Acts

OF THE

FORTY-NINTH

GENERAL ASSEMBLY

OF THE

State of New-Jersey,

AT A SESSION BEGUN AT TRENTON, THE TWENTY-EIGHTH DAY OF OCTOBER, ONE THOUSAND EIGHT HUNDRED AND TWENTY-FOUR.



Princeton Press:

PRINTED BY D. A. BORRENSTEIN.

1824.

Accession No. 32976

Received

Catalogued

Acts

OF THE

FORTY-NINTH

GENERAL ASSEMBLY

OF THE

State of New-Jersey.

AN ACT to extend the Charter of the Bank of New Brunswick.

1. 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 entiled, "An act to erect and establish a Bank in the City of New Brunswick," passed the fourth day of December, in the year of our Lord one thousand eight hundred and seven, be, and the same is hereby extended, and limited to the third day of December, in the year of our Lord, one thousand eight hundred and thirty-nine.

A. Passed November 2, 1824.

AN ACT to authorize Andrew Howell and John A. Auten, administrators of the estate of John Warberton, deceased, to sell the real estate of the said deceased.

WHEREAS, it appears that John Warberton, a native of Great Britain, late of the county of Somerset, died February, one thousand eight hundred and twenty-three,

New Jersey State Library

at Bridgewater, in said county, that said deceased hath not left heirs nor relations in this country, and that the next of kin of the said John Warberton, deceased, reside in the county of Leicester, in the Kingdom of Great Britain. And whereas aliens cannot realize their right to real estate in this state without the aid of the Legislature—THEREFORE,

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Andrew Howell and John A. Auten, administrators of the estate of the said John Warberton, deceased, be, and they are hereby authorized and empowered to sell the real estate of said deceased, after advertising the same for two months in five of the most public places in the county, and in one of the newspapers of said county, consisting of about forty acres, situate in the county of Somerset, and to make a good title for the same to the purchaser or purchasers thereof, and to remit the proceeds of the same to the right heirs of the said John Warberton, deceased, or their legal representatives.

A. Passed November 11, 1824.

AN ACT to incorporate the Managers of the School Fund for the Education of Youth in the City of Burlington.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That on the first Tuesday of December, in the present year, and between the hours of two and five o'clock in the afternoon of the said day, there shall be chosen, at the City Hall of the said city of Burlington, by such citizens of the said city as are qualified to vote at a town meeting under the laws of this state, seven persons, being citizens of the said city, as managers of the school fund for the education of youth within the same; which said election shall be by written or printed ballots, or partly written and partly printed; and the person so chosen, shall continue in office until the first Tuesday of December, in the year of our Lord one thousand eight hundred and twenty-seven; on which said last mentioned day, and so, on the first Tuesday of December, every three

Time of election and qualification of votes.

years thereafter, a like election shall be holden at the same place, or at such other place in the said city, where the last town meeting was holden, and between the same hours of the day, and in manner aforesaid, for the choice of seven persons, citizens as aforesaid, to be managers of the said school fund for three years next following their election as aforesaid; which said managers and their successors, chosen triennially as aforesaid, are hereby constituted a body politic and corporate in fact, name and law, to all intents and purposes for ever, and shall be called and known by the name of "The Managers of the School Fund for the Education of Youth in the City of Burlington;" and by that name they shall have perpetual succession.

Managers to be chosen for three years.

Style of the incorporation.

2. *And be it enacted*, That by such name as aforesaid, the said managers and their successors, shall become seized, invested with, and possessed of all such real and personal estate, or the rents, issues and profits thereof, or any interest therein, which doth or shall belong unto or constitute any part or portion of the aforesaid school fund: And by such name they shall forever hereafter hold, possess and enjoy the same: And also, shall, by the like name for ever thereafter, be authorized, in law, to purchase, take, hold, receive and enjoy any lands, tenements or hereditaments, in fee simple or otherwise, by the gift, alienation or devise, of any person or persons, able to grant or devise the same; and also goods, chattels, legacies and donations granted and given to said managers for the use aforesaid, of what kind or quality soever, so that the yearly value of said real and personal estate doth not exceed five thousand dollars; and also that the said managers and their successors, by the name aforesaid, shall, and may have power to grant, convey, lease, assign or otherwise dispose of, all or any of their lands, tenements or hereditaments, goods, chattels and personal estate whatsoever, as to them shall seem meet, for the uses and benefit of the school fund for the education of youth as aforesaid: *Provided*, That the managers so chosen for the term of any three years as aforesaid, shall not be authorized to sell or convey in fee simple, the Matinicunk Island, or any part thereof, or any of the real estate belonging to the said school fund, without the consent of the citizens of the said city, qualified as aforesaid, in a town meeting duly convened for the purpose of deciding on the same, in the manner pointed out in the fifth section of this act; nor shall the said managers make any lease of the real estate belonging to the said school fund, or any part thereof, to continue

Privileges and power.

longer than until the twenty-fifth day of March in the year ensuing the expiration of their term of office, as aforesaid; and provided also, that at any annual or special meeting of the said managers, no lease, bargain, contract or disposition, whatsoever, shall be entered into, made or concluded upon, of or concerning any property, real or personal, belonging to the said school fund, unless there be present and assenting thereto, at least four of the managers of the said school fund, for the time being; and also, that the said managers and their successors, by the name aforesaid, shall be able and capable, in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of judicature whatsoever; and also, that the said managers and their successors shall and may make, and for ever thereafter have and use, a common seal, with such device or devices as they shall think proper, for sealing all and singular deeds, contracts and other writings, touching and concerning the said corporation, and may, as often as they shall think fit, alter and new make the same, or any other their common seal.

