the clerk thereof.

Proviso.

Sec. 10. *And be it enacted*, That in case any owner or owners of any such required lands or materials, so appraised, or in favor of whom damages may have been assessed, shall be feme covert, under age, non compos mentis, or resident out of this State, or shall refuse to receive the amount so awarded or assessed, then, and in any such case the said company shall pay the amount or amounts so awarded to the last mentioned owner or owners, respectively, or the damages so assessed, into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of the said owner or owners, or of the said person or persons so damaged; which payment shall have the same force and effect, and vest in the company the same rights and privileges, as if paid to the owner or person damaged, or paid into the circuit court under the provisions of the next preceding section, subject, however, to the right of appeal, in the manner hereinbefore provided.

Proceedings
in case of
non-residents,
&c.

Sec. 11: *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages over or under the said railroad, where any public or other road shall cross the same, so that the passage of carriages, horses and cattle, on the said road, shall not be prevented thereby; and when the rail road shall intersect any farm or lands, they shall provide and keep in repair, suitable wagon ways over or under the said railroad, so that persons may conveniently pass the same.

Company to
contract and
repair
bridges.

Sec. 12. *And be it enacted*, That the president and directors of the said company, shall have power to have constructed; or to purchase with the funds of the company, and to place on their railroad, all machines, engines, wagons, carriages, and vehicles, for the transportation of persons or any species of property thereon, that they may think reasonable, expedient and right.

Authorized
to procure
engines, &c.

Sec. 13. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of the said rail road. Dividends.

Sec. 14. *And be it enacted*, That if any person shall willfully impair, injure, destroy, or obstruct the use of the railroad constructed under the provisions of this act, or any of their necessary works, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to the said company, any sum, not exceeding two hundred dollars, at the discretion of the court or jury, to be by them recovered in an action of debt, with costs of suit, in any court having competent jurisdiction, and also, shall be liable to pay to said company the amount of damages sustained thereby, with costs of suit, to be sued for in an action of trespass. Penalty for injuring road or works.

Sec. 15. *And be it enacted*, That the said company may have and hold real estate, at the commencement and termination of said road, not exceeding fourteen acres at each place, and may erect and build thereon, houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property, and construction of carriages and other necessary uses, and take, and receive the rents, profits, and emoluments thereof, and shall have the privilege and authority to erect, build and maintain on the river Hackensack, and such other streams as the road may cross, such piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act, subject to the aforesaid restrictions, and not to obstruct the navigation thereof. What real estate may be held.

Sec. 16. *And be it enacted*, That the road authorized by this act, be, and the same is hereby declared free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *Provided always*, that the said carriages so used thereon, shall be so constructed and so regulated, as to the time of starting, speed of travelling, and amount of tonnage, as not to interfere with the carriages of the company, nor injure the said road. Free for all rail road carriages on payment of tolls.

Sec. 17. *And be it enacted*, That if the said railroad shall not be commenced in two years from the fourth day of July next, and completed at the expiration of six years from the same time, that then, and in that case this act shall be void. Time for completion of road.

Sec. 18. *And be it enacted*, That no part of the capital stock or moneys of the company incorporated by this act, shall be used or employed by said company for banking purposes, under the penalty of forfeiting this charter. Restrictions.

When State
may take the
road.

Sec. 19. *And be it enacted,* That at any time after the expiration of fifty years from the completion of the said road, the legislature of this state may cause an appraisement of said road, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment; or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after the appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then upon two weeks notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege for three years, of taking the said road, upon the payment to the company of the amount of the said report, within one year after electing to take said road, which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment of the amount so reported to the said company, and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the said road, and the appendages thereof; *provided, always,* that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company or advance of the stock; and the said valuation shall in no case exceed the first cost of the said rail road, with the lands and appendages thereof.

Proviso.

Sec. 20. *And be it enacted,* That it shall be lawful for the said company, at any time during the continuance of its charter, to make contracts and engagements, with any other corporation, or with individuals, for transporting or conveying any kinds of goods, produce, merchandize, freight, or passengers between the Northern termination of this road and the Hudson river, opposite to the city of New York, or between any intermediate point or points on the line thereof and to enforce the fulfillment of such contracts.

Company
may make
contracts for
transporta-
tion &c.

Sec. 21. *And be it enacted,* That it shall be lawful for the said company to demand and receive for carrying each pas-

senger over said rail road, at the rate of four cents per mile, and for the transportation thereon, of every species of property and freight, the loading and unloading thereof, upon and from the cars of said company inclusive, at the rate of ten cents per mile for each ton weight, and when such passengers or property are carried over and upon said road in vehicles, and by means not belonging to said company, but owned by others, the said company shall be empowered to demand and collect, as tolls therefor, at the rate of two cents per mile for each and every passenger, and at the rate of four cents per mile for each and every ton weight; and that the said company shall provide and maintain, at each end of the said road, suitable and sufficient warehouses for the reception and protection of all such goods, produce, merchandize, and freights as shall be brought to the same, to be transported on the said road, in the carriages of the said company.

Rates for passage and transportation.

Sec. 22. *And be it enacted*, That from and after the completion of the said road, or its use by the company for public travel, it shall be the duty of the treasurer of the company, under oath or affirmation, to make annual returns to the treasurer of this state for the time being, of the number of passengers, and of the number of tons of goods, produce, merchandize and freight transported over said road, and thereupon to pay to the said treasurer of the state the sum of five cents for each and every passenger, and the sum of eight cents for each and every ton of freight so transported thereon; and that no tax for the use of the state shall be levied or assessed on the said company.

Annual returns to be made to State Treasurer.

Sec. 23. *And be it enacted*, That the said company shall be required to make, put up and keep in repair, good and lawful fences on both sides of said rail road wherever the same shall pass over, and be laid out on any farm or lands from the commencement of said route to its termination.

Company to make and repair fences.

Sec. 24. *And be it enacted*, That it shall be lawful for the legislature, at any time hereafter, to alter, amend, or modify this act, whenever, in their opinion, the public good may require it.

Act may be altered or repealed.

Passed February 20, 1844.

AN ACT to authorize the United States to build a dock on the shore of the Nevisink River, and to construct a road therefrom to the Light houses on the Highlands.

U. S. authorized to build dock.

Sec. 1. 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 United States, or any person or persons employed by them for that purpose, at any time hereafter, to erect, build, and maintain a dock or wharf, on the north side of the Nevisink river, in the county of Monmouth, near the Light houses on the Highlands of Nevisink, and to open, construct, maintain and keep in repair, a road or way, not to exceed twenty feet in width, from the said dock or wharf to the said Light houses; and that it shall and may be lawful for the keepers of the said Light houses, and the agents of the United States to land upon the shore, at the said wharf, or dock, with all such articles as may be necessary, and to transport the same over the said road or way to the said Light houses; which said dock or wharf, when built, and the said road when laid out, shall for ever remain and be, for the exclusive use of the United States, and the agents of the United States, having occasion to go and come, and to transport articles to and from the said Light houses; *provided*, the United States shall make reasonable compensation to the owner or owners of the land for the same; and shall erect and maintain a good and lawful fence upon the said road, in case the said owner or owners, shall, by notice, in writing require the same.

Proviso.

Proceedings in case agents cannot agree with owners of land.

Sec. 2. *And be it enacted*, That in case the person or persons so employed by the United States, cannot agree with the owner or owners of the said land, as to the place where the said wharf, or dock, shall be built, and the said road laid out, or upon the amount of compensation to be paid for the same, it shall and may be lawful for the person or persons so employed, or the owner, or owners of the said lands, to apply to one of the justices of the Supreme court of this state, having given six days notice of such application, to the opposite party, and the said Justice shall thereupon appoint three disinterested and judicious freeholders, residents of the said county of Monmouth, which said freeholders having first, severally taken and subscribed an oath or affirmation, before some person duly authorized to administer the same, faithfully to examine the matter in question, and to act impartially in the premises, and ascertain and assess the compensa-

tion and damages to be paid by the United States, to the owner or owners of the said lands, by reason of the building of the said dock, or wharf, and for the use of the said road, or way, according to the best of their skill and understanding, and having given to the said owner or owners of the said lands, and to the person or persons so employed, five days notice of the time and place of meeting, shall proceed to examine the premises, and upon their own view, fix and designate the place where the said dock, or wharf shall be built, and where the said road, or way shall be laid out, and opened, and shall survey and lay out the said road or way, and ascertain and assess the compensation and damages, aforesaid, and shall make report thereof, in writing, under their hands, together with a map of the said road, or way, particularly describing the location of the said dock or wharf, the courses and distances of the said road, or way, and the amount to be paid as aforesaid; which report of the said freeholders or a majority of them, shall be filed within five days thereafter, in the office of the clerk of said county, and, as between the said parties, shall be final and conclusive, and the amount so assessed and reported, shall be paid to the said owner, or owners of the said lands, within ten days after the filing of the said report, and upon default of such payment, any person or persons, entering upon the said lands, for the purposes aforesaid, shall forfeit all his, or their right of entry, given by this act, and shall be taken and considered as guilty of trespass, in like manner as if this act had not been passed.

Sec. 3. *And be it enacted*, That if any person or persons shall wilfully injure or destroy the said dock or wharf, or obstruct the said road, or way, such person or persons so offending, shall severally forfeit and pay the sum of one hundred dollars, with costs of suit, to be sued for, and recovered by any person who shall first sue for the same in any court having cognizance thereof; one half thereof for the use of the said prosecutor, and the other half to be paid to the collector of the said county, for the use of the said county, and shall, also, be liable to pay the amount of damages thereby sustained, to be recovered with costs of suit, in an action on the case, in the name and for the use of the United States of America, in any court of competent jurisdiction; *provided*,

Penalty for
injuring dock

Proviso.

that nothing herein contained, shall prevent the owner, or owners and possessors of the said land, from hanging swinging gates upon the said road, or way, wheresoever the same may be necessary, or from passing upon the said road, or crossing the same with his, or their teams, or otherwise passing from one part of his, or their said lands to another.

Act when to take effect. Sec. 4. *And be it enacted*, That this act shall go into effect immediately after the passage thereof.
Passed February 20, 1844.

AN ACT to confirm the last will and testament of Maria Remson, late of the city of New York, in the state of New York, deceased.

Preamble.

WHEREAS, it appears, among other things, from the petition of Jane Brinkerhoff and others, of the city and state of New York, that Mrs. Maria Remson, late of said city and state of New York, deceased, departed this life at her residence in said city of New York, on or about the thirteenth day of March 1843, having first made and executed in the said city of New York her last will and testament in writing in the presence of two subscribing witnesses only, which is sufficient to pass real estate in said state of New York, but not sufficient to pass real estate in New Jersey; and it appearing by the said will, among other things, that part of said real estate of said testatrix is situate in the state of New York, and part in the state of New Jersey; and, also, that the said testatrix, in and by her said will devised, among other things, as follows: *Item*. "It is my will that the farm belonging to me at Monmouth, New Jersey, now in the occupation of my sister-in-law, Catherine Brinkerhoff, may be taken at a fair cash appraisement by the children of my deceased brother, Abraham, in part of their proportion of my estate;" and it appearing that the said will has been duly proved in the said state of New York, and also to be reasonable and just that the intentions of the said testatrix should not be defeated, so far as they relate to her real estate in New Jersey—therefore,

Will of M. Remson confirmed.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said last will and testament of the said Maria Remson, deceased, late of the city and state of New York, bearing date the seventh day of January, A. D. eighteen hundred and forty two; and the several bequests and devices therein contained, shall be, and the same are

hereby declared as good, valid, and effectual in the law, to all intents and purposes, as if the said will of Maria Remsen had been executed, signed, sealed, published, and declared in the presence of three subscribing witnesses, in the manner prescribed by law.

Passed February 20, 1844.

AN ACT to authorize Catharine Layton, Administratrix of John Layton, late of the county of Somerset, deceased, to execute a contract made by said John Layton in his lifetime, for the sale of land.

WHEREAS, it is represented by the petition of Catharine Layton, widow of the said John Layton, deceased, and administratrix of his estate, that he, the said John Layton, a short time previous to his death, sold a lot of land of about four acres situate in the township of Bernards in the said county of Somerset, to one Benjamin H. Lane, for the sum of fifty-nine dollars and thirty-six cents, and also, a house and lot of land of about seven acres, situate in the same township of Bernards, to one John Dowe, for the sum of one hundred and fifty dollars, and that the said John Layton, by virtue of the said bargain of purchase and sale, delivered the possession of the said lots, to the said Lane and Dowe, and received from them a part of the consideration money; and the said Catharine praying the aid of the legislature in the premises, by passing a law, authorizing her, as administratrix, to execute good and sufficient deeds in law, to the purchasers, and the prayer of the said Catharine, appearing reasonable and just, 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 Catharine Layton, executrix of the estate of John Layton, late of the county of Somerset, deceased, be, and she is hereby authorized to make, execute and deliver to the said Benjamin H. Lane and John Dowe, good and sufficient deeds of conveyances, in fee simple, for the said lots of land; which said deeds duly executed, shall convey to, and vest in the grantees therein named, all the estate, right, title

Execution authorized to execute contract.

and interest of which the said John Layton, died seized, in, and to the same, as fully and effectually, as if the said deeds had been duly executed by the said John Layton in his lifetime.

Passed February 28, 1844.

AN ACT

AN ACT authorizing the sale of the Parsonage lot of the Methodist Episcopal Church, at Asbury, Warren County.

Stewards authorized to sell lands.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That E. W. Cummins, Jesse L. Fritts, Thomas Hilton, Daniel Stires, Isaac Fangboner, Matthias Brakely and Gershom Rusling, the present stewards for the Asbury Circuit, of the Methodist Episcopal Church, in the counties of Warren and Hunterdon, and State of New Jersey, are hereby authorized and empowered to sell at public sale, and convey in fee simple or otherwise, the parsonage lot belonging to the Methodist Episcopal Church of the Asbury Circuit, situate, lying and being in Asbury, in the county of Warren, adjoining lands of Isaac Smith, Thomas Schureman, Esqs., and others, containing three acres, or such part thereof as they think proper, at public sale, which conveyance so made and executed by the above named stewards, their successors, or a majority of them, shall vest in the purchaser or purchasers, all the estate, right and title, which the said stewards now have, or which any other person or persons have in, and to the same, by virtue of a deed of conveyance from Dr. John P. B. Sloan, and Keturah his wife, and Gershom Rusling and Eliza his wife, to William McCullough, William Godly, William Monroe, Jeremiah Hoff, Ruben Lee, Wilson Bray and Peter Kimple, the former stewards of the said, the Asbury Circuit, which deed is dated on the twenty-first day of February, in the year of our Lord eighteen hundred and twenty-eight, and recorded in the Warren county clerk's office, in book No. 6 of deeds, folio 485.

Interest vested in purchaser.

Sec. 2. *And be it enacted*, That the said deed or deeds, to the purchaser or purchasers of the said premises, or any part thereof, executed as in the preceding section directed, shall vest

in the said purchaser or purchasers thereof, as good and sufficient title and estate in the said premises as the said John P. B. Sloan and Keturah his wife, Gershom Rusling and Eliza his wife, had therein at the time of the conveyance from them to the above named former stewards;—*Provided, however,* that the said deed or deeds of conveyance shall not in any way or manner affect any legal claim or demand, if any there be, of any person or persons whatever, other than the said persons above named. Proviso.

Sec. 3. *And be it enacted,* That within ninety days after such sale, the said stewards shall make a statement of their proceedings, containing the time and amount of the sale, and the expenses attending the same, which statement they shall cause to be entered at length upon the minutes of the quarterly meeting conference of the said, the Asbury Circuit; they, the stewards, shall pay the debt which is now due and owing for said lot, together with their expenses attending the sale and conveyance, and the balance shall be held in the place and stead and for the like purposes for which the said lot of land was held, and be used and applied accordingly. Stewards to make statement of proceedings.

Passed February 23, 1844.

AN ACT to provide for the election of Delegates to a Convention, to prepare a Constitution for the Government of this State, and for submitting the same to the people thereof, for ratification or rejection.

Sec. 1. 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 election for Delegates, to meet in Convention to frame a Constitution for the government of this State, shall be held in the several counties of this State, on the eighteenth day of March next, at the places where the last annual election for township or city officers were held in the several townships or cities in this State; and that the said election shall be conducted and held by the same officers who held the last annual election for members of the Legislature, except in those cases where new officers shall be elected prior to the eighteenth day of March next; and, in that case, said Election when to be held.

election shall be held by such newly elected officers, and shall, in all respects, be conducted, as nearly as may be, according to the law regulating the annual State election that may be in force on the said eighteenth day of March;—*provided*, that every white male citizen of the United States, above the age of twenty-one years, who shall have resided within this State for one year next preceding the said election, and shall be an actual resident of the township or ward where he offers to vote, and in the county where he claims to vote, for three months next preceding such election, shall be entitled to vote for Delegates to said Convention.

Number of Delegates to be chosen.

Sec. 2. *And be it enacted*, That the number of Delegates to be chosen to such Convention, by virtue of this act, shall be equal to the number of members of the General Assembly which the respective counties, at the time of such election, may be authorized by the then existing laws to elect, and shall be chosen in and by the respective counties.

Voting to be by ballot.

Sec. 3. *And be it enacted*, That each voter shall give his vote by a single ballot, which shall be a paper ticket, on which shall be written or printed, or partly written and partly printed, the name or names of the person or persons for whom the voter intends to vote; and no ballot shall contain a greater number of names of Delegates than that to which the county where such ballot is cast is entitled.

Votes, how canvassed.

Sec. 4. *And be it enacted*, That the votes given at such election shall be canvassed, and the result certified by the same officers, according to the directions, as nearly as may be, of the laws regulating the election of members of the State Legislature, which shall be in force on the eighteenth day of March.

Vacancies, how supplied.

Sec. 5. *And be it enacted*, That in the absence of any of the officers of said elections, such vacancy or vacancies shall be filled in the same manner provided by the general election laws of this State.

Delegates, when to meet.

Sec. 6. *And be it enacted*, That the Delegates so chosen as aforesaid, shall assemble at the State House, in Trenton, on the fourteenth day of May next: they shall be the judges of the qualifications, election, and returns of their own members; shall have power to choose a President and Secretary, and all other necessary officers, and make such rules and regulations for the government of the Convention as a majority of the Delegates shall approve; and, before entering upon the discharge of their duties under this act, they shall severally take an oath or affirmation to support the Constitution of the United States, and to perform the duties of their offices honestly and faithfully; which oath or affirmation shall be administered by

the Governor, or person administering the government of this State, or, in his absence, by the Secretary of this State for the time being.

Sec. 7. *And be it enacted,* That when the said Convention shall have agreed upon a Constitution to be submitted to the people of this State, they shall cause the same to be engrossed, and signed by the President and Secretary, and delivered to the Governor, or person administering the government of this State, under whose direction it shall be filed in the office of the Secretary of this State.

Constitution to be filed in the office of Secretary of State.

Sec. 8. *And be it enacted,* That there shall be paid to each member of said Convention the sum of two dollars per day; and to the President thereof, one dollar in addition, for each and every day they shall attend the sitting of said Convention; and to each member of said Convention, the further sum of two dollars for every twenty miles of the estimated distance, by the most usual route, between his place of residence and the seat of government, in going and returning; on a certificate, to be produced to the Treasurer of this State, expressing the sum due and the number of days and miles, signed by the President of said Convention; and the Secretary and other officers of said Convention shall receive such pay as a majority of said Convention shall think right and proper: the contingent expenses of the Convention shall be paid by the Treasurer, on the warrant of the presiding officer.

Compensation of Delegates.

Sec. 9. *And be it enacted,* That, for the purpose of ascertaining the sense of the people, as to the adoption or rejection of the Constitution agreed upon by said Convention, an election shall be held in the several counties of this State, on the second Tuesday in August next; and every person qualified to vote for Delegates to the Convention authorized by this act shall be entitled to vote at such election.

Election for adoption or rejection of Constitution, when to be held.

Sec. 10. *And be it enacted,* That the said last mentioned election shall, in all respects, be conducted according to the law then in force regulating the election of members of the State Legislature, excepting as herein otherwise provided; and shall be held under the direction of the officers appointed to hold and conduct the next annual State election, and at the places where the election for Delegates shall have been holden under this act.

Election how conducted.

Sec. 11. *And be it enacted,* That the voting at said election shall be by ballot: and it shall be the duty of the officers conducting such election to receive tickets, written or printed, or partly written and partly printed, from citizens entitled as aforesaid to vote at said election, and to deposit them in a box provided for that purpose: the ballots of those persons voting

Duties of officers of election.

for the adoption of the said Constitution shall contain the word "Constitution," and those against its adoption, the words "No Constitution": and in case a majority of all the votes cast shall be given in favor of the adoption of the Constitution, so as aforesaid submitted, it shall become and be declared the Constitution of this State.

Officers to
make return.

Sec. 12. *And be it enacted,* That it shall be the duty of the officers of the said last mentioned election, in the several townships and wards of any city of this State, having first carefully estimated the number of votes given for or against the adoption of the said Constitution, to make out duplicate returns thereof, in words at length, and not in figures only, to be signed by said officers, one of which shall be deposited in the clerk's office of the proper county, and the other sealed up, directed, and transmitted, by mail or otherwise, to the Governor, or person for the time being administering the government of this State, at the city of Trenton; which said return, and duplicate thereof, shall be signed, deposited, sealed up, directed, and transmitted, as aforesaid, within five days after the close of the said last mentioned election: and in case no return shall have been received from any township or townships, ward or wards, of any city corporate, by the Governor, or person administering the government of this State, within ten days after the expiration of the time herein before prescribed, it shall be the duty of the Governor, or person administering the government of this State, to send an express or expresses to procure such deficient return or returns, and to take such other means and measures as he may deem necessary for that purpose.

Express to be
sent for re-
turns not re-
ceived.

Returns to
be laid be-
fore a privy
council.

Sec. 13. *And be it enacted,* That it shall be the duty of the Governor, or the person administering the government of the State, within ten days after receiving the returns of the last mentioned election, to lay them before a privy council, to be by him summoned for that purpose, in the State House, in the city of Trenton; and, after casting up the whole number of votes given in the State at the said last mentioned election, the said Governor, or person administering the government of the State, and said privy council, shall proceed to determine whether a majority of the votes are in favor of or against the adoption of the said Constitution: and if the Governor and Council aforesaid shall determine that a majority of the votes were cast in favor of the Constitution, the Governor shall issue his proclamation, declaring that the Constitution has been adopted by a majority of the votes of the people of the State, and shall direct that an election for such officers as may be required to be elected under and by virtue of the said Constitution, shall be held at the time and in the manner prescribed

in the said Constitution, and take all other necessary measures to carry said Constitution into effect.

Sec. 14. *And be it enacted,* That it shall be the duty of the Governor of this State for the time being to issue his proclamation immediately upon the passage of this act, requiring all the persons whose duty it may be to hold and conduct the election authorized by the first section of this act, to attend at the times and places named in this act for holding the said election, and conduct the same according to law. Governor to issue proclamation.

Sec. 15. *And be it enacted,* That in case one or more of the Delegates elected to said Convention shall die, remove out of this State, or become disqualified from serving in such Convention, then it shall be the duty of the Governor of this State for the time being to issue his proclamation, directing an election to be held at such time as he shall therein appoint, to fill such vacancy or vacancies; and that said election shall be conducted, in all respects, as is provided for the election of Delegates under this act. Vacancies, how supplied.

Sec. 16. *And be it enacted,* That as soon as the said Constitution shall have been deposited in the office of the Secretary of State, it shall be the duty of the Governor of this State for the time being to cause the same to be published in each of the newspapers printed and published in this State, for the space of six weeks, successively, at least once in each week, for the information of the people. Constitution to be published.

Sec. 17. *And be it enacted,* That this act shall take effect upon the passage thereof. When to take effect.

Passed February 23, 1844.

AN ACT for the relief of Joel Stewart of the county of Gloucester.

Sec. 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the Treasurer of this State, is hereby authorized and directed to pay unto Joel Stewart, of the county of Gloucester, a soldier in the Revolutionary War, of the United States, or his order, the sum of Fifty dollars per \$50 per annum to be paid to J. Stewart.

for the purposes of said corporation, and the same may grant, demise, alien and dispose of at pleasure, for the benefit of said company: and may also have a common seal, and alter and renew the same at pleasure; also, may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of said institution, and put the same into execution:—Provided, that they be not contrary to the constitution or laws of this State, or of the United States.

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

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

Sec. 4. *And be it enacted*, That Isaac D. Titsworth, Jacob Harris, Benjamin Sheppard, Daniel L. Burt, Leonard Lawrence, Joseph Taylor, Thomas Lee, Jacob W. Ludlam, William S. Bowen, Robert S. Buck, Isaac A. Sheppard, David P. Elmer, Samuel Harris, Nathan L. Stratton, and George Ayres shall be the first directors of said corporation; and that annually hereafter, a board of directors may be elected at such time and place in the county of Cumberland, and state of New Jersey, as the said corporation in their by-laws shall appoint, of which election, due notice shall be given in at least one of the public newspapers printed in said county, for two weeks immediately preceding such election; and it shall be the duty of the board of directors for the time being, to appoint three discreet persons, not members of said board, to be inspectors of such election, and to count the votes that may be given in and to declare the result of such election, which shall be by a plurality of the votes of the members, or their proxies then present, allowing one vote to each member for every hundred dollars insured in said company; and it shall be the duty of such inspectors, or a majority of them, to make and sign a certificate of the result of such

Proviso.

Persons insuring to become members.

Affairs of corporation to be managed by 15 directors.

First directors.

Mode of conducting annual election of directors.

election, stating who are elected by the greatest number of votes, and deliver such certificate to the secretary of the company, for the time being, which certificate shall be filed and recorded by the secretary, and be conclusive evidence of the result of such election, until set aside by some court having competent authority to do so.

Directors to
appoint offi-
cers.

Sec. 5. *And be it enacted,* That the board of directors may appoint a secretary and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as they may deem reasonable, and also determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance.

Policies, how
made.

Sec. 6. *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 under the seal thereof, and shall be subscribed by the president, and attested by the secretary, and being so subscribed and attested, shall be binding and obligatory upon said company; and the company shall be liable for all loss or damage sustained by fire or other casualty, agreeably to and on such terms and conditions as shall be contained in the policy.

Persons in-
suring to de-
posit promis-
ory note.

Sec. 7. *And be it enacted,* That every person who shall become a member of said corporation, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such a sum of money as shall be determined by the directors, and that part, not exceeding five per cent. of said note, shall be immediately paid, and the remainder of said deposit note shall be payable, in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses by fire, and such incidental expenses as shall be necessary for transacting the business of said company; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the maker thereof; and it shall be lawful for said company to loan or put out on interest their monies or any part thereof, not immediately wanted for the purposes of said corporation, on bonds and mortgages, on real estate, or may invest the same or any part thereof in government or other stocks, and may from time to time call in such monies or change such investments.

Monies may
be loaned.

Transfer of
policies,

Sec. 8. *And be it enacted,* That when any property insured by the said corporation shall be alienated by sale or otherwise, the policy of such insurance may be surrendered to the directors of said company to be cancelled; and upon such sur-

render the assured shall be entitled to receive his deposite note or notes upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him for his own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security to the satisfaction of said directors, for such portion of the depositor premium note or notes, as shall remain unpaid; and by such ratification and confirmation, such grantees or alienees shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party to whom the policy insured was entitled and subjected.

Sec. 9. *And be it enacted,* That every member of said company shall be bound to pay for losses and such necessary expenses as aforesaid, accruing in and to said company, in proportion to the amount of his deposite note or notes; and all buildings insured by said company, together with the right, title and interest of the assured, to the lands on which they stand, shall be, and they are hereby pledged to said company; and the said company shall have a lien thereon, in the nature of a mortgage, to the amount of his deposite note, which shall continue during his policy, and commence whenever the said company shall file with, and have entered in the book of mortgages, kept by the clerk of the county where the property is situate, a memorandum of the name of the insured, a description of the property, the amount of the deposite note or notes, and the term for which said policy shall continue.

Members of company bound to pay losses.

Sec 10. *And be it enacted,* That suits at law, or in equity, may be maintained by said corporation against any of its members, for the collection of their deposite notes, or any assessment thereon, or for any other cause relating to the business of said corporation; also, suits at law, or in equity, may be prosecuted and maintained by any member, against said corporation, for losses or damages by fire, if payment be withheld more than three months after the company are duly notified of such loss, or damage; and no member of the corporation, not being in his individual capacity, a party to such suit, shall be incompetent as a witness in any cause, on account of his being a member of said corporation.

Corporation may be sued payment if be withheld.

Sec. 11. *And be it enacted,* That the directors shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment against said company for loss or damage; settle and determine the sums to be paid by the several members thereof, as their respective proportions of said loss, and

Proportion of loss or damage to be paid by each member.

publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member, shall always be in proportion to the original amount of the deposite note, or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice, and if any member shall for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed, upon him as his proportion of any loss as aforesaid; in such case the directors may sue for and recover the whole amount of his deposite note, or notes, with costs of suit, and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have accrued, or may thereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration or cancellation of his, or her policy.

Members
may be as-
sessed in case
of deficiency.

Sec. 12. *And be it enacted*, That whenever, and as often as it shall happen that the whole amount of the funds of the said company, and of the sums due on the deposite notes held by it, shall be insufficient to pay the whole loss occasioned by any fire, the directors shall assess upon, and demand from each member, a further sum, in proportion to the original amount of his or her deposite note, and shall divide the whole amount of the said funds, deposite note and assessment, among the sufferers by such fire, who have been insured by said company, in proportion to their losses and the amounts by them respectively insured, but no assessment of a greater amount than one dollar on every hundred dollars, by the members respectively insured, shall at any time, be made for the loss or damage occasioned by any one fire, and any member who shall pay the whole amount of his, or her deposite note, and of any assessment then made, and surrendered, his or her policy of insurance, shall be discharged from all liability for any loss or damage that may occur after such payment and surrender.

When poli-
cies may be
issued.

Sec. 13. *And be it enacted*, That no policy shall be issued by said company until application shall be made for insurance to the amount of forty thousand dollars at least.

Place of busi-
ness.

Sec. 14. *And be it enacted*, That the operations and business of the corporation shall be carried on and conducted at such place in the county of Cumberland as shall be designated by a majority of the directors present, at their first regular meeting in every year.

Directors to
make state-
ment.

Sec. 15. *And be it enacted*, That at every annual meeting of the said company, the directors for the time being, shall make or exhibit a full and true statement of the affairs and

business of the said company, for the preceding year, for the general satisfaction of the members of the said company. Officers of other companies not to hold office in this.

Sec. 16. *And be it enacted,* That no officer or agent of any other insurance company, engaged in insuring houses, stores, and personal property, against loss by fire, shall hold any office in this company.

Sec. 17. *And be it enacted,* That this act shall continue in force forty years, subject to be altered, amended, modified or repealed, by the legislature, at any time hereafter, when in their opinion, the public good may require it. Limitation.

Passed February 23, 1844.

AN ACT for the relief of Elijah Anderson of the county of Monmouth.

Sec. I. *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 authorized and required to pay unto Elijah Anderson, of the county of Monmouth, a soldier of the Revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments of thirty dollars each, the first payment to be made the fourth day of March next, and the receipt of the said Elijah Anderson, or his order, shall be a sufficient voucher to the treasurer in the settlement of his accounts. \$60 per annum to be paid to Elijah Anderson.

Passed February 23, 1844.

AN ACT to incorporate the City of Perth Amboy.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the inhabitants of the City of Perth Amboy, as the same now extends and is laid out, and their successors be, and hereby are, forever constituted a body corporate in fact and in law, by name, style and title of "The inhabitants of the City of Perth Amboy," and shall at all times hereafter be capable in law, to hold and possess, and at their will and pleasure, to sell and convey lands, tenements, and hereditaments, goods, chattles, and effects; and by the name, and style aforesaid, shall sue and be sued, defend and be defended, in all courts of record, and elsewhere, in all manner of actions whatsoever, and shall make and use a common seal, and the same to alter and renew at pleasure.

Style of incorporation.

Rights and property vested in corporation.

Sec. 2. *And be it enacted,* That the said, "The inhabitants of the City of Perth Amboy," are hereby absolutely vested with, and possess all the property, rights, causes of action, and estate, whatsoever, both at law and in equity, which at the passage of the act, belong to the present, "The Mayor, Recorder, Aldermen, and Commonalty of the City of Perth Amboy," and "The inhabitants of the township of Perth Amboy, in the county of Middlesex," as the same are now incorporated: *provided,* nothing herein shall effect any suit now pending in the name of the said city or township of Perth Amboy.

Officers. Officers to take oath or affirmation.

Sec. 3. *And be it enacted,* That there shall be hereafter, in said city, a Mayor who shall be keeper of the city seal; a Recorder, who, in case of the death, or disability of the Mayor, shall execute the duties of the Mayoralty, three Aldermen, six members of Common Council, one Clerk, one Assessor, one Collector, and one Treasurer.

Time & mode of annual election.

Sec. 4. *And be it enacted,* That the Mayor shall, before he enters upon the duties of his office, take and subscribe before the Clerk, the oath or affirmation of allegiance to this State; and an oath or affirmation that he will, faithfully and impartially, and justly perform all the duties of such office, so far as in him lies; and the other officers, appointed by virtue hereof, shall in like manner take and subscribe before the Mayor or Clerk, similar oaths or affirmations, which shall be so taken and subscribed within ten days after the election to be held as hereafter mentioned, and shall be filed by the clerk.

Sec. 5. *And be it enacted,* That the election, in, and for

said city, shall be held on the second Monday of April, and the clerk shall cause public notice of the time and place of holding such annual election, to be set up in five public places in the city, at least one week, previous to the day of such election, and all persons, inhabitants of said city, who now are or hereafter may be qualified to vote at township meetings in the several townships of this State, shall be entitled to vote thereat.