3. *And be it enacted*, That it shall and may be lawful for the managers elected as aforesaid, and their successors, from time to time as they may find it necessary or expedient, to choose a president, being one of the said managers, and such other officers and assistants as may be requisite for the keeping and preserving of the goods and chattels, moneys, books, charters, deeds, writings, and accounts of the said corporation; which said president shall keep in his custody, the common seal, and shall have power from time to time, and at all times hereafter as occasion may require to call a meeting of thesaid managers, at such convenient place in the said city, as he shall think proper, for the execution of all or any of the powers hereby given them; and in case of sickness, absence or death of the president, all the powers hereby in him vested, shall rest and remain in the senior manager on record, until the recovery or return of the president, or until a new president shall be chosen as aforesaid.

To choose a president &c.

4. *And be it enacted*, That the said managers and their successors shall have full power and authority to make all such necessary and useful orders and regulations (not inconsistent with the laws of the state) as to them may seem meet and proper for conducting the business of the said corporation: *Provided nevertheless*, That there be a ma-

jority of the whole number of the said managers present and agreeing in order to make valid any such order, regulation, vote or proceeding.

5. *And be it enacted,* That in case of a vacancy happening by death, removal from the city, resignation or otherwise, of any of the said managers, during the said term of three years, it shall be the duty of the mayor, recorder and aldermen, of the said city, on the request of the president of the said managers, or of the senior manager, as the case may be, to call a meeting of the citizens of the said city, for the purpose of choosing a manager to supply the place vacant as aforesaid, during the unexpired time of the manager so dead, removed, or otherwise ceasing to be a manager; which meeting shall be holden at the place and within the hours before mentioned, and be conducted by ballot as aforesaid, and of which meeting and of the day, place and purpose of holding the same, the said president or senior manager, as the case may be, shall give at least six days previous notice, by an advertisement set up in at least three public places within the said city of Burlington. Vacancies how supplied.

6. *And be it enacted,* That all the proceedings of the managers, as aforesaid, shall, from time to time, be fairly entered in a book or books to be provided and kept for that purpose; which book or books, together with the common seal, and all moneys, charters, deeds, accounts and writings whatsoever, appertaining to the association, shall, upon the decease, resignation or removal of the former president, or other person having the custody of them, or any of them, be delivered to, or go over unto the next successor in office, to be kept and preserved for the use and benefit of the managers of the school fund in the city of Burlington aforesaid. Books, common seal, &c.

7. *And be it enacted,* That the said managers shall at the first meeting of the corporation of the city of Burlington, annually exhibit a full statement of the receipts and expenditures of the preceeding year, with the number of pupils then in the school, together with any other matter or thing necessary to shew the situation of the institution.

8. *And be it enacted,* That nothing herein contained, shall be construed to impair the right or rights of any other person or persons in law or equity; or to impair or alter any contract made or existing between the managers of the said school fund and any person or persons whatsoever,

prior to the first Tuesday of December, in the present year, when the managers under this act are to be chosen as aforesaid.

C. Passed November 16, 1824.

AN ACT to incorporate the Phœnix Manufacturing Company.

Preamble.

WHEREAS John Travers hath by his petition to this Legislature, represented that he is the proprietor of an extensive Flax Factory, at present located in Paterson, which he is desirous of increasing and annexing thereunto the further operation of Dying, Printing and Bleaching, which will be beneficial to this state by the introduction and employment of considerable capital therein, hath prayed that the said John Travers and his associates may be incorporated into a company for the sole purpose of manufacturing Flax, Hemp, Wool, Cotton, and other articles, and dying, printing, and bleaching the same; and whereas the prayer of the said Petition appears to be reasonable—THEREFORE:

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That, the said John Travers, J. J. Vasques and James Richards, and such other persons as now are or hereafter may be associated with them and their successors, be, and they are hereby constituted a body politic and corporate in this state by the name and style of the "Phœnix Manufacturing Company," for the sole purpose of manufacturing Wool, Cotton, Flax, Hemp and other articles of a similar nature; and dying, printing and bleaching the same, and that by that name, they and their successors shall have power and continue to be a body corporate and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended in all courts and places, and in all manner of actions, suits, complaints, causes, and matters whatsoever; and they and their successors may have a common seal, and the same may make, alter and change at their pleasure, and they and their successors by their corporate name shall in law, be capable of buying, holding and conveying any lands, tenements,

Name of the company.

Privileges.

hereditaments, goods, wares and merchandizes, whatsoever in any part of this state, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments which shall have been obtained for such debts: *Provided always*, that the funds of said corporation, or any part thereof shall not be applied, used or employed, at any time, in Banking operations.

2. *And be it enacted*, That the stock, property and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom to be the President, who shall hold their offices one year from the first Tuesday of October in every year; and that the said directors shall be elected on the last Tuesday of September in every year, at such time and place as shall be directed by the by-laws of the said company, and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in one or more newspapers, printed nearest the place, where such election shall be made, by such of the stockholders, as shall attend for that purpose, either in person or by proxy; and their elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall hold shares of the capital stock of said company, and the persons having the greatest number of votes being stockholders shall be the directors, and if it shall happen at any election for directors, that two or more persons shall have an equal number of votes in such manner that a greater number than five, shall by plurality of votes appear to be chosen as directors, then the said stockholders herein before authorized to vote at such elections, shall proceed to ballot a second time, and by a plurality of votes determine which of the persons having an equal number of votes, shall be director or directors, so as to complete the whole number of five, and the said directors, as soon as may be, after their election, shall proceed in like manner to elect by ballot, one out of their number to be their President, and shall also at the same time elect a Secretary to the company; and if any vacancy or vacancies shall at any time happen by death, removal, resignation or otherwise among the directors elected, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by such person or persons as the remainder of the directors for the

Directors time and manner of election.

time being, or the major part of them shall appoint, and that the first directors shall be James Richards, Robert Oliver Robinson, John Travers, Joaquim Jose Vasques and John Kear, and shall hold their offices until the first Tuesday of October, one thousand eight hundred and twenty five.