Sec. 6. *And be it enacted,* That at the next annual election to be held on the second Monday of April next, it shall and may be lawful for the electors of said city to assemble at the Court House therein, and then, and there, by ballot, and a plurality of votes, to choose from among the citizens residing therein, and entitled to vote at such election, one Mayor, one Recorder, three Aldermen, six members of the Common Council, one Clerk, one Assessor, one Collector, one or more Overseers of the Poor, three or more School Committeemen, one or more Constables, three or more Commissioners of Appeal in cases of taxation, two Chosen Freeholders, two Surveyors of the Highways, who shall continue in office for one year, and until their successors shall be elected and qualified; and on the second Monday of April, annually thereafter, the electors qualified as aforesaid, shall and may assemble at such place as may be appointed by the City Council, and then, and there in manner aforesaid, elect the said officers for the like term of one year, and till their successors are chosen and qualified.

Officers to be
elected by
ballot.

Sec. 7. *And be it enacted,* That the poll for the next and each succeeding election shall be opened at the hour of two o'clock and closed at the hour of seven o'clock in the afternoon; the judge of election, assessor and collector of the township of Perth Amboy, shall be the judges of the next election, and the same officers as chosen by virtue of this act, shall be the judges of each succeeding election, any vacancy or vacancies shall be filled in the manner regulating the same in the several townships of this State; the names of all persons voting, shall be written in a Poll Book to be kept by the clerk of the township, at the next election, and thereafter by the city clerk; and the judges shall, after counting the votes for the several candidates, certify the result under their hands and file the same in the office of the clerk.

Mode of con-
ducting elec-
tion.

Sec. 8. *And be it enacted,* That the Clerk, the Assessor, Collector, Judge of Election, Commissioners of Appeal, Chosen Freeholders, Surveyors of the Highways, Constables, and School Committee, shall respectively possess the powers and perform the duties of the like officers of any township of this State, so far as shall be consistent with this act, and the Com-

Duties of of-
ficers.

mon Council shall possess the powers and perform the duties which are now vested in the township committee of any township in this State, so far as the same are consistent herewith.

Duties of assessor and collector.

Sec. 9. *And be it enacted*, That the city assessor shall assess upon persons and property, and the city collector shall collect the State and county taxes in like manner as the same, now or hereafter may be assessed, and collected in the several townships, and in case of non-payment of taxes the collector shall return the names of all delinquents to such magistrate as the City Council shall direct to be proceeded with according to law.

Elections for officers of General and State Government.

Sec. 10. *And be it enacted*, That all elections hereafter to be held in the city for officers of the general and State governments that may be eligible by the people, shall be held therein, at the place appointed for holding the city election on the day or days, now or hereafter to be designated by law, for holding such election, and shall be regulated and conducted in the same manner as the like elections in the several townships now are or may be subjected to, and conducted, and the judges thereof shall possess the same power, perform the same duties, receive the same emoluments, and incur the same penalties as are imposed on the judges of the like elections in the several townships of this State.

Duties of Mayor, &c.

Sec. 11. *And be it enacted*, That the Mayor, Recorder, Aldermen and Common Council, shall be vested with the same power and duties as are recited in the ninth section of the act incorporating the city of Perth Amboy, passed 21st December, 1784, now in force.

City Council how constituted.

Sec. 12. *And be it enacted*, That the Mayor, Recorder, Aldermen and Common Council, or the major part, of whom the Mayor or Recorder shall be one, shall constitute a city council, which shall have power to meet on their own adjournments, and the whole legislative authority shall be exclusively vested therein, *Provided*, no ordinance or by-law be passed, altered or repealed without the consent of a majority of all the members thereof.

Tavern licenses.

Sec. 13. *And be it enacted*, That the City Council assembled, or a majority of them, may license such and so many tavern keepers within said city, under the same restrictions as the Court of Common Pleas, may, or can do, and no license within said city, granted by any other court in the county shall be lawful.

Officers of Council.

Sec. 14. *And be it enacted*, That the City Council, when assembled, shall appoint a President, City Treasurer and such other subordinate officers as to them shall seem neces-

sary, and require such security, annex such duties and fees to the officers, and impose such fines for neglect of duty, or misconduct therein, as to them shall appear right and proper.

Sec. 15. *And be it enacted,* That the Treasurer shall make an annual statement of all moneys raised or received by tax, or otherwise, and of the expenditures of the same, and shall publish the same, at least, one week before the annual election, in such manner as the City Council shall direct.

Treasurer to make annual statement.

Sec. 16. *And be it enacted,* That the City shall be entitled to the same share of the School Fund as is now, or hereafter may be appropriated to the township, and the moneys received therefrom, shall be disposed of and applied to the support of common schools, or schooling poor children, as the common council shall direct.

School fund.

Sec. 17. *And be it enacted,* That every constable of the city shall take and subscribe before the clerk, an oath or affirmation, in the form prescribed by law for constables of townships, using the word "City" for "Township," and shall execute to "the inhabitants of the city of Perth Amboy," a bond with one or more sureties, to be approved by the common council, in the form, as nearly as may be, as set forth in the fifty-eighth section of the act for the trial of small causes, which oath or affirmation and bond shall be filed with the clerk, and all suits on such bond shall be conducted in like manner, and within the time prescribed by law for prosecuting suits on constable's bonds.

Oath or affirmation of Constables.

Sec. 18. *And be it enacted,* That all the duties and liabilities heretofore imposed on the inhabitants of the several townships of this state, not inconsistent with this act, shall be sustained and performed by the inhabitants of the city of Perth Amboy, and all the rights and privileges heretofore conferred on the inhabitants of the several townships, so far as they are in conformity herewith, shall be held and possessed by the inhabitants of said city, in like manner as they were sustained and performed, and held, and possessed, by the inhabitants of the township of Perth Amboy, had this act not been passed.

Duties and privileges of corporation.

Sec. 19. *And be it enacted,* That the Mayor, Recorder and Aldermen, or any one of them, shall not hereafter be deemed or taken to be a justice of the peace for any purpose whatever, but the Council and Assembly in joint meeting shall appoint a justice of the peace, within the said city, who shall be commissioned by the Governor as justices of the peace are now appointed and commissioned, and shall continue in office for the term of five years, and shall in all respects be

Mayor, Recorder and Aldermen not Justices of the Peace.

considered a justice of the peace within the meaning of the act for the trial of small causes.

Act to be
deemed a
public act.

Sec. 20. *And be it enacted*, That this act shall go into effect on the second Monday of April next, and shall be considered a public act; but the joint meeting may at any time before that period, appoint the justice of the peace, as herein provided, who shall enter on the duties of his office on the second Monday of April next.

Former act
repealed.

Sec. 21. *And be it enacted*, That the act incorporating the city of Perth Amboy, passed 21st December, 1784, except the ninth section thereof, and all other acts and parts of acts not consistent herewith, be, and the same are hereby repealed, from and after the second Monday of April next.

Passed February 27, 1844.



A supplement to the act entitled, "An act for preventing the injury of illegal confinement and better securing the liberty of the people," passed the eleventh of March seventeen hundred and ninety-five.

Writ of ha-
beas corpus
may be ap-
plied for in
certain cases.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That any person who may be arrested or imprisoned, by virtue of any civil process issued out of any court of law or equity in this state, in any action of debt or other action founded upon contract express or implied, shall be entitled to apply for the writ of habeas corpus, and shall have all the rights and privileges granted to persons confined in prison by the act entitled "An act for preventing the injury of illegal confinement and better securing the liberty of the people," passed the eleventh of March, one thousand seven hundred and ninety-five, any thing in the eighth section of said act notwithstanding.

Passed February 27, 1844.

A supplement to the act entitled "An Act to incorporate the Passaic Steamboat Company."

WHEREAS, the commissioners named in the act to which this is a supplement, opened books of subscription at the times and places appointed therein, and received subscriptions to the capital stock of said company;—and whereas, the said subscribers or stockholders afterwards elected the following persons as directors of said company, that is to say, William Dow, John C. Lloyd, N. N. Jeroloman, Richard Morrell, John A. Post, Daniel Holsman, (now deceased) Abraham Godwin, Russell Stebbins, and Jacob M. Ryerson;—and whereas, owing to various embarrassments, a large proportion of the stock subscribed for has not been paid up, and the company has been unable to commence operations under the charter; and the said directors having besought the legislature to extend their aid in the premises and authorize them to commence business with a capital of twenty-five thousand dollars, and in other respects to amend the said charter; now, therefore,

Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the above mentioned William Dow, John C. Lloyd, N. N. Jeroloman, Richard Morrell, John A. Post, Abraham Godwin, Russell Stebbins, and Jacob M. Ryerson, or a majority of them, be authorized to receive subscriptions for the capital stock of said company; and that a book to receive the same shall be opened at such time and place as the said directors, or a majority of them, shall appoint, they first giving ten days' notice of the time, place and purpose of opening said book, in the newspapers published in Paterson, and if a less number than one thousand shares of said capital stock should be subscribed on said day, the said directors, or a majority of them, may upon like notice, open the subscription book at such other time and place as they, or a majority of them, may deem proper; and that the said company shall be at liberty to commence operations as soon as the sum of twenty-five thousand dollars shall be subscribed and paid in.

Names of incorporators.

Sec. 2. *And be it further enacted,* That the said directors shall, within two weeks after receiving said subscription, call a general meeting of the stockholders, upon ten days' notice published.

Books of subscription to be opened.

Time and
mode of an-
nual election
of directors.

lished in the newspapers aforesaid, who shall then and there elect seven directors of said company, who shall have the management of the concerns of the same, and remain in office until the first Tuesday of January then next, at and after which time the like number of seven directors of said company shall be annually elected by the stockholders of said company; and in case of any failure or omission to elect on that day, the said charter shall not be forfeited, but the election shall be held on some other day to be afterwards appointed.

Duties of di-
rectors.

Sec. 3. *And be it further enacted,* That the above named directors, or a majority of them shall, on the election of a new board of directors, as is above provided, pay the amount of the subscription money by them received, to such new board of directors, or to their treasurer, and hand over to them or their President, the subscription book and any other books, papers and memorandums relating to the business of the said company.

Part of capital
stock to be
employed in
improving
navigation of
Passaic river.

Sec. 4. *And be it further enacted,* That in addition to the objects specified in the fifth section of the act to which this is a supplement, the said company are hereby authorized to employ a part of their capital stock in extending the navigation of the Passaic river, in clearing out rocks, reefs or other obstructions in said river, and in otherwise improving the navigation thereof.

Part of for-
mer act re-
pealed.

Sec. 5. *And be it further enacted,* That such parts of the original act as are contrary to the provisions of this supplement, be and the same are hereby repealed.

Passed February 26, 1844.

AN ACT to divorce Jeremiah Arose, of the county of Middlesex, from his wife, Lydia Arose.

Sec. 1. *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 Jeremiah Arose, of the county of Middlesex, and Lydia, his wife, be, and the same is hereby dissolved, as fully to all intents and purposes, as if they had never been joined together in matrimony.

Passed, February 27, 1844.

A supplement to the act to incorporate the owners of certain fisheries in the Upper, Dennis, Middle, and Lower township, in the county of Cape May, passed February twenty-six, eighteen hundred and thirty-nine.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the several inhabitants of the Upper township and township of Dennis, in the county of Cape May, and their heirs and assigns, who now are or may hereafter become owners of the said fisheries, and rights of fishing and fowling, and privileges so granted and conveyed as aforesaid by the said Jacob Spicer, be, and they are hereby incorporated by the name of the "General Association of the Upper Precinct (now Upper township,) in the county of Cape May," and by the same name are hereby declared and constituted a body politic and corporate, in law for and during the term of twenty years, and from thence to the end of the next session of the legislature, and no longer, and as such shall and may have succession, and be able and capable in law to sue and be sued, implead and be impleaded in all courts and places whatsoever, and may have and use a common seal, and the same alter, change, and renew at their pleasure, and shall and may hereafter during the term aforesaid, have and enjoy all the rights, powers and privileges incident to a body politic and corporate, for the use, enjoyment, management and preservation of their common property, and for no other interest or purpose whatever.

Style of Incorporation.

Limitation.

Powers.

Sec. 2. *And be it enacted,* That the first and second section of the act to which this is a supplement, and all other parts of the said act as are inconsistent with and contrary to this supplement, be, and the same are hereby repealed.

Part of former act repealed.

Passed February 27, 1844.

AN ACT to divorce Charles Crossley, of the County of Essex, from his wife Margaret Crossley.

Charles and
Margaret
Crossley di-
vorceed.

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

Passed February 27, 1844.

AN ACT to divorce Mary Conger, of the county of Essex, from her husband, Horace Conger.

Mary and
Horace Con-
gar divorceed.

Proviso.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the marriage contract, heretofore existing between Mary Conger, of the county of Essex, and her husband, Horace Conger, be, and the same is hereby absolutely dissolved, as fully to all intents and purposes, as if they had never been joined in matrimony.—*Provided* that the issue of said marriage shall not be deemed illegitimate in consequence of this act.

Passed January 27, 1844.

AN ACT to incorporate "The Apalachicola Land Company."

WHEREAS, it is represented to this legislature, that Dudley S. Gregory, Andrew S. Garr, William G. Hackstaff, Jonathan Ogden, and their associates, have the beneficial interest in a certain tract of land in Florida, situate between the St. Marks and Apalachicola rivers, and west of the same, known as Forbes & Co.'s purchase, which is divided into two thousand four hundred shares, and the legal title to which is vested in trustees for the use and benefit of the said Dudley S. Gregory, Andrew S. Garr, William G. Hackstaff, Jonathan Ogden, and other holders of the said shares;—and whereas, the said share holders have presented a petition to the legislature, praying to be incorporated, to the end that they may be thereby enabled to hold, improve, manage and dispose of the said tract of land without further needing the intervention (which is found to be inconvenient and embarrassing,) of trustees for that purpose, and such prayer appearing reasonable: therefore—

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Dudley S. Gregory, Andrew S. Garr, William G. Hackstaff, Jonathan Ogden, and all other persons interested with them, as holders of the said shares, shall be, and hereby are constituted a body corporate, by the name and style of "The Apalachicola Land 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 of law and equity, and in all actions and matters whatsoever, and may have a common seal, and renew and alter the same at their pleasure, and by the same name shall be and hereby are made capable in law to have, hold, and enjoy, to them and their successors, the said tract of land, and the rents, profits, proceeds and avails thereof, and the same to grant, demise, alien or dispose of at pleasure, for the benefit of the said share holders and their legal representatives, in proportion to their respective shares as aforesaid; *provided, nevertheless,* nothing in this act shall be so construed as to exempt the holders of the said shares from being liable personally for

Names of corporators.

Style of incorporation.

Powers.

all legal actions, costs and damages, as other citizens of this state.

May make By-laws &c. Sec. 2. *And be it enacted,* That the said share holders and their successors shall have power to make such by-laws, orders and regulations, touching the improvement, management, leasing, sale and disposal of the said tract of land, and the rents, profits, proceeds and avails thereof, not inconsistent with the constitution and laws of this state, and of the United States, and of the territory of Florida, as to them shall appear proper and necessary.

Former contracts to be fulfilled by present incorporation. Sec. 3. *And be it enacted,* That all lawful contracts heretofore made by the former or present trustees or directors of the association hereby incorporated, for the sale of any part or parts of the said tract, or in any way concerning the same, or the improvement thereof, shall be assumed and performed by the said corporation.

Time of annual election of directors. Sec. 4. *And be it enacted,* That the said share holders and their successors, shall and may, on the first Monday of May next, and on the first Monday of May in every year thereafter, at Jersey city in the county of Hudson, elect nine of their members to be the directors of the said corporation, who, or a majority of whom shall reside in the state of New Jersey, and shall have power to manage and conduct the affairs of the said corporation, by the name and style herein above mentioned, and to improve, manage, lease, sell and dispose of the said tract of land, in manner aforesaid, and to exercise all the powers granted to the said corporation by this act, under the regulations and restrictions herein contained, and to make rules and regulations for the government of their own board, and the time and mode of transacting business therein, and to appoint a Secretary and all other necessary officers and agents, for the purposes intended by this act; such election shall be by ballot, and each share holder may vote at such election in person or by proxy, and shall be entitled to one vote for each share he shall hold in the said company; and the directors so elected shall enter upon their offices on the first Monday thereafter in each year, and shall continue in office for one year from and after the time last mentioned, and until others shall be elected in their stead. The directors so elected shall at their first meeting, choose one of their number to be the President of the said corporation during their continuance in office.

Powers and duties.

Restrictions. Sec. 5. *And be it enacted,* That the corporation hereby created shall not use any part of their capital or property

in carrying on any banking operations, or for any other purpose than of carrying on the operations authorized by this act.

Sec. 6. *And be it enacted*, That the legislature may, at any time hereafter, alter, amend, or repeal this act, whenever in their opinion the public good shall require it.

Act may be altered or repealed.

Passed February 27, 1844.

AN ACT to incorporate the proprietors of the Clinton Cemetery, in the county of Essex.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Thomas Belcher, Samuel H. Gardner, Allen Osborn, Alvah Sherman, and Ithamar W. Bonnel, and their associates, be, and are hereby made, a body politic and corporate in law, under the name, style, and title of the Clinton Cemetery Association, and by that name shall be able and capable in law, to have and use a common seal, to sue and be sued, to plead and be impleaded, and to do all such other things as may be requisite for carrying on the necessary objects specified in this act, as are incident to a corporation.

Names of corporators.

Style of incorporation.

Sec. 2. *And be it enacted*, That the said corporation shall be composed only of persons who are, or shall be owners of sub-lots, or burial places in the said cemetery, and that the said corporation shall have power to take and hold the fee, in the tract of land, situate in the township of Clinton, beginning at the east corner of a lot of land belonging to Stephen Jagggers, on the north west side of the road leading from Baker's Mills to Camptown, thence along the north west side of said road, north thirty degrees and forty-five minutes, east three chains and fifty links to the line of widow Phebe Blake; thence along the line of said widow Blake, north, sixty-five degrees and forty-five minutes, west, six chains to a corner; thence, still along the line of said widow Blake, south, thirty degrees and forty-five minutes, west, three chains and fifty links, to the line

Boundaries of land to be held by corporation

of Stephen Jagers, thence along the line of said Jagers, south, sixty-five degrees and thirty minutes, east, six chains, to the place of beginning, containing two acres and eight hundredths of an acre, strict measure, being the premises conveyed by Phebe Blake, to the said Thomas Belcher, Samuel H. Gardner, Allen Osborn, Alvah Sherman, and Ithamar W. Bonnel, as trustees, or their successors, in behalf of the Association, in the township of Clinton, by deed, bearing date the twenty-seventh day of July, one thousand eight hundred and forty-two, and recorded in the clerk's office, in the county of Essex, in book T 5, of deeds for Essex county, pages 453, 454, and 455, for such Cemetery and such other tract of land which the said corporation may hereafter add thereto, for the purpose aforesaid, not exceeding ten acres in the whole, and that the said corporation shall hold such tract or tracts of land in trust and for the uses herein mentioned, to wit: first, the said corporation may sell or otherwise dispose of the sub-lots in the said Cemetery, and take the proceeds of sale to their only proper use and behoof; but such sub-lots shall be occupied only as burial places for deceased human beings, with the use and privileges of the several walks and passages; and may erect on said tract or tracts of land, such buildings as they may deem suitable for the establishment. Second, the sub-lots shall be conveyed to the respective purchasers, in fee, on the payment of the purchase money, and the purchaser, his, or her heirs or assigns, shall have the exclusive use and occupation thereof, only for the interment of deceased persons, with the common use of the walks and passages, subject to such regulations as may be established by the said association for digging graves, building vaults, and ornamenting, and preserving the said plots.

Objects of incorporation.

Powers and duties of managers.

Sec. 3. *And be it enacted*, That the care and management of the said Cemetery and the business of the said corporation shall be confided to five managers, being lot holders, who shall have the exclusive superintendance thereof, with power to appoint and employ such officers and agents as they may deem expedient, and to fix the compensation of such officers and agents, which managers shall be chosen annually, by the owners of the sub-lots, at such time and place, and in such manner as the board of managers may direct, and for the first year, and until others shall be chosen, Thomas Belcher, Samuel H. Gardner, Allen Osborn, Alvah Sherman, and Ithamar W. Bonnel shall serve as managers, and the managers for the time being im-

First Managers.

mediately before proceeding to an election, shall report to the proprietors, the state of the affairs of the association, and the proprietors present shall then have power to elect managers and direct such improvements to be made, as they may deem expedient.

Sec. 4. *And be it enacted*, That no streets or roads shall be hereafter opened through the lands of the said corporation, occupied as a burial ground, nor shall any part or parcel of the premises, occupied as aforesaid, be subject to sale by virtue of execution or any legal process; but the managers of the said premises shall be liable, jointly and severally in their own estate, for all debts contracted by said company in carrying out the objects of the said incorporation.

Streets not to be opened through their lands.

Passed February 23, 1844.

AN ACT to authorize the trustees of the Presbyterian Church in Baskingridge, in the county of Somerset, to sell and convey certain real estate.

WHEREAS, it has been represented that the Presbyterian Church in Baskingridge, in the county of Somerset, have been, and still are the owners and possessors of a certain lot of land, situated in the township of Bernards, in said county, containing about twenty-six acres;—and whereas, the trustees of said church, believing that the interest and prosperity of said congregation would be promoted by the sale of said lot, have petitioned the legislature to pass a law for that purpose—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the trustees of the Presbyterian Church in Baskingridge, in the county of Somerset aforesaid, be and they are hereby authorized and empowered to make sale and conveyance of the aforesaid lot of land for the best price that can be obtained for the same; which conveyance so made by the said trustees, shall vest

Trustees authorized to sell land.

in the purchaser or purchasers, all the estate, right and title which the said trustees had of, in, and to the same at the time of said conveyance.

Proceeds of
sale how ap-
plied.

Sec. 2. *And be it enacted*, That the proceeds arising from such sale, shall be applied to the payment of the debt or debts, now existing against said church, and to no other purpose whatsoever, until such debt or debts are satisfied; and the trustees shall, within one month after such sale, make a full statement of all their proceedings, which statement shall be entered at length on the minutes of said society.

Passed February 28, 1844.

A supplement to the act entitled "An act to incorporate the Paterson and Ramapo Railroad Company."

Former act
how to be
construed.

Sec. 1. 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 and twenty-second sections of the act to which this is a supplement, shall be so construed as to secure to the state the payment of five cents only for each and every passenger, and of eight cents only for each and every ton of goods, produce, merchandize and freight carried and transported over said railroad, and that the exemption from taxation contained in the said twenty-second section, shall be construed to extend only to taxes, for the use of the state, anything in the said act to the contrary notwithstanding.

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

Passed February 28, 1844.

AN ACT to divorce Sarah M. White, of the county of Passaic, from her husband, Oliver A. White.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the marriage contract heretofore existing between Sarah M. White, of the county of Passaic, and Oliver A. White, her husband, be, and the same is hereby dissolved, as fully to all intents and purposes, as if they had never been joined together in matrimony; *provided,* the issue of said marriage shall not be deemed illegitimate in consequence of the passage of this act.

Sarah M. and
Oliver A.
White di-
vorced.

Proviso.

Passed, February 28, 1844.

AN ACT to dissolve a marriage contract between Sarah E. Snowhill, and Thomas Bown, of the county of Middlesex.

WHEREAS, it is represented that Sarah E. Snowhill, in the year eighteen hundred and forty, when under the age of sixteen years, was induced without the knowledge or consent of her parents, to accompany Thomas Bown to the city of New Brunswick, for the purpose of being married;—and whereas, the said marriage was never in anywise consummated, nor have the said parties at any time resided together or demeaned themselves as man and wife :

Sarah E.
Snowhill and
Thomas
Bown divor-
ced.

Sec. 1. 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 marriage be dissolved, and it is hereby declared absolutely void, and of none effect, and that the said Sarah E. Snowhill, be, and she is hereby wholly released therefrom.

Passed February 28, 1844.

AN ACT to divorce John Higgins, jr., of the county of Warren, from his wife, Isabella Higgins.

John and Isabella Higgins divorced.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the marriage contract heretofore existing between John Higgins, jr., of the county of Warren, and Isabella, his wife, be, and the same is hereby dissolved, as fully, to all intents and purposes, as if they had never been joined in matrimony.

Passed, February 28, 1844.

AN ACT to confirm the manumission of certain slaves.

Preamble.

WHEREAS, by the laws of this state, it is required, that the manumission of slaves shall be by writing, under hand and seal of the owner, executed in the presence of at least two witnesses;—and whereas, in many instances of such manumission heretofore, the laws in other respects have been complied with; but the writing under hand and seal, as aforesaid, executed in the presence of one witness only, therefore—

Certain deeds made valid. Act when to take effect.

Sec. 1. 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 deeds or writings under the hand and seal of the owner or owners of any slave or slaves, heretofore made and executed in the presence of one witness only, shall be of the same force and effect, and as valid and effectual in law, to all intents and purposes, as if executed in the presence of two witnesses in the manner prescribed by law; *Provided*, that nothing in this act contained shall extend to, or affect any case in which a decision has been made by any court having jurisdiction of the question.

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

Passed February 28, 1844.

AN ACT to establish a new township in the county of Gloucester, to be called the township of Delaware.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all that part of the township of Waterford, in the county of Gloucester, contained within the following bounds, that is to say: beginning in the Pennsylvania line, in the river Delaware, opposite the mouth of Cooper's creek, and thence running eastwardly to the mouth of said creek; thence up the same, the several courses thereof, to a bridge over said creek, in the Clement's bridge road, where the townships of Union and Gloucester corner; thence up the middle of said road, to the line between the counties of Burlington and Gloucester; near Marmaduke B. Hopkin's mill; thence along the line between the said counties of Burlington and Gloucester, to the line between the States of New Jersey and Pennsylvania, in the river Delaware; thence down said line to the place of beginning; shall be, and hereby is set off from the township of Waterford, in the county of Gloucester, to be called and known by the name of the "Township of Delaware;" *Provided*, that this act shall not take effect and be in force, until from and after the twelfth day of March next. Boundaries of township of Delaware. Proviso.

Sec. 2. *And be it enacted*, That the inhabitants of the township of Delaware, are constituted a body politic and corporate, in law, and shall be styled and known by the name of the inhabitants of the "Township of Delaware," in the county of Gloucester, and shall be entitled to all rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Gloucester, are, or may be entitled or subjected to by existing laws of this state. Inhabitants of township incorporated

First town meeting in Delaware.

Sec. 3. *And be it enacted,* That the inhabitants of the township of Delaware shall hold their first town meeting at the school house at Ellisburgh, in the said township of Delaware, on the second Wednesday in March next.

Town meeting in Waterford.

Sec. 4. *And be it enacted,* That the inhabitants of the township of Waterford, shall hold their next town meeting at the Inn of Thomas B. Wright, at Longacomeing, in the said township of Waterford, on the second Wednesday of March next.

Committees to apportion property, debts, &c.

Sec. 5. *And be it enacted,* That the town committees of the townships of Delaware and Waterford, shall meet on the Monday next after the annual town meeting in the said township of Delaware and Waterford, at the Inn of Joseph Ellis, at Ellisburgh, at 10 o'clock in the forenoon, and then, and there, proceed by writing, signed by a majority of those present, to allot and divide between the said townships, all properties and monies on hand or due, in proportion to the taxable property and rateables, as taxed by the assessor within their respective limits, at the last assessment, and the inhabitants of the township of Delaware shall be liable to pay their just proportion of the debts, if any there should be; and if any of the persons comprising either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present shall be final and conclusive.

Passed February 28, 1844.

AN ACT to set off a new township in the counties of Monmouth and Middlesex, to be called the township of Millstone.

Boundaries of the township of Millstone.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State and it is hereby enacted by the authority of the same,* That all that part of the township of Upper Freehold and Freehold in the county of Monmouth, and of the township of Monroe, in the county of Middlesex, lying within the boundaries and descriptions following, to wit:— Beginning in the middle of the Mount Holly road, near

Asher Smith's tavern, and where the road to Preston's factory strikes the same, in the township of Freehold; thence running along the middle of the road leading from the said Smith's tavern, to Hannah Clayton's Inn, to where the public roads cross near the said inn; thence following the middle of the public road northerly to a point opposite the dwelling house of William Osborn; thence north twenty-nine degrees west, to the county line between Monmouth and Middlesex; thence westerly in a direct line through the township of Monroe, in the county of Middlesex, to the bridge over the Millstone brook, on the public road, near Daniel D. Reed's dwelling house; thence down the middle of the said Millstone brook, until it reaches the county line between Mercer and Middlesex, at or near the head of Peter Wikoff's mill pond; thence southerly, following the said county line, to the Monmouth county line; thence southwesterly following the said Monmouth county line to the bridge over the Assanpink brook on the York road; thence up the middle of the said brook easterly, till it strikes the bridge on the land of Joseph I. Ely, son of Isaac Ely, dec'd, in the middle of the new road leading from Hightstown to Britton's tavern, sometimes called the stone tavern; thence southerly in a direct line to a point in the public road one rod west of said Britton's tavern; thence running as the needle now points, south six degrees and thirty minutes east, over Sugar-loaf hill, to the Ivanhoe, or north branch of Lahaway creek; thence up the middle of said Ivanhoe to its head, at a spring near the late residence of Elisha Karr, deceased; thence a due east course to the Mount Holly road; thence northeasterly along the middle of the said Mount Holly road, to the place of beginning, shall be, and hereby is set off from the said townships of Upper Freehold and Freehold, in the county of Monmouth, and Monroe in the county of Middlesex, and made a separate township to be called and known by the name of "The township of Millstone," and that all that part of the said township of Monroe, in the county of Middlesex, which lies within the above mentioned boundaries, shall be, and the same is hereby attached to and made a part of the county of Monmouth, and shall be subject to all the laws which the county of Monmouth now is or may be subject to, and the said line shall hereafter be the boundary line between the said county of Monmouth and the county of Middlesex.

Sec. 2. *And be it enacted*, That the inhabitants of the said township of Millstone shall be, and they are hereby constituted a body politic and corporate, and shall be styled and known by the name of "The inhabitants of the township of Millstone, in the county of Monmouth," and shall be entitled to all the rights, powers, authority, privileges and advantages,

Inhabitants
of township
incorporated.

and subject to the same regulations, government and liabilities, as the inhabitants of the other townships in the said county of Monmouth are or may be entitled or subject to by the laws of this state.

First town meeting.

Sec. 3. *And be it enacted,* That the inhabitants of the said townships of Millstone hereby created, shall hold their first annual town-meeting at the inn of Ezekiel Davison, in the village of Perrineville, in the said township of Millstone, on the day appointed by law for holding the annual town-meetings in the other townships in the county of Monmouth.

Farm and other property, how to be held.

Sec. 4. *And be it enacted,* That the poor house farm and all other property now belonging to the said township of Upper Freehold, shall hereafter belong to the townships of Millstone and Upper Freehold, in the proportion of the tax assessed to the inhabitants of the said township of Upper Freehold, now residing within the bounds of each of the said townships, on the last duplicate, and shall be owned and held by them in common, and that the poor house farm and all other property now belonging to the said township of Freehold, shall hereafter belong to the townships of Millstone and Freehold, in the proportion of the tax assessed to the inhabitants of the said township of Freehold, now residing within the bounds of each of the said last named townships, on the last duplicate, and shall be owned and held by them in common.

Settlement of paupers.

Sec. 5. *And be it enacted,* That the town committees of the said townships of Freehold, Upper Freehold, and Millstone, shall meet on the second Tuesday of April next, at the inn of Ezekiel Davison, in the township of Millstone, at ten o'clock in the forenoon, and shall then and there proceed by writing, signed by a majority of the members of each township committee, to allot and divide between the said townships all their paupers, which are hereby chargeable to that township, within the bounds of which they shall have acquired their settlements respectively, and to allot and divide between the said townships all property and monies on hand or due, in proportion to the taxable property and rateables as valued and assessed by assessors, within the respective limits of the said townships, at the last assessments; and the inhabitants of the said township of Millstone shall be liable to pay their just proportion of the debts, if any there be, and to support and maintain the paupers so allotted to them; and if any of the persons composing either of the town committees shall refuse or neglect to meet as aforesaid, those assembled may proceed to make the said allotment and division, and the decision of a majority of those present, shall be final and con-

clusive: *provided*, that it shall and may be lawful to adjourn the above meeting to such time and place as a majority of those assembled as aforesaid may think proper.

Sec. 6. *And be it enacted*, That all the paupers now chargeable to the township of Monroe, in the county of Middlesex, whose settlements were acquired within the bounds of the said township of Millstone, shall be chargeable to, and supported by the said township of Millstone. Paupers of Monroe.

Sec. 7. *And be it enacted*, That this act shall take effect and go into operation immediately after the passage thereof. Act, when to take effect.

Passed February 28, 1844.

A supplement to the act entitled "An act to authorize the owners and possessors of a certain tract of woodland therein named, to prevent horses, cattle and sheep from running at large thereon," passed February twenty-fifth, eighteen hundred and one, and "the supplement thereto," passed January thirty-first, eighteen 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 southerly line of lands of John and Jacob M. Demott, of the township of Hackensack, in the county of Bergen, shall from and after the passage of this act, constitute the southern boundary line of the tract of woodland mentioned in the first section of the act to which this is a supplement. Southern boundary of woodland.

Sec. 2. *And be it enacted*, That if any horses, mules, 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 townships of Hackensack or Harrington, and shall, as soon as may be, make an affidavit, to be taken before any justice of the peace in said county of Bergen, stating that the same were taken running at large in the said tract; and such affidavit shall state a description of the horses, mules, cattle or sheep so taken, which affidavit shall be delivered to the pound keeper, when the horses,

mules, cattle or sheep are impounded; and the person impounding the said horses, mules or cattle, shall be entitled to receive for every head so taken and impounded, the sum of one dollar, and for every head of sheep, the sum of twelve and a half cents, to be collected by the pound keeper, of the owner, or from the sale of the said horses, mules, cattle or sheep, and the same shall be the measure of damages to be paid on such occasion; and the pound keeper is directed to receive such beasts, and to proceed in the same manner, after the receipt of the same, as is directed in the case of distress for damage feasant by the twelfth section of the act entitled "An Act regulating fences," passed the twenty-third day of January, seventeen hundred and ninety-nine; and he shall be entitled to the same fees and subject to the same penalties for neglect of duty, as are allowed and imposed in and by the said act; and all trespasses and damages recovered by virtue of this act, shall be applied towards making and repairing the fences for said enclosure.