When to commence business.

3. *And be it enacted*, That the capital stock of said company shall not exceed four hundred thousand dollars, and shall be divided into shares of fifty dollars each ; but it shall nevertheless be lawful for the said company, when and so soon as two hundred thousand dollars of the said capital stock shall have been subscribed, paid, or satisfactorily secured to be paid, to commence their said business, and with that capital, conduct and carry it on until they shall find it expedient to extend their capital, which they are authorized to do from time to time, to the amount herein before mentioned, and it shall be lawful for the Directors of said company to call and demand from the stockholders respectively, all such sums of money by them subscribed at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after a notice requiring such payments shall have been published for that time in one or more public newspapers, published in the county where such payment shall be required to be made ; and if no newspaper be published in said county, then in the newspaper published nearest the place where such payment shall be required to be made, and also in one or more of the public newspapers printed in the city of New York.

Forfeiture on non payment when advertised.

Shares transferable.

4. *And be it enacted*, That the stock and property of the said corporation of whatsoever nature or kind shall be deemed personal estate and be transferable in such manner as shall be prescribed by the by-laws of the said corporation ; *Provided*, that no dividends shall be made to, and amongst the stockholders except from and out of the profits of the said corporation : *And provided further*, that for all debts which in case of the dissolution of the said corporation shall then be due and owing by the said corporation, the stockholders for the time being shall be responsible in their individual and private capacities to the extent of their respective interests in the corporate property of the said corporation and no farther in any suit or

Proviso.

action to be brought or prosecuted after such dissolution of the said corporation.

By-laws may be made.

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

6. *And be it enacted*, That a majority of directors for the time being shall form a board for transacting the business of said corporation, and shall have power to make and prescribe such by-laws, rules and regulations not repugnant to the laws and constitution of the United Ssates, or of this state, as shall appear to them needful and proper, touching the management and disposition of the stock, estate, property, effects and profits of the said corporation officers' appointments, clerks servants salaries, and allowances as to them shall seem necessary.

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

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

C. Passed November 18, 1824.

AN ACT to authorize Col. Abraham J. Van Arsdalen to take out of this State a certain lad of color, named Silas.

1. 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 Abraham J. Van Arsdalen to take his colored lad named Silas, born July twenty fifth, one thousand eight

hundred and thirteen, in the County of Somerset, from this State to the State of New York : *Provided* that previous to the removal of the said colored lad, he shall without any threats, constraint or compulsion, before two of the Judges of the Court of Common Pleas, in and for the County of Somerset, on private examination, express and declare his free will and consent, so to be taken and removed ; and the said Abraham J. Van Arsdalen shall obtain a certificate of such consent of the said colored lad, in writing, signed by the said Judges, and have the same recorded in the Clerk's office of the County of Somerset, which said certificate shall contain the name and age of the said lad, and the time for which the said Abraham J. Van Arsdalen is now entitled to the service of the said colored lad, by the laws of this State.

A. Passed November 1, 1824.

AN ACT to dissolve the Marriage Contract between Edith Kay and Clement H. Kay.

1. 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 Edith Kay and Clement H. Kay, of the County of Gloucester, be, and the same is hereby dissolved, as fully as if they had never been joined in matrimony.

C. Passed November 18, 1824.

AN ACT to authorize and direct Joshua M. Hardenbergh and Josiah B. Howell, Trustees of Ann Griffith to reconvey certain real estate therein named, to Andrew Howell in fee simple.

WHEREAS Andrew Howell, by Deed, bearing date the first day of June, in the year of our Lord eighteen hundred and twenty two, conveyed unto Joshua M. Hardenbergh and Josiah B. Howell as Trustees of Ann Griffith certain real estate, situate in the County of Somerset, and State of New Jersey, adjoining lands of Henry

Van Derveer, William Bryant, and the New Jersey Turnpike road, containing about one hundred and one Acres, as more particularly described in said Deed; and this conveyance on the part of said Andrew Howell being a voluntary gift, and having failed to render that convenience to the grantees for which it was designed, and all the parties interested having prayed for Legislative aid—THEREFORE:

1. 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 Joshua M. Hardenbergh and Josiah B. Howell, Trustees as aforesaid, be, and they are hereby authorized and directed to reconvey by good and sufficient Deed in fee simple unto Andrew Howell all that real estate mentioned and described in the said Deed, bearing date the first day of June, in the year of our Lord one thousand eight hundred and twenty two.

2. *And be it enacted.* That the said Joshua M. Hardenbergh and Josiah B. Howell, their heirs, Executors and Administrators, be released from their trust mentioned in the Deed aforesaid from and after the execution of the said reconveyance.

C. Passed November 19, 1824.

A SUPPLEMENT to an act, entitled "An act to incorporate the Protestant Episcopal Church of St. Michael, in the City of Trenton," passed January the twenty eighth, one thousand eight hundred and eighteen.

1. 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 word "fourteen" in the fifth Section of the Act to which this is a Supplement, be repealed, and the word "seven" be substituted therefor; and that the word "nine" in the seventh Section of said act, be repealed, and the word "five" substituted therefor.

C. Passed Nov. 25, 1824.

AN ACT relative to certain lots of land in and near Somerville, in the county of Somerset.

Preamble.

WHEREAS it is represented to the Legislature that John Davenport did some years ago, divide a certain tract of land, being in and near Somerville, in the county of Somerset into building lots; and the said building lots were disposed of by tickets for fair consideration, and title deeds for the same, duly executed to divers persons: *And whereas*, lately some doubts have arisen with respect to the said titles, from the manner in which the said lots were disposed of—Therefore:

Confirmation of title.

1. 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 title deeds given by the said John Davenport for the lots so divided and laid out into building lots in and near Somerville, in the said county of Somerset, shall be as good and valid in law, as if the sale of said lots had been made in the most usual way, any law of this state to the contrary notwithstanding.

A. Passed November 30, 1824.

AN ACT to confirm and establish the last Will and Testament of Joseph Applegate, late of the county of Middlesex, deceased.

WHEREAS Joseph Applegate, late of the township of South Amboy, in the county of Middlesex, did on the seventeenth day of September last, duly make and execute his last Will and Testament, in which among other things he did give and bequeath unto his son Joseph Applegate all his lands, and real estate adjoining and lying to the westward of the lines of lands sold to his son Daniel Applegate on the twenty-first day of February, one thousand eight hundred and twenty-two, on complying with the following, that is to say, the said Joseph Applegate was to pay to his executors named, the sum of two hundred dollars, at the expiration of one year after his, the testator's decease, also two hundred dollars in two years after his decease, also two hundred dollars more in three years after his decease, without interest, excepting on the failure of the

several payments before mentioned, then to draw interest until paid, which said real estate should stand and be accountable until paid—*And whereas* the said son and devisee was afterwards taken ill and died in the life time of his father the said testator, leaving a widow and six children; *And whereas* the said testator at that time lay very ill and died in about two days thereafter—*And whereas* it appears to have been the manifest intention of the said testator that in the event of his said son's decease, the devise aforesaid should enure to the use and benefit of his children and heirs—THEREFORE,

1. 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 Joseph Applegate, have, and the same is hereby declared to have, the like force, validity, operation, and effect in all things so far as regards the wife, children and heirs of the said Joseph Applegate, the son and divisee therein named, as if he had survived the said testator, any law, usage, or custom to the contrary notwithstanding.

A. Passed November 30, 1824.

AN ACT providing for repairs to the State House, and Government House and lot in the city of Trenton, and for other purposes.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That David Johnston, Charles Parker and William Halsted, Jun., be and they hereby are appointed Commissionser on the part of the State, and that the said Commissioners, or any two of them have full authority to make such improvements and repairs in the State House, the several apartments and furniture thereof and premises, Government House and Lot of land, and public offices in the City of Trenton, as to them shall appear necessary, and that they make a report, particularly specifying the said improvements and repairs, and the amount of money thereupon expended, as soon as the

New Jersey State Library

same shall be completed, to the Governor of the State, or person at that time administering the Government, to be laid before the Legislature at their next Session upon receipt of which report, the Governor, or person administering the Government be, and he hereby is authorized to draw upon the Treasurer of the State, in favor of the said Commissioners for the sum of money so expended: *Provided*, that the expense of such improvements and repairs do not exceed the sum of twelve hundred dollars.

C. Passed December 1, 1824.

AN ACT to authorize Rachel Ireland, Administratrix of Captain Elijah Ireland, deceased, to fulfil a certain contract therein named.

WHEREAS Captain Elijah Ireland, late of the county of Gloucester, deceased, in his life time made a partial agreement to convey to Thomas Naylor of said county, a lot of land, situate in the township of Great Egg-Harbor, county aforesaid, being on the Southeasterly side of, and adjoining to the Cedar Swamp Creek, near the new road, and bridge over the same, and the said Naylor was put in possession of the same, and paid the consideration thereof, but the said Ireland departed this life before any Deed for the same was delivered—Now THEREFORE,

1. 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 Ireland, Administratrix of Captain Elijah Ireland, deceased, is hereby authorized to execute and deliver to the said Thomas Naylor a Deed for the above mentioned lot of land, which shall have the same force and effect as a Deed from the said Elijah Ireland, in his life time, would have had.

C. Passed December 2, 1824.

New Jersey State Library

AN ACT to authorize the formation of Fire Companies in the Borough of Elizabeth.

1. 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 corporation of the Borough of Elizabeth shall have power to raise and organize from and among the citizens thereof, one or more company or companies of Firemen, not exceeding three companies, and not more than twenty-five persons in each company, who, while belonging to said company, shall severally be exempt from serving as jurymen in justice's courts; and in case any of said persons shall not be freeholders, while belonging to said company they shall be exempt from labor and taxes for the support of the highway, not exceeding three dollars a year; and the corporation shall have power to make all necessary by-laws for the organization or regulation of said company or companies not inconsistent with the laws of this State, nor of the United States.

A. Passed December 2, 1824.

AN ACT to repeal an act, entitled "An act to abolish imprisonment for debt in certain cases," passed the eleventh day of December, one thousand eight hundred and twenty-three.

1. 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 abolish imprisonment for debt in certain cases," passed the eleventh day of December, one thousand eight hundred and twenty three, be, and the same is hereby repealed.

2. *And be it enacted,* That in all cases where a bond shall have been given, agreeably to the provisions of the first section of the act, hereby repealed, the same shall be valid, and all persons who have given such bond, shall be entitled to the benefit, and subject to the provisions of the said act, to all intents and purposes, as if this repealing act had not been passed.

C. Passed December 2, 1824.

AN ACT to repeal certain acts therein named.

1. 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 authorize the banking and improving certain marsh meadow, and swamp, in the township of Downs, in the county of Cumberland, passed February the second, one thousand eight hundred and nineteen, and also a supplement to said act, passed January the thirty first, one thousand eight hundred and twenty, be, and the same are hereby repealed: *Provided nevertheless,* That all assessments and debts due to the said company, and all assessments necessary to be made for the purpose of refunding to the managers of the said company, or either of them, moneys by them heretofore actually advanced, and expended for said company, may hereafter be made and collected in like manner as before the passing of this act.

Certain act repealed.

C. Passed December 3, 1824.

A SUPPLEMENT to the act entitled "An act to regulate fees," passed the thirteenth of June, one thousand seven hundred and ninty nine.

1. 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 seventh section of the act, entitled "A supplement to an act making provision for carrying into effect the act, for the punishment of crimes," passed May the thirtieth, one thousand eight hundred and twenty (requiring that all bills of cost, in criminal cases, should be taxed by the court before whom the trial is had,) be, and the same is hereby repealed.