Part of form
er act, re-
pealed.

Sec. 3. *And be it enacted*, That so much of the first section of the act to which this is a supplement as is inconsistent with the provisions of this act, together with the third section of said act, be, and the same are hereby repealed.

Act when to
take effect.

Sec. 4. *And be it enacted*, That this act shall go into effect on and after the first day of April next.

Passed February 27, 1844.

AN ACT to repeal so much of the act entitled, "An act to authorize the inhabitants of the township of South Brunswick, in the county of Middlesex, and the inhabitants of the township of Upper Freehold in the county of Monmouth, to vote by ballot at their town meetings passed March 5th, 1841," as relates to or is binding upon the inhabitants of Upper Freehold, in the county of Monmouth.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That so much of the act entitled, "An act to authorise the inhabitants of the township of South

Brunswick, in the county of Middlesex, and the inhabitants of the township of Upper Freehold, in the county of Monmouth, to vote by ballot at their town meeting," as relates to, or is binding upon the inhabitants of the township of Upper Freehold, in the county of Monmouth, be, and the same is hereby repealed.

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

Passed February 29, 1844.

Part of former act repealed.
Act when to take effect.

A SUPPLEMENT to the act entitled "An act incorporating Jersey City," passed 22d February, 1838.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That so much of the fourth section of the act to which this is a supplement, as declares that "no person shall be elected, or serve as Mayor, or Aldermen, unless he shall be a *bona fide* freeholder within said city," shall be, and the same is hereby repealed, and that nothing in the said act contained shall be construed to prevent any free white male citizen of the United States, who shall have resided in said city for one whole year next preceding any election, at which such person may be a candidate, from being elected to, and holding either of the offices above mentioned, upon taking such oath, or giving such security, as is now required by existing laws.

Part of former act repealed.

Sec. 2. *And be it enacted,* That this act be taken as a public act, and shall take effect on the second Monday of April next.

Act when to take effect.

Passed March 1, 1844.

AN ACT to incorporate "The Sussex Baptist Association," in the State of New Jersey.

Names of incorporators: Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Rev. William H. Spencer, Christian Brinkerhoff, John Teasdale, Samuel L. Barret, Thomas Teasdale, Joseph E. Edsall, David Bennet, Sandford Leach, Thomas Cole, John M. Ball, John S. Dill, and Chauncey Adams, and their associates, forming the said Sussex Baptist Association, and their successors duly appointed, shall be, and they are hereby made and constituted a corporation, and body politic in law and in fact, by the name and title of "The Sussex Baptist Association."

Style of incorporation.

Officers of corporation. Sec. 2. *And be it enacted,* That the officers of the said corporation shall consist of a president, treasurer, secretary, and such other officers, as the said corporation may deem necessary, who shall be elected annually or otherwise as the rules and by-laws of the corporation may direct.

General powers. Sec. 3. *And be it enacted,* That the said corporation and their successors, by the name and title aforesaid, shall be able and capable in law, to purchase, have, hold, take, use, and enjoy in fee simple, or any life, or other estate, or estates, any lands, tenements, rents, liberties, privileges, franchises or other hereditaments, and also, any goods, chattles, moneys, legacies, donations or other estate or property, whatsoever given, or granted to the said association in any manner or way whatsoever;—*Provided, always,* that the income thereof shall not exceed the sum of five thousand dollars per annum; and further, that all the estate, real, personal and mixed, now belonging to, or held by the said association, shall be vested in, and held, and managed by the said corporation and their successors, and that the said corporation, and their successors shall and may give, grant, sell, and convey, demise, assign, release, or otherwise dispose of all, or any of their messuages, houses, lands, tenements, rents, possessions, and other hereditaments, and real estates, and all goods, chattles, and personal estate, and other things aforesaid, as to the said corporation shall seem meet; and that the said corporation shall be able and capable in law, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts, and all, and every other matter and thing therein, to do in as full and effectual manner as any other person, or persons, body politic

or corporate, in this State, in the like cases, can or may do; and that they shall have full power to demand and receive, and if need be, to sue for, and recover all debts, rents, and legacies, which are now due, or may become due to the said association, and to demand, have, and take all deeds, bonds and mortgages, notes, books and other writings, or things, which belong to said association, and shall, and may have, and use a common seal, with such device, or devices, as they shall think proper, and the same to break, renew, or alter at pleasure.

Duties of
Treasurer.

Sec. 4. *And be it enacted*, That it shall be lawful for the said corporation to appoint a treasurer, during their pleasure, who shall hold and manage the said funds, subject to the control and instruction of the said corporation, and who shall render an account of the same, at every annual meeting of the said corporation, and oftener if required, and give security for the faithful discharge of his duties if required to do so, and pay out money under such regulation and orders as the said corporation may from time to time adopt;—*Provided nevertheless, and it is hereby enacted*, that nothing in this act contained, shall prevent the legislature, from altering, amending, or repealing the same, whenever, in their opinion the public good requires.

Act may be
altered or re-
pealed.

Passed March 4, 1844.

AN ACT for the relief of Benjamin Price of the county of Hunterdon.

Sec. 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the Treasurer of this State, for the time being, shall be, and he is hereby authorized and required to pay Benjamin Price, of the county of Hunterdon, a soldier in the service of the United States, in the revolutionary war, or to his order, the sum of sixty dollars per annum, to be paid to the said Benjamin Price, in half yearly payments, from the passing of this act, during the lifetime of the said Benjamin Price; the first payment to be made on the passage of this act, and the receipt of the said Benjamin

\$60 per an-
num to be
paid to Ben-
jamin Price.

Price, or his order, shall be a sufficient voucher to the Treasurer for such sum or sums of money, as he may pay by virtue of this act, in the settlement of his accounts.

Passed March 4, 1844.

AN ACT to provide for the establishment of public schools in the township of Camden, in the county of Gloucester.

Inhabitants
authorized to
raise money.

Sec 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the taxable inhabitants of the township of Camden, in the county of Gloucester, be and they hereby are authorized to raise at their annual town-meetings any sum of money not exceeding one thousand dollars for the support of common schools in the said township, which money, ordered to be raised as aforesaid, shall be assessed, levied and collected as other state, county and township taxes are assessed, levied and collected.

Powers and
duties of
trustees.

Sec. 2. And be it enacted, That the said inhabitants of the said township of Camden, shall at their annual town meetings elect nine persons, inhabitants of said township, as trustees of common schools for the said township, who shall hold and exercise their office for one year from and after their election: and the said trustees shall have the entire charge and control of the public schools within the said township, shall have full power to receive from the township collector, and other township officer or officers, all monies collected for common school purposes, or belonging to the school fund or securities therefor, and shall appoint one of their number as treasurer, who shall give satisfactory security to his co-trustees for the faithful performance of all his duties as such treasurer, and who shall hold and exercise the said office of treasurer, subject to such rules and regulations as shall be made by said trustees; and the said trustees shall exhibit to the said inhabitants of said township at their annual town-meetings, a full and correct statement of the sums of money by them received and from whom, and how the same has been expended, the number of schools under their charge, and the number of scholars taught therein, and of all their proceedings as trustees as aforesaid, and shall perform all other acts and duties appertaining to the trustees for common schools in this state.

Sec. 3. *And be it enacted*, That in the event of the sum of money appropriated by the state to the said township for the support of the public schools therein, and the sum of money raised therefor by the inhabitants of the said township as aforesaid, being together insufficient for the support of the said schools; then the trustees elected as aforesaid may assess upon each scholar such sum of money, not exceeding one dollar per quarter, as may be found necessary; *provided*, that the said trustees may remit the whole, or any part of said assessment upon such scholar, or scholars as circumstances may in their opinion require.

Assessments to be made in case of deficiency.

Sec. 4. *And be it enacted*, That all acts and parts of acts coming within the purview of this act and being repugnant thereto, be, and the same are hereby repealed, so far as they relate to, or concern the said township of Camden.

Parts of former acts repealed.

Passed March 4, 1844.

AN ACT to confirm the last will and testament of James Wilson, deceased.

WHEREAS, James Wilson, late of the county of Monmouth, deceased, made his last will and testament, bearing date the sixth day of February, 1808, and which was proved and recorded in the Surrogate's office of the county of Monmouth, on the third day of October, 1811;—and whereas, doubts have lately been raised as to the validity of the said will, on account of the informality of the proof, therefore—

Whereas.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the last will and testament of James Wilson, late of the county of Monmouth, deceased, bearing date the sixth day of February, in the year of our Lord one thousand eight hundred and eight, be, and the same is hereby confirmed, and made valid and effectual in law; and that the said will shall be received in evidence in all courts, and have the same force and effect as though the same had been duly executed and proved according to the strict letter of the law.

Will of James Wilson confirmed.

Passed March 4, 1844.

AN ACT to incorporate "The Hillsborough Mutual Fire Assurance Association," of the county of Somerset.

Section 1. 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 Blackwell, Abraham A. Beekman, John M. Wyckoff, Rynear S. Merrill, Dennis Van-lieu, Jr., Lawrence V. D. Davis, Henry Brokaw, John H. Wilson, and others, their associates, successors, and assigns shall 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 Hillsborough Mutual Fire Assurance Association," and by that name they and their successors shall, and may have succession during the continuance of this act, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters, and causes whatever, and that they and their successors may have a common seal, and may alter and change the same at pleasure; and, also, that they and their successors, by the name of "The Hillsborough Mutual Fire Assurance Association," shall be in law capable of purchasing, holding; and conveying any estate real or personal, for the use of the said corporation; *Provided*, that the said estate which it shall be lawful for the said corporation to hold, be only such as is necessary for the corporation in the transaction of the business thereof, or such as shall be taken in security for, or in payment of debts, nor shall the yearly income of such real estate, exceed one thousand dollars.

Sec. 2. *And be it enacted*, That all persons who shall insure in, or with said association, shall be deemed and taken for members of the said corporation; and that the property and concerns of the said corporation, shall be conducted and managed by seven directors, all of whom shall be citizens of this State, and shall not hold a like office or agency in any other insurance company, to be chosen by ballot, by, and from among the members; to hold their office for one year and until others are chosen, and that an election for directors shall be held on the first Monday of February in every year, at the office of the association, or such other place as a majority of the directors may previously designate, public notice of which shall be given by the secretary, in one or more newspapers, printed in the county of Somerset, at least two weeks previous to the time of holding said election; and if any of the said directors shall die or refuse to serve or neglect to act in their

Names of
Corporators.

Style of in-
corporation.

Powers.

Persons insu-
ring to be-
come mem-
bers.

Time and
mode of an-
nual election
of directors.

said office, for the space of three months successively; then, and in every such case, the remaining directors shall have power to fill such vacancy or vacancies until the time of the next annual election; and in case it should happen that an election of directors should not be held on the day when pursuant to this act, it ought to have been held, the said corporation shall not for that cause be dissolved; but it shall and may be lawful on any other day, to hold an election for directors; *Provided*, that the first election for directors shall be held on the fourth Monday next, after the passage of this act, and the directors then elected shall continue in office until the first Monday in February, thereafter of which election, last mentioned previous public notice shall be given in one or more newspapers, printed in the county of Somerset, at least two weeks.

Vacancies,
how sup-
plied.

Sec. 3. *And be it enacted*, That it shall and may be lawful for the said corporation to insure their respective dwelling houses, stores, shops, and other buildings, together with household furniture, merchandise, and all other personal property against loss or damage by fire.

What pro-
perty may be
insured.

Sec. 4. *And be it enacted*, That at the annual meeting of the said corporation or at any general meeting of the same (which general meeting shall and may be called by the directors, if required to do so by twenty members, upon such notice as is hereinbefore directed for the annual meeting) it shall be lawful for the members present or a majority of them to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper for the management and disposition of the property, estate and effects of the said corporation, for the regulation of the mode of effecting insurance in the said corporation, and of valuation of property insured or to be insured thereby, and to fix rates of insurance and fees of officers, and for all such other matters as appertain to the business of the said corporation, and shall have power to appoint a Secretary, surveyor or surveyors, appraiser or appraisors, and such additional officers, clerks, and servants, for carrying on the business of the said corporation, as to them shall seem proper, to which offices the said directors shall be eligible, *Provided*, that a majority of the members present at such annual or general meetings may by resolution vest any or all of the powers given in this section in the board of directors, *And provided*, that such by-laws, rules and regulations shall not be repugnant to the constitution or laws of the United States or of this State.

Corporation
may make
By-laws &c.

Proviso.

Sec. 5. *And be it enacted*, That at the first meeting of the directors, held after their election in each year, the directors shall choose from among themselves one person for President,

Directors to
choose offi-
cers.

who shall continue in office until the next annual meeting, and until another is appointed in his place: they shall also elect a treasurer, and require him to give bond to the association for the faithful performance of his duty, for such sum as to them shall appear sufficient and satisfactory.

Members may be assessed in case of deficiency.

Sec. 6. *And be it enacted,* That all policies of insurance which shall be made by the said corporation, in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such places as shall be from time to time, ordered and prescribed by the by-laws, rules and regulations of said corporation; and if at any time it shall so happen that there shall be just claims on the corporation for losses sustained, or other liabilities to a greater amount than they have funds to discharge, in such cases the directors for the time being shall with all convenient expedition, proceed to assess such deficiency in a ratable proportion on the members of the association or their representatives according to the amount of each member's insurance; which rates or assessment shall be approved of by a majority of the whole number of directors, and notice in writing shall be given to each member or his representatives of the assessment and amount by him, her, or them, to be paid; and each and every member or his representatives so notified shall pay the same to the treasurer for the time being, within sixty days after such notification, and in default thereof shall forfeit double said rates and all their right and claims to any policy that they may have obtained, and be no longer members of the association; but shall be liable to a recovery of the amount of such rate or assessment by action of debt with costs of suit before any court of competent jurisdiction.

For what purpose money may be drawn.

Sec. 7. *And be it enacted,* That no money shall be drawn from the Treasury of the association except for the purpose of paying damages in case of any loss by fire, and incidental expenses.

Assignment of policies, how made.

Sec. 8. *And be it enacted,* That if any person insured by the said corporation shall convey or assign the property insured, it shall be lawful for such person to assign to the purchaser the policy of insurance, but the corporation shall not be bound by such policy, after such assignment; until the said assignment shall have been recorded in the books of the corporation and certified on such policy by the secretary.

Corporation may be sued if payment be withheld.

Sec. 9. *And be it enacted,* That any person or persons insured by said corporation may maintain an action at law against the same for losses and damages due to him, her or them, from said corporation, if payment is withheld more than ninety days after the amount of such losses have been

ascertained; and the said corporation notified thereof; and no member of the corporation, not being in his own individual capacity a party to such suit shall be incompetent as a witness; *Provided*, the directors do not agree to rebuild or replace the property lost or damaged, in which case a reasonable time shall be allowed them.

Sec. 10. *And be it enacted*, That the chartered privileges hereby granted do not include banking privileges, and if the privileges hereby granted shall at any time prove injurious to the public welfare, it shall be lawful for the legislature to amend, modify or repeal the same; *Provided*, that no contract made by said corporation before such repeal shall be effected thereby, and that the said corporation shall have a reasonable time to bring their accounts to a final settlement.

Sec. 11. *And be it enacted*, That this act shall take effect immediately after its passage.

Passed March 4, 1844.

AN ACT to authorize the sale of the real estate late of Ralph Lanning, deceased.

WHEREAS, Ralph Lanning late of the county of Mercer, on the fourth day of May, A. D. eighteen hundred and forty-three, departed this life intestate, being seized in fee-simple, of and in a farm of about forty-six acres of land, with a dwelling house and out buildings, situate in the township of Ewing, in the county aforesaid, leaving Isaac W. Lanning, Phebe Torbert, wife of Charles Torbert, Theodore Lanning, Amos Lanning, Elizabeth Vanartsdalen, wife of Simon Vanartsdalen, Rebecca W. Lanning, and David W. Lanning, all of whom are above the age of twenty-one years, and Girard W. Lanning, William W. Lanning, and Ralph A. Lanning, minors, his children and heirs at law, without a widow him surviving:—and whereas, it is represented that the said real estate cannot be divided among the said children without great prejudice to the same, and that their interest in said real estate would be advanced by a sale and division of the proceeds thereof, among the said heirs, according to law, and said heirs having concurred in a petition for that purpose: therefore,

Trustee authorized 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 Isaac W. Lanning, of the city of Trenton, be, and he is hereby appointed a trustee, with full power and authority to sell and convey all the lands and real estate whereof Ralph Lanning, deceased, late of the township of Ewing, in the county of Mercer, died seized, for the highest sum or sums of money which can be obtained therefor, and when sold to make, execute and deliver in the name of the said Isaac W. Lanning, trustee as aforesaid, good, legal, and sufficient deed or deeds therefor, to the purchaser or purchasers thereof; which said deed or deeds shall convey to and vest in the purchaser or purchasers of the said real estate, his, her, or their heirs and assigns forever all the estate, right, title and interest of the said children and heirs at law of the said Ralph Lanning, deceased, therein at the time of the said sale.

Trustees to give bond.

Sec. 2. *And be it enacted,* That the said Isaac W. Lanning, shall before entering upon the trust created by this act, enter into bond to the governor of this state, with such surety and in such sum as shall be approved by the judges of the orphans' court of the county of Mercer, conditioned for the faithful performance of the said trust, which bond shall be deposited in the office of the secretary of this state.

Trustees to make statement to Orphan's Court.

Sec. 3. *And be it enacted,* That the said Isaac W. Lanning, within one year after the sale of the said real estate, shall be completed, shall exhibit to the orphans' court of the said county of Mercer, under oath or affirmation, a full, fair and just account of the sale or sales by him made by virtue of this act, and of the costs and expenses thereof, to be approved by the court and filed in the surrogate's office of the said county: and the said Isaac W. Lanning after deducting from the proceeds of said sale or sales, all such costs and expenses, and such reasonable commissions as shall be allowed by the said court, shall invest the parts or shares of the said minor children respectively under the direction of the said court, for the benefit of the said minors, and distribute the residue thereof among the others of the said children according to law.

Sale, not to affect interest of persons other than the heirs.

Sec. 4. *And be it enacted,* That no sale or conveyance made by virtue of this act shall impair or in any wise affect the right or interest of any person or persons whatever other than the said children and heirs at law.

Passed March 4, 1844.

A SUPPLEMENT to an act entitled "An act to incorporate the Boudinot 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 the capital stock of the said company shall not exceed three hundred thousand dollars, which shall be divided into shares of one hundred and fifty dollars each; and that it shall be lawful for the directors of the said company to call and demand from the stockholders respectively, the said additional sum of fifty dollars upon each share of capital stock already subscribed, or to be subscribed, to be payable at such times and in such proportions, not exceeding ten dollars on each share at any one time, as they shall deem proper, under the pain of forfeiting the shares of said stockholders, and all previous payments thereon, if the payment shall not be made in thirty days after a notice shall have been published for the space of twenty days, in one or more public newspapers published in the town of Paterson; and also in one or more newspapers published in the city of New York.

Amount of capital stock.

Instalments how paid.

Sec. 2. *And be it enacted,* That ten days preceding the first Monday in August, in each and every year, the directors of said company shall submit to the stockholders a written statement, under oath or affirmation, of the amount of capital stock paid in, and the amount of all existing debts against said company, and no dividend shall be declared or paid to the stockholders when such payment would render the company insolvent, and the debts of the said corporation shall at no time be suffered to exceed the capital stock actually paid in; and in case of any violation of the provisions of this section, the president, directors, and stockholders shall be personally liable in their own estate, jointly and severally, for all debts of the company previously contracted, and then unpaid.

Directors to make annual statement.

Sec. 3. *And be it enacted,* That no part of the capital stock or any of the funds of the said corporation shall at any time during the continuance of the charter to which this is a supplement, be used or employed directly or indirectly in banking operations, or for any purpose whatever, inconsistent with the provisions of the act to which this is a supplement.

Capital stock not to be employed in banking.

Passed March 4, 1844.

AN ACT to authorize Nelson Jay, trustee, to sell certain real estate.

Preamble.

WHEREAS Aaron Hart, on the twenty seventh day of January, A. D. 1832, by deed, conveyed certain lands in the township of Hopewell, in the then county of Hunterdon, to Nelson Jay, in trust for Hannah Jay and her heirs;—and whereas, all the children of the said Hannah Jay have arrived at full age, and, together with the said Hannah Jay, have petitioned for the sale of said real estate—therefore,

N. Jay, authorized 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 Nelson Jay be, and he hereby is authorized and empowered to make sale of all the real estate described and conveyed in and by the aforesaid deed, for the best price he can obtain therefor, and make to the purchaser or purchasers a good and sufficient deed or deeds; which deed or deeds shall vest in the purchaser or purchasers as good and valid a title as the said Aaron Hart had in the same at and before the execution of the deed of trust aforesaid to the said Nelson Jay.

To give bond.

Sec. 2. *And be it enacted*, That before entering upon the duties prescribed by this act, the said Nelson Jay shall give bond to the ordinary, in such sum and with such sureties as the orphans' court of the county of Mercer shall direct and approve, that he will faithfully discharge the duties required of him by this act.

Proceeds of sale how disposed of.

Sec. 3. *And be it enacted*, That the said Nelson Jay shall divide and pay over the proceeds of said sale—one-third to Hannah Jay, and the remainder thereof to and among the children of the said Hannah, share and share alike; and that their several receipts therefor shall be his vouchers for the payment of the same; and that he shall make report of his proceedings herein to the term of the orphans' court of the county of Mercer, next after said sale, for their approval and allowance.

Passed March 5, 1844.

AN ACT to incorporate "The Mercer County Mutual Fire Insurance Company."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Henry P. Welling, Henry Higgins, Stephen B. Smith, D. B. Skillman, John Conrad, Esq., Benjamin Muirheid, Ephraim Woolsey, Benjamin Vancleve, Jeremiah Vandike, Joshua Bunn, Isaac Welling, D. N. Wiley, Aaron W. Stout, and others, their associates, successors and assigns, 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 Mercer County Mutual Fire Insurance Company," for the purpose of insuring their respective dwelling houses, stores, shops, and other buildings, household furniture, merchandise, and other property, against loss or damage by fire; and by that name; they and their successors may have perpetual succession, and shall have power to sue and be sued, and to defend and be defended in all courts, either in law or equity; and by that name may also have, purchase, possess, and enjoy, to them and to their successors, lands, tenements, and hereditaments, goods, chattels, and effects, of what nature and kind soever, necessary for the purpose of this corporation, and the same may grant, demise, alien, and dispose of at pleasure for the benefit of said company; and also may have a common seal, and alter and renew the same at pleasure; and also may make, and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of said institution, and put the same in execution, *Provided,* that they be not contrary to the constitution or laws of this State or of the United States.

Names of
Corporators.

Style of In
corporation.

General
powers.

Provide.

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

Persons in
suring to
become
members.

Sec. 3. *And be it enacted,* That all the affairs, property, and concerns of the said corporation, shall be managed and conducted by thirteen directors, who shall continue in office for one year, and until others shall be chosen in their place, all of whom shall be members of said corporation, and shall take

an oath of office, and choose out of their body a president; all vacancies may be filled for the remainder of the year, by such person or persons, as a majority of the board of directors, for the time being, may appoint, and a majority of the whole shall constitute a quorum for the transaction of business; and that the said Henry P. Welling, Henry Higgins, Stephen B. Smith, D. B. Skillinan, John Conrad, Esq., Benjamin Muirheid, Ephraim Woolsey, Benjamin Vaneleve, Jeremiah Vandike, Joshua Bunn, Isaac Welling, D. N. Wiley, and Aaron W. Stout, shall be the first directors of said corporation, which board of directors shall hereafter be elected in each year, at such time and place in Pennington, in the county of Mercer, as the said corporation in their by-laws shall appoint, of which election public notice shall be given, in at least one of the public newspapers printed in said county, at least two weeks immediately preceding such election, which election shall be holden under the inspection of three members, not being directors, to be appointed previous to every election by the board of directors, and shall be made by ballot, and by plurality of the votes of the members, or their proxies then present, allowing one vote for every five hundred dollars ensured in said company;—Provided always, that each member shall have at least one vote; and that no member shall have more than five votes.

Vacancies,
how supplied

First direc-
tors.

Time & mode
of annual
election of
directors.

Proviso:

Directors to
appoint offi-
cers.

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

Policies and
contracts how
made.

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

Holder of
policy to de-
posit his pro-
missory note.

Sec. 6. *And be it enacted,* That every person who shall become a member of said corporation by effecting insurance therein, shall, before he receives his policy, deposit his promissory note, with good and sufficient security for such a sum of money as shall be determined by the directors to be the premium for said insurance, and that a part, not exceeding twenty per centum, of said note shall be immediately paid, and the remainder of said deposit shall be payable, in part or

the whole, at any time when the directors shall deem the same requisite for the payment of losses by fire, and such incidental expenses as shall be necessary for transacting the business of said company; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, if any, after all losses and expenses occurring during said term, shall have been provided for according to the provisions of this act, shall be relinquished and given up to the maker thereof, and it shall be lawful for said corporation to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation.

Money not wanted, may be loaned.

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

Transfer of policies.

Sec. 8. *And be it enacted*, That suits at law or in equity may be maintained by said corporation against any of its members for the collection of said deposit notes, or any assessment thereon, or for any cause relating to the business of said corporation; also suits at law, or in equity, may be prosecuted and maintained by any member against said corporation for losses or damage by fire, if payment is withheld more than three months after the company are duly notified of such loss or damage, and no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness in any cause on account of his being a member of said corporation.

Corporation may be sued, if payment be withheld.

Sec. 9. *And be it enacted*, That the directors shall, after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after the rendition of any judgement against said company for loss or damage,

Proportion of loss or damage to be paid by each member.

Members may be sued in case of neglect or refusal to pay.

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

Members may be assessed in case of deficiency.

Sec. 10. *And be it enacted*, That whenever and as often as it shall happen that the whole amount of the funds of the said company, and of the sums due on the deposit notes held by it, shall be insufficient to pay the whole loss occasioned by any fire, the directors shall assess upon and demand from each member a further sum, in proportion to the original amount of his or her deposit note, and shall divide the whole amount of the said funds, deposit note and assessment, among the sufferers by such fire who have been ensured by said company, in proportion to their losses and the amounts by them respectively ensured; but no such assessment of a greater amount than one dollar on every hundred dollars, by the members respectively ensured, shall at any time be made for the loss or damage occasioned by any one fire; and any member who shall pay the whole amount of his or her deposit note, and of any assessment then made, and surrender his or her policy of insurance, shall be discharged from all liability for any loss or damage that may occur after such payment and surrender.

Transfers how made.

Sec. 11. *And be it enacted*, That no transfer of any policy of assurance of the said corporation shall be valid until entered into the book of the company, and certified on such policy by the secretary.

Duty of Secretary.

Sec. 12. *And be it enacted*, That it shall be duty of the secretary to give notice of all meetings of the corporation, to attend the same, to keep a faithful record of their proceedings, also an account of profit and loss, fill up all policies of assurance, countersign and seal the same with the seal of said corporation, certify all drafts or orders of the president for the

payment of money, and such other duties as the company or board, from time to time, by their by-laws, may direct.

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

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

Sec. 15. *And be it enacted*, That the said company shall not, by virtue of any of the provisions of this act, exercise banking privileges directly or indirectly. Restrictions.

Sec. 16. *And be it enacted*, That this act shall continue in force thirty years, and no longer, and that the same may be at any time hereafter, altered, amended, or repealed by the Legislature. Limitation.

Passed March 5, 1844.

AN ACT to incorporate parts of the townships Pequannock, and Hanover, in the county of Morris, into a separate township to be called the township of Rockaway.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all that part of the townships of Pequannock and Hanover in the county of Morris, lying within the following boundaries, to wit: Beginning at the bridge over the Pequannock river, at Charlottenburgh Iron Works, and thence running a straight line to the north end of county bridge, first above Elijah D. Scott's Forge, at Powerville, and to include all that part of Hanover that may lay to the north and west of said line; thence a straight line to the centre of the natural pond in Parsippany woods, called Green's pond; thence a straight line to the corners of the townships of Morris, Hanover and Randolph, on the top of Trowbridge moun-

Boundaries of township.

tain; thence on the lines of the townships of Hanover and Randolph to the mouth of Dell's brook where it empties into Rockaway river; thence on the lines of Randolph and Pequannock to the mouth of Stephen's brook, where it empties into Rockaway river at the corner of the townships of Jefferson and Pequannock to the place of beginning, shall be and the same is hereby set off from the townships of Pequannock and Hanover, and the same is hereby established a separate township to be called by the name of the township of Rockaway.

Inhabitants
incorporated.

Sec. 2. *And be it enacted,* That the inhabitants of the said township of Rockaway shall be and they are hereby constituted a body politic and corporate, and shall be styled and known by the name of "The inhabitants of the township of Rockaway, in the county of Morris," and shall be entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulations, governments and liabilities as the inhabitants of the other townships in the said county of Morris are, or may be entitled or subject to by the existing laws of this state.

Township
committees
to divide pro-
perty, &c.

Sec. 3. *And be it enacted,* That the township committees of the townships of Pequannock and Rockaway, shall meet on the third Monday of April next, at ten o'clock in the forenoon, at the house of David Menaugh at Rockaway, innkeeper in the said township of Rockaway, and shall then and there proceed by writing to be signed by a majority of those present, to allot and divide between the said townships all the property and money on hand or due, or to become due, in proportion to the taxable property and rateables, as valued and assessed by the assessors within the respective limits of the said townships at the last assessment; and again in like manner the township committees of the townships of Rockaway and Hanover, shall meet on the third Tuesday in April next at the inn now kept by David Menaugh in the township of Pequannock, at one o'clock in the afternoon, and when so met, shall proceed to make division in like manner as in the case of Pequannock; and may adjourn the said meeting from time to time, and to such time and place as a majority of those present may think proper, and the township of Rockaway shall be liable to pay their just proportion of the debts, if any there be; and if any of the members of the said township committees shall neglect to meet as aforesaid, those present may proceed to make such division, and their division or the division of a majority of them, shall be final and conclusive.

Sec. 4. *And be it enacted,* That John Gray, Benjamin Crane, and Freeman Wood, or any two of them be, and they

are hereby appointed commissioners to run, survey, mark, and ascertain the several lines hereinbefore mentioned, which said commissioners shall before the second Monday in April next, execute and discharge the duties of their said appointment, in the same manner and in all respects as if they had been appointed commissioners for the purpose aforesaid, by the Inferior Court of Common Pleas, of the county of Morris upon the application of Chosen Freeholders of the said county, except only that it shall not be necessary for the said commissioners to give notice of the time and place to perform the duties of their said appointment, and that the charges and expenses of said commissioners shall be taxed and paid as is by law directed in case of commissioners appointed by the Court of Common Pleas, upon the application of the board of Chosen Freeholders.

Commissioners to run and survey lines.

Sec. 5. *And be it enacted*, That the inhabitants of the said township of Rockaway shall hold their first annual town meeting at the house now kept by David Manaugh at the village of Rockaway in the said township of Rockaway, on the day appointed by law for holding the annual town meetings in the other townships in the said county of Morris.

Time and place of first annual town meeting.

Sec. 6. *And be it enacted*, That the fourth section of this act shall go into effect immediately after the passage thereof, and the remaining sections on the second Monday in April next.

Act when to take effect.

Passed March 5, 1844.

AN ACT authorizing the Administrators of Harman Dilts, deceased, to convey certain real estate.

Preamble.

WHEREAS, it is represented that Harman Dilts, late of the township of Lebanon in the county of Hunterdon, deceased, in his lifetime, entered into an agreement in writing, attested by only one witness, with Elisha Hummer, for the sale and conveyance of a certain tract of land situate in the said township of Lebanon, for which he was to pay the said Harman Dilts the sum of three hundred dollars, that in pursuance of said agreement, a part of the said sum has been paid, but that the said Harman Dilts hath since departed this life, intestate, leaving a widow: and letters of administration on the estate of said Harman Dilts, deceased, hath been granted to Jacob Anthony and William Cregar, and whereas the said administrators together with the said widow have prayed the legislature to pass an act authorizing the said administrators, to make and deliver to the said Elisha Hummer, or to their assigns a good and sufficient deed of conveyance for the said tract of land, therefore,

Administrators authorized to make conveyance.

Sec. 1. 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 Jacob Anthony and William Cregar, administrators of the said Harman Dilts, late of the county of Hunterdon, deceased, be, and they are hereby authorized, in fulfilment of the aforesaid agreement, to make, execute, and deliver to the said Elisha Hummer, a good and sufficient deed of conveyance for said tract of land, which said deed, duly executed, shall convey to and vest in the grantee therein named, all the estate, right, title and interest of which the said Harman Dilts, died seized, in and to the same, as fully and effectually as if the said deed had been duly executed by the said Harman Dilts in his lifetime.

Passed March 5, 1844.

AN ACT to authorize the continuance of a dam across the Rahway river, either for milling or manufacturing purposes.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for Theodore Grunenthal, his heirs and assigns, to erect, and at all times to support and maintain a dam across the south branch of Rahway river, at the place where his dam now crosses the said stream, in the township of Woodbridge, county of Middlesex, and state of New Jersey, and at all times to occupy, use, and enjoy the water and water privileges of said stream, at the place aforesaid, either for milling or for manufacturing purposes; *provided,* that nothing herein contained shall be construed to extend or enlarge the present rights of the said Theodore Grunenthal, of flowing or otherwise injuring the lands adjacent to said stream.

T. Grunenthal authorized to build dam.

Passed March 5, 1844.

AN ACT to divorce Eliza Durling, from her husband Daniel Durling.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Eliza Durling, of the county of Morris, be, and she is hereby divorced from her husband, Daniel Durling, and that the marriage contract heretofore existing between them be, and the same is hereby fully and absolutely dissolved: *Provided, nevertheless,* that the issue of said marriage shall not be deemed illegitimate in consequence of this act.

Eliza and Daniel Durling, divorced.

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

Passed March 6, 1844.

AN ACT to authorize Ann Perce and Edmund Brewer, guardians of Elizabeth Perce, Sarah Perce and Diademina Perce, minor children of Isaac Perce, deceased, to sell and convey certain lot of Meadow Ground, on Woodbury Creek, in the county of Gloucester.

Preamble.

WHEREAS, it has been represented to the Legislature that Isaac Perce in his lifetime, by virtue of a deed of conveyance from under the hands and seals of Amos Campbell and Ann his wife, dated the 17th day of March, A. D. 1831, and recorded in the Clerk's office of said county, became lawfully seized of a certain lot of meadow ground, situate in the township of Deptford, in the county aforesaid, on Woodbury Creek, containing three acres and twenty-nine hundredths, more or less; that shortly after the date of the said deed, the dam which was then at the mouth of said creek, was removed by virtue of an act of the Legislature, and that the said lot of meadow has since been overflowed by the tide; that in order to reclaim the said lot of meadow from the overflow of the tide, it will be necessary to erect an embankment around three sides thereof, at an expense nearly equal to the value of said lot; that it has been of no advantage to the owners since the year 1831, and must remain so for a number of years to come, unless an act of the Legislature can be obtained authorizing a sale thereof; that a fair price can now be had for the said lot, and it would be much to the interest of the said minor children if the same could be sold: and due notice of the said application having been given, and no cause appearing to the contrary, Therefore—

Guardians
authorized to
sell real es-
tate.

Sec. 1. 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 Ann Perce and Edmund Brewer, guardians as aforesaid, be, and they are hereby authorized and empowered to sell the above mentioned lot of meadow ground at public vendue, for the best price that can be obtained for the same; they, the said guardians, first advertising the same in like manner and for the same time, as is required by law in cases of sales of real estate, made by guardians, by order of the Orphans' Court.

Sec. 2. *And be it enacted,* That the said guardians shall make report of said sale to the Orphans' Court of the county

of Gloucester, at the next term thereafter, and if the said Court approve of said sale, they shall confirm the same as valid and effectual in law, and by a rule of said court, direct the said guardians to make and execute a conveyance to the purchaser, therefor, which conveyance shall vest in the said purchaser as good and perfect an estate of inheritance in the said lot of meadow ground, as the said minors were seized of or entitled to at the time of such sale.

Sec. 3. *And be it enacted*, That the said guardians shall keep a fair and just account of the proceeds of said sale, and of the costs and expenses thereof, and shall be subject to the same liabilities as if the said sale had been made by an order of the Orphans' Court of said county.

Passed March 6, 1844.

Sec. 1. BE IT ENACTED

AN ACT to establish the township of Jackson, in the county of Monmouth.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State and it is hereby enacted by the authority of the same*, That all that part of the township of Upper Freehold, Freehold and Dover in the county of Monmouth, lying within the boundaries and descriptions following, to wit:—Beginning at Arneytown at the junction of the New Egypt and Hornerstown roads, and running thence along the middle of the Hornerstown road to the Crosswicks Creek; thence down the middle of said creek, to the mouth of the Lahaway; thence along the middle of the Lahaway, following the course of the north branch thereof (commonly called Ivanhoe) to its head; thence eastwardly across the township of Freehold, to the point where the north branch of the Metetecunck river crosses the line between the townships of Howell and Freehold; thence southwardly along the line between Howell and Freehold to the township of Dover; thence in a direct course to the south-west angle of the township of Upper Freehold, where the slab bridge branch crosses the old province line; thence along the said line to the place of beginning, be, and the same is hereby set off from the said townships of Upper Freehold, Freehold and Dover,

and erected into a separate township, to be known by the name of the township of Jackson.

Inhabitants of township.

Sec. 2. *And be it enacted,* That the inhabitants of the said township of Jackson shall be, and they are hereby incorporated and constituted a body politic, by the name of the inhabitants of the township of Jackson, in the county of Monmouth, and vested with and entitled to all the powers, privileges, authorities and advantages, and subject to the like regulations and government, as other townships in the said county of Monmouth.

Time and place of first annual town meeting.

Sec. 3. *And be it enacted,* That the inhabitants of the said township of Jackson shall hold their first annual town-meeting at the public house now kept by William Francis in the village of Cassville, on the second Tuesday in April next; and afterwards, where the said inhabitants shall determine, in the manner prescribed by law.

Paupers where supported.

Sec. 4. *And be it enacted,* That all paupers who may be chargeable to the said townships of Upper Freehold and Dover, at the time this act goes into operation, shall thereafter be chargeable to, and supported by that township within the bounds of which they have acquired their settlements respectively, or in which the said paupers may have resided at the time of acquiring their respective settlements.

Real and personal property how divided.

Sec. 5. *And be it enacted,* That the poor house farm and all other real and personal property now belonging to the said township of Upper Freehold shall hereafter belong to the townships of Jackson and Upper Freehold, in proportion to the number of inhabitants residing within the limits of each and who are now resident in the township of Upper Freehold, according to the last census, and shall be owned and held by them in common and that the poor house farm and all other real and personal property now belonging to the townships of Freehold and Dover, shall hereafter belong to the townships of Jackson and Freehold and Dover, in the same proportion as above mentioned and described.

Time & place of meeting of township committees to make statement &c.

Sec. 6. *And be it enacted,* That the township committees of the said townships of Freehold, Upper Freehold, Dover and Jackson, shall meet on the fourth Monday in April next, at 10 o'clock in the forenoon, at the house of William Francis in the township of Jackson, and shall then and there proceed by writing to be signed by a majority of those present, to allot and divide between the said townships, all the property, and money on hand in the proportion named in the foregoing section, and adjourn from time to time, and to such time and place as a majority of those assembled may think proper, and the said township of Jackson shall be liable to pay their just

proportion of the debts, if any there be, and if any of the members of the said township committees shall neglect to meet as aforesaid, those present may proceed to make such division, and their decision or the decision of a majority of them shall be final and conclusive.

Sec. 7. *And be it enacted*, That the said township committee of the said township of Jackson shall have power, and they are hereby authorized and empowered to sell and release to the said townships of Freehold, Upper Freehold and Dover, respectively, all the right, share and interest of the said township of Jackson, in and to the property both real and personal, now belonging to the said townships respectively or any part thereof for such sum or sums as may be agreed upon by the committees of the townships interested, and to make and deliver good and sufficient deed or deeds for the same.

Township committee of Jackson authorized to release interest, &c.

Sec. 8. *And be it enacted*, That the township committee of the township of Millstone in the county of Monmouth, shall have power, and they are hereby authorized and empowered to sell and release to the townships of Freehold and Upper Freehold respectively, all the right, share and interest of the inhabitants of the township of Millstone in the county of Monmouth, in and to the property both real and personal which belonged to the said townships respectively at the time of establishing the said township of Millstone, or any part thereof, for such sum or sums as may be agreed upon by the committee of the townships interested, and to make and deliver good and sufficient deed or deeds for the same.

Township committee of Millstone authorized to release interest, &c.

Sec. 9. *And be it enacted*, That this act shall go into operation and effect immediately after the passage thereof.

Act when to take effect.

Passed March 6, 1844.

AN ACT to incorporate the Trenton Saving Fund Society.

Preamble. WHEREAS it has been found that institutions for the purpose of receiving and investing in public stock or substantial security on real estate, such small sums as may be saved from the earnings of tradesmen, mechanics, laborers, minors, servants, and others, have been productive of very beneficial results as well by affording to such persons the advantages of security and interest, as by engendering habits of industry and frugality : *And whereas*, the increasing mechanical and manufacturing population of Trenton and its vicinity, render it desirable that such an institution should be established there and brought into legal existence by an act of incorporation, and this legislature considering it right to cherish all laudable attempts to meliorate the condition of the poor and laboring class of the community, therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Peter D. Vroom, John C. Redman, John Read, Stacy G. Potts, George Dill, Xenophen J. Maynard, Richard J. Bond, Thomas J. Stryker, Jacob Kline, Jasper S. Scudder, Timothy Abbot, Charles Parker, Henry W. Green and their successors, shall be and are hereby constituted a body corporate and politic, by the name of "The Trenton Saving Fund Society," and by that name they shall have perpetual succession, and shall be persons 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 by that name shall be capable of purchasing, taking, holding and enjoying, to them and their successors, any real estate in fee simple or otherwise, and any goods, chattles and personal estate which shall be necessary for the purposes above recited, and of selling, leasing or otherwise disposing of the said 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 the interest accruing upon the investments, or upon the sale of any investments, in which the deposits with said society may be made, shall not exceed the sum of five thousand dollars.

Name of incorporators.

Style of incorporation.

Proviso.

Sec. 2. *And be it enacted*, That the said society shall receive as deposits, from persons of the description contained in the preamble to this act, all sums of money that may be offered for the purpose of being invested as aforesaid, in such sums at such times and on such terms as the by-laws of the society may prescribe, which shall be invested accordingly, and shall be repaid to each depositor at such times and with such interest and under such regulations as the board of managers to be appointed as hereafter mentioned shall from time to time prescribe.

Objects of incorporation.

Sec. 3. *And be it enacted*, That the said board of managers shall from time to time have power to make, ordain and establish such by-laws and regulations as they shall judge proper, for the election of their officers, for prescribing their respective functions, and the mode of discharging the same, for regulating the times and places of meeting of the officers and managers, and for the transacting, managing and directing the affairs of the institution; *Provided* such by-laws and regulations, shall not be repugnant to the constitution and laws of this State and of the United States, and such by-laws and regulations shall be put up in some public and conspicuous place in the room where the business of said society, shall be transacted but shall not be altered so as to effect any one who may have been a depositor previous to such alteration.

Managers to make by-laws

Proviso.

Sec. 4. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a rateable proportion, as near as may be of all the profits of said society, after deducting therefrom all necessary expenses and a reasonable surplus or contingent fund; *provided*, that said rates of interest may at the discretion of the managers be so regulated that the interest allowed to depositors, having five hundred dollars or more deposited, shall be at least one per cent less than the interest allowed to others, and so that no interest or dividend on account of said surplus fund shall be allowed for monies which shall have been withdrawn from deposit.

Rate of interest, how regulated.

Proviso.

Sec. 5. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the president or managers for their services; nor shall any manager, officer or agent of the society be allowed directly or indirectly, to borrow any money or moneys from the said society, or to use the same except to pay necessary expenses, nor shall the society have, hold or purchase any notes, bonds or mortgages or other security for the payment of money drawn or endorsed by, or existing against any manager, officer or agent of said

President and Managers not to receive compensation for services.

society, and no manager or other officer of the society, shall make or have any interest in, any of the deposits with the said society, or the profits arising from the same except it may be for deposits made by them as trustees for the benefit of others.

Certificates
of deposit
binding on
society.

Sec. 6. *And be it enacted,* That all certificates or evidence of deposit made by the proper officer of the society, shall be as binding on the society as if the same were under their common seal.

Deposits by
miners.

Sec. 7. *And be it enacted,* That it shall be lawful for said society at their discretion to pay to any depositor being a minor, such sums as may be due to such depositor, not exceeding two hundred and fifty dollars, notwithstanding that no guardian shall have been appointed for such depositor, and that the receipt or acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *Provided,* such deposit shall have been personally made by such depositor, and not by any other person for his or her benefit.

Proviso.

Payments of
deposits in
case of death.

Sec. 8. *And be it enacted,* That a book shall be kept at the office of the society in which every depositor shall be at liberty to appoint some person or persons to whom, in the event of his or her death, the money shall be paid if not otherwise disposed of by will, and all payments made by said society, to such persons so appointed shall be a full discharge to said society, should no such appointment be made, such deposit, on the decease of the depositor shall be paid to his or her legal representatives.

Interest on
deposits, how
paid.

Sec. 9. *And be it enacted,* That the society shall not be required to receive on deposit a less sum than one dollar, nor to allow interest on any deposit, until it amounts to the sum of five dollars, nor to pay interest on the fractional part of five dollars, and to avoid the calculation of days on small sums, they shall not be required to allow interest for the fractional parts of a month, and months shall be considered calendar months.

Deposits to
be entered in
books.

Sec. 10. *And be it enacted,* That all deposits and payments shall be regularly entered in the books of the office and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.

Managers
may refuse
deposits.

Sec. 11. *And be it enacted,* That the managers shall be at liberty at any time to refuse deposits, and on giving one month's notice to return such as have been made with interest thereon to be calculated to that time and no longer.

Sec. 12. *And be it enacted,* That the said society shall invest no money in any other public stocks than such as are created under the laws of the United States or of this State, nor on bonds and mortgage, except on unincumbered real estate within the State of New Jersey worth at least double the amount of the sum invested, nor in the stock or loans of any incorporated company whatever.

Money how invested,

Sec. 13. *And be it enacted,* That the society shall be conducted by thirteen managers who shall annually on the first Monday in April, choose one of their number as president, and they shall have power to appoint a secretary, treasurer and such other officers as the business of the society shall require, a majority of the board shall be a quorum to do business; the seat of any manager who shall have neglected to attend for three successive meetings may be vacated by the board, and any of the officers of the society, may be removed at the pleasure of the board, the persons named in the first section of this act shall be the first managers of the society.

Managers, mode of election and duties of.

Sec. 14. *And be it enacted,* That the managers shall have power to fill up by ballot after notice of one month, any vacancy, which may occur in their own body or offices, two-thirds of the members present to agree to all removals and new appointments, and no appointment or removal to take place when a less number than nine managers are present.

Vacancies how supplied.

Sec. 15. *And be it enacted,* That the managers shall not receive from any one person deposits to a greater amount than five hundred dollars in any one year.

What amount of deposits may be received.

Sec. 16. *And be it enacted,* That it shall be the duty of the President of the society to forward to the Speaker of the House of Assembly of this State on or before the first day of February in each year a statement under oath or affirmation of the president and treasurer showing the whole number of depositors on the books of the society on the first day of January preceding, classifying them by their occupations as nearly as possible and shewing the number of depositors having sums in deposit not exceeding ten dollars each, the number of depositors from ten to twenty dollars, the number from twenty to fifty dollars, the number from fifty to one hundred dollars, and the number of one hundred dollars and upwards, together with the names of all persons who have made deposit with said society and have not within five years next preceding the time of such statement either drawn out any part of the moneys so deposited or of the interest accruing upon it giving the residence of the depositor if known, the time the deposit was made, its amount and the interest due.

President of society to make annual statement.

Books to be open for examination.

Sec. 17. *And be it enacted*, That the books of said society shall be at all times open to such person or persons as the legislature may from time to time delegate, for inspection and examination.

Act when to be deemed a public act.

Sec. 18. *And be it enacted*, That this act is hereby declared to be a public act, and that the same shall be construed in all courts and places favorably and benignly for every beneficial purpose therein intended, and that no misnomer of the said corporation in any deed, gift, grant, or demise or other instrument of contract or conveyance shall vitiate or defeat the same: *provided*, the corporation shall be sufficiently described to ascertain the intention of the parties: *Provided also*, that the legislature may at any time hereafter amend or repeal this act and dissolve the said corporation or vary or modify its powers, as to them shall seem fit and proper.

Proviso.

Passed March 7, 1844.

An act supplementary to an act, entitled "An act for the incorporation of the town of Princeton," passed the 27th day of November, A. D. 1822.

Officers, of Borough, how elected.

Sec. 1. 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 mayor, recorder, and aldermen of the said borough of Princeton, shall be elected by the freeholders and others the freemen of the said borough of Princeton qualified by law to vote, and shall continue in office one year and until their successors shall be elected and sworn into office; and for the purposes of carrying this provision into execution, it shall and may be lawful for the freeholders and others the freemen of the said borough of Princeton, qualified to vote for common council men of said borough, to assemble at Joline's Hotel, now kept by Abraham C. Schenck, in said borough on the first Monday of April next, and then and there by ballot and by a plurality of votes to elect the said mayor, recorder and aldermen, and on the first Monday of April, yearly, and every year thereafter, the freeholders and others the

freemen of the said borough of Princeton, qualified as aforesaid shall and may assemble at such place as may be appointed by the common council, and then and there by ballot and plurality of votes aforesaid, elect the said mayor, recorder and aldermen to hold their respective offices during the term of one year and until their successors shall be elected and sworn into office as aforesaid.

Sec. 2. *And be it enacted* That the said mayor, recorder, and aldermen, shall severally, before he or they take their seat or seats in the common council of the said borough, take and subscribe the oath or affirmation of allegiance to this State, and also an oath or affirmation for the faithful discharge and execution of their respective offices, within thirty days after their election, or in default thereof his or their election shall be deemed void, and a new election may be ordered by the mayor for the time being to supply the vacancy or vacancies; such oath or affirmation to be taken before a justice of the peace of the county of Mercer, or any other person lawfully authorised to administer the same, and when so taken to be deposited with the clerk of the common council of said borough, there to remain of record.

Mayor, &c.
to take oath
or affirma-
tion.

Sec. 3. *And be it enacted* That the aldermen elected by virtue of this act, shall be ex-officio conservators of the peace within the limits of said borough, and for this purpose shall jointly and severally have authority to cause any or all persons to be brought before them, or either of them, for any breach of the peace, or for disturbing the public tranquility, shall have power to cause any or all persons so offending to be sent to the borough prison for safe keeping, until he, she or they can be brought before the mayor or any magistrate of the county for further hearing, and that the mayor shall be during the time for which he is elected, vested with all the powers and functions and be bound by all the liabilities in criminal cases that justices of the peace of the several counties of this State, now are or hereafter may be authorised to perform, and all officers and persons shall respect him as such.

Powers and
duties of
Mayor and
aldermen.

Sec. 4. *And be it enacted*, That all acts and parts of acts, coming within the purview of this act, and inconsistent therewith, be, and the same are hereby repealed; and that this act shall go into operation on the first Monday of April next.

Part of form
er act, re-
pealed.
Act when to
take effect.

Passed March 7, 1844.

An Act to authorize the township committee of the township of Woodbridge, in the county of Middlesex, to build a dock at the mouth of Woodbridge 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 it shall and may be lawful for the inhabitants of the township of Woodbridge, in the county of Middlesex, to raise by tax or otherwise, a sufficient sum to be expended under the direction of the township committee, or their successors, in building a dock or wharf at the ancient public landing place on Arthur Kull or Staten Island Sound, near the mouth of Woodbridge, formerly Papiac creek, on the northeasterly side thereof, to extend a sufficient distance to accommodate such vessels and steamboats as usually navigate the same; *Provided* the said dock or wharf shall not obstruct the navigation of said river or sound.

Dock authorized to be built.

Penalty for injuring dock

Sec. 2. *And be it enacted,* That if any person or persons shall destroy or in any way injure the said dock, such person or persons shall be responsible for, and shall make good all damages to the township committee which they shall commit.

Compensation for use of dock may be demanded

Sec. 3. *And be it enacted,* That it shall be lawful for all vessels to touch, make fast, load and unload at said dock, and it shall be lawful for the township committee of the township of Woodbridge, and their successors, to demand, receive and collect compensation therefor, from all vessels or steamboats as may make use of the same, excepting only such vessels or steamboats as are owned by and belong to residents of the said township of Woodbridge.

Passed March 7, 1844.

SUPPLEMENT to an act entitled, "An Act securing to mechanics and others payment for their labor and materials, in erecting any house or other building within the limits therein mentioned."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all liens hereafter filed pursuant to the act to which this act is a supplement, shall be filed and recorded in a book kept for that purpose in the office of the clerk of the court of quarter sessions of the city of Camden, and shall when duly filed and recorded as aforesaid, be of the same force and effect and constitute a lien in the same manner as if filed in the office of the clerk of the county of Gloucester, and a scire facias may issues thereon out of the court of common pleas, and may be proceeded upon in said court in the same manner as heretofore, and the clerk of the quarter sessions of the city of Camden shall be entitled to the same fees for filing and recording liens as are now allowed to the clerk of the county.

Liens to be
filed in the
Clerks office
of 2d sessions.

Sec. 2. *And be it enacted,* That so much of the act to which this is a supplement, that requires liens to be filed in the office of the clerk of the county of Gloucester, and the second section of the supplement to the said act, passed February nineteen, eighteen hundred and thirty, be, and the same are hereby repealed.

Part of former act repealed.

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

Act when to take effect.

Passed March 7, 1844.

A further supplement to the act entitled, "An act securing to mechanics and others, payment for their labor and material, in erecting any house or other building within the limits therein mentioned;" passed March 3, 1835.

Provisions of act extended to certain counties, &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 the provisions of this act, to which this is a further supplement, shall be extended to, and be in full force and effect within the counties of Monmouth, Salem and Cumberland, and within the township of Acquackanonck, in the county of Passaic, in this State; *Provided always,* that this supplement shall not go into effect until the first day of April next.

Passed March 13, 1844.

A further supplement to the act entitled, "An act to incorporate the city of Trenton."

Assessor to assess all tenants as house holders.

Sec. 1. 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 assessor of the city of Trenton, in making his assessment of taxes as provided by law, to assess and rate as householders all tenants and occupiers of lands or tenements, who are not owners of any lands or tenements in said city, and assessed as such.

Duty of assessors.

Sec. 2. *And be it enacted,* That in all cases where the state and county taxes to be collected in said city, in any year, shall be directed by the Common Council to be assessed and collected before the proportion or quota of the tax to be levied and collected in the said city for such year shall be adjusted and fixed, as prescribed by law, it shall be the duty of the assessor, in making his assessment, to assess the amount of taxes adjusted and fixed as the quota of the said city for the

last preceding year; which assessment so made shall be as valid and effectual in law as if made after the proportion or quota of tax to be levied and collected in the said city for the current year shall be adjusted and fixed as prescribed by law; and in case of any deficiency in the amount of taxes so assessed, it shall be lawful for the Common Council to direct the amount of such deficiency to be added to the amount required to be assessed and levied for the next or other subsequent year; *Provided*, that nothing herein contained shall be construed to relieve the said city from the obligation imposed or to be imposed by law, to pay the amount of state and county taxes required to be levied and collected in the said city in each year;—and provided also, that the collector of said city shall pay over to the collector of the county of Mercer, the proportion of state and county taxes, directed to be assessed and levied in said city at the time and under the penalty or penalties that are or may be specified and prescribed by law in regard to the collectors of the several townships of this state. Proviso.

Sec. 3. *And be it enacted*, That it shall be the duty of the assessor of the said city, to include the state and county taxes and also all taxes assessed for city and township purposes, in one and the same duplicate or assessment; and the assessor for making such duplicate or assessment, and the collector for performing the duties required of him by law in relation thereto, shall be entitled to receive the fees allowed by law for making one duplicate or assessment, and collecting the same, and no more. Assessor to make one duplicate assessment.

Sec. 4. *And be it enacted*, That this act shall go into operation and take effect immediately on the passage thereof. Act when to take effect.
Passed March 7, 1844.

Supplement to an act entitled "An act for suppressing of Lotteries," passed 13th February, 1797.

Sec. 1. 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 penalty contained in the third section of the act to which this is a supplement, shall not extend to Penalties not to extend to purchasers.

the purchaser of a ticket; and that all penalties recovered under the act to which this is a supplement, shall be appropriated to the use of the county in which the action or actions for the recovery thereof shall have been prosecuted; *Provided*, that in every action instituted under the act to which this is a supplement, the inhabitants of the county where the same is instituted, shall be competent to serve as jurors, and admitted as witnesses in any such action, notwithstanding their liability to taxation or being interested.

Part of former act repealed.

Sec. 2. *And be it enacted*, That so much of the third section of the act to which this is a supplement, as is not in accordance herewith, be, and the same is hereby repealed.

Passed March 7, 1844.

AN ACT for the relief of Mary Page, widow of Timothy Page, deceased, of the county of Monmouth.

\$60 per annum to be paid to Mary Page.

Sec. I. *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 is hereby authorized and directed to pay to Mary Page, widow of Timothy Page, deceased, late of the county of Monmouth, a soldier of the Revolutionary war of the United States, or her order, the sum of forty dollars per annum, during her natural life, in half yearly payments; the first payment to be made on the fourth day of March next, and the receipt of the said Mary Page, or her order, shall be a sufficient voucher to the treasurer for the payment of the same in the settlement of his accounts.

Passed March 8, 1844.

A SUPPLEMENT to the act entitled "An Act to set off the township of Van Vorst, in the county of Hudson," passed March 11, 1841.

WHEREAS, the inhabitants of the township of Van Vorst, in the county of Hudson, have, by their petition, represented to this legislature, that by the act to which this is a supplement, the metes and bounds of their said township have not been so set forth, as definitely to include the territory designed to be set apart for said township, and have also represented that their taxation, as heretofore assessed upon them under the existing laws of this state, is disproportionate and unequal, bearing lightly and nominally only, upon the few wealthy landholders, but oppressively upon the large portion of the people, and the owners of small freehold estates;—and whereas, it appears that the said township is composed of a small table of land adjoining Jersey City, the whole of which said township has been laid out into building lots and streets, and that the same is rapidly improving, and it manifestly appearing to be just and reasonable that all said building lots should be equally assessed according to their relative value, and not by the acre, in cases where there may be an owner of such lots amounting to twenty acres or more, as now assessed;—and whereas, the said petitioners have represented that it would conduce to their advantage to have a common grade or grades for said streets duly established and fixed, and also to have the side walks therein duly regulated and paved, but that they have no adequate power to effect the same, or to provide for the other necessary improvements which their common welfare and safety demand, and have prayed the aid of the legislature in this behalf; therefore—

Preamble.

Sec. 1. BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That "the township of Van Vorst in the county of Hudson," shall be designated and known as all that part or district, formerly a part of the township of Bergen, in said county, which lies within the following boundaries, viz: beginning in the middle of the Hudson river, thence northwesterly to the mouth of the creek or stream known as "the creek of the woods," or "mill creek;" thence running in a westerly course to the middle of the mouth of the said creek; thence following up the centre of said creek, till it

Boundaries
of township
of Van Vorst.

comes to the sprout of said creek, which runs into the Hoboken meadow; thence in a north-westerly direction till it meets the Hoboken embankment; thence south-westerly along said embankment till it comes to the upland at the foot of the hill; thence southerly along the foot of the hill, in a straight line till it intersects the aforesaid "Creek of the Woods," or "Mill Creek;" thence following the middle of said creek to its entrance in the Communipaw-Cove, or York bay; thence down said cove or bay to the south-westerly corner of the Jersey City boundary line; thence northerly along the westerly line of said boundary line of Jersey city, to the middle of South eighth street, thence easterly along the middle of said street until it reaches Harmisus street, thence northerly and easterly along the boundary line of Jersey City, to the centre of the Hudson river; thence northerly along the said river to the place of beginning.

Assessment of
taxes.

Proviso.

Sec. 2. *And be it enacted*, That the assessor or assessors of the township of Van Vorst, in the county of Hudson, hereafter in assessing all taxes authorized, or which may be authorized by law, for State, county and township purposes, shall assess and rate all tracts or lots of land, and all houses and lots of land within the said township according to the actual value thereof, to be rated and valued at the discretion of the said assessor or assessors, reserving the same appeal, and authorizing the collection of the same in the same way and manner, in all respects as is now or may hereafter be reserved and prescribed by the laws of this state; *Provided however*, that the proportion or quota of tax to be levied and collected in said township, for state and county purposes, shall nevertheless, be adjusted and fixed from year to year, upon the same basis or ratio, as by the laws of this state, is or may be adjusted or fixed for other townships in this state.

Town committee
authorized to
grade and
regulate
streets.

Sec. 3. *And be it enacted*, That it shall and may be lawful for the town committee of said township, to pass by not less than three concurring votes, and to enforce all such orders as they shall from time to time judge proper, for establishing and fixing the grades of all the streets in said township, a proper chart or map whereof, with reference to the necessary monuments and plans, they shall cause to be filed in the office of the Clerk of the Court of Common Pleas, of the county of Hudson, there to remain as evidence in all cases and matters relating to said grades; and also, for regulating and keeping the said streets and the side walks in repair, for abating or removing any nuisance, in any street or on any wharf, or in or upon any lot or lots, or enclosure or other place or places in said township—for paving, curbing, and guttering the side walks—for regulating and sinking

wells and pumps; for providing water reservoirs and aqueducts; for extinguishing fires; for appointing and removing fire-wardens, fire-engineers and firemen, and for prescribing their duties; for erecting street lamps and lighting the same; for erecting and maintaining a town house and school houses, together with such other public buildings as may be necessary or convenient for the people of said township.

Sec. 4. *And be it enacted*, That it shall be lawful for the said town committee of said township, to raise by tax, from year to year, such sum or sums of money as they may deem necessary, for defraying the expenses of establishing and fixing the grade or grades of the streets; for regulating and keeping the same in repair, as now are or may hereafter be opened; for abating or removing any nuisance; for procuring fire engines; for supporting a night watch, when necessary; for erecting and maintaining a town house and school houses, and for defraying the contingent expenses of said township, and for all other public purposes and objects, authorized by this act, to be assessed upon the persons and property of the residents of said township, as is by law now or may be authorized, and upon the real estate of residents and non-residents, as in and by the first section of this act is authorized; *provided*, the said town committee shall not raise a greater sum than two hundred and fifty dollars in one year, unless by consent of a majority of the voters of said township, in town meeting duly convened, which taxes shall be collected by the collector of said township, and paid into the hands of the said town committee, or their Treasurer, subject to the order and disposition of said town committee; and the said collector shall proceed in all things as by the laws of this state, township collectors are bound to proceed, and shall be liable to the same pains and penalties as prescribed in similar cases; and such further proceedings shall thereafter be had, in cases of any persons being delinquent in paying said taxes, as now is prescribed by the laws of this state, for the collection of State, county and township taxes.

Town Committee authorized to receive tax for expenses of township.

Provided.

Sec. 5. *And be it enacted*, That it shall and may be lawful for the said town committee, in each and every case where improvements shall be prayed for, as hereinafter contemplated, and orders passed by the said town committee for the purpose, to appoint three discreet, impartial and disinterested freeholders of said township, who shall be duly sworn or affirmed, to assess upon principles of equity, and according to the benefit which the owner or owners thereof may derive therefrom; the real estate in said township for the improvements so as aforesaid, to be made in the streets or parts

Town committee to authorize assessment for improvements.

of streets, and for paving, curbing and guttering the side walks or any part thereof; for regulating and sinking wells and pumps; for making reservoirs and aqueducts, for the purpose of extinguishing fires; for erecting street lamps, and lighting the same; which said assessment shall be collected under and by virtue of an order or orders for the purpose, to be awarded and issued by the said town committee, under their hands and seal, in the nature of a warrant, to distrain and sell the personal estate of the owner or owners of the said real estate so assessed, directed to one of the constables of said township, whose duty it shall be to return the said warrant to the said town committee, within thirty days thereafter, with the monies raised thereupon; and in case the monies therein required to be made, together with the costs or any part thereof, cannot be made on the said warrant, the said constable shall return the said warrant, with a certificate thereof, within the said thirty days, to the said town committee, after which time the said committee may proceed to enforce the lien hereafter created, upon the said real estate; *provided*, that no assessment shall become final, until after notice thereof shall have been published by the said three assessors, by notice in writing, set in five of the most public places in the township, for the space of thirty days at least, and until the same shall have been confirmed by the said town committee, of the meeting of which said committee, like public notice shall be given, and to whom any person aggrieved may at that time appeal for relief; and provided also, that no such assessment shall be made, unless upon petition of the owners of the lots, interested in such improvement.

Proviso.

Lands may
be sold for
arrears of tax

Sec. 6. *And be it enacted*, That the taxes and assessments, which shall be assessed or made upon any real estate in said township by virtue of this act, shall be and remain a lien thereon, for the space of two years, from and after the time when the same shall be assessed, notwithstanding any subsequent descent, devise, alteration, mortgage, or other encumbrance thereof; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed for the payment thereof, it shall and may be lawful for the town committee of said township to cause such lands, tenements or real estate, to be sold at public auction, for the shortest time for which any person will agree to take the same, and pay such tax or assessment, or the balance thereof, remaining unpaid, with the interest thereon, and all costs, charges and expenses, and to execute under their hands and seals, a declaration of such sale, and deliver the same to the purchaser; and such purchaser, his executors, administrators or assigns, shall by virtue thereof,

lawfully hold and enjoy the said lands, tenements, or real estate, for his and their own use, against the owner or owners thereof, and all persons claiming under him or them, until his or her said time shall be completed and ended; *provided*, that the said town committee shall have first caused such sale to be advertised for at least sixty days, in at least one public newspaper, printed and published in said township, and if no newspaper shall be printed and published in said township, then in at least one public newspaper printed and published in this state, and generally circulated in said township; and also by advertisements put up in at least five public places in the said township, which advertisements shall describe the said lands, tenements or real estate, and specify the amount of the tax or assessment thereon, and provided also, that the lands, tenements, or real estate so sold, may be redeemed by the owner or owners thereof, or by the mortgagee or mortgagees thereof, within two years from the day of the sale, on the payment of the amount of the purchase money with interest, at the rate of twelve per cent. per annum, from the day of sale, and all expenses necessarily incurred thereupon; and provided also, that in case the same shall be paid as hereinbefore provided by the mortgagee or mortgagees, then, and in that case the whole amount of that payment shall be recoverable under and by virtue of the mortgage which the said mortgagee or mortgagees may hold upon the said real estate, in the same way and manner, in all respects, as if the same were included in and intended to be secured by the said mortgage.

Proviso.

Sec. 7. *And be it enacted*, That this act shall go into operation on and after the 2nd Monday in April next; *provided*, it shall be approved by three-fifths of all the legal voters of the said township at a public meeting to be called for that purpose, upon ten days previous notice thereof, by written advertisements, to be set up by the township committee of said township, and it shall then if approved, be considered a public act.

Act when to take effect.

Passed February 29, 1844.

AN ACT to alter and amend the charter of the city of New Brunswick.