Former act repealed.

2. *And be it enacted,* That all bills of cost, in criminal cases, shall hereafter be taxed by the Clerk of the court in which the judgment is had, in the manner provided by the third section of the act to which this is a supplement; and the said Clerk shall in no case allow on such taxation, either for himself or others, any item or charge for any service or proceeding, unless the same shall have been required by law, in the regularly conducting such case, and unless the same shall have been actually performed, and shall

How bills in criminal cases must be taxed

so appear upon the minutes or records of the court; and such Clerk, shall not allow any charge, for more than one service for taking and entering the recognizances of several persons who appear and enter into recognizance together at the same time, nor shall any charge be allowed for more than one process of subpœna, for the appearance of all the witnesses, in the same case, residing in the same county at the same term.

3. *And be it enacted*, That if any Clerk in the taxation of any such bill of cost, shall allow any item, fee or charge, contrary to the provision of the preceding section, he shall for every such offence, forfeit and pay the sum of thirty dollars, to be recovered by action of debt, with costs of suit, by any person who shall sue for the same, the one half to the use of the county wherein such Clerk shall reside, the other half to the use of the person who shall sue for and prosecute the same to effect. Penalty.

C. Passed December 4, 1824.

AN ACT supplementary to an act to extend the Paterson and Hamburgh Turnpike to the Hudson river.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the time for completing the road and bridges of the New-Barbadoes toll bridge company, be, and the same is hereby extended to the eighteenth day of February, in the year of our Lord one thousand eight hundred and thirty.

C. Passed December 7, 1824.

AN ACT to incorporate "The Schuyler Copper Mine Company."

WHEREAS Daniel Stansbury, of the township of New Barbadoes, and county of Bergen, by his petition to the Legislature of this state, has set forth, that he together Preamble.

with Arent Schuyler, of the said township, and Smith W. Anderson, of the city of New York, are the lessees and owners of more than one half of the copper mines in said township, known by the name of "Schuyler's Mines;" and that the said petitioner expects that he will be able to clear out and work the said mine, as well as other copper mines in this state, with the assistance of such other persons as have or may hereafter associate with him for that purpose; provided he can obtain an act of incorporation, so as to secure the adventurers from other loss than the property they may choose to adventure; *And whereas* it will be for the public benefit, that the mines of this state should be worked—THEREFORE,

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Daniel Stansbury, Arent H. Schuyler and Smith W. Anderson, or either of them, be and are hereby authorized to receive subscriptions to a capital stock for the purposes of mining and smelting ores and metals, and for preparing the same in a marketable form, and for no other purpose or business whatsoever; that the subscribers to the said capital stock shall be and they and their succesors and assigns are hereby made and declared to be a corporation and body politic, by the name of "The Schuyler Copper Mine Company;" and by that name shall have continued succession, and shall have power and be capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in any courts of judicature, and also of contracting and being contracted with relative to the purposes and business for which this corporation is hereby created, and to purchase, possess, retain and enjoy to them and their successors and assigns, lands, tenements, hereditaments, rents, goods, chattels and effects of whatsoever kind, nature or quality, and the same from time to time, to sell, grant, demise, alien or dispose of at pleasure, to make and have a common seal, and the same to alter or destroy at their pleasure; to make by-laws not contrary to the laws of this state, or of the United States, and to repeal or alter the same; and also to appoint such agents, officers, miners, artificers, or servants as shall or may be necessary to carry into effect the purposes for which this corporation is created; to allow them such compensation as may be right and proper, and to dismiss and discharge them at pleasure: *Provided*, that the real estate held by the said corporation at any time, shall not exceed so much as shall be necessary and

Style of Corporation, their powers, privileges, &c.

convenient for the use of said corporation, its officers and servants for transacting their business, for the erection of works, for the accommodation of persons in their employ, and such lots of land as may be supposed to contain copper ore, not exceeding in the whole three hundred acres.

2. *And be it enacted*, That the said corporation shall have power to hold as mortgagee, any real estate bona fide mortgaged to the said corporation, to secure any debt that may become due to the said corporation, in the course of their lawful business; and the said corporation shall have also power to proceed on the said mortgages for the recovery of the money thereby secured either at law or equity, as any other mortgagee is or shall be authorized to do; and it shall be lawful for the said corporation to purchase on sales made by virtue of a judgment at law, or decree, of a court of equity, real estate, and to hold the same until they can conveniently sell and dispose thereof, notwithstanding the real estate so purchased, with what they already possess, may exceed three hundred acres. May hold real estate on certain conditions.

3. *And be it enacted*, That each share in the capital stock of said company, shall be one hundred dollars, and that as soon as three hundred shares shall be subscribed, the said company shall be considered as duly incorporated under this act, and authorized to employ their capital for the purposes for which this corporation is created, and the persons herein authorized to receive subscriptions, shall call a meeting of the subscribers at some covenient place, giving each subscriber timely notice of the time and place of meeting, and the subscribers so assembled or their proxies, shall proceed to ascertain by a plurality of votes, how many directors they may desire to manage their business, each share having one vote; the subscribers so assembled or their proxies, shall then elect by ballot from among themselves as many directors as they shall have previously determined to be necessary and proper to manage their business, each share being entitled to one vote, which directors so chosen, shall hold their offices one year after the second Tuesday of May ensuing the said election, and on the second Tuesday of April, annually, (excepting the April next following the first election) there shall be a like election for the same number of directors, at the time and place that the directors for the preceding year, or (in case the directors omit that duty) that a majority of the stockholders shall appoint, which directors shall take their offices on the second Tuesday in May next after the elec- Shares. Directors. Time of meeting, &c. &c.

tion, and hold the same for one year from that time; and in case of death, refusal, resignation, or disqualification of any director, a new director shall be appointed to fill his place in such manner as the corporation by their by-laws may direct; but no person shall be eligible to be a director, or shall hold the office of a director, unless he be a stockholder at the same time: *Provided*, that if it shall happen that an election of directors be not made on the day herein prescribed, the said company shall not be considered as thereby dissolved, but it shall be lawful on any other day thereafter, to hold an election for directors for the year.

Proviso.

4. *And be it enacted*, That at the first meeting of the directors, they shall choose a president from among themselves, to serve for one year, and to elect a president annually thereafter, and in case of the death, resignation or disqualification of the president, they shall in like manner fill his place from among themselves for the residue of the year; at the same first meeting, the directors shall appoint a cashier or treasurer, to hold his office during their pleasure, to whom the subscription money, or such parts or instalments thereof, as a majority of the directors shall order, shall be immediately paid, and in case any subscriber shall omit or neglect to pay said first instalment without delay, his share in the corporation shall be forfeited, and a new subscription may be taken in the place thereof, and after any instalment has been paid, no more shall be called for unless sixty days notice be given to each stockholder, either in writing or by public advertisement, in two newspapers printed in the city of New-York and in one in the town of Newark, in this state; and in case any instalment called for by such notice, be not paid at the time and place therein required, the share on which such instalment shall be due, shall be forfeited to the said corporation, and all previous payments made thereon.

Vacancies, how to be filled.

Shares, &c. how forfeited.

5. *And be it enacted*, That if the majority shall at any time during the continuance of this act, think that a larger capital can be advantageously employed in the business for which the said corporation is created, they may call a special meeting of the stockholders at some convenient time and place, for the purpose of enlarging their subscription, and if the stockholders convened in consequence of such call, who shall hold a majority of the stock, think it expedient to do so, new subscriptions may be obtained from them or others to increase the stock of said corporation: *Pro-*

Subscription may be enlarged, &c.

vided, that in no case it shall exceed two hundred and fifty thousand dollars.

6. *And be it enacted*, That the capital stock of the said company shall be deemed personal estate, and that the shares of it at any time, owned by any stockholder, shall be transferable on the books of the company, in such manner as their by-laws shall ordain; but all debts due or owing to the company, by such stockholder, shall be satisfied before such transfer can be made. Stock, personal estate, &c.

7. *And be it enacted*, That this act shall be and continue in force until the first day of January, in the year of our Lord one thousand eight hundred and sixty-five and no longer. Limitation.

A. Passed December 8, 1824.

AN ACT for the settlement of territorial limits and jurisdiction between the states of New Jersey and New York.

WHEREAS differences have, unhappily arisen and do exist, respecting limits of territory and jurisdiction between this state and the state of New York: *And whereas* it is most expedient and desirable that the same should be amicably and speedily adjusted, so that certainty of rights and perfect harmony may be established between them in all future times—To these ends THEREFORE,

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the governor of this state be, and he is hereby authorized to appoint any number of commissioners, not exceeding five, with full powers on the part of New Jersey, to meet commissioners to be appointed under or by virtue of a law of New York, with like full powers, on the part of that state, and with them to agree upon, settle and determine the limits of territory and jurisdiction between the said states, as to them may seem just; and their agreement, in the premises, in writing, signed and sealed by the said commissioners, or a majority of them respectively, if made on or before the fifteenth day of November next, shall become binding on Number of Commissioners and their powers.

this state when confirmed by the respective Legislatures of New York and New Jersey.

How vacancies to be filled.

2. *And be it enacted*, That the said commissioners do meet at such times and places as they may agree upon; and if by death, resignation or otherwise, a vacancy do happen, among those appointed on the part of this state, the governor is hereby authorized to supply the same.

3. *And be it enacted*, That the governor of this state, do transmit to the governor of New York, a copy of this act, duly authenticated, with a request that he would submit the same to the Legislature of New York, at their next session.

C. Passed December 10, 1824.

AN ACT to authorize William Bishop, one of the Executors of Edward Parlier, deceased, to make and execute a deed of conveyance to John Suydam, senior.

Preamble.

WHEREAS William Bishop, one of the executors of Edward Parlier, late of the county of Hunterdon, deceased, hath by his petition represented to the Legislature, "That the said Edward Parlier, being seized of certain real estate in the county of Hunterdon, made and executed his last Will and Testament, wherein and whereby he directed his executors therein after named, to sell all his said real estate, and particularly, one five acre lot, situated in the Swamp, in the said county of Hunterdon, which he bought of Low Pearson, and did authorize his said executors to make and execute as good titles for his said real estate as he himself could have done—That the said Edward Parlier, after appointing the said William Bishop and one Asher Stout, executors of his said last Will and Testament, died without altering or revoking the same—That the said William Bishop and Asher Stout proved the said last Will and Testament in due form of law, and took upon themselves the execution thereof—That shortly afterwards, and before part of the said real estate was sold, Asher Stout, co-executor of the said William Bishop, absconded from the state of New Jersey, and has remained absent from that time to the present day—That after the departure of the said

Asher Stout, the said William Bishop took upon himself the sole execution of the said last Will and Testament, and made sale of the said Swamp lot of five acres to one John Suydam, senior, for the sum of one hundred dollars—That in consequence of the said Asher Stout having left the state of New Jersey, and his place of residence (if living) unknown to the said William Bishop, a legal deed of Conveyance cannot be executed to the said John Suydam, senior, without Legislative provision ; and the said William Bishop having prayed that the Legislature would pass a law, authorizing him to make a deed to the said John Suydam, senior, for the said lot of land," and the same appearing to be just and reasonable: THEREFORE,

1. 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 Bishop, one of the executors of Edward Parlier, late of the county of Hunterdon, deceased, be, and he hereby is authorized and empowered to make, execute and deliver to the said John Suydam, senior, a deed of conveyance for the lot of land of five acres above described ; which deed of conveyance, so made, executed and delivered by the said William Bishop executor as aforesaid, shall be as good and effectual in law for the conveyance of the same, as if made and executed by both of the executors of the said Edward Parlier, deceased, any law, usage or custom to the contrary notwithstanding. Executor to make a deed.