Preamble,

WHEREAS it has been found by experience, that the present charter of incorporation of the city of New Brunswick, is insufficient to answer the good purposes thereby intended :
Therefore,

Boundaries
of city of
New Brun-
swick.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all that tract of land situate, lying and being within the limits and boundaries hereinafter mentioned and described, that is to say : Beginning at a point in Raritan river, distant ten chains on a course south fifty three degrees and fifty five minutes west, from the northwest corner of the foundation of a dwelling house, situate on the southwesterly side of the Delaware and Raritan Canal, thence south fifty-three degrees and forty-five minutes west, seventy-three chains and thirty-three links, thence south nineteen degrees and thirty minutes, east sixty-five chains and eighty links, thence south fifty-nine degrees and thirty minutes, east thirty-nine chains and fifty links, thence south eighty-nine degrees, east forty-five chains and twenty links, thence north seven degrees, east forty chains to a point in the Raritan river, and thence up the said river, the several courses thereof to the place of beginning, containing in all about eight hundred acres, shall be, and the same is hereby ordained, constituted and declared to be a city and town corporate, and shall henceforth be called, known and distinguished by the name of "the city of New Brunswick."

Style of in-
corporation.

Officers of
corporation.

Sec. 2. *And be it enacted,* That there shall henceforth be in the said city, a mayor, who shall be keeper of the common seal ; a recorder, who besides the office of Recorder, shall in case of the absence, death or disability of the mayor, have, hold, use and execute, the several duties annexed to the mayoralty and every of them, during such absence or other disability ; three aldermen, six common council men and one town clerk : which mayor, recorder, aldermen, and common council men shall be one body politic and corporate in deed, fact and name, by the name, style and title of "the mayor, recorder, aldermen and common council men of the city of New Brunswick, and by that name they and their successors forever hereafter, shall and may have perpetual 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 in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors may have a common seal and use the same at their pleasure and also by their corporate name aforesaid, shall be in law capable of purchasing and holding and conveying any estate, real or personal for the public use of the said corporation: a majority of the said mayor, recorder, aldermen and common council men shall constitute a common council, and in the absence of the said mayor and recorder, the said common council may elect or appoint a presiding officer pro tempore, who during the time he presides shall be fully vested with the power and authority of the mayor, for the transaction of all the business of such meeting: *Provided always*, no by-laws nor ordinances of the said common council, shall pass without the concurrence of at least six votes. Proviso.

Sec. 3. *And be it enacted*, That it shall and may be lawful for such of the inhabitants of said city of New Brunswick, as have resided within the limits thereof for one year, immediately preceding the election to be held for city officers, and who are in other respects legal voters, to assemble at the city hall in the said city, on the second Monday in May next, and then and there by ballot, and by a plurality of votes to elect a mayor, recorder, three aldermen, and six common council men, a town clerk and city marshal, to hold their respective offices for one year and until their successors are elected and sworn into office, and on the second Monday in May yearly and every year thereafter, the inhabitants aforesaid shall and may hold a like election at such place in said city, as may be designated by the common council; the time of opening and closing the poll at said election, and the mode and manner of conducting the same, shall be prescribed by ordinance: *Provided*, that the poll shall be open at least from twelve o'clock noon, until seven o'clock in the afternoon; in case of a vacancy in either of the offices of mayor, recorder, alderman, or common council men, the common council may, at their discretion, order a new election to fill such vacancy, at such time and place as they may see proper, giving at least ten days' notice thereof, which election shall be conducted in the same manner as the regular election; and in case of a vacancy in either of the offices of town clerk or city marshal, the common council shall, and may appoint a town clerk or city marshal, pro tempore. Annual election of officers.

Sec. 4. *And be it enacted*, That the aforesaid officers shall, before entering upon the duties of their respective offices, and Vacancies, how supplied.

within thirty days after their election, take and subscribe an oath or affirmation for the faithful discharge and execution of the duties of their respective offices, or in default thereof, his or their election, as the case may be, shall be deemed void and of non-effect, and a new election may be ordered by the mayor, for the time being, to supply such vacancy or vacancies, the said oath or affirmation, or any oath or affirmation, required under this act, may be administered by any officer authorized to administer an oath by the laws of the State; and besides the oath required of the said city marshal, he shall, before he enters upon the duties of his office, and within the said thirty days after his election, enter into a bond to the mayor, recorder, aldermen, and common council men of the city of New Brunswick, with one or more sureties, to be approved of by the said common council, in such sum as they may direct, conditioned for the true and faithful performance of all the duties of his said office of said city marshal, and if he neglect or refuse to enter into said bond, within the said period of thirty days, then his said election shall be deemed void and of non-effect, and a new election shall be ordered and held, to supply the vacancy, in the same manner as is prescribed in the case of the other afore mentioned officers.

Officers to
take oath or
affirmation.

City marshal
to give bond.

Common
council may
make by-
laws.

Sec. 5. *And be it enacted,* That the said common council shall and may pass, seal with the common seal, and publish such by-laws and ordinances, not repugnant to the laws of this State, or of the United States, as they may consider calculated to promote the welfare, good government, health and prosperity of the said city of New Brunswick, and the inhabitants thereof, and the same to put into execution, revoke, alter, amend and make anew, as to them, in their discretion, may appear necessary and proper, which by-laws and ordinances shall be published in one or more of the public newspapers of the said city, within twenty days after the passage thereof, for the general information of the said inhabitants.

Mayor, Re-
corder and
common
councilmen,
constituted a
court of rec-
ord.

Sec. 6. *And be it enacted,* That the Mayor, Recorder, Aldermen and Common Councilmen of the City of New Brunswick, shall and may make, limit and impose, and tax, reasonable fines and amercements against all, and upon persons who shall offend against the laws, ordinances and regulations of the said common council, and the said mayor, recorder, or either of the said aldermen, is hereby constituted a court of record to take cognizance of all offences against such by-laws and ordinances, and punish all offenders against the same, by fine, not exceeding fifty dollars, and imprisonment in the jail of the county of Middlesex, not exceeding six days, together with the costs of conviction; and it shall and may be lawful for the said mayor, recorder, or either of the said al-

dermen, upon complaint made on oath, of an offence committed against the said by-laws and ordinances, to issue his warrant to the marshal, or other executive officer, commanding him, in case such offender or offenders be sentenced to imprisonment, to convey him to the jail of the said county of Middlesex, there to remain until the term of imprisonment shall have expired; and from thence, until the costs of prosecution shall be paid; and in case the offender or offenders, shall be adjudged to pay a fine, then it shall and may be lawful for the said mayor, recorder, or either of the said aldermen, before whom such conviction may be had, to issue an execution to said marshal or other executive officer, commanding him to levy and make such fine and costs of the goods and chattles of the offender or offenders, and for want of goods and chattels, to take and convey such offender or offenders, to said jail, there to remain until such fine and costs shall be paid; and the said marshal is hereby required to execute the process aforesaid: *Provided*, always, that any person convicted of a breach of any by-law, or ordinance, may appeal to the common council, upon such terms and conditions as said common council may by ordinance impose; but such appeal shall be brought within thirty days after conviction.

Sec. 7. *And be it enacted*, That the said common council shall, and may make and appoint a city treasurer, clerk of the market, assessor, collector, and such other subordinate officers as to them may seem proper and necessary, for the good government and welfare of the said city; all the officers of the said corporation, except those elected by the people, shall hold their offices during the pleasure of common council, and shall give such security for the faithful performance of the duties thereof, to the mayor, recorder, aldermen and common council men, of the city of New Brunswick, as they may order and direct.

Common council to appoint certain officers.

Sec. 8. *And be it enacted*, That the common council shall have the sole and exclusive power of licensing all and every innkeeper or tavernkeeper, residing within the bounds of the said city, subject to the same provisions, restrictions and regulations, and in like manner as the said licenses now are, or may at any time hereafter be granted by the laws of this State.

Tavern licenses.

Sec. 9. *And be it enacted*, That all actions to be brought for the recovery of any penalty or penalties, created or imposed by any by-law, or ordinance, made and passed, or that hereafter may be made and passed by the said common council, may be brought and prosecuted in the name of the "Treasurer of the city of New Brunswick," without specifying the individual name of the treasurer of the said city, for the time being; and the books of records of the ordinances and

Action for recovery of penalties, &c. how conducted.

by-laws of the said common council shall be taken and received as evidence of the due passage of all ordinances and by-laws recorded therein, and the publication by authority of common council, of their ordinances and by-laws, in a volume or pamphlet form, shall, in like manner be taken and received in evidence of the due passage thereof, and the publication of the said ordinances and by laws in one or more of the public newspapers of the said city, according to law, shall, in all cases be presumed to have been done, until the contrary shall be proved.

Sec. 10. *And be it enacted,* That upon the trial of any issue, or upon the judicial investigation of any fact, to which issue or investigation, the said common council are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror, by reason of his being an inhabitant or freeholder of said city; and if any person be sued or impleaded by reason of any thing done by virtue of this act, such person may plead the general issue and give this act, and the special matter in evidence at the trial.

Sec. 11. *And be it enacted,* That it shall and may be lawful for the common council of the said city, to make and establish ordinances and regulations for the levelling, grading, regulating, paving, flagging or gravelling, of the streets and side walks of the said city; the work to be done by the owners or occupants of lots fronting or adjoining such streets, and to be superintended by the city paver, who, under the direction of common council, shall prescribe the manner in which such work shall be done; if the owner or legal representative or guardian of the owner of any lot in front whereof the street or walk, shall, by such ordinance or regulation, be directed to be levelled, paved, graded, regulated, flagged or gravelled, shall neglect to comply with such ordinance or regulation, within two months after the passage and publication of the same, it shall be lawful for the common council to cause the work to be done agreeably to the ordinance, for such person so neglecting, and to cause a particular statement and account of the expenses of the said work, to be rendered to them and recorded in their minutes and properly filed; if the said account be approved and allowed by common council, or if any amount be allowed by them for the performance of said work, they shall cause an advertisement to be inserted in the public papers printed in New Brunswick, for one month, stating the amount allowed and approved of, for the performance of the work, and requiring the owner or legal representative or guardian of the owner, as the case may be, to pay the same to the treasurer of the said city at a certain time and place, and also, appointing a certain time and place where such lot will be

Inhabitants
of city not
incompetent
as witness or
juror.

Regulating
and paving
streets and
sidewalks.

held at public auction, if default be made in such payment, for the lowest term of years at which any person shall offer to take the same, in consideration of paying the amount due as aforesaid, and if notwithstanding such notice and demand, the owner or owners of such lot or lots, or the legal representative of such owner or owners, shall neglect to pay the amount due as aforesaid, with the costs and charges thereof, and the costs of the advertisement, it shall be lawful for the said common council to cause the said lots to be sold at public auction, for a term of years, at the time, for the purpose, and in the manner expressed in the advertisement, and to give a declaration of such sale to the purchaser or purchasers thereof, his or their executors, administrators or assigns, and he or they shall, by virtue thereof, and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners, and all claiming, under him or them, until his time therein shall be complete and ended, and be at liberty to remove all the buildings and materials, which he or they may erect or place thereon: *provided, nevertheless*, that in case the owner or owners, or the representative or guardian of such owner or owners, be a non-resident, or non-residents of the counties of Middlesex and Somerset, he or they shall have due written notice of the passage or enactment of the ordinance requiring said work to be done, which said written notice shall be served personally, or sent by mail, directed to the said person or persons, within twenty days after the passage of such ordinance; and proof of having put the said written notice in the post office at New Brunswick, directed to such person or persons, at his or their most usual place of abode, shall be deemed and taken as full proof of the service of such notice; and in case of neglect, as aforesaid, and the performance of the work by common council, the said common council may, instead of the remedy aforesaid, sue for, and recover the amount paid by them for the work aforesaid, from the owner or owners of such lot or lots, or his or their legal representative, with interest and costs, in any court in this state, having cognizance thereof, in an action on the case, for so much money, by them paid, laid out and expended, to and for the use of such owner or owners, or his or their legal representative, and in every such action, the proof of the amount paid by the common council, shall be conclusive evidence for the plaintiffs, of the amount due.

Sec. 12. *And be it enacted*, That it shall be lawful for the tenant of any lot, or house and lot within the said city, upon the neglect or refusal of the owner or owners thereof, to cause the side walks or the said street in front thereof to be leveled, paved, graded, flagged or gravelled, in obedience to an ordinance or regulation, and to deduct the charges and

Tenant to
pay if owner
refuse.

expenses thereof out of his rent; *Provided*, nothing in this act shall affect any contract or agreement made, or to be made between landlord and tenant respecting such charges and expenses.

Sec. 13. *And be it enacted*, That it shall and may be lawful for the inhabitants of the said city of New Brunswick, who are entitled to vote at their annual town meeting, to vote such a sum or sums of money as they may think necessary to be raised for the ensuing year, for the expenses of the said city; which sum or sums shall be assessed upon the inhabitants of said city, by the assessor, agreeably to the laws and regulations to be made by the common council of the said city for that purpose, and collected by the collector at such time, and be paid and disposed of in such manner as the common council shall direct; and if no sum or an insufficient sum shall then be voted to be raised, and the interests of the city require it, the common council are hereby authorized to call a meeting of the said inhabitants so entitled to vote, by advertisement or otherwise, giving at least ten days notice, and to propose to them the sum in their opinion necessary to be raised, and whatever sum the said inhabitants shall by plurality of voices, vote to be raised, shall be assessed and collected, paid and disposed of in manner aforesaid; *Provided*, that every person in said city who may think him or herself aggrieved by any fine, penalty, or assessment, imposed on them in virtue of this act, may appeal to the common council, who are hereby required to hear his or her cause of complaint; and to do therein what to them may appear just and equitable.

Sec. 14. *And be it enacted*, That three justices of the peace shall be appointed and commissioned for said city, in the same manner and for the same term of office as justices of the peace throughout this state are now appointed and commissioned, who may exercise the like power and have the same jurisdiction within the bounds of the said city as the said justices have and exercise in their respective counties and who shall in like manner be amenable to the council and General Assembly of this state. The courts held by such justices shall be courts of record, and the said justices of the peace shall have full power to keep and cause to be kept, all laws or ordinances made or to be made, for the conservation of the peace, and for the good government of the citizens and inhabitants of this state, within the said city of New Brunswick, according to the force, form and effect, of the same laws or ordinances, and to cause to come before them or any of them, all persons, who, within said city shall break the peace, or have used or shall use threats to any of

Assessments
for expenses
of city.

Appeal.

Justices of
the peace.
their powers
and duties.

the citizens or inhabitants of this state, concerning his or her body, or the firing his or her house or other building, or who are not of good fame, where they are found, to enter into recognizance with sufficient surety for the peace, or their good behaviour towards the people and inhabitants of this state, and if they enter not into such recognizance, then to cause them to be safely kept in prison until they do the same, and further to do, perform, and execute all such matters, acts and things, as by law appertain to their offices respectively, and are or shall be enjoined upon them and committed to their charge and execution, and all recognizances taken before any of the said justices by virtue of this act, may be sent to the court of general quarter sessions of the county of Middlesex or Somerset, as the case may be, according to the territorial jurisdiction of the said respective courts to the end that the said recognizance may be prosecuted to judgment and execution, if need be.

Sec. 15. *And be it enacted*, That the mayor, recorder and aldermen of the said city shall have the same criminal jurisdiction within the bounds of the said city, as the justices hereinbefore mentioned and appointed by this act, and for that purpose be vested with the like powers, and subject to the same regulations.

Mayor, &c. to have criminal jurisdiction.

Sec. 16. *And be it enacted*, That the marshal and assistant marshals of the city of New Brunswick, shall be ministerial officers, and shall and may execute all process of the said courts according to law.

Duties of Marshal.

Sec. 17. *And be it enacted*, That the act entitled, "An act to alter and amend the charter of the city of New Brunswick," passed the twenty-third of February, eighteen hundred and one, and the act entitled, "A supplement to the act entitled an act to alter and amend the charter of the city of New Brunswick," passed the twenty-third of February, eighteen hundred and one," passed the seventh of February, eighteen hundred and eighteen, and the act entitled, "An act further to alter and amend the charter of the city of New Brunswick," passed the fourteenth of February, eighteen hundred and thirty-eight," be, and the same are hereby repealed; *provided*, that this repealing clause shall in no wise be considered to repeal any ordinance, by-law or regulation, or any other legal act heretofore passed, made or done by the common council, but all such by-laws and ordinances shall be and remain in full force until revoked, altered or amended by the common council, and may be executed and carried into full force and operation.

Former acts repealed.

Proviso.

Sec. 18. *And be it enacted*, That the fourteenth and fif-

Act when to
take effect. tenth sections of this act, shall go into operation immediately upon the passage thereof, and the residue shall go into operation on the second Monday of May next.

Public act. Sec. 19. *And be it enacted*, That this act shall be deemed and taken to be a public act, and as such be taken notice of by all courts of justice within this state:

Passed March 7, 1844.

AN ACT to establish a new township in the county of Cumberland; to be called "Columbia."

Boundaries
of township
of Columbia. § 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all that part of the townships of Hopewell and Stoe Creek, in the county of Cumberland, which is within the following limits, to wit: Beginning at the cross roads at Roadstown, following the middle of the new road that leads to Bridgeton, which road bears south seventy-six and three quarter degrees east, from where the new road leaves the old road, and follow the said new road until it intersects the cross road leading from Bowentown to Barrett's run, near the house where Jacob Souder now lives; thence up said road north seven and three quarter degrees east to Barrett's run; then following the road leading to the Elmer farm or Ebenezer Davis' house, the several courses of said road until it intersects the road leading from the commissioners road to Seely's mill; then following it, bearing south sixty-four and three quarter degrees west the several courses thereof until it intersects the commissioners road at Columbia; thence up the commissioners road and the several courses of the line of the township of Hopewell, until it intersects the Salem county line; then along said line until it intersects the road leading to Davis' mill; then down said road the several courses thereof, until it intersects the road leading direct from Wood's mills to Roadstown; thence down the said road to Roadstown, the place of beginning, shall be, and the same is hereby set off from the townships of Hopewell and Stoe Creek, and established into a new township, to be called the township of "Columbia."

Style of Incorporation.

Sec. 2. *And be it enacted*, That the inhabitants of the said township of "Columbia," shall be, and they are hereby constituted a body politic and corporate, and shall be styled and known by the name of "The inhabitants of the township of Columbia, in the county of Cumberland;" and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships in the said county of Cumberland are or may be entitled or subject to by the laws of the State.

Inhabitants
of township
incorporated.

Sec. 3. *And be it enacted*, That the inhabitants of the said township of Columbia shall hold their first annual town meeting at the town of Shiloh, in said township of Columbia, on the day appointed by law for holding the annual town meetings in the other townships in said county of Cumberland.

First town
meeting.

Sec. 4. *And be it enacted*, That Samuel Harris, Harris B. Mattison and Jacob Harris, or any two of them, be, and they are hereby appointed commissioners to run, survey, mark and ascertain the several lines hereinbefore mentioned, which said commissioners shall before the second Tuesday of March next, execute and discharge the duties of their said appointment, in the same manner and in all respects as if they had been appointed commissioners for the purpose aforesaid, by the inferior court of common pleas of the county of Cumberland, upon the application of chosen freeholders of the said county, except only that it shall not be necessary for the said commissioners to give notice of the time and place to perform the duties of their said appointment, and that the charges and expenses of said commissioners shall be taxed and paid as is by law directed, in case of commissioners appointed by the court of common pleas, upon the application of the board of chosen freeholders.

Commission-
ers to run
township
lines.

Sec. 5. *And be it enacted*, That the township committees of the townships of Hopewell and Columbia shall meet on the Monday next after their annual town meetings, at the inn now kept by Thomas Blackwood, in the township of Hopewell, at one o'clock in the afternoon, and shall then and there proceed, by writing, signed by a majority of the members of each committee, to allot and divide between the said townships, all the property or moneys on hand or due, in proportion to the taxable property and ratables, as valued and assessed by the assessors within the respective limits of said townships at the last assessment; and again in like manner, the township committees of the townships of Columbia and Stoe Creek, shall meet on the Tuesday next after their annual town meetings, at the inn of George Earnest, in the township of Stoe Creek, at one o'clock in the afternoon, and when

Division of
property and
debts be-
tween town-
ships.

so met, shall proceed to make division in like manner as in the case of Hopewell; and the inhabitants of the said township of Columbia shall be liable to pay their just proportion of the debts, and maintain and support the paupers so allotted to them; and if any of the persons composing either said township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority present shall be final and conclusive; Provided, that it shall and may be lawful for a majority of said committee to adjourn to such time and place as they may direct.

Right of township to portion of surplus revenue not affected.

Sec. 6. *And be it enacted*, That nothing in this act shall be construed to impair or in anywise affect the right of said Columbia township, of, in and to any portion of the surplus revenue of the General Government, to which the said township may now, or at any time hereafter be entitled, in the distribution of said surplus revenue.

Act when to take effect.

Sec. 7. *And be it enacted*, That the fourth section of this act shall take effect immediately on the passage thereof, and the remaining sections on the second Tuesday of March next.

Passed March 8, 1844.

AN ACT to divorce Charlotte Dimick, of the county of Warren, from her husband; William W. Dimick.

Charlotte & William W. Dimick divorced.

Sec. 1. 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 Charlotte Dimick, of the county of Warren, and William W. Dimick, her husband, be, and the same is hereby dissolved, as fully to all intents and purposes, as if they had never been joined together in matrimony.

Passed, March 8, 1844.

An Act to incorporate Benevolent and Charitable Associations.

Section 1. *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 association of persons not exceeding five hundred in number associated for benevolent and charitable purposes only be and they are hereby authorized at any regular meeting of such association, by a majority of votes, to elect by ballot five or more directors, a president, a vice president, secretary and treasurer, and such other officers and assistants as shall be deemed necessary, which said president and directors and their successors in office are hereby constituted a body politic and corporate in law, by whatever name they shall assume, and by such name shall have succession and continuance, and be capable in law, of suing and being sued, defending and being defended in all courts, and places whatever, and may have and use a common seal, and alter and renew the same at pleasure, and by their name as aforesaid, and under their common seal, may make and enter into, execute and enforce, any contracts or agreements, relating to, touching or concerning the objects of said corporation.

Associations
incorporated

Sec. 2. *And be it enacted,* That the said president, and directors shall immediately certify such corporate name under their hands, and file such certificate in the office of the clerk of the court of common pleas, whose duty it shall be to record the same for which he shall be entitled to receive twenty-five cents.

Certificate to
be filed in
Clerk's office.

Sec. 3. *And be it enacted,* That the estate and property of what kind soever the same may be of such association shall be vested in the body corporate and politic so created, which said body corporate and politic by their corporate name shall be able to purchase, receive, take, hold and convey for the use and benefit of such corporation, and for the purpose of effecting the objects of its incorporation, any lands, tenements, and hereditaments, and any sum or sums of money, rights, securities, goods and chattels, by gift, alienation, devise, bequest, or otherwise, of any person or persons, bodies politic or corporate: *Provided,* that the clear yearly income or value of the real and personal estate of any such corporation, shall not exceed in value the sum of one thousand dollars.

Estate and
property
vested in so-
ciety.

May make
by laws, &c.]

Sec 4. *And be it enacted,* That incorporations under this act shall be authorized to make, adopt and use, and from time to time to alter, amend or change such general form of a constitution, and such by laws for their government as to them shall seem right and proper: *Provided,* that nothing in said constitution or by-laws be repugnant to the constitution or laws of the United States or of this State.

Proviso...

Objects of in-
corporation.

Sec. 5. *And be it enacted,* That the sole and exclusive object of incorporations under this act shall be the relief or support of such of the members thereof, as shall by sickness, casualty or other cause, be rendered incapable of attending to their usual occupation or calling, as well as to discourage intemperance, and also towards the decent interment of deceased members or the widows of deceased members, and other charitable purposes, as may be provided for in the constitution and by-laws of such incorporation, and such other necessary expenses as shall accrue by carrying into effect the objects herein set forth, and no part of the funds of such corporation shall be used for banking purposes or in any manner except as provided for in this act.

Officers to be
elected annu-
ally by ballot

Sec. 6. *And be it enacted,* That the officers of any such incorporation shall be elected annually by ballot, by a majority of the members convened for that purpose, upon two weeks public notice at such time and place as the said corporation shall from time to time appoint.

Act may be
amended, &c.

Sec. 7. *And be it enacted,* That the legislature may at any time alter, modify or repeal this act; and may also annul or repeal the charter of any association incorporated under and by virtue of the provisions of this act and the same shall take effect from and after the passage thereof.

Passed March 12, 1844.

AN ACT to authorize Edward T. Williams, surviving executor of the last will and testament of William T. Corlies, late of the county of Monmouth, deceased, to convey certain real estate therein named.

WHEREAS, William T. Corlies, late of the county of Monmouth, deceased, did, by his last will and testament, bearing date the 19th day of January, 1835, bequeath to Alice Corlies, a legacy of five thousand dollars, and directed his executors to purchase a certain house and lot therein named and to settle the same, by deed, to the aforesaid Alice Corlies, and the heirs of her body, lawfully begotten; but the said deed to be conditioned, that provided the said Alice should die before marriage, or after marriage, without leaving children of her own, and in such case to descend to his heirs at law, and he directed his executors to appropriate any part of the aforesaid five thousand dollars for the purchase of the said lot at their discretion; and the said testator did further by his will direct that in case he should purchase the aforesaid lot himself for the said Alice, then the amount of the purchase money to be deducted from the aforesaid legacy; and did appoint Taber Chadwick, and Edward T. Williams, executors of his said will;—and whereas, the said William T. Corlies, in his lifetime, to wit: on the 15th day of March, 1836, did purchase the said house and lot, and take a deed for the same, in his own name;—and whereas, the said Taber Chadwick, one of the executors named in the said will, hath since departed this life, leaving the said Edward T. Williams, the surviving executor thereof;—and whereas, doubts have been raised whether the said survivor, executor, can legally convey the title of the said house and lot to the said Alice Corlies, agreeably to the said will, without legislative aid in the premises, therefore,

Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for Edward T. Williams, surviving executor of the last will and testament of William T. Corlies, late of the county of Monmouth, deceased, to convey by deed to Alice Corlies, a certain house and lot, in the said will particularly mentioned and described, agreeably to the conditions and limitations contained in the said will, which said deed shall convey and vest in the said

Executor authorized to make deed.

Alice Corlies and her heirs, only such title and estate as would have been vested in her and them in case the said executors had purchased the said house and lot and conveyed the same according to the directions of the said will.

Passed March 8, 1844.

AN ACT to incorporate "The Trenton Monument Association."

Names of
Corporators.

Style of in-
corporation.

First meeting
how called.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Garret D. Wall, William Pennington, Mahlon Dickerson, Joseph W. Scott, Robert D. Spencer, Peter D. Vroom, Joseph C. Hornblower, Isaac H. Williamson, Robert F. Stockton, Philemon Dickerson, Dudley S. Gregory, Robert G. Johnson, Henry W. Green, Stacy G. Potts, and Charles Burroughs, and their associates, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Trenton Monument Association;" and by such name they shall have continual succession, and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of law and equity whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and shall be capable of purchasing or holding by gift, grant or otherwise, such real and personal estate and property, as may be necessary or convenient to promote the object of the incorporation, the construction of a monument at Trenton, to commemorate the victory obtained by the Revolutionary Army under the command of General Washington, on the twenty-sixth day of December, seventeen hundred and seventy-six.

Sec. 2. *And be it enacted,* That the said Garret D. Wall, Joseph C. Hornblower, and Henry W. Green, may call the first meeting of said corporation, by giving twenty days' notice thereof, in a newspaper printed in the city of Trenton, and one printed in the city of Newark, at which, or any subsequent meeting, the said corporation may choose such offi-

eers, agents, and trustees, as they may think proper, and establish such by-laws and regulations for their own government and management of their concerns, not repugnant to the laws and constitution of this state, as they may deem necessary, and the same may modify and annul at pleasure.

Sec. 3. *And be it enacted*, That the said corporation may at any time after said monument shall be completed, assign and transfer the same, with the land on which it stands, and the appurtenances, to the state, and that the state will accept the same: *Provided*, that the state shall not thereby become liable for the debts contracted by the said corporation.

Monument
may be as-
signed to
State.

Passed March 8, 1844.

AN ACT for the relief of Mary Laning.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the Treasurer of this state be, and he is hereby authorized and directed to pay unto Mary Laning, widow of David Lanning, deceased, a soldier of the Revolutionary war, or to her order, sixty dollars per annum during her natural life, in semi-annual payments of thirty dollars each: the first payment to be made on the eleventh day of March instant.

\$60 per an-
num to be
paid to Mar/
Laning.

Passed March 8, 1844.

AN ACT relative to carriages and other vehicles, in the county of 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 if any person or persons residing out of this state shall run any vehicle within the limits of the county of Hudson, or employ the same in the conveyance and carrying of passengers, or if any vehicle drawn by any team of one or more horses, which shall not be owned at the time by a person or persons residing in this state, shall be engaged or employed in the conveyance of passengers within the limits aforesaid, the owner or person driving such vehicle, or person having the same in charge, shall be liable to the payment of a penalty of five dollars for every such offence, to be recovered in an action of trespass on the case with costs, before any justice of the peace of said county, by any person who shall prosecute the same, which fine when recovered and collected shall be by the officer receiving the same, paid to the collector of said county of Hudson, for the benefit of the people of said county: *Provided,* that nothing in this act, shall be construed to prevent any person from travelling in his own private conveyance, nor in any manner to prevent the running of any vehicle within the limits aforesaid, which shall have been hired out of said limits by any person or persons for the purpose of carrying him or them to any part of said county or elsewhere, while the said vehicle is employed in the conveyance of such person or persons, or the running of any coach within the limits aforesaid which belongs to any regular line of stage coaches; nor to prevent any of the inhabitants of the said county from being witnesses in any such action.

Non-residents not to engage conveyance of passengers.

Penalty.

Powers.

Proceedings in case of violation of provisions of this act.

Sec. 2. *And be it enacted,* That whenever any person is found violating any of the provisions of this act, the said vehicle and team shall and may be detained and kept by the officer summoning the owner, driver, or person having the same in charge, to answer the judgment of the justice, who shall try the said action; the proceedings before the said justice shall be summary, the board of chosen freeholders of the county of Hudson shall be named as the plaintiffs, and the pleading shall be oral, and entered upon the justice's docket, and in case judgment is given against the defendant or defendants in said action, and he or they shall not pay the same, then the justice shall issue an execution to be levied

upon the said vehicle and team, directed and to be delivered to the constable having said vehicle and team in charge, who shall advertise the same for the space of five days in the manner prescribed for the sale of goods and chattels upon execution, in and by the act constituting courts for the trial of small causes, and sell the same or such part thereof as will be necessary to make the amount of damages, costs and expenses, of advertising and selling the same, and pay the same penalty over to the county collector as hereinbefore prescribed and the surplus, if any, to the justice for the benefit of the owner of such vehicle and team.

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

Passed March 8, 1844.

A SUPPLEMENT to the act entitled "An Act to incorporate the proprietors of the Orange Cemetery, in the county of Essex," passed November thirteenth, eighteen hundred and forty.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the corporate name of the company incorporated by the act to which this is a supplement, be and the same is changed from "The Proprietors of the Orange Cemetery," to "The Proprietors of the Rosedale Cemetery;" and by that name shall be called and known in all places, and in all matters and things, wheresoever and whatsoever, any thing in the said act hereby amended to the contrary notwithstanding. Corporate name changed.

Sec. 2. *And be it enacted*, That all the clauses, sections, and provisions of the act hereby amended, shall be and remain in force, and apply to the said "The Proprietors of the Rosedale Cemetery," (except only as the same may be repugnant to this act) in all respects as if the said "The Proprietors of the Orange Cemetery" had been originally created under the said name of "The Proprietors of the Rosedale Cemetery." Provisions of former act to remain in force.

Passed March 8, 1844.

AN ACT to authorize the administratrix of Sidney Freeman, deceased, to fulfil a certain contract therein named.

Preamble.

WHEREAS, Sidney Freeman, late of the city of Philadelphia, deceased, did, in his lifetime, enter into an agreement with Ellis Freeman, of the county of Middlesex, for the sale and conveyance of all his right, title and interest in certain real estate, whereof, of Enos Freeman, deceased, died seized, and the said Ellis Freeman was to pay therefor the sum of four hundred dollars, and the said Sidney Freeman departed this life without having made and executed a deed of conveyance for the said property;—and whereas letters of administration have been granted to Mary A. Freeman, widow of the said Sidney Freeman, deceased, and the said Administratrix, and all persons interested in said property, have prayed for legislative aid in the premises, therefore—

Administratrix authorized to make deed.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State. and it is hereby enacted by the authority of the same,* That Mary A. Freeman, administratrix of the estate of Sidney Freeman, deceased, be, and she is hereby authorized to make, execute and deliver to the said Ellis Freeman, a good and sufficient deed of conveyance of all the estate, right, title and interest of the said Sidney Freeman, of, in, and to the aforesaid real estate, situate in the township of Woodbridge, in the county of Middlesex, which said deed shall be as valid and effectual as if the same had been duly executed by the said Sidney Freeman, deceased, in his lifetime.

Passed March 8, 1844.

AN ACT to provide for the appointment of street commissioners in the township of Paterson.

Sec. 1. 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 persons qualified to vote at town meetings in the township of Paterson, in the county of Passaic, in this State, at the next and every subsequent annual town meeting in said township, to elect for said township, by a plurality of votes, five street commissioners, who shall be freeholders and residents in said township, whose duty it shall be to make, establish, and enforce all such rules, ordinances, and regulations as they, or a majority of them, shall think proper and necessary for preventing the encumbering or obstructing the streets and sidewalks within the limits of "the Paterson Fire Association," in the said township; for preventing or regulating the running at large of dogs and swine therein; for abating or removing any nuisance in any of the said streets, or upon any lot or enclosure within the limits aforesaid; for regulating the vending of meats and vegetables, and for such other purposes as the comfort and convenience of the citizens and travellers upon said streets may require; and to enforce the observance of such rules, ordinances, and regulations, by uniform penalties for the violation thereof, by fines, not exceeding twenty-five dollars, or by imprisonment, not exceeding twenty days, for every repetition of the offence; which fines may be recovered, with costs of suit, in an action of debt, in the corporate name of said township, for the use of the township, before any justice of the peace within said county; in which action the first process shall be by summons, and in which it shall be lawful to declare generally in debt for such penalty, and to give the special matter in evidence; and further, that it shall be lawful for such justice before whom judgment of imprisonment shall be given to carry such judgment into effect by warrant of commitment, under his hand and seal, directed to the keeper of the common jail of the county, which is in said township, who shall receive and keep the prisoner at the expense of said township; *Provided always*, that each and every rule, ordinance, and regulation, so made and established as aforesaid, shall be published for the space of one week in printed handbills, set up in public places in and about said township, and in the newspapers published therein, before the same shall go into effect; and *provided also*, that no rule, ordinance, or

Street commissioners, how appointed.