C. Passed December 10, 1824.

AN ACT to authorize the United States to hold its courts in the State House.

1. 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 and may be lawful for the United States, to hold its courts in that part of the State House, which is appropriated to the Supreme court;—*Provided,* That the

sessions of the said courts, shall not interfere with the regular terms of the said Supreme court, as established by the laws of this state.

C. and A. Passed November 22, 1824.

AN ACT for the sale of a part of the government lot in the city of Trenton.

1. BE IT ENACTED *by the Council and General Asssmbly of this State, and it is hereby enacted by the authority of the same,* That David Johnston, Daniel Baker, and Thomas Gordon, or any two of them, be, and they are hereby appointed commissioners on the part of the state, to sell, at a fair and just price, a part of the government lot, in the city of Trenton, commencing at any point not exceeding twenty feet east of the dwelling house of Samuel R. Hamilton, on the north side of second street, thence northerly, parallel with the line of said Hamilton's lot, to the rear of the government lot; thence coursing the same, westerly, southerly, and easterly, to the place of beginning; which part to be disposed of, by the said commissioners, or a majority of them, to the best interest of the state.

2. *And be it enacted,* That the said commissioners upon making such sale, shall certify the same to the governor of this state, with the price and terms of such sale, and upon payment of the consideration money to the treasurer of this state, the governor, or person administering the government, shall be, and hereby is authorized, to make, execute and deliver, to the purchaser or purchasers, a deed or deeds, conveying all the right, title, and interest, whatsoever, of this state, in the premises thus sold, in fee simple.

3. *And be it enacted,* That the moneys which may arise from the sale or sales of the said lot, shall be, and hereby are appropriated to the school fund, and for no other use or purpose whatsoever.

4. *And be it enacted,* That the act entitled "An act for the sale of the government house and lot, in the city of

Trenton, passed the ninth day of February, one thousand eight hundred and nineteen," be, and the same is hereby repealed.

C. and A. Passed November 22, 1824.

AN ACT to confirm a certain division of the estate of Abraham Inskeep, deceased, therein mentioned.

WHEREAS it appears that Abraham Inskeep, of the county of Gloucester, by his last will, dated the sixteenth day of April, in the year of our Lord one thousand eight hundred and twenty, did among other things, devise, that his executors, Joseph P. Rogers and William Brick, should sell and convey all that tract of land and plantation, whereon he lived, within four years after his decease, and did further direct, that the proceeds of the sale, after payment of his just debts, should be divided amongst his three children and three of his grand children therein named. *And whereas* after using all reasonable endeavors, the said executors were unable to effect a sale of said premises without great loss and damage to the divisees aforesaid—whereupon the said children, and one of the grand children, devisees as aforesaid, to whom seven eights of the proceeds were devised as aforesaid, being of full age, did come to an agreement to divide the said premises instead of having the same sold; and as to the other eighth part of the same, which, if sold, the proceeds thereof would belong to two minors, grand children as aforesaid, it was agreed on their part by their parents and natural guardians (who were also the devisees of the other shares) that their eighth part, should be also divided off and left for future sale, for their use, by said executors, agreeably to the Will. *And whereas* it appears that in pursuance of said agreement, an instrument in writing, under seal, dated the twentieth day of November eighteen hundred and twenty two, was entered into and executed by all the said parties of full age, acting for themselves, and also by the parents and natural guardians acting for the said minors, by which agreement, John Clement, John Evans and Micajah Wells, were appointed commissioners to divide the said premises accordingly; as by reference to said agreement doth appear: *And whereas* it appears that the said com-

missioners did make division pursuant to said agreement between the said respective devisees, as by reference to the same under their hands, and dated the fourth day of December, one thousand eight hundred and twenty two, may appear: *And whereas* the said devisees of full age, and parties to the said agreement and division, owning seven eighths of the premises as aforesaid, did immediately take possession of, and have greatly improved their respective parts, and fully accepted the said division, have in their own right applied to this legislature for a confirmation of said division as between themselves, and also as to the eighth part, so divided off to the two minors to be sold as aforesaid, their parents having applied for and consented to such confirmation on their behalf; THEREFORE,

1. 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 division of the premises, so as aforesaid made by the said John Clement, John Evans and Micajah Wells, be, and the same is hereby confirmed and made valid in law and equity between the said parties, their heirs and assigns: *Provided*, that nothing herein contained shall in any manner affect or alter the right of the executor or executors, in the said Will mentioned, or any other person lawfully authorized, to sell and dispose of the said premises, or any part thereof, for the payment of debts and legacies in pursuance of the directions and powers in the said Will given and mentioned.

C. Passed November 25, 1824.

AN act to encourage and regulate the planting of oysters in the township of Perth Amboy.

Planting of oysters, &c.

1. 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 shore and land covered by the waters of the Sound and Raritan river, within the township of Perth Amboy, in the county of Middlesex, shall and may be set apart and laid out by commissioners, as herein after directed, for the purpose of planting and growing oysters thereon; reserving thereout such part or parts thereof, as may be judged necessary for public ac-

commodation—*Provided*, that nothing herein contained shall authorize the said commissioners to present any obstruction or cause any injury to the navigation of the said Sound and river, or to any fishery or fisheries therein. Proviso.