Powers and duties.

Fines how collected.

Proviso.

regulation shall be made which will prevent farmers' wagons, or other vehicles from the country, with wood or the products of their farms, from stopping with the same along the sides of said streets, except upon the established crossings thereof.

Inhabitants
of township,
to be legal
witness, &c.

Sec. 2. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact, under this act, no person shall be deemed an incompetent witness or juror by reason of his or her being an inhabitant within the said township: and it shall be lawful for the defendant or defendants, in any suit instituted under this act, to plead the general issue, and to give any special matter in evidence at the trial.

Act when to
take effect.

Sec. 3. *And be it enacted*, That this act shall go into operation on the second Monday in April next, provided a majority of the legal voters, at the town meeting to be held on that day in said township of Paterson shall signify their approval thereof by placing upon the ballots containing the names of the street commissioners for whom they shall vote, the words, "In favor of street commissioners" and if it shall appear that less than a majority of said voters shall have expressed their approval of this act in manner aforesaid, then the same shall be null and void.

Passed March 8, 1844.

AN ACT to authorize Maria Fraser, widow and guardian of the children and heirs at law of John Fraser, deceased, to sell and convey certain real estate.

Widow au-
thorized to
make deed.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same, That Maria Fraser, widow and guardian of the children and heirs at law of John Fraser, late of Jersey City, deceased, be, and she is hereby authorized and empowered to make a deed of conveyance unto the New Jersey Railroad and Transportation Company, their successors and assigns, for lot number twenty-five, in Mercer street, Jersey City, for the consideration of three thousand dollars, which lot was

conveyed by George E. Grenzeback and wife, to the said John Fraser, by deed bearing date the first day of June in the year eighteen hundred and forty-two.

Sec. 2. *And be it enacted*, That the principal money so received by the said Maria Fraser, shall be held by her for the benefit of the heirs of the said John Fraser, deceased, and descend as real estate, and the said Maria shall account for the said money the same as all other monies received by her from the said estate as guardian. To account for monies received.

Sec. 3. *And be it enacted*, That the said Maria Fraser shall, before executing said deed, enter into bond with sufficient security to the Governor of this state, which bond shall be approved by the Surrogate of the county of Hudson, and filed in his office. To give bond.

Passed March 8, 1844.

AN ACT in aid of, and to confirm certain conveyances agreed to be made by Thomas C. Doremus, David Banks, and Bern W. Budd, in execution of a trust therein named.

WHEREAS, it is represented to the legislature that John Budd and Sarah his wife, afterwards the wife of John Scott, all formerly of the county of Morris, now deceased, were seized in fee of a tract of land in said county of Morris, containing sixteen hundred and eighty acres more or less, formerly known by the name of the Budd or long valley tract, but at this time called the Dutch or German Valley tract, which tract of land by divers descents, devises and conveyances became vested in fee in the heirs and descendants of the said John Budd and Sarah Scott, or one or both of them, which heirs and descendants by several deeds of conveyance, granted and conveyed to William S. Pennington, esquire, of the county of Essex, all their estate, right, title and interest, in and to the said tract of land in trust, to dispose of the same for their mutual benefit, according to the proportions and provisions set forth and contained in said deeds of conveyance, as by reference thereto will more fully appear:—and whereas, it is further represented to the legislature, that the said William S. Pennington, hath since Preamble.

died without having executed the said trust, and that thereby the title of said tract of land descended to one James A. Pennington, his heir at common law:—and whereas, it is further represented that the said James A. Pennington, by the request of the aforesaid heirs and descendants, by his deed bearing date the thirteenth day of September in the year of our Lord eighteen hundred and thirty-eight, conveyed unto Thomas C. Doremus, David Banks and Bern W. Budd, the aforesaid tract of land upon and subject to the same trusts as the same was held by the said William S. Pennington, in his lifetime:—and whereas the said Thomas C. Doremus, David Banks and Bern W. Budd, as such trustees as aforesaid, by their agreement in writing bearing date the twenty-seventh day of January, eighteen hundred and forty-four, have agreed to sell and convey the aforesaid tract of land, (except a certain farm, parcel thereof, heretofore conveyed to Aaron Howell,) to Daniel Dilts, David W. Miller, William Neighbor, Jacob Kearns, Frederick Swackhammer, David Swackhammer, William Wack, John J. Dufford, Philip Philhower, Adam Huffman, Samuel G. Huffman, George Wack, William H. Sherwood, Cornelius Voorhees, John Miller, Joseph Nevins, Ebenezer K. Sherwood, Jacob W. Neighbor, Ephraim Marsh and William Dellicker, Robert Hampton, the heirs at law of Jacob Dufford, Jacob Welsh, and Isaac Verselius, persons in the actual occupancy and possession of the same, by themselves or their tenants:—and whereas, it is further represented that the parties interested in said trust, will be greatly benefitted by the said agreement being carried into effect, but that doubts have been suggested as to the rights and power of the said Thomas C. Doremus, David Banks, and Bern W. Budd, to sell and convey the said land so as to make a complete title to the purchasers thereof and the aid of the legislature being prayed in the premises, 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 deeds of conveyance which shall be executed by the said Thomas C. Doremus, David Banks and Bern W. Budd, in pursuance of, and to the persons named in the said agreement, or to such other person or persons as they may direct, shall be valid and effectual in law, and shall be taken, held and deemed to vest in the purchasers or grantees named in such deed or deeds, their heirs and assigns, all the estate, title and interest whatsoever at law or in equity, which the said several heirs and descendants of said John Budd and Sarah his wife, afterwards Sarah Scott, or

Deeds by
trustees made
valid.

either of them, conveyed to said William S. Pennington in trust, as aforesaid or which any or either of them had at the time of the date of the respective conveyances thereof to said William S. Pennington, or which any person or persons, claiming by, from, or under them, or either of them, then had, or now have, of, in or to the said tract of land before mentioned, now known by the name of the Dutch or German Valley tract, and to every part thereof, with the remainder and remainders reversion and reversions thereof, with the appurtenances, and also, all the estate, title and interest which by the aforesaid several conveyances to said William S. Pennington, vested in him, or which by reason of his death descended to his heirs or heir at law; *provided*, that nothing herein contained shall be held to affect the title of any person or persons claiming the said tract of land or any part thereof, otherwise than under the said John Budd and Sarah Scott, formerly wife of said John Budd, or the heirs, devisees or descendants of them or of either of them. Proviso.

Passed March 8, 1844.

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

Sec. 1. **BE IT ENACTED** by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That so much of the said act as provides for holding courts of common pleas, courts of general quarter sessions of the peace, and orphans' courts, in the county of Atlantic, on the fourth Tuesday of July, and the third Tuesday of December, be, and the same is hereby repealed.

Part of former act repealed.

Passed March 11, 1844.

AN ACT to authorize Robert Annett, of Fort Lee, in the township of Hackensack, to extend his wharves already erected upon and in front of his lands, further into the Hudson river, and for other purposes.

Preamble

WHEREAS, Robert Annett, of the township of Hackensack, in the county of Bergen, in this State, by his petition, hath represented that he is the owner of lands, situate at Fort Lee, in the township aforesaid, on the Hudson river, and that he hath built, at great expense, two wharves, one about thirty and the other about sixty-six feet in width, with an intervening basin of about eighty feet wide, upon and in front of his said lands, and that said wharves extend into the Hudson river a little below low water mark; and that the same are used by steam and other boats as landing places; And whereas, he hath also represented that by reason of the shallowness of the water at the eastern termini of said wharves, the landing of said boats, particularly those of the larger class, is often rendered difficult, and attended with delay; and to remove these inconveniences he is desirous to extend said wharves one hundred feet further than they now are into the Hudson river, and that the same can be done without hindering, or in any manner obstructing or interfering with the free navigation of said river; but that such extension cannot be made without a large expenditure of money and labor, and that he is unwilling to incur the same without an act of the legislature confirming to him the right to erect said wharves upon and in front of his said lands, as the same now are; and also granting to him the right to extend the same one hundred feet further into the Hudson river, or any distance within the said one hundred feet, as he may think proper, and said application being reasonable; THEREFORE,

Robert Annett
authorized
to maintain
wharves.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said Robert Annett, his heirs and assigns, to keep up and maintain his said wharves, as mentioned in the preamble to this act, upon and in front of his said lands, in the same manner as fully to all intents and purposes, as if an act of the legislature had been first passed, authorizing and making it lawful for him or them to build and erect the same.

Sec. 2. *And be it enacted*, That it shall and may be lawful for the said Robert Annett, his heirs and assigns, to extend said wharves one hundred feet further than they now are into the Hudson river, measuring from the easterly termini of the same, or to any distance within the said one hundred feet, at his or their election, and to keep up and maintain the same when so extended; and also to build and erect, keep up and maintain other wharves, if he or they shall think proper to do so, upon and in front of said lands; *Provided*, such other wharves shall not obstruct the navigation of said river.

Wharves
may be ex-
tended,

Sec. 3. *And be it enacted*, That if any person or persons shall in any manner or by any means injure said wharves now erected or built, and hereafter to be erected and built in pursuance of the authority granted by this act, such person or persons shall be responsible for, and make good all damages which the owner or owners of the same may sustain.

Penalty for
injuring
wharves.

Sec. 3. *And be it enacted*, That it shall and may be lawful for the said Robert Annett, his heirs and assigns, to demand, receive and collect compensation from any person or persons using said wharves, for any purpose whatever.

Compensa-
tion for use
of wharves.

Passed March 9, 1844.

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

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That whenever any administrator, with the will annexed, shall have died or become incapacitated before executing all the duties ordered to be performed by the executor or executors named in said will, and letters of administration, commonly called administration de bonis non, with the will annexed, have been or shall be granted to another person or persons, the said supplement to the act entitled, "An act concerning executors, and the administration and distribution of intestates' estates," shall be construed to

Powers of
administra-
tors de bonis
non.

extend to and vest in such administrator or administrators de bonis non, with the will annexed, and the survivors or survivor of them, the same power and authority as were given by said supplement to the first administrator, with the will annexed.

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

Passed March 9, 1844.

An Act for the relief of John Hammill, of the county of Burlington.

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

Passed March 9, 1844.

\$50 per annum to be paid to John Hammill.

AN ACT to authorize William T. Moore, guardian of John, Mary Ann, and Violetta Moore, to borrow money.

WHEREAS, it has been represented to the legislature that John Sarll, late of Middlesex county, died seized of certain real-estate in Woodbridge, in said county, leaving him surviving, his widow, also several brothers and sisters, his heirs at law, and that Mary Moore, one of the sisters has also died, leaving three infant children, John, Mary Ann, and Violetta, her heirs at law, and that guardianship of the said children, has been granted to their father William T. Moore, and that the brothers and sisters of the said John Sarll, are about to convey to the said infants, all their interest in the said lands, and that the said widow of said John has agreed with the said guardian, to release to the said infants, her right of dower in said premises, for the sum of five hundred and fifty dollars: *And whereas*, the said guardian has by his petition prayed authority to mortgage the lands aforesaid of the said infants, to raise money to fulfil his agreement with the said widow:—therefore,

Preamble.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That William T. Moore, guardian of John, Mary Ann and Violetta Moore, be, and he is hereby authorized and empowered to borrow the sum of six hundred dollars to enable him to fulfil the agreement made with the said widow, and also to mortgage the lands of the said infants at Woodbridge, that may be conveyed to them as aforesaid, to secure the same.

Guardian authorized to borrow money.

Passed March 9, 1844.

SUPPLEMENT to an act entitled "An act to incorporate a part of the township of Newton, in the county of Gloucester," passed February 13th, 1828.

Mayor to be elected at town meetings.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the inhabitants of the city of Camden, duly qualified to vote at the town meetings held in the said city, shall hereafter, at their annual town meetings, elect some fit person being a resident in said city, to be Mayor of said city, who shall hold his office for one year, and shall be eligible to re-election; and shall have the same power and authority, and be entitled to the same fees and emoluments as the Mayor heretofore appointed by the city council of said city; and in the event of a vacancy in the said office of Mayor, the city council shall appoint some fit person being a resident in said city, to fill such vacancy until the next annual town meeting.

Vacancy how supplied.

Powers and duties of city council.

Sec. 2. And be it enacted, That the city council shall have exclusive control over all the highways, roads, streets, and alleys of said city of Camden, and shall have full power to make and pass ordinances and regulations for grading, paving, repairing and keeping the same in repair, and may, by ordinance, compel the owners of lots to pave the side walks, under such regulations as the said city council shall deem necessary for the convenience, safety and prosperity of the people of said city.

Act when to take effect.

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

Passed March 9, 1844.

AN ACT to authorize the sale of certain real estate in the county of Monmouth, whereof Revo West, died seized.

WHEREAS, JOHN West, late of the township of Shrewsbury, in the county of Monmouth, deceased, did, in, and by his last will and testament, give, devise, and bequeath to his son, Revo West, during his natural life, certain real estate, consisting of one hundred and fifty-four acres, more or less, and after his death, to his heirs;—and whereas, the said Revo West has deceased, leaving no widow or children, but brothers and sisters, and representatives of the deceased sisters;—and whereas, the heirs and representatives aforesaid, have petitioned the legislature to pass a law appointing Elisha West, and Edmund West trustees, to sell the aforesaid real estate, and make good title or titles to the purchaser or purchasers thereof, therefore—

Preambis.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same, That Elisha West and Edmund West, be, and they are hereby appointed trustees, with free power and authority, to sell and convey the real estate aforesaid, and to execute good and sufficient conveyances therefor, to the purchaser or purchasers, and said conveyances shall vest in the grantee or grantees therein named, as good and valid a title as the said Revo West had, of, in, and to the said real estate, at or before the time of his decease.

Trustees to sell real estate.

Sec. 2. And be it enacted, That the said trustees, after deducting all proper charges, expenses, and reasonable commissions, shall divide and pay the proceeds of such sale, among the legal heirs and representatives aforesaid, according to law.

Proceeds of sale, how disposed of.

Sec. 3. And be it enacted, That before the said trustees shall proceed to make sale of the said real estate, they shall enter into bond to the Governor of this state, in such sum and with such surety as shall be approved by the surrogate of the county of Monmouth, conditioned for the faithful performance of the trust, to be filed in the office of the surrogate.

Trustees to give bond.

Sec. 4. And be it enacted, That the said trustees shall, within three months after the sale of the said real estate, exhibit under oath or affirmation, to the Orphans' Court in the county of Monmouth, an exact account of the amount of

Trustees to send in account of sales

sales thereof, and all costs attending the same, which account shall be settled by the said court, and the same shall be filed in the office of the surrogate.

Passed March 9, 1844.

AN ACT to divorce Catherine Abbott, from her husband, Matthew Abbott.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Catherine Abbott, be, and she is hereby divorced from her husband, Matthew Abbott, and that the marriage contract heretofore existing between them be, and the same is hereby fully and absolutely dissolved: *Provided nevertheless,* that the issue of said marriage shall not be deemed illegitimate in consequence of this act.

Catharine &
Matthew Ab:
bott divorced

Mother to be
guardian of
children.

Sec. 2. *And be it enacted,* That Catherine Abbott and Charles Abbott the two youngest children of the said Matthew Abbott and Catherine Abbott, be, and they are hereby committed during their infancy, to the care of their said mother, who shall be the guardian of said infants, persons and estate during their minority—and that the said Matthew Abbott shall not have, or exercise any power or control over his said children Catherine and Charles Abbott during their minority, for or by reason of his paternity.

Matthew Ab-
bott released
from obligā-
tion to sup-
port children.

Sec. 3. *And be it enacted,* That the said Matthew Abbott be, and he is hereby released from the civil obligation to support and maintain his said children, Catherine and Charles Abbott, which would have rested upon him in case this act had not been passed.

Passed March 9, 1844.

A further supplement to the act entitled, An act to incorporate the city of Trenton, passed March 7th, 1837.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state and it is hereby enacted by the authority of the same, That from and after the passage of this act, the said city of Trenton shall be divided into four wards, in manner following, to wit: All that part of the said city, lying and being within the following limits and boundaries, that is to say: Beginning on the Assanpink creek, at the point where the centre of Warren street intersects the same, and running thence along the centre of Warren street to the centre of Hanover street, thence along the centre of Hanover street to the canal, thence down the canal to the north side of second street, thence along the north side of second street and a line agreeing therewith to the Assanpink creek, thence by said creek to the place of beginning, shall constitute the first ward of the city of Trenton, aforesaid. And all that part of said city contained within the following limits and boundaries, that is to say: beginning at the said point where the centre of Warren street intersects the Assanpink creek, thence along the centre of Warren street to Decou's alley, thence westwardly along the centre of said alley to the centre of Quarry street, thence along the centre of Quarry street to the feeder, thence up the feeder to the city line, and thence down said line to the place of beginning, shall constitute the second ward of the city of Trenton. And all that part of said city contained within the following limits and boundaries, that is to say, beginning in the centre of Warren street at Decou's alley, thence along the centre of Warren street to the Princeton turnpike, thence along the said turnpike to the city line, thence by the same to the northwest corner of the second ward, and place of beginning, shall constitute the third ward of the city of Trenton: And all that part of the said city contained within the following limits and boundaries, that is to say: beginning at the centre of Warren street and Hanover street, thence along the centre of Warren street to the Princeton turnpike, thence along the turnpike to the city line, thence by said line and the Assanpink creek to the corner of the first ward, shall constitute the fourth ward of said city.

Boundaries of
wards.

Time and
mode of hold-
ing elections
in the several
wards.

Sec. 2. *And be it enacted,* That an election by ballot shall be held annually on the second Monday in April, in each of the wards of the said city, at such place as the common council shall appoint, of which place the common council shall cause public notice in writing, to be set up in five public places in said city, and to be published in one or more of the newspapers, printed therein at least one week previous to the day of such election, at which election, one member of common council, one assessor and one collector, one constable, one school committeeman, one commissioner of appeal in cases of taxation, one person to be clerk of the ward, and one judge of election to act with the assessor, and collector, shall be annually chosen in each of said wards from among the citizens residing therein, and entitled to vote at such elections, the poll of such elections shall be opened at ten o'clock in the forenoon and closed at four o'clock in the afternoon, the judge of election, assessor and collector shall be the judges of the said elections, and in the case of the absence, death, disability or refusal to serve of either of the judges, such vacancy or vacancies shall be supplied in the manner prescribed by law, for supplying such vacancies in the several townships of this state, the name of each elector, voting at such election shall be written in a poll list to be kept at such election by the clerk of the ward as now constituted, and after the poll shall be closed, the said judges shall count the votes given for the several candidates; and certify the result under their hands and deliver such certificates to the clerk of the ward, who shall file and preserve the same, and within five days after such election, deliver a copy thereof to the clerk of the said city to be by him filed and preserved in his office, and the persons having the greatest number of votes shall be decreed to be elected to the offices for which they shall have been voted for respectively.

Officers to be
chosen at
said elections

Sec. 3. *And be it enacted,* That at the said ward elections to be annually held as aforesaid, there shall be chosen by the electors of said city, from among the citizens residing therein and entitled to vote at such election, one person to be mayor, one person to be recorder, three persons to be aldermen, one person to be clerk, and one or more overseer or overseers of the poor, and there shall be chosen by the said electors from among the freeholders and inhabitants of said city two chosen freeholders and two surveyors of the highways, that the officers conducting such elections, shall in manner aforesaid, proceed to

count the votes received, and certify the votes given for each candidate, for the offices aforesaid, respectively, which certificate shall be delivered within three days after such election to the clerk of the said city, who calling to his assistance a majority of the aldermen of the said city, shall proceed to count the votes given in the several wards, and shall thereupon ascertain and declare who are elected by the greatest number of votes, to the respective offices mentioned in this section, and the said clerk and aldermen shall make a certificate thereof, and file the same in the office of the said clerk.

Sec. 4. *And be it enacted* That all elections hereafter to be held in the said city for members of the legislative council and general assembly, sheriff and coroners of the county of Mercer, and for members of Congress and electors of President and Vice President of the United States, or for any other officers of the general or state governments that may be eligible by the people, shall be held in the several wards of the said city, at the place therein appointed by the common council for holding the city elections on the day or days, which now are, or hereafter may be designated for holding such elections; the polls shall be opened and closed at the hours prescribed by the laws of this state, and the judge and inspectors of election before mentioned shall preside at and conduct all such elections, and the clerks of said wards shall be clerks of such elections in their respective wards, every person in said city, entitled to vote at such election, shall give his vote in the ward wherein he actually resides at the time of such election and not elsewhere, and in case any person, at any election whatever, held in said city, shall vote or offer his vote in a ward in which he is not entitled to vote, he shall be liable to the penalty prescribed in the seventh section of the act entitled, "A supplement to the act entitled, 'An act to regulate the election of members of the legislative council and general assembly, sheriff and coroners of this state,'" passed the first day of June in the year of our Lord one thousand eight hundred and twenty, to be sued for and recovered in the name of the clerk of the ward where the offence shall be committed, in an action of debt, with costs, and applied to the use of the poor of said city.

Elections for
Electors, &c.,
how to be
conducted.

Sec. 5. *And be it enacted*, That the said judges of election shall take the same oath and conduct such elections, and make returns thereof in the same manner as township officers of elections, are, or may be by law re-

Judges to
take an oath.

quired to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the same duties, and be subject to the same penalties as the like officers of the township of this State are, or may be by law vested with, allowed, or subject to, and in case of the absence, death, incompetency, or refusal to serve of any of the said officers of elections, at any election provided for by this act, such vacancy or vacancies, shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state and the clerks of the said wards respectively shall procure election boxes for the use of their wards in such manner and of such descriptions, as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are subject for neglecting to procure such boxes and keep them in repair.

Clerk of
Mercer to
transmit co-
pies of part
of Act, &c., to
ward clerks.

Sec. 6. *And be it enacted*, That the clerk of the county of Mercer, shall transmit to the clerk of each of the said wards printed copies of the seventh and eleventh sections of the act mentioned in the fourth section of this act, together with a list of nominations, within the same time and in the same manner as he is or may be by law required, to transmit the same to township clerks, which ward clerks shall severally advertise the said elections, and put up such copies and lists of nominations in the manner in which the clerks of townships are required by law to advertise and put up the same.

Common
Council to
grant tavern
licenses.

Sec. 7. *And be it enacted*, That the said common council or a majority of them, in council assembled shall and may grant licences annually, under the common seal of said city, to such and so many tavern keepers, victuallers and retailers of spirituous liquors as they may think necessary within the said city, on such terms and under such limitations, regulations and restrictions as the said common council shall by their ordinance impose, and no other license for such purpose, within the said city, granted by any other authority shall be lawful.

Part of for-
mer acts
repealed.

Sec. 8. *And be it enacted*, That all acts and parts of acts repugnant to the provisions of this act, be and the same are hereby repealed, and that this act shall go into effect immediately upon the passage thereof.

Passed March 9, 1844.

~~A~~ FURTHER SUPPLEMENT to the act entitled, "An Act securing to mechanics and others, payment for their labour and material, in erecting any house or other building within the limits therein mentioned," passed March 3, 1835.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the act to which this is a supplement shall be taken and considered as a public act, and the provisions thereof shall be in full force and effect within the limits of the town of Mount Holly, and for the space of one mile from the Court House in said town, in the township of Northampton, in the county of Burlington, and State of New Jersey; *Provided always*, that this supplement shall not go into effect until the first day of April next.

Provisions of former act, extended.

Provide.

Passed March, 7, 1844.

~~A~~ ACT to annex a part of the township of Franklin, in the county of Bergen, to the township of Washington, 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 all that part of the township of Franklin, in the county of Bergen, lying east of the Saddle River Creek, in said township, be, and the same is hereby set off and annexed to the township of Washington, in said county.

Part of Franklin annexed to Washington.

Sec. 2. *And be it enacted*. That this act shall take effect, and go into operation from and immediately after its passage.

Act when to take effect.

Passed March 13, 1844.

AN ACT to incorporate the Morris, Sussex and Warren Rail Road and Transportation Company.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same.* That Stephen Vail, William N. Wood, Edwin Post, William Coventry, H. Waddell, Samuel R. Brooks, Elijah D. Scott, Frederick Canfield, Samuel F. Righter, Henry McFarlan, George Vail and John M. Losey, and such other persons as may hereafter be associated with them, and their successors be, and they are hereby ordained, constituted, and declared to be a body politic and corporate, in fact, name and law, by the name of the "Morris, Sussex and Warren Rail Road and Transportation Company," and by that name they and their successors and assigns, shall and may have continual succession, and shall be capable in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors, by the same name and style, shall be capable of purchasing, taking, holding and conveying any lands, tenements, goods and chattles whatsoever, necessary or expedient, to carry into effect the objects of this incorporation.

Names of corporations.

Style of incorporation.

General powers.

Amount of capital stock.

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

Books to be opened for subscription to capital stock.

Sec. 3. *And be it enacted,* That the above named persons or a majority of them, shall open books to receive subscriptions to the capital stock of said corporation, at such time or times and places, as they or a majority of them may deem proper, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in one of the newspapers printed in Morris, Sussex and Warren counties, and also in a paper printed in New York; and that the said books shall be kept open as long as the said persons or a majority of them shall think proper; and if more subscriptions be taken than the amount of the capital stock, it shall be in the power of the said persons, or a majority of them, to apportion

the stock to the subscribers, as they may deem expedient and conducive to the object of the incorporation.

Sec. 4. *And be it enacted,* That at the time of subscribing for said stock, five dollars shall be paid to the above named persons, or some one of them, upon each share subscribed for, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and when fifty thousand dollars of the stock is subscribed for, and the books closed and the apportionment made, if the same become necessary, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose eleven directors; and such election shall be made by ballot, at the said time and place, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said named persons or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter, upon like notice being given by the directors, for the time being, the stockholders shall, in the same manner, elect the same number of directors; and the time and place of holding the first meeting of directors, shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation, shall, as soon as may be after every election, choose out of their own number, a president, and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year, wherein they may happen, by the said board of directors or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Time and mode of election for directors.

Sec. 5. *And be it enacted,* That in case it should happen that an election of directors should not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be deemed dissolved, but such election may be held at any subsequent time, upon notice given for that purpose; and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

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

Sec. 6. *And be it enacted,* That seven directors of said corporation shall be a quorum of the board of directors, compe-

Powers and
duties of
directors.

ent to transact all business of the said corporation, and they shall have power, giving notice thereof as aforesaid, to call in the capital stock of said company, by such instalments and at such times as they may direct; and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares on which such default shall arise, and to make and prescribe such by-laws, rules and regulations, touching the management and regulation of the stock, property, estate and effects of the said corporation and transaction of their business, as to them shall appear needful and proper, not repugnant to the laws of this State, or the United States; and also to appoint a secretary, treasurer, and such and so many clerks, agents and servants, as to them shall seem meet and proper, and to establish and fix such salaries or compensation for services to them, and also to the president, as to the board of directors shall appear proper; *provided*, that not over one-tenth of the capital stock be required to be paid in at one instalment, and such instalments be not required at shorter periods than ninety days from each other.

Company
authorized to
construct rail
road.

Location.

Directors, &c.
may enter
upon lands.

Sec. 7. *And be it enacted*, That the president and directors of said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a rail road or lateral roads, commencing at some point at or near Morristown, and terminating at any point or place on the Delaware river, at or above Philipsburg, in the county of Warren, which rail road and branches shall be constructed not exceeding sixty-six feet wide, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors of said company, their agents, engineers, superintendents and others in their employ, at all times to enter upon all lands and waters, for the purpose of exploring, surveying, levelling and laying out the route or routes of such rail road or lateral roads, and of locating the same; and to do, make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such road or lateral roads shall have been determined on, and a survey of such route or routes, deposited in the office of the secretary of this state, then it shall be lawful for the said company, by its officers, engineers, agents, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, use and occupy such lands and waters, and to excavate and erect embankments, build bridges, erect walls, lay rails, and do all other works necessary or suitable for the erection, completion and repair of said road or branches, and to enter into any lands

adjacent or near to the route of said road or branches, and search for and take sand, gravel and stone, if necessary, for the erection or repair thereof, subject to such compensation to the owners of such lands, waters or materials, as is hereinafter provided: *provided always*, that payment, or tender of the payment of all damages, for the occupation of lands through which the said rail road or branches thereof may be laid out, be made before the said company, or any person in their employment, or under their direction, shall enter upon, or break ground in the premises, except for the purpose of surveying and laying out said road or branches, or searching for sand, gravel or stone, unless the consent of the owner or owners of such lands be first had and obtained.

Proviso.

Sec. 8. *And be it enacted*, That when the company or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required, for the use of said company, in the construction or repairs of said road, shall be given in writing under oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the Supreme Court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and resident in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint, under his hand and seal, three judicious, impartial and disinterested freeholders, not resident in the county in which the lands or materials in controversy lie, or the owners reside, commissioners, to examine and appraise the said land or materials, and to assess the damages; but if a resident of the state then the parties each to choose one Commissioner, and they two to choose a third who together shall assess the damages; the said commissioners are also directed and required to assess the damages which any individual may sustain by the said road, arising from the removing, making and maintaining the fencing on the line of the said route, through any improved lands through which the same may run, upon such notice to be given to the persons interested, as shall be directed by the justice making such

Proceedings in case company and owners of lands cannot agree, &c.

appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, "faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding," to meet at the time and place appointed; and proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the said lands or materials, and assessment of the damages sustained by the owner or owners thereof, by reason of the taking the same for the use of the company, which shall be paid by the company for such lands or materials, or damages aforesaid; and the said commissioners shall make a report in writing, under their hands or the hands of any two of them of the value of said lands, materials and damages, which report shall, within ten days thereafter, be filed, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmation aforesaid in the clerk's office of the county in which the said lands or materials are situate, to remain of record therein; and the said report, or a copy thereof certified by the clerk of the said county, shall at all times upon depositing double the amount of damages in the hands of the county collector to be held as security for the payment of any amount which may be assessed, and upon compliance of which may be considered plenary evidence of the right of the said company to have, hold, use, occupy, possess and enjoy the said lands or materials, and of the right of the said owner or owners to recover the amount of the said valuation and assessment, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and until the same be paid, shall constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice of the Supreme Court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justices of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he or they shall think equitable and right, which costs shall be paid by the said company.

Sec. 9. And be it enacted. That in case the said company, or the owner or owners of the said lands or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the

Parties dissatisfied may have trial by jury.

supreme court, at the next term after the filing of the said report, the said court shall have power, on good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of said matter in controversy, to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials in question to be had, and the said issue to be tried at the next circuit court, to be holden in the said county, in the same manner as other issues in fact are tried in said court, upon twenty days notice of trial, and six days notice of the view being given by either party to the other; and upon such trial, it shall be the duty of the said jury to assess the value of the said lands or materials, and damages sustained, by reason of the taking thereof as aforesaid; and if they shall find a greater sum than the said commissioners have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution be awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same, or a less sum than the said commissioners have awarded, then the costs shall be paid by the applicant or applicants, and deducted out of the sum so found by the jury, or execution awarded therefor, as the court shall direct; *provided*, that such application for an issue shall not prevent the said company from taking and using the said lands or materials, upon the filing of the said report and tender of the sum awarded by the commissioners, after depositing double the amount in the hands of the County collector as directed in the eighth section of this act.

Jury to assess damages.

Proviso.

Sec. 10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages over or under the said rail road or roads, where any public or other road shall cross the same, or so that the passage of carriages, horses and cattle on said road or roads shall not be impeded thereby; and also where the said road or roads shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said road, so that they may pass and re-pass the same.

Company to make and repair bridges, &c.

Sec. 11. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with funds of the company, and to place and use on any rail road constructed by them, all such machines, engines, carriages, wagons, or vehicles, for the transportation of persons or property thereon, as they shall think proper and expedient, and to charge, take, and receive compensation for the transportation of persons or property on said road or roads; *provided*, they shall not charge more than at the rate of six

Rates for passages and transportation.

cents per mile per ton for the transportation of property on the said road or roads, or six cents per mile for carrying each passenger on said road or roads in the carriages of the company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said road or roads, in the carriages of others, and three cents per mile for each empty carriage; and the said rail road or roads and their appendages, and the lands over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to the said company, at any time or times, are hereby invested in the said company, incorporated by this act, and their successors and assigns, during the continuance of this act.

Dividends to be made semi annually.

Sec. 12. *And be it enacted,* That the president and directors of the said company shall, within one year after the said rail road shall have been completed, declare and make such dividend of the nett profits thereof among the stockholders as they may deem prudent, and shall, in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, or their legal representatives, in proportion to the amount of stock held by them respectively as they may deem proper.

Penalty for injuring or obstructing road.

Sec. 13. *And be it enacted,* That if any person or persons shall wilfully injure, destroy, or obstruct the use of any rail road constructed under the provisions of this act by the said company, or of any of their necessary works, wharves, bridges, carriages, or machines, such person or persons so offending, shall forfeit and pay the said company the sum of fifty dollars, to be by them recovered in any court of competent jurisdiction; and further, shall be liable for all damages sustained.

What real estate may be held.

Sec. 14. *And be it enacted,* That the said company may have and hold real estate at the commencement and termination of said road or roads, and other places along the same, not exceeding two acres at each place, and may erect and build thereon, ware houses, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property, and the construction of carriages and other necessary uses, and take and receive the rents, profits, and emoluments thereof; *Provided,* that if it should be necessary to use stationary power on any part of the line of said rail road, and water power can be advantageously used therefor, then it may be lawful for said company to have and hold so much additional land and real estate as may be necessary and useful in constructing the same; and also to make the necessary embankments, reservoirs, aqueducts, and other works necessary to create such power thereon.

Proviso.

Sec. 15. *And be it enacted*, That the said road or roads, authorized by this act, be, and the same are hereby declared to be public highways, and shall be constructed with a track, for one or more horses, and free for the passage of any rail road carriage thereon, with passengers or property, upon the payment of the tolls prescribed by this act; *provided always*, that the said carriages so used thereon, shall be of the same description in the formation of the wheels and length of the axle, as those used by the company, and shall be so regulated as to the times of starting, and speed of travelling, as not to interfere with the carriages of the company.

Rail road a public highway.

Sec. 16. *And be it enacted*, That in case the said road or roads shall not be commenced within five years, and completed within fifteen years from the passage of this act, then and in that case, this act shall be null and void; and that the president or treasurer of said company shall, within one year after the completion of the said road or roads, file in the office of the Secretary of this State, under oath or affirmation, a statement of the whole cost and expenses of the said road or roads and appendages; and annually thereafter a statement of the nett proceeds thereof; and whenever the annual nett proceeds of the said road shall amount to seven per centum per annum upon the cost of the said road or roads with their appendages, the said company shall pay to the treasurer of this State, the one-half of one per cent. per annum on the said cost, to be paid on the first Monday in January in each year; *provided*, that no other tax or impost for the use of this State, but this exemption shall not extend to or include taxes for township and county purposes, shall be levied or assessed upon said company.

Rail road when to be completed.

Statement of costs to be filed.

Sec. 17. *And be it enacted*, That the said company shall be required to make, put up and keep in repair, good and lawful fences on both sides of said rail road, wherever the same shall pass over, and be laid out on any farm or lands, from the commencement of said route to its termination.

Company to make fences.

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

Act to be deemed a public act.

Sec. 19. *And be it enacted*, That this act shall take effect from and after the passage thereof, and shall continue in force for the space of thirty years; *Provided* that the Legislature may at any time alter, modify or repeal the same whenever the public good shall require it.

Act when to take effect.

Passed March 13, 1844.

A further supplement to the act entitled "An act for the better regulation of actions of replevin," passed the 19th of March, 1795.

No costs in judgment by default.

Sec. 1. 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 actions of replevin, where the defendant or defendants do not appear or make defence, but suffer judgment to be entered by default, the property having been re-delivered, there shall be no judgment rendered for damages or costs; and the plaintiff in such action, may be at liberty to suggest that fact upon the record, and enter a discontinuance of his said action, without costs, except in case of demand being made in writing, prior to the commencement of the action, the defendant shall have refused to make deliverence of the property.

Costs in original action part of damages.

Sec. 2. *And be it enacted,* That in all actions upon replevin bonds, it shall be the duty of the court, or jury, as the case may be, to include the costs taxed in the original action, as part of the damages to be assessed therein, independent of the amount ascertained to be due to the landlord or other defendant in the original action, upon which, judgment may be rendered and execution issued accordingly.

Act when to take effect.

Sec. 3. *And be it enacted,* That this act shall take effect and have operation immediately after the passage of the same.

Passed March 11, 1844.

A SUPPLEMENT to the act entitled "An act to prescribe the time and manner of holding elections for representatives in Congress from this state," passed November 10th, 1842.

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

ity of the same, That this state shall be divided into five districts for the election of members of the house of representatives, and that the counties of Cape May, Cumberland, Salem, Gloucester and Atlantic, shall compose one district, to be called "The First District;" the counties of Burlington and Monmouth, shall compose one district, to be called "The Second District;" the counties of Mercer, Hunterdon, Somerset and Middlesex, shall compose one district, to be called "The Third District;" the counties of Warren, Sussex and Morris, shall compose one district, to be called "The Fourth District;" and the counties of Essex, Hudson, Bergen and Passaic, shall compose one district, to be called "The Fifth District;" each of which districts shall elect one person to represent this state in the house of representatives of the United States.

Congressional districts.

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

Part of former act repealed.

Passed March 12, 1844.

A SUPPLEMENT to the act entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," passed the 21st of February, 1798.

Sec 1. *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 members of the township committee of the several townships of this state, shall hereafter be allowed and paid one dollar per day each, and the clerk of the several townships as aforesaid shall be allowed and paid one dollar and fifty cents per day, by their respective townships, for the services rendered in performing their several township duties required of them by law.

Pay of township Committee and clerks.

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

Act when to take effect.

Passed March 12, 1844.

AN ACT to prevent and punish frauds by public officers.

Penalty for
misdemeanor. Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That if any person holding an office of trust and profit, under the authority of this State, shall hereafter embezzle any of the money, property or securities, committed to his keeping, with intent to defraud the State, or any county thereof, any city borough, township, body corporate, any person or persons, or shall fraudulently dispose of the same, he shall be deemed guilty of a high misdemeanor; and upon conviction thereof, shall be liable to a fine not exceeding five thousand dollars, or imprisonment at hard labor not exceeding five years, or both, at the discretion of the court before whom such conviction shall be had.

Transfers of
property by
officers guilty
of fraud, to
be void. Sec. 2. *And be it enacted,* That from and after the passing of this act, all conveyances and transfers of property, whether real or personal, made by any person holding, or who has held, any office of trust and profit, under the authority of this State, and who, while such officer, embezzled any of the money, property, or securities committed to his keeping, with intent to defraud the State or any county thereof, any city borough, township, body corporate, or any person or persons or fraudulently disposed of the same, and all mortgages and liens by judgments confessed, or other liens upon said property, voluntarily given by such officer, whether upon valuable consideration or not, shall be deemed as against this State, to be fraudulent and void in law; *Provided,* that nothing in this act contained, shall be taken to effect the rights of an innocent bona fide purchaser, mortgagee, or judgment creditor, for full value, without notice, that said officer has so embezzled, or made such fraudulent disposition of money, property or securities, committed to his keeping, as aforesaid.

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

Passed March 12, 1844.

AN SUPPLEMENT to the act entitled "An act respecting apprentices and servants."

Sec. 1. 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 indenture heretofore made in pursuance of the act to which this is a supplement, shall be adjudged or held to be void, merely for that such indenture is made to several persons constituting a firm or co-partnership, but that all such indentures, being in other respects legal, shall be deemed and held valid and effectual in law; *Provided* nevertheless, that nothing herein contained shall be so construed as to render valid any indenture of apprenticeship made to any incorporate company.

Indentures to plurality of masters made valid.

Sec. 2. *And be it enacted,* That in all cases of an indenture under and in pursuance of the act aforesaid, whereby an apprentice or servant is bound to serve several persons, constituting a firm or co-partnership, and one or more of such persons, shall die before the expiration of the term of apprenticeship or service mentioned in any such indenture, then that the covenants and agreements contained therein, on the part of the parent or guardian of such apprentice or servant, and on the part of such apprentice or servant; shall accrue and be performed to the survivors or survivor, and such survivors or survivor shall perform and fulfil to the apprentice or servant, all the covenants and agreements contained in any such indenture, on the part of the persons to whom such apprentice shall be bound, to be performed, fulfilled and kept.

Indentures not void on death of one of masters.

Sec. 3. *And be it enacted,* That this act shall take effect immediately upon the passage thereof.

Act when to take effect.

Passed March 12, 1844.

A SUPPLEMENT to an act entitled "An Act for the better regulation of actions of replevin, passed March nineteenth, seventeen hundred and ninety-five."

Jury to determine how costs are to be paid.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That in all actions of replevin, for goods and chattles taken in distress, hereafter to be brought in any of the courts of this State, the jury trying the same, or to whom the question of damages shall be submitted, shall determine by their verdict whether the plaintiff or defendant shall pay the costs of the suit, or whether each party shall pay his own costs.

Act when to take effect.

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

Passed March 13, 1844.

AN ACT to divorce Eleanor Boyle, from her husband, John Boyle.

Eleanor and John Boyle divorced.

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

Proviso.

Passed March 13, 1844.

AN ACT to repeal so much of the act entitled, "An act to establish three new townships in the county of Warren, to be called the townships of Hope, Franklin and Harmony; and also to annex a part of the township of Knowlton to the township of Oxford, in said county," passed February fifteen, eighteen hundred and thirty-nine, as relates to the township of Knowlton.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the sixth section of the act entitled "An act to establish three new townships in the county of Warren, to be called the townships of Hope, Franklin and Harmony, and also to annex a part of the township of Knowlton to the township of Oxford, in said county," passed February fifteenth, eighteen hundred and thirty-nine, be, and the same is hereby repealed.

Part of former act repealed.

Passed March 13, 1844.

AN ACT to dissolve the marriage contract between Eli Farrow, of Gloucester county, and his wife Ann.

Sec. 1: 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 Eli Farrow, of Gloucester county, and Ann, his wife, be, and the same is hereby dissolved, as fully and to all intents and purposes, as if they had never been joined together in matrimony.

Eli and Ann Farrow divorced.

Passed March 13, 1844.

AN ACT to repeal so much of the act entitled "An Act to authorise the inhabitants of the townships of Westfield, New Providence, Rahway and Caldwell in the county of Essex, to vote by ballot at their township meeting; passed February 20th, 1841," as relates to, or is binding upon the inhabitants of the township of Rahway, in the county of Essex, and for other purposes.

Part of former act repealed.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That so much of the act entitled "An act to authorise the inhabitants of the townships of Westfield, New Providence, Rahway and Caldwell, in the county of Essex, to vote by ballot at their township meetings," as relates to or is binding upon the inhabitants of the township of Rahway in the county of Essex, and so much of the act entitled "An act to authorise the inhabitants of the township of Union in the county of Essex, and the inhabitants of the township of Tewksbury in the county of Hunterdon, to vote by ballot at their annual town meetings, passed 24th February, 1843," as relates to or is binding upon the inhabitants of the township of Tewksbury aforesaid, be, and the same is hereby repealed.

Act when to take effect.

SEC. 2. *And be it enacted,* That this act shall take effect immediately on the passage thereof.

Passed March 13, 1844.

A further supplement to the act entitled "An act relative to juries and verdicts."

Each party entitled to challenge 6 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 upon the trial of any issue in any civil suit or action, in any court of this state, except as hereinafter mentioned, each party shall be entitled to challenge

peremptorily, as their names are drawn from the box, six of the general panel of jurors summoned and returned by the sheriff or other officer; and upon the trial of any indictment where peremptory challenges are not now allowed, the defendant or defendants shall be entitled to challenge peremptorily as their names are drawn from the box, six of the general panel of jurors summoned and returned by the sheriff or other officer; and upon such challenge being made, in any case, the drawing of jurors shall continue until the names of twelve jurors not thus challenged shall be drawn.

Sec. 2. *And be it enacted*, That this act shall not extend to, or have operation in the courts for the trial of small causes, and other cases before justices of the peace.

Act not to have operation in courts for trial of small causes.

Sec. 3. *And be it enacted*, That the party applying for a struck jury, shall pay the fees for striking the same, and also pay each juror, sworn or affirmed, seventy-five cents each per day, during the time they are engaged in trying the cause and shall have no allowance therefor, upon taxation of costs; *Provided*, that this section shall not extend to, or effect juries of view.

Struck Juries

Sec. 4. *And be it enacted*, That this act shall take effect immediately after the passage of the same.

Act when to take effect.

Passed March 13, 1844.

AN ACT to erect a part of the county of Gloucester into a new county, to be called the county of Camden.

Sec. 1. *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 seven townships of Camden, Waterford, Newton, Union, Delaware, Gloucester, and Washington, now composing a part of the county of Gloucester, be, and the said townships are hereby erected into a separate county, named, and hereafter to be called the county of Camden, and the inhabitants of each and every of the said townships respectively shall be and they and each of them are hereby vested with, entitled unto, and hereby authorized to exercise and enjoy all the franchises, powers, privileges, immunities and authority, and shall be, and hereby are made

County of Camden established.

Inhabitants
incorporated
and style of
incorporation

subject to all the rules, regulations and government which the other townships in this state by law are entitled and subject to, and the inhabitants of the said seven townships, are hereby incorporated and declared a body politic in law, that is to say the inhabitants of the township of Camden, shall be and hereby are styled and known by the name of the inhabitants of the township of Camden, in the county of Camden; the inhabitants of the township of Waterford, shall be, and hereby are styled, and known by the name of the inhabitants of the township of Waterford in the county of Camden; the inhabitants of the township of Newton shall be, and hereby are styled and known, by the name of the inhabitants of the township of Newton, in the county of Camden: the inhabitants of the township of Union shall be, and hereby are styled and known by the name of the inhabitants of the township of Union in the county of Camden: the inhabitants of the township of Delaware, shall be and hereby are styled and known by the name of the inhabitants of the township of Delaware in the county of Camden: the inhabitants of the township of Gloucester, shall be and hereby are styled and known by the name of the inhabitants of the township of Gloucester, in the county of Camden: the inhabitants of the township of Washington, shall be, and hereby are styled and known by the name of the inhabitants of the township of Washington, in the county of Camden.

When officers
of Camden
county to
have jurisdiction

Sec. 3. *And be it enacted*, That the judges and justices of the peace and all other county officers, except the clerk, surrogate and prosecutor of the pleas, within the said townships, hereby erected, into a new county, shall continue to hold, exercise and enjoy their several and respective offices and appointments within the present limits of the said county of Gloucester, with all the powers and privileges thereunto belonging, until the ninth day of April next, and all courts at the time of the passing of this act existing and being within the present limits of said county of Gloucester, shall continue to have and exercise, respectively, jurisdiction within the same, until said ninth day of April next in the same manner as if this act had not passed, and from and after the ninth day of April next, and until their respective terms of office in and for the county of Gloucester, shall expire, all persons in office at the time of passing this act, resident within the bounds of the said county of Camden, and every of them shall hold, exercise and enjoy their respective offices, with all the power, authority, privileges and emoluments thereunto belonging, within the said county of Camden as fully and effectually to all intents and purposes as if they had been elected and appointed to their said offices respectively within

The said county of Camden: *Provided however*, that all such county officers shall file an oath of office with the clerk of said county of Camden, on or before the said ninth day of April next. Proviso.

Sec. 3. *And be it enacted*, That all actions, suits, appeals, prosecutions and other legal proceedings commenced or that may be commenced or depending in the supreme court or in any court, or before any justice of the peace, within the former limits of the said county of Gloucester, before the ninth day of April next, shall not in any wise be affected by this act; but the same may and shall be continued and prosecuted in the same manner as if this act had not been passed, any thing herein contained to the contrary notwithstanding. Suits depending not to be affected.

Sec. 4. *And be it enacted*, That from and after the ninth day of March instart, the sheriff of the county of Gloucester, or his deputy shall execute all process to him directed in the said county of Camden, and in case of the disability of the said sheriff the coroners of the said county of Gloucester shall execute all such writs and process, and shall make return of all such writs and process in the courts to which they are made returnable, and shall continue to act and be responsible in his or their official capacities until the next annual election in the said county of Camden. Sheriff of Gloucester to execute process, &c., in Camden.

Sec. 5. *And be it enacted*, That the jail of the city of Camden is hereby constituted the jail of the said county of Camden, and for the confinement of all prisoners of the said county of Camden, and after the sixteenth day of March, instant, it shall be lawful for all officers of the said county of Camden to commit offenders to the city jail of the said city of Camden, until otherwise ordered as hereinafter provided. County jail.

Sec. 6. *And be it enacted*, That the first town meetings in the said county of Camden shall be held at the times and places they would have been held had they continued in the county of Gloucester, and they shall hereafter be held annually at such places in the said townships as the electors thereof from time to time shall direct and appoint by virtue of the existing laws of this state. Town meetings where held.

Sec. 7. *And be it enacted*, That William R. Cooper, Isaac Hinchman and Joseph Saunders, or any two of them be, and they are hereby appointed commissioners on the part of the county of Gloucester, and that John W. Mickle, John K. Cowperthwait and Joseph C. Collings, or any two of them, be, and they are hereby appointed commissioners on the part of the county of Camden, to attend at the court house in the county of Gloucester on the sixteenth day of March instant, Commissioners to fix quota of tax and divide property, &c.

at the hour of ten o'clock in the forenoon of that day, and after taking an oath or affirmation before some justice of the peace of the said county of Gloucester, to faithfully, honestly and impartially perform the trust reposed in them by this act shall call before them the county collector of the county of Gloucester, whose duty it shall be to furnish the said commissioners with the abstract of the quotas of the tax fixed by the assessors of the said county of Gloucester, at their last stated meeting, and the said commissioners when met shall make out a true statement of the quota of state tax as adjusted the last year, and shall in that proportion or ratio fix the quota of tax to be levied and collected in each township the present year for the State, and the said commissioners shall also settle with the said collector for all county moneys which may remain in his hands and shall value the buildings at Woodbury, and other property belonging to the county of Gloucester including the surplus revenue and the said commissioners for the county of Camden shall receive from the county collector of said county of Gloucester whose duty it shall be to pay the same to them, or to deliver bonds and mortgages for a portion thereof if he has not money sufficient, the proportion that will belong to the county of Camden, according to the ratio of population fixed by the last census of the United States, also their proportion of the value of the public buildings, surplus revenue and other public property after making an equitable deduction of any debts which may be due by said county of Gloucester, and it shall be the duty of the said commissioners respectively to lay before the board of chosen freeholders of each county at their annual meeting in May next a statement of the valuation made by them, of the public buildings at Woodbury, the surplus revenue and other public property, also the settlement aforesaid which settlement shall form the quota of state tax for each county for the present year, and the said commissioners shall receive two dollars per day for their services while engaged in making such settlement to be paid by the county collector of the county of Gloucester.

Sec. 8. *And be it enacted*, That the chosen freeholders of the several townships of the county of Camden, shall be and they are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "The Board of Chosen Freeholders of the County of Camden," and the said board shall have, hold, use and enjoy the like rights, powers and authority, and be subject to like rules and penalties as the Board of Chosen Freeholders of the other counties of this State are entitled and subject to, according to the existing laws of this State, and the said board of chosen free-

Chosen freeholders of townships incorporated.

holders of the said county of Camden, shall meet at the court house of the city of Camden, on the day appointed by law, for the next annual meeting of the board of chosen freeholders in the other counties in this State, and afterwards, annually at the same place at such times and under such regulations as the other boards of the other counties in this State.

Sec. 9. *And be it enacted,* That the circuit courts, courts of common pleas, quarter sessions of the peace, orphans' court, and courts of oyer and terminer, shall be held in, and for the county of Camden, at the court house in Camden, until otherwise ordered as hereinafter provided, on the fourth Tuesday in March, the fourth Tuesday in June, the fourth Tuesday in September, and the third Tuesday in December annually.

Time & place of holding courts.

Sec. 10. *And be it enacted,* That all judgments already, or that hereafter may be obtained in the said county of Gloucester, upon any action, suit, or proceedings actually commenced or depending, before the sixteenth day of March instant, shall be deemed and taken to be of the same force and effect, within the present bounds of the said county of Gloucester, as if this act had not been passed; and writs of execution or other legal process may be issued thereon, directed to the sheriff or other legal officer of the county of Gloucester, who are hereby authorized and directed to execute the same, within the limits of the county of Camden, as fully as if this act had not passed, and all writs of scire facias may issue, as by law allowed in other cases.

Executions or suits now pending in Gloucester may be executed in Camden.

Sec. 11. *And be it enacted,* That the militia of the said county of Camden, shall form a separate brigade, to be called the "Camden Brigade," and the militia of the county of Gloucester shall form a separate brigade, to be called the "Gloucester Brigade," and the said Camden and Gloucester brigades shall be severally attached to the first division of the militia of this state.

Militia of Camden and Gloucester.

Sec. 12. *And be it enacted,* That the board of chosen freeholders of said county of Camden, shall, upon the call of the director of the board, or upon their own adjournments, from time to time, as occasion may require, meet together at Camden, or such other places as they may appoint.

Board of chosen freeholders may adjourn from time to time, &c.

Sec. 13. *And be it enacted,* That until a sheriff shall be elected at the next annual election for the said county of Camden, and shall enter upon the duties of his office, it shall be the duty of the sheriff of the county of Gloucester, or in case of his disability, of the coroners of said county to sum-

Sheriff of Gloucester to act for Camden until next annual election.

mon according to law, the grand jurors of the said county of Camden, and also, to select the necessary number of jurors, to serve as such in the said county of Camden, to be empannelled in the manner prescribed by law.

Representa-
tion in Coun-
cil & Assem-
bly.

Sec. 14. *And be it enacted*, That the said county of Camden shall have and enjoy all the jurisdiction, powers, privileges, liberties and immunities which any other county in this state doth or may enjoy; and the said county of Camden shall elect one member to represent the said county in the legislative council of this state, and two members to represent said county in the general assembly of this state, and the county of Gloucester shall hereafter elect one member to represent the said county in the legislative council of this state, and two members to represent said county in the general assembly of this state.

Clerk, Surro-
gate &c. when
to enter upon
duties of
office.

Sec. 15. *And be it enacted*, That this act shall take effect from and after the passage thereof, and it shall and may be lawful for the joint meeting at any time after the passing of this act, to appoint a clerk, surrogate, prosecutor of the pleas, and all other necessary and proper officers of the said county of Camden, who shall enter upon the duties of their respective offices upon taking the oaths of office.

Clerk and
Surrogate to
give bond.

Sec. 16. *And be it enacted*, That it shall be lawful for the clerk and surrogate of said county of Camden, to submit their official bonds to one of the justices of the supreme court, and to take and subscribe their respective oaths or affirmations of office before said justice of the supreme court, which said justice of the supreme court may receive such bonds as he shall approve, and transmit such bonds, together with the oaths of office, to the secretary of this State, to be filed in said secretary's office according to law; and after the approval of said bonds by said justice of the supreme court, the said clerk and surrogate shall be fully authorized to enter upon the duties of their respective offices.

Appropri-
ation of income
of school
fund.

Sec. 17. *And be it enacted*, That it shall be the duty of the trustees of the school fund of this state to apportion to the said county of Camden, on or before the first Monday of April next, its just share and proportion of the annual appropriation of the income of the school fund according to law.

Sec. 18. *And be it enacted*, That upon receiving the proportion of the surplus revenue to which the said county of Camden is entitled, the said board of chosen freeholders, shall within ninety days after receiving the same, deliver the certificate for the amount of such surplus revenue, signed by

the director of the said board of freeholders, expressing the usual legal obligation, and pledging the faith of the said county of Camden, for the safe keeping and re-payment thereof, to the Treasurer of this state; and in all things comply with the act of the legislature of this state entitled "An act making provision for the deposite and distribution of so much of the surplus revenue of the United States as now is, or may hereafter be apportioned to, and received by this state," passed the 10th day of March, 1837.

Chosen freeholders to give obligation on receipt of surplus revenue.

Sec. 19. *And be it enacted,* That the board of chosen freeholders of the county of Gloucester may assign to the said board of chosen freeholders of the county of Camden, any such bonds and mortgages upon property within the limits of the said county of Camden, taken upon the loan of the surplus revenue, as the said board of freeholders of the county of Camden, or the commissioners, appointed by this act, in behalf of the said county of Camden, shall be willing to take in payment of the portion of the surplus revenue to which said county of Camden is entitled by this act, and the assignment and transfer thereof, shall be good in law, and shall vest in the board of chosen freeholders of the county of Camden, complete title to the same.

Bonds and mortgages for loan of surplus revenue may be assigned.

Sec. 20. *And be it enacted,* That the amount of money received from the county of Gloucester, as the share of the county of Camden, for the public buildings and other public property, shall be expended whenever the board of chosen freeholders shall direct in the repair of the court house and jail, in Camden, and in the building of public offices; but no money shall be raised or taxes assessed and collected from the inhabitants of the said county of Camden, for the erection of the public buildings in said county.

Location of public buildings, how fixed.

Sec. 21. *And be it enacted,* That the several Courts of the said county of Camden, shall be held at the times and place mentioned in the ninth section of this Act for one year, and after the expiration of one year the vote of the qualified electors of said county shall be taken at such time as the board of chosen freeholders, shall appoint to determine where the courts of said county shall be held and the public buildings permanently located, the said election shall be conducted in the same manner as nearly as may be as is directed by the Act authorising the court-house election in the county of Mercer, and when the location shall be determined upon by such election and the public buildings erected, then the several courts shall be held in the court-house erected in the

place located as aforesaid. *Provided always*, that a majority of the whole number of votes taken at such election shall be necessary to the choice of the place of location.

Proviso.

Passed March 13, 1844.

AN ACT to re-annex the township of Hopewell, in the county of Mercer, to the county of Hunterdon, and to straighten the county lines between Cape May 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 all that part of the county of Mercer, embraced within the limits of the township of Hopewell, shall be, and the same is hereby attached to and made a part of the county of Hunterdon, and shall be subject to all the laws which the county of Hunterdon now is, or may be subject to; and the boundary line between the township of Hopewell, and the adjoining townships of Lawrence and Ewing, shall be the boundary line between the county of Hunterdon and the county of Mercer, and the corporate name of the inhabitants of the said township of Hopewell, shall hereafter be "The inhabitants of the township of Hopewell, in the county of Hunterdon."

Hopewell township re-annexed to Hunterdon.

Officers to hold appointments and Courts to exercise jurisdiction for a certain time.

Sec. 2. *And be it enacted*, That judges, justices, and other officers within the limits of the territory hereby attached to the county of Hunterdon, shall continue to hold, exercise, and enjoy their several and respective offices and appointments, with the powers and privileges thereto belonging, within the limits of the said county of Mercer until the second Monday of April next; and all courts at the time of the passing of this act, existing and being within the aforesaid limits of said county of Mercer, shall continue to have and exercise jurisdiction within the same until the second Monday of April next, in the same manner as if this act had not been passed; and that on and after the second Monday of April next, and until their respective terms of office in the county of Mercer shall expire, all persons in office at the time of the passing of this act, resident within the township of

Hopewell, and all and every of them shall hold, exercise and enjoy their respective offices, with all the powers, privileges and emoluments thereto belonging, within the limits of the county of Hunterdon, as officers of said county, as fully and effectually to all intents and purposes, as if they had been elected and appointed to their said offices respectively, within the said county of Hunterdon; *Provided*, that all judges of the court of common pleas, and all justices of the peace, shall take and subscribe the official oaths or affirmations required by law, within the said county of Hunterdon, on or before the first day of May next, and before they act in their respective offices, as officers of the county of Hunterdon.

Provido.

Sec. 3. And be it enacted, That all actions, suits, appeals, prosecutions, and other legal proceedings, commenced or depending in the supreme court of this state, or in any court, or before any justice of the peace within the county of Mercer, as the same stood before the passing of this act, before the second Monday of April next, shall be in no wise affected by this act, but the same shall and may be prosecuted in said county, and before said courts in the same manner as if this act had not been passed, any thing herein contained to the contrary notwithstanding; *Provided*, that in all such causes pending in the supreme court, where the defendant in any transitory action shall at the time when this act takes effect, reside within the limits of the township of Hopewell, or where in any local action the cause of action arose within that township, either party may, at his election, on application to said court for that purpose, have the venue in said action changed to the said county of Hunterdon, and the cause tried therein, as if the said action had originally been commenced in said county.

Actions, &c., in Mercer, not to be affected

Provido.

Sec. 4. And be it enacted, That all judgments obtained, or that may hereafter be obtained in any of the courts of the county of Mercer, upon any action, suit or proceeding, actually commenced or depending before the second Monday of April next, shall be of the same force and effect within the said township of Hopewell, as if this act had not been passed, and writs of execution or other legal process may be issued thereon, and directed to the sheriff or other lawful officer of said county, who is hereby authorized and directed to execute the same within the limits of the said county of Hunterdon, in the same manner as he should by law have done, in case this act had not been passed; and upon such judgment or judgments, a writ or writs of scire facias may issue, as allowed by law in other cases, directed as aforesaid, and thereupon such further proceedings shall be had therein, as the party prosecuting the same, would have been entitled to in other

Judgments, &c., obtained in Mercer co. to be of same force in Hopewell,

cases, and in the same manner as if this act had not been passed.

Sec. 5. And be it enacted, That all persons at present residing within the limits of the township of Hopewell, who would have been entitled to vote at all ensuing elections in the county of Mercer, if this act had not been passed, shall be, and the same are hereby declared to be entitled to vote at all ensuing elections in the county of Hunterdon.

Sec. 6. And be it enacted, That the right and interest of the said township of Hopewell, in and to such portions of the surplus revenue of the general government as have been or may be paid, and all interest money which has accrued, or may accrue thereon, shall not be deemed to be in any wise lessened or impaired by this act.

Sec. 7. And be it enacted, That the present member of the legislative council from the county of Mercer shall be and remain the representative in council of the county of Mercer, until the meeting of the next legislature of this state, and be entitled to and exercise all the privileges, powers and immunities as a member of council, as fully in all respects as if this act had not been passed.

Sec. 8. And be it enacted, That so much of the township of Maurice River, in the county of Cumberland, as lies adjacent to the county of Cape May and within the following bounds, to wit: beginning at the Cumberland and Cape May line where the old Cape May road intersects the same; and running thence a northwardly course along said road to a station formerly called Souder place; thence northwardly the most direct course to the Cumberland and Atlantic line; thence by the Atlantic line and the Cape May line to the beginning, shall be annexed to and constitute a part of the Upper township in the county of Cape May, and that Francis Lee, James Ward and James L. Smith be and they are hereby appointed commissioners to run said line.

Sec. 9. And be it enacted, That the township committees of the townships of Maurice River and Upper Township, shall meet on the third Monday in April next, in Marshalville at the house now occupied by Edward Thomas, at ten o'clock in the forenoon, and shall then and there, or as soon thereafter as may be, proceed by writing, signed by a majority of the members of each committee, to allot to the said Upper Township, such proportion of the property, money on hand or due, and belonging to the township of Maurice River, as the rateables and taxable property hereby set off to the said Upper

Residents of Hopewell to vote in Hunterdon.

Interest of township in surplus revenue not to be impaired.

Member in Council to remain representative till next meeting of the Legislature.

Part of Maurice River township annexed to Cape May.

Township committees to make division of property, &c.

Township, have to the rateables and taxable property of the township of Maurice River, as the same shall remain after the passage of this act; and if any of the persons composing either of the township committees, should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present shall be final and conclusive; *Provided*, that said meeting may adjourn to such time and place as a majority shall deem proper.

Sec. 10. *And be it enacted*, That all persons residing within the territory hereby set off to the Upper Township, who by the laws of this state, would have been entitled to vote at any ensuing election in the county of Cumberland, the same shall be entitled to vote at any such election, to be held in said Upper Township, the same as though they had always resided in said township.

Inhabitants to
vote in Upper
township.

Sec. 11. *And be it enacted*, That judges, justices, and other officers within the limits of the territory hereby attached to the county of Cape May, shall continue to hold, exercise, and enjoy their several and respective offices and appointments with the powers and privileges thereto belonging, within the limits of the said county of Cumberland, until the second Monday of April next; and all courts at the time of the passing of this act, existing and being within the aforesaid limits of said county of Cumberland, shall continue to have and exercise jurisdiction within the same, until the second Monday of April next, in the same manner as if this act had not been passed, and that on and after the second Monday of April next, and until their respective terms of office in the county of Cumberland shall expire, all persons in office at the time of the passing of this act, resident within the territory hereby attached to Cape May, and all and every of them, shall hold, exercise and enjoy their respective offices, with all the powers, privileges, and emoluments thereto belonging within the limits of the county of Cape May, as officers of said county, as fully and effectually to all intents and purposes, as if they had been elected and appointed to their said offices respectively, within the said county of Cape May; *Provided* that all judges of the court of common pleas, and all justices of the peace, shall take and subscribe the official oaths or affirmations required by law, within the said county of Cape May, on or before the first day of May next, and before the act in their respective offices as officers of the county of Cape May.

Officers to
hold appoint-
ments and
courts to ex-
ercise juris-
diction for
certain time.

Proviso.

Sec. 12. *And be it enacted*, That all actions, suits, appeals, prosecutions and other legal proceedings, commenced or depending in the supreme court of this state, or in any

Judgments
obtained in
Cumberland
to be of same
force in Cape
May.

Proviso.

court, or before any justice of the peace within the county of Cumberland, as the same stood before the passing of this act, before the second Monday of April next, shall be in no wise affected by this act, but the same shall, and may be prosecuted in said county and before said courts in the same manner as if this act had not been passed, anything herein contained to the contrary notwithstanding; *provided*, that in all such causes pending in the supreme court where the defendant in any transitory action shall at the time when this act takes effect reside within the limits of the territory hereby annexed to Cape May, or where in any local action the cause of action arose within that territory, either party may at his election, on application to said court, for that purpose have the venue in said action, changed to the said county of Cape May and the cause tried therein as if the said action had originally been commenced in said county.

Actions, &c.
in Cumber-
land not to be
affected.

Sec. 13. *And be it enacted*, That all judgments obtained, or that may hereafter be obtained in any of the courts in the county of Cumberland upon any action, suit or proceeding, actually commenced or depending before the second Monday of April next, shall be of the same force and effect within the said territory hereby annexed to Cape May as if this act had not been passed, and writs of execution or other legal process may be issued thereon and directed to the sheriff or other lawful officer of said county, who is hereby authorized and directed to execute the same within the limits of the said county of Cape May in the same manner as he should by law have done in case this act had not been passed, and upon such judgment or judgments a writ or writs of *scire facias* may issue, as allowed by law in other cases directed as aforesaid and thereupon such further proceedings shall be had therein as the party prosecuting the same would have been entitled to in other cases and in the same manner as if this act had not been passed.

Act when to
take effect.

Sec. 14. *And be it enacted*, That this act shall go into effect immediately after the passage thereof.

Passed March 13, 1844.

AN ACT to establish a uniform standard of weights and measures in this State.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the standard of weights and measures of the United States, now deposited in the Secretary's office at Trenton, shall be the standard of weights and measures of this State, for the approving and sealing of the same in the several counties thereof, and the said Secretary of State is hereby enjoined to preserve and take care of the same, and to allow and assist such person or persons, authorized by the chosen freeholders of each county of this State, to compare and adjust a corresponding standard of weights and measures for each and every county, and shall give to such person or persons so authorized, a certificate under the seal of his office, of their correctness, as compared with the standard in his office; and the said Secretary of State shall procure a seal; upon which shall be imprinted the letters S. S., and shall mark with the said seal each and every article so compared, for which he shall receive a reasonable compensation from the Treasurer of this State, upon the certificate of the Governor thereof.

Secretary of State to compare and adjust county standards.

Sec. 2. *And be it enacted,* That the chosen freeholders of each and every county, shall, at the expense of the several counties in this State, provide within ten months from the passage of this act, a set of brass weights, from half an ounce up to fifty pounds avoirdupois, and measures from one pint up to a gallon, and from a quarter of a peck to half a bushel, and a yard stick, of good, permanent and durable construction, according to the standard above mentioned, proved and sealed by the Secretary of this State, and likewise a seal upon which shall be imprinted the letters C. S., who shall deposit the same with the clerk of the county they represent, who is and shall be hereby constituted the sealer of weights and measures for said county, and shall keep the same in his office in good order and repair, and shall take on entering on the duties of his office the following oath, (or affirmation), viz:

Chosen freeholders to procure weights and measures.

I do swear, (or affirm,) that I will not stamp, seal or give any certificate for any weights or measures, but such as shall, as nearly as possible, agree

Oath of Clerk.

with the standard in my keeping, and will, in all respects truly and faithfully discharge and execute the trust reposed in me to the best of my ability and capacity. So help me God.

Which said oath (or affirmation) shall be administered by any justice of the peace, in the presence of not less than two members of the board of chosen freeholders of said county, and filed by said clerk in his office.

Sec. 3. *And be it enacted*, That the clerk or sealer of weights and measures in every county of this State, shall post up a notification in writing, by setting up three advertisements in each township thereof, on the first day of March next, and on the same day every seventh year thereafter, or shall cause such notification to be published at least four weeks successively in one or more newspapers printed and published in said county requiring all and every person within their respective counties to bring into the said sealer of weights and measures, all such weights and measures by which they respectively buy or sell, giving at least thirty days notice of the appointed time for the sealing, aforesaid; and the clerk or sealer may demand and receive from the owner of all weights and measures so tried, proved and sealed, by the seal of said clerk, two cents for each and every article which he may seal; it shall further be the duty of said clerk to give a certificate to every person or persons who may apply to him to have articles sealed, stating the number so sealed, their weight or capacity, and that they agree and correspond with the standard deposited in his office; and if any person or persons shall carry any weights or measures to said clerk to be sealed, at any time after the day notified for sealing as aforesaid, the clerk or sealer of weights and measures in such case may demand and take eight cents for each and every article he may seal.

Sec. 4. *And be it enacted* That if any person or persons within this State shall at the expiration of thirty days after the appropriate time of sealing, vend or sell any wares or merchandize, or any commodity whatever, by any other weights and measures but such as shall have been tried, proved and sealed as this act requires, the person or persons so offending shall forfeit and pay for every offence a sum not less than two and not exceeding five dollars; one half to go to the prosecutor, and the other half to the poor of the township in which said offence may be committed, to be recovered by action of

Clerk to give notice of time of sealing.

Fees for sealing.

Penalty for using weights & measures not sealed.

debt in any court having cognizance of the same; Provided always, that nothing in this act shall be so construed as to prohibit any person or persons from buying or selling by steelyards or patent balances, when they shall have been tried by, and agree with the standard aforesaid, and when the buyer and seller, payer and receiver, shall both consent thereto.

Sec. 5. *And be it enacted*, That this act shall take effect immediately upon the passage thereof.

Act when to take effect.

Passed March 13, 1844.

A SUPPLEMENT to the act concerning costs.

Sec. 1. *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 justices of the supreme court of this state, be, and they are hereby authorized and requested to prepare and settle forms of bills of costs in the various cases civil and criminal that usually arise in the several courts of this state, except the court for trial of small causes, and shall specify in such forms the items properly chargeable by law in each case, as fully and particularly as may be practicable, and that the clerk of the Supreme Court shall furnish at the expense of the state, printed copies of the forms so prepared and settled by the said justices, to the clerk of the court of chancery, and to the clerks of the several counties in this state.

Justices of supreme court authorized to prepare forms of bills of cost.

Sec. 2. *And be it enacted*, That if any clerk shall tax, or if any attorney at law shall procure, suffer or permit to be taxed, any bill of costs containing any item not allowed by law, every such bill shall be wholly forfeited, and no action shall be brought, or sustained for any such bill, or any part or item thereof.

Bill forfeited for unlawful taxation.

Sec. 3. *And be it enacted*, That whenever suit shall be brought upon any bond secured by mortgage on real or personal estate, no costs shall be taxed or allowed in such suit, unless the property mortgaged shall upon a sale thereof, be insufficient to pay the amount of such bond, together with the costs of foreclosing said mortgage.

When costs not to be taxed.

Passed March 14, 1844.

A FURTHER SUPPLEMENT to the act entitled, "An act constituting courts for the trial of small causes," passed twelfth February, 1818.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That assessments of damages in and by the fifty ninth section of the act to which this act is a supplement, directed to be made by the court, shall be made by a jury upon application of either party interested, any thing in the said act to the contrary notwithstanding; and this act shall take effect upon the passage thereof.

Passed March 13, 1844.

AN ACT for the relief of Hannah Applegate, widow of William Applegate, deceased, of 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 the Treasurer of this State is hereby authorized and directed to pay unto Hannah Applegate, widow of William Applegate, deceased, of the county of Monmouth, a soldier of the Revolutionary war of the United States, or to her order, the sum of forty dollars per annum, during her natural life, in half-yearly payments, the first payment to be made on the fourth day of March next, and the receipt of the said Hannah Applegate, or her order, shall be a sufficient voucher to the Treasurer for the payment of the same in the settlement of his accounts.

Passed March 13, 1844.

Assessment of
damages how
made.

\$40 per annum to be
paid to Hannah Applegate.

An Act entitled, "An act to set off the township of Tewksbury in the county of Hunterdon, into the county of Somerset.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all that part of the county of Hunterdon embraced within the limits of the township of Tewksbury shall be, and the same is hereby attached to, and made a part of the county of Somerset, and shall be subject to all the laws which the county of Somerset now is or may be subject to, and the boundary line between the township of Reddington and the township of Tewksbury, shall in part be the boundary line between the counties of Hunterdon and Somerset.

Township of Tewksbury attached to Somerset.

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

Style of incorporation.
Inhabitants incorporated.

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

Property &c. vested in inhabitants of township.

Sec. 4. *And be it enacted,* That the judges, justices of the peace, and other officers, in the limits of the territory hereby attached to the county of Somerset, shall continue to hold, execute and enjoy their several respective offices and appointments, within the limits of the said county of Hunterdon, until the second Monday of April next; and all courts, at the time of the passing of this act, existing and being within the aforesaid limits of the said county of Hunterdon, shall

Officers to hold office, and courts to exercise jurisdiction for certain times

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

Proviso.

Actions &c.
in Hunterdon
not to be af-
fected.

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

Proviso.

Time and
place of town
meetings.

Sec. 6. *And be it enacted*, That the first town meeting hereafter to be held in the said township of Tewksbury, as hereby constituted, shall be held on the second Monday of April next, at the house of Peter R. Fisher, in New Germantown, and that thereafter the town meetings in said township shall be held annually on the second Monday in April, at such places as the electors of said township shall from time to time appoint, under the laws of this state.

Sec. 7. *And be it enacted*, That all judgments obtained, or that may hereafter be obtained in any of the courts of

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

Executions &c., on suits now depending in Hunterdon Co. may be executed in Somerset.

Sec. 8. *And be it enacted,* That all persons residing within the limits of the township of Tewksbury, in the county of Hunterdon, who would have been entitled to vote at the next annual, or any other election in the county of Hunterdon, if this act had not been passed, shall be, and the same are hereby declared to be entitled to vote at the next annual election, in the county of Somerset, or any other election to be held therein after this act shall go into operation.

Inhabitants of Tewksbury to vote in Somerset.

Sec. 9. *And be it enacted,* That the right and interest of the said township of Tewksbury in and to such portions of the surplus revenue of the general government, as have been or may be paid, and all interest money which has accrued or may accrue thereon, shall not be deemed to be in any wise lessened or impaired by this act.

Sec. 10. *And be it enacted,* That this act shall take effect on and after the second Monday in April next.

Act when to take effect.

Sec. 11. *And be it enacted,* That the counties of Hunterdon and Somerset shall hereafter respectively elect the same number of representatives as they are at present entitled to, until otherwise regulated by law.

Number of Representatives.

Passed March 13, 1844.

A FURTHER SUPPLEMENT to the act entitled "An Act to regulate elections," passed March 12th, in the year of our Lord 1839.

Qualification of voters. Sec. 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That every free white male citizen of the United States, who shall have resided one year in any county of this state next preceding any election, which shall be held by virtue of the constitution or laws of this state, and who shall in other respects be entitled to vote at such election shall be deemed and taken to be worth fifty pounds proclamation money.

Persons challenged to take oath or affirmation. Sec. 2. *And be it enacted,* That if any person shall be challenged as not qualified or entitled to vote, and the person challenging him shall specify a ground of such challenge to be, that the person so challenged is an alien, the chairman of the board of election shall forthwith tender to him an oath or affirmation in the following form: "you do swear [or affirm, as the case may be,] that to the best of your knowledge, information or belief, you were born a citizen of the United States, and that you do not owe allegiance, to any foreign prince, potentate, state or sovereignty;" and if the person so challenged shall refuse to take the oath or affirmation so tendered to him, he shall be deemed and taken to be an alien, unless he shall produce at the time of claiming his vote, to such board a lawful certificate, issued out, and under the seal of some court of record having authority to admit aliens to the rights of a citizen of the United States, showing, in case the person producing the same, shall claim to be the person named therein, that he has been admitted to the rights of a citizen of the United States; or in case the person producing the same shall claim to have derived the rights of such citizen through the naturalization of his parent, then, that the person alleged to be such parent has been admitted to the rights of such citizen, or unless one or more of the board of election, shall have seen and examined said certificate at some previous election, or unless he shall take an oath or affirmation which shall be tendered to him by the chairman of the board of election according to the circumstances of the case in the following form: "You do swear, [or affirm as the case may be,] that you have been admitted to the rights of a citizen of the United States, by a certificate of naturalization, issued out, and under the seal of a court of record in the United States," or in the fol-

following form: "You do swear, [or affirm as the case may be, that you have seen the certificate of naturalization by which your parent was recognized as a naturalized citizen of the United States; and that at the time of the naturalization of your parent you were under the age of twenty-one years, and resident in the United States;" *And it is hereby provided*, that no such certificate of naturalization, produced as aforesaid shall be disregarded for, or on account of any alleged technical informality, or upon any pretence that the court issuing the same was, or is not a competent court of record; *Provided*, that it shall so appear on said certificate

Sec. 3. *And be it enacted*, That if any person shall be guilty of wilful and corrupt false swearing or affirming, in taking an oath or affirmation under this act, he shall be deemed and taken to be guilty of perjury, and may be prosecuted and punished accordingly. Penalty for false swearing.

Sec. 4. *And be it enacted*, That if any person shall, in any way, directly or indirectly, offer, promise, procure, confer, or give any money, property, thing in action, victuals, drink, preferment or any other consideration, to any person, for giving or refusing to give his vote, in, or at any election mentioned in the said act to which this is a supplement; or if any person shall at any such election, by menace or other corrupt means or device, directly or indirectly, attempt to influence, deter, or dissuade any person in giving or refusing to give his vote thereat every person so offering, promising, procuring, conferring, or given as aforesaid, or attempting to influence, deter, or dissuade as aforesaid, shall be adjudged to be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment at hard labor in the state prison, or both, in the discretion of the court before whom the offender shall be convicted, the fine in no case to be less than one hundred dollars, and the imprisonment not to exceed the term of eighteen months. Bribery, penalty for.

Sec. 5. *And be it enacted*, That no person shall, at any such election, knowingly and wilfully make any false assertion, or propagate any false report concerning any person who shall be a candidate thereat, which shall have a tendency to prevent his election, or with a view thereto, nor shall any officer or any other person summon, call out, or request any company or body of militia to appear, parade or exercise on the day of any such election, except in case of invasion or insurrection; and if any person or persons shall offend against any of the provisions of this section declared unlawful, he or they, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine or imprison- Penalty for making false reports concerning candidates, &c.

ment at hard labor, in the state prison, or both, in the discretion of the court before which such conviction shall be had, the fine not to exceed the sum of three hundred dollars, or such imprisonment, the term of eighteen months.

Additional penalties for offences against 4th and 5th sections.

Sec. 6. *And be it enacted*, That if any person shall offend against any or either of the provisions contained in the foregoing fourth and fifth sections of this supplement, he shall in addition to the pains and punishments in those sections mentioned, forfeit and pay the sum of thirty dollars, to be recovered in an action of debt, in the corporate name of any township in the county where such offence shall have been committed with costs of suit, before any court of competent jurisdiction, upon the complaint of any person that will institute such suit, one half of said penalty to be paid to the person complaining, and the other half to the collector of the township where such suit shall be brought, for the use of said township, and that the person complaining shall be a competent witness in such action.

Persons attending colleges, &c. not entitled to vote.

Sec. 7. *And be it enacted*, That in all cases where any person or persons have left or shall hereafter leave their home or place where they reside, to attend any academy, college, theological seminary or other literary institution in any township, borough or city of this state for the purpose of obtaining an education or instruction, that absence for such purpose while so attending such academy, college, theological seminary or other literary institution, shall not constitute a change of the place of residence of such person or persons so as to make him or them liable to be taxed, or to entitle him or them to vote at any election, in such township, borough or city, where such college, academy, theological seminary, or other literary institution is situated.

Part of former act repealed.

Sec. 8. *And be it enacted*, That the third, forty third, forty-fifth, hundred and sixth and hundred and seventh sections of the act to which this is a further supplement; and the third section of the act entitled a further supplement to the act entitled, "An act to regulate elections," passed March ninth, eighteen hundred and forty two, and the act entitled "A further supplement to the act entitled an act to regulate elections," passed February twenty-third, eighteen hundred and forty-three, be, and the same are hereby repealed.

Act when to take effect.

Sec. 9. *And be it enacted*, That this act shall take effect immediately after the passage thereof.

Passed March 13, 1844.

AN ACT to raise by tax the sum of Forty Thousand Dollars

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state and it is hereby enacted by the authority of the same, That there shall be assessed, levied and collected, on the inhabitants of this State, their goods and chattels, and on the lands and tenements within the same, the sum of forty thousand dollars, money of the United States, which sum shall be paid into the treasury of this State, on or before the twentieth day January, eighteen hundred and forty-five. \$40,000 tax to be raised

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

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

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

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

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

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

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

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

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

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

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

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

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

The county of Gloucester shall pay the sum of thirteen hundred and sixty two dollars.

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

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

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

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

The county of Mercer shall pay the sum of nineteen hundred dollars.

The county of Camden shall pay the sum of fifteen hundred and fifty two dollars.

Enumeration
of articles
taxed at spe-
cific sums.

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

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

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

Enumeration
of articles
taxed at dis-
cretion of
assessor.

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

All tracts of land of more than twenty acres, at any sum not exceeding one hundred dollars.

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

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

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

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

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

All clover mills, any sum not exceeding ten dollars.

All cotton manufactories, any sum not exceeding thirty dollars.

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

All woollen manufactories, any sum not exceeding ten dollars.

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

All cupola furnaces, any sum not exceeding fifteen dollars.

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

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

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

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

All paper mills not exceeding three dollars for each engine.

All snuff mills, any sum not exceeding nine dollars.

All starch factories, any sum not exceeding ten dollars.

All powder mills, any sum not exceeding fifteen dollars.

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

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

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

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

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

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

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

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

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

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

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

Every covered riding wagon, any sum not exceeding one dollar.

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

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

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

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

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

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

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

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

Manufacturers, &c., how to be assessed

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

Duty of Assessors.

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

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

Manner of assessing, and penalty for neglect.

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

Passed March 14, 1844.

A supplement to an act entitled "An Act to erect a part of the county of Gloucester into a new county, to be called the county of Camden," passed March twelfth eighteen hundred and forty four.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State and it is hereby enacted by the authority of the same*, That the present member of the legislative council of the county of Gloucester, shall be and remain the representative in council of the county of Gloucester, until the meeting of the next legislature of this state, and shall be entitled to and exercise all the privileges, power and immunities as such member, as fully as if the act to which this is a supplement had not passed.

Act when to take effect.

Sec. 2. *And be it enacted*, That the county of Camden shall compose a part of the first congressional district of this state; and that this act shall take effect from and after the passage thereof.

Passed March 14, 1844.

AN ACT to alter the northeastern boundary of the city of
Trenton.

Part of the
township of
Trenton
annexed to
to Lawrence.

Sec. 1. 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 parts of the city of Trenton lying and being northeasterly of the following lines or boundaries, to wit: Beginning in the Assanpink creek, near the mouth of a brook, corner of lands late of Samuel Dickinson, and of Joseph Broadhurst, deceased; thence by the line between the said lands, and of others, north about thirty-two degrees west, to the Delaware and Raritan Canal; thence up the middle of said canal to the line between the township of Lawrence and the city of Trenton, be, and the same are hereby annexed to the township of Lawrence, in the county of Mercer, and shall be hereafter considered as a part of said township of Lawrence, anything in the act entitled, "An act to incorporate the city of Trenton," passed the seventh day of March, one thousand eight hundred and thirty-seven, to the contrary notwithstanding, and that this act shall take effect from and after the passage thereof.

Passed March 14, 1844.

AN ACT to divorce Hannah Maria Berry, of the county of
Passaic, from her husband James Berry.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Hannah Maria Berry, of the county of Passaic, be, and she is divorced from her husband, James Berry, and that the marriage contract, heretofore existing between them, be, and the same is hereby absolutely dissolved:

Passed March 14, 1844.

AN ACT to incorporate the Trenton Improvement 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 Edwin A. Douglass, Joseph C. Potts, Morean Delano, William P. Sherman, and William H. Potts and their associates and successors are hereby made and created a body politic and corporate in law, by the name of "The Trenton Improvement Company," for the purpose of promoting the manufacture of such articles as are not prohibited by the laws of this state, and for that purpose may buy, rent, take and hold, or otherwise become seized and possessed of, all such lands, tenements and water power, and other real and personal estate in the city of Trenton, as lie along the stream called Petty's Run, as may be necessary and useful for the purpose aforesaid; and the same may improve and use, or sell, let or otherwise dispose of, as they shall deem proper: *Provided*, that before crossing any of the streets or alleys of said city with their works, the said company shall first procure the consent of the common council, of said city, and said company may sue and be sued, may have and use a common seal, and make such by-laws for their regulation and government as they see proper: *provided*, the same are not inconsistent with the constitution and laws of the United States or of this State.

Names of
Corporators.

Style of in-
corporation

Provide.

Sec. 2. *And be it enacted*, That said company shall have power to raise by subscription from time to time, a capital stock of two hundred thousand dollars, which shall be deemed personal estate, and be transferable upon the books of said company, and Morean Delano, William P. Sherman and Joseph C. Potts, or any two of them may open books and take subscriptions for capital stock first giving two week's notice previously in a newspaper published at Trenton, of the time, place and object of said meeting, and the stockholders at a meeting to be called in like manner after stock is taken as aforesaid, may proceed to elect by a plurality of those present or legally represented, such directors, officers and agents, as may be deemed necessary for conducting the affairs of the company.

Amount of
capital stock.

Books to be
opened for
subscription.

Sec. 3. *And be it enacted*, That said corporation shall not go into operation until one-fourth of the capital stock subscribed as aforesaid shall be first paid in gold or silver coin, or current bank notes, and an affidavit or affirmation thereof, shall be made by a majority of the associates named in the

Company
when to go
into opera-
tion.

first section of this act, and filed in the office of the secretary of this state.

Capital stock
not to be di-
vided.

Sec. 4. *And be it enacted,* That no part of the capital stock paid in shall at any time, or upon any pretence whatever be divided amongst the stockholders for dividends, and no dividend shall be made or paid, except from the actual profits; and each stockholder shall in the election of directors, have one vote for each share of stock he holds in said company.

Capital stock
not to be
withdrawn.

Sec. 5. *And be it enacted,* That no part of the capital stock shall be withdrawn or refunded to the stockholders, until all debts and liabilities of the company are fully paid, and in case of any violation of the provisions of this or the preceding section, the president, directors and stockholders of said corporation, shall be personally liable in their own estate jointly and severally for all debts previously contracted then unpaid.

Directors to
make annu-
al statement.

Sec. 6. *And be it enacted,* That in the month of May, annually, the directors shall submit to the stockholders a written statement under oath or affirmation, of the amount of capital stock paid in, and the amount of all existing debts against the company, and no dividend shall be declared or paid to the stockholders when such payment would render the company insolvent, and the debts of the said corporation shall at no time be suffered to exceed the capital stock actually paid in; and in case of any violation of the provisions of this section, the president, directors and stockholders shall be personally liable in their own estate, jointly and severally, for all debts of the company previously contracted and then unpaid.

Restrictions.

Sec. 7. *And be it enacted,* That no part of the capital stock or any of the funds of the said corporation, shall at any time during the continuance of this charter be used or employed directly or indirectly in banking operations, or for any purpose whatever inconsistent with the provisions of this act.

Act may be
amended.

Sec. 8. *And be it enacted,* That it shall and may be lawful for the legislature at any time to alter or repeal this act.

Passed March 13, 1844.

A SUPPLEMENT to the act entitled, "An act to regulate the selling of grain," passed the sixteenth of February, eighteen hundred thirty eight.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the bushel of Indian corn in the county of Salem, in this state, shall consist of fifty-five pounds, instead of fifty-six pounds, as provided in the act to which this is a supplement.

Passed March 14, 1844.

AN ACT to provide for the establishment of Public Schools in the township of Nottingham, in the county of Mercer.

WHEREAS the inhabitants of the township of Nottingham, in the county of Mercer, have petitioned for a law to authorize them to raise by taxation a certain sum of money for the purpose of supporting public schools, 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 taxable inhabitants of the township of Nottingham, in the county of Mercer, be and they hereby are authorized to raise at their annual town meetings, any sum of money not exceeding six hundred dollars for the support of common schools in the said township, which money ordered to be raised as aforesaid shall be assessed, levied and collected, as other state, county and township taxes are assessed, levied and collected.

Township authorized to raise money for support of schools.

Sec. 2. *And be it enacted,* That the said inhabitants of the said township of Nottingham, shall, at their annual town meetings, elect five persons inhabitants of said township, as trustees of common schools, for the said township, who shall hold and exercise their office for one year, from and after their election; and the said trustees shall have the entire charge

Trustees, their power and duties.

and control of the public schools within the said township, shall have full power to receive from the township collector, and other township officer or officers, all moneys collected for common school purposes or belonging to the school fund or securities therefor, and shall appoint one of their number as treasurer who shall give satisfactory security to his co-trustees for the faithful performance of all his duties as such treasurer and who shall hold and exercise the said office of treasurer, subject to such rules and regulations as shall be made by said trustees; and the said trustees, shall exhibit to the said inhabitants of said township at their annual town meetings a full and correct statement of the sums of money by them received and from whom, and how the same has been expended, the number of schools under their charge, and the number of scholars taught therein, and of all their proceedings as trustees as aforesaid, and shall perform all other acts and duties appertaining to the trustees for common schools in this state.

Assessment
may be made
in case def-
iciency.

Sec. 3. *And be it enacted,* That in the event of the sum of money, appropriated by the state to the said township for support of the public schools therein, and the sum of money raised therefor by the inhabitants of the said township as aforesaid, being together insufficient for the support of the said schools, then the trustees elected as aforesaid, may assess upon each scholar, such sum of money not exceeding one dollar per quarter as may be found necessary; *Provided,* that the said trustees may remit the whole or any part of said assessment upon such scholar or scholars, as circumstances may in their opinion require.

Parts of
former acts
repealed.

Sec. 4. *And be it enacted,* That all acts and parts of acts coming within the purview of this act, and being repugnant thereto, be, and the same are hereby repealed, so far as they relate to, or concern the said township of Nottingham.

Passed March 15, 1844.

AN ACT to defray incidental expenses.

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

To Alexander G. Cattell for stationery, postage and indexing rules and proceedings of the 68th General Assembly, one hundred twenty-one dollars and seventy-eight cents.

To W. A. & J. H. B. Green, for coal, twenty-seven dollars.

To Halsey Canfield, for work, cleaning and repairing Council Chamber, and rooms, two dollars.

To Staten Jeffers, for glass and glazing, seventy-five cents.

To Phyllips & Boswell, nine dollars, for paper, and printing twelve quires circular No. 1.

To Silvester Vansickel, for furnishing two chairs for office of Secretary of State, three dollars and seventy-five cents.

To Jonathan S. Fish, for coal, twenty-seven dollars.

To B. S. Disbrow, for large case for government weights, nine dollars and fifty cents.

To Phillips & Boswell, for printing, as per bill, sixty-five dollars.

To Sherman & Harron, for advertising public laws, orders of the Supreme Court and advertising for proposals for a site for a state lunatic asylum, thirty-five dollars and ninety cents.

To Alexander G. Cattell, to services and expenses as special messenger appointed by the governor to carry reprieve for R. Keen, Cumberland county, ten dollars.

To Wm. Pearson, to locks and work on State House three dollars and eighty-seven and a half cents.

To Elias Philips for tumblers, eighty-one cents.

To Hunt & Anderson, to repairs for State House, seven dollars and seventy-five cents, to Jonathan S. Fish, to ten tons coal forty-five dollars.

To C. Faussett, to putting up pipes for heaters, six dollars.

To William Napton, for tile brick, lime and charcoal, twenty-seven dollars seventy-two cents.

To John Milledge, for two cords hickory wood and sawing, thirteen dollars and fifty cents.

To Lydia Rossell, for sealing press, stand, &c. for clerk's office of Supreme Court, and sealing paper cutter, twenty-seven dollars.

To President and Directors of the Trenton Water works, for water twelve months, ten dollars.

To William Grant, Jr. for repairing State House, sixteen dollars and seventeen cents.

To John B. Boling, for glass for State House and Supreme Court room, two dollars and eighty cents.

To Joseph A. Yard, for publishing laws, resolution, &c. passed the last sitting of the legislature, and advertising proclamation of Governor, twenty-nine dollars and seventy-seven cents.

To C. C. Yard, for pink tape and services as per bill, four dollars and eighty-three and a half cents.

To P. J. Gray, for advertising meeting Court of Appeals, special term of Supreme Court, &c., ten dollars.

To Elias Phillips, for tubs, tumblers, and pitchers, three dollars and seventy-five cents.

To William B. Kenney, for advertising Governor's proclamation and rule Supreme Court, six dollars and seventy-five cents.

To William Marseillas, for work at Clerk's office, S. P. Court, and white pine boards, three dollars twenty-nine and a half cents.

To B. & A. B. Green, for seven tons of coal, thirty-one dollars and fifty cents.

To John Campbell, & Co., for stationery, forty-six dollars and thirty-one cents.

To Stryker & Steward, for black crape, eleven dollars.

To Ralph Green, for repairing desk locks, &c., in Council, fifty cents.

To George W. Hopewell, for mason, work, one dollar and fifty cents.

To Phillips & Boswell, for eight quires commissions, printing, paper, and binding of Governor's proclamation and law calling a Convention, twenty-two dollars and twenty-five cents.

To Issac Dunn, for work, &c, done in Council chamber, library room, &c., twenty-three dollars.

To Daniel D. Britton, former door keeper of the House of Assembly for cleaning and taking charge of Assembly room through the summer and fall of 1843, thirty dollars.

To Charles Scott, for stationery for the use of Council, eighty-five dollars and twelve cents.

To Charles Scott, for stationery for Secretary of State's office, thirty-seven dollars and fourteen cents.

To Charles Scott, for stationery for the use of Assembly, thirty-five dollars and fifty-six cents.

To Charles Scott, for stationery for Supreme Court, and a parallel ruler for Treasurer's office, fourteen dollars fifty-three and a half cents.

To E. Wampole, for stationery for Council and Assembly,

Certain incidental charges directed to be paid.

(per Messrs. Boyles & Newell,) candlesticks, and (per Napton,) one hundred and twenty-four dollars and twenty-five cents.

To Jonathan S. Fish, for three tons of nut coal, thirteen dollars and fifty cents.

Certain incidental charges directed to be paid.

To Samuel R. Hamilton, for postage, printing bill, and transportation of arms, fourteen dollars and eighty-six cents.

J. G. Brearly, for stove for Clerk's office of Supreme Court, fourteen dollars and sixty-three cents.

To J. G. Brearley, for nails, putty, varnish, oil, sash cord, etc., for Chancery clerk's office, five dollars and thirty-two cents.

To Fish, Green & Co., for lumber, ten dollars and ninety-seven cents.

To C. B. Howell, for repairing gutter on State House, three dollars.

To Charles G. McChesney, for cash paid Charles Scott and others, ten dollars and seventy-five cents, (as per receipts.)

To Isaac Dunn, for putting ladder on blinds in Chancery room, one dollar and twenty-five cents.

To Thomas J. Combs, for mason work done on State House, and laboring work, twenty-four dollars and fifty cents.

To James D. Shreve, for cleaning and taking charge of Council Chamber through the summer and fall, thirty dollars.

To W. W. Norcross, for sperm oil, (per D. Baker,) two dollars and twenty-five cents.

To Daniel Baker, for cash paid extra hands in storing arms and mounting cannon, etc., four dollars.

To Jos. G. Brearley, for oil, white lead and turpentine, (per D. Baker,) ten dollars and sixty-two cents.

To Staten Jeffers, for glass and glazing, two dollars and twenty-five cents.

To Daniel Harley, for carrying coal, shovelling snow and sweeping halls, six dollars and twelve and a half cents.

To William Jay, for candles and brooms for Council, etc., sixty-four dollars sixty-seven and a half cents.

To Charles Scott, for stationery for use of the office of Secretary of State, Treasurer's office, Council, Library, House of Assembly and Supreme Court, one hundred and eighty-six dollars and sixty-one and a half cents.

To Ephraim Bacon, for cleaning, white-washing State House, etc., one hundred dollars.

To John C. Miller, for stoves and fixtures for Supreme Court room, Assembly room, Council chamber and Library, as per bills, (per order of Secretary of State, three hundred and thirty-nine dollars and seventy-four cents.

To Sherman and Harron, for advertising Governor's Proclamation of thanksgiving, Courts of Appeals, Laws of first

sitting, act relative to calling Convention and Governor's Proclamation, twenty-two dollars and fifty-six cents.

Certain incidental charges directed to be paid.

To William Jay, for candles for House of Assembly, (per Wm. Napton,) forty-eight dollars and fifty-seven and a half cents.

To Daniel H. Combs, for attending special term of Supreme Court, a screen and matt for Supreme Court room, thirteen dollars and twenty-five cents.

To Isaac Southard, late Treasurer, for travelling expenses to Camden, Newark, New Brunswick and Philadelphia, to pay treasury notes for money borrowed, and receive interest on bonds, dividends on stocks, and for packing State pamphlet laws, minutes of Assembly, journals of Council, Supreme Court reports, and for office rent, one hundred and thirty dollars and sixty-two cents.

To William G. Cook, for stationery, (per Newell) five dollars.

To Franklin S. Mills, for printing pamphlets and bills, for Assembly and Council, advertising laws, proclamations, etc., for the State, sixteen hundred-eighteen dollars and sixty-two and a half cents.

To Jasper Scott, for mason work in Council chamber and library, three dollars and seventy-five cents.

To Wm. Pearson, to locks, etc., at State library, one dollar and forty-three cents.

To Peter forman, for freights and portage, ninety-seven and a half cents.

To David Clarke, for stationery for Council, Treasurer's office and Library, one hundred eleven dollars fifty-three and a half cents.

To William Crossley, for repairs to State house yard, &c., four dollars and eighty seven and a half cents.

To William Briest, for putting charcoal and stone coal in cellar, seven dollars and twenty-five cents.

To Joseph Justice, for two reams envelope paper for Council, six dollars.

To Joseph W. Scott, Esq., for his attendance as revisor of the Orphan's Court system, per resolution of Council, seventy-five dollars.

Passed March 14, 1844.

JOINT RESOLUTIONS.

WHEREAS, the courage and patriotism of the Jersey Blues during the War of the Revolution, have endeared them to the hearts of their countrymen, and whereas there yet lingers among us, a few surviving soldiers of the glorious War of Independence, and a few widows of deceased soldiers whose chief dependence in their old age is upon the gratitude of their country. Preamble.

BE IT RESOLVED *by the Council and General Assembly of this State,* That the existing pension laws of the United States for the relief of the surviving soldiers of the Revolution, and the widows of deceased soldiers, are regarded by this Legislature with the highest approbation as a just tribute to the merits and services of those who achieved under Providence the independence of our country. Pension laws of U. S.

And be it further resolved, That our Senators and Representatives in Congress be requested to use their best exertions to prevent the enactment of any law which shall repeal or alter in any material respect the beneficent provisions of the existing laws granting pensions to soldiers of the Revolutionary War, or to the widows of deceased soldiers, and that copies of these Joint Resolutions be transmitted to them under the Great Seal of the State to be laid before the Senate and House of Representatives of the United States. Copies of Resolutions to be sent to Senators and Representatives.

Passed March 13, 1844.

Treasurer
not to pay
certain inci-
dental charg-
es.

BE IT RESOLVED, *by the Council and General Assembly of this State*, That the treasurer be, and he is hereby directed not to pay out of the treasury any moneys appropriated by the act entitled, "An act to defray incidental expenses," passed March 14, 1844, where the services or articles in the said act specified, have been paid for under or by virtue of any special act or resolution, or under or by virtue of any authority whatever.

Passed March 13, 1844.

Treasurer
authorized to
borrow mo-
ney.

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

Passed March 14, 1844.

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