2. *And be it enacted*, That the said commissioners shall and may, upon the application and at the expense of the owners of the land lying next to and adjacent to the waters aforesaid, proceed to make a survey of the said shores and land covered by water, and lay off and set apart so much of the same as they or a majority of them may deem proper for the purposes aforesaid; and they shall make a map and description of the shores and land covered with water, so laid off, and cause the same to be marked by stakes, placed in the outside boundary of the same; and they shall set apart and designate for public use, all natural oyster beds, and all such other part or parts of the said shores and land covered by water, as they or a majority of them may deem expedient and necessary for public accommodation and use, and note and mark the same on the map and survey aforesaid, and shall cause the said map and survey to be delivered to the clerk of the county of Middlesex, who shall file and preserve the same in his office as of record. Commissioners, their power and duty.

3. *And be it enacted*, That the said shores and lands covered by water, so surveyed and laid off, excepting such part or parts thereof as shall be set apart and designated for public use and accommodation as aforesaid, shall and may be used and occupied by the owner and owners of the land next to and adjacent to the navigable waters aforesaid, for the purpose of planting and growing oysters thereon, for the use and benefit of such owners respectively, their heirs and assigns, during the continuance of this act. Certain parts reserved, &c.

4. *And be it enacted*, That the owners of the land aforesaid, shall and may mark and stake out the shores and land covered by water, laid off as aforesaid, and lying in front of their respective possessions, by lines running as near as may be at right angles to the general course of the shore and the said stakes, and the stakes marking the general boundary line fixed by the commissioners, shall be replaced by the said owners as occasion may require, and a map and description of the shores and land covered by water, occupied or intended to be occupied by any such owner, shall be made and signed by him, her, or them, Boundaries specified, &c. and map to be filed in Clerk's office.

and filed in the clerk's office of the county of Middlesex, as of record.

5. *And be it enacted*, That the person or persons so marking and staking off any part or portion of the said shores and land covered by water, for the purposes aforesaid, shall at or before the delivery and filing the map and description thereof, pay, or cause to be paid, to the county collector of the county of Middlesex, for the use of the state of New Jersey, at a rate not less than two, nor exceeding five dollars per acre, at the discretion of the commissioners, for such quantity of the shores and land covered by water, as the same may contain, and a like sum paid annually at the commencement of every year thereafter; upon which payment such person or persons, and his, her, or their heirs, or assigns, shall be considered and deemed to be entitled to the use and occupation of the shores and land covered by water, so designated for the purpose of planting and growing oysters thereon.

Sum to be paid to the county collector.

6. *And be it enacted*, That if any person or person shall enter on such enclosure without the leave or consent of the owner thereof (in writing,) and injure the same, or commit any trespass thereon, he, she, or they, so trespassing, shall be liable to the party injured, for double damages, to be recovered in an action of trespass.

Penalty on trespassers &c

7. *And be it enacted*, That John N. Simpson of Middlesex, Peter I. Stryker of Somerset, and John Dodd of Essex, be, and they are hereby appointed commissioners to execute the duties enjoined by this act; and in case of the death, refusal, or inability, to serve, of either of the said commissioners, it shall be the duty of the governor or person administering the government, to appoint some other person in his or their place: and the said commissioners shall be severally sworn or affirmed, before any judge of any Inferior Court of Common Pleas, truly and impartially, to execute the duties enjoined upon them, and shall be entitled to ask and receive three dollars per day for each and every day they may be employed in executiig their duties.

Commissioners names.

Compensation per diem.

8. *And be it enacted*, That if the owner or owners of any of the land lying adjacent to the waters aforesaid, shall refuse or neglect, for the space of six months after the filing of the map and survey, made by the commissioners as aforesaid, to mark out and stake the said land covered with

Forfeiture of the provision, &c.

water, and to pay the annual consideration herein mentioned, that then and in such case, all right and title of such owner or owners acquired under this act shall cease and become void, and it shall be lawful for the said commissioners to authorize any other person or persons, being resident citizens of this state, to mark out and stake the same, and to use the said shores and land covered with water for the purpose of planting oysters as aforesaid, upon the payment of the consideration, annually reserved hereby, and upon complying with the provisions and terms of this act.

9. *And be it enacted*, That no person shall be allowed to plant oysters on any of the land covered with water aforesaid, which shall be taken from natural beds in the Raritan river, below the mouth of Crows Creek, or in the waters of the Sound, below the mouth of Rahway river—*Provided always*, that nothing herein contained shall be so construed, as to prhohibit such persons from depositing such oysters on the land covered with water aforesaid, which may be taken from the natural bed aforesaid, between the first day of September and the first day of May, for the purposes of sale. Boundaries.

10. *And be it enacted*, That this act shall be and remain in force for and during the term of ten years, and no longer. Limitation.

C. Passed November 25, 1824.

AN ACT to authorize Conrad Konnight the father of Martin Konnight deceased, to fulfil a certain contract for the sale of land made by the said Martin Konnight, with James Lincrom.

WHEREAS it appears, that Martin Konnight, late of the county of Bergen, deceased, did in his life time, contract to sell to James Lincrom, a certain lot of land, situated in the township of Franklin in the said county, adjoining lands of Henry Fox, containing about fourteen acres, for the sum of five hundred and fifty seven dollars: *And whereas* the said Martin Konnight is since deceased, intestate, leaving one heir, a minor, and the agreement (or contract) not being made in writing, in

presence of two witnesses, a conveyance of the land cannot be ordered by the Orphan's court under the existing laws; *And whereas* the said Conrad Konnight stood bound together with the said Martin Konnight, deceased, and Peter T. Ackerson to Peter Perry, of Rockland county, in the state of New York, for the sum of five hundred and fifty seven dollars, the amount of the first purchase money;—*And whereas* the said contract, for the sale of the said lot of land aforesaid, was made expressly for the payment of the said sum of five hundred and fifty seven dollars, the amount of the first purchase money, to the said Peter Perry aforesaid.—THEREFORE,

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Conrad Konnight be, and he is hereby authorized to fulfil the said contract made by the said Martin Konnight with the said James Lincrom, and to make a good and sufficient deed of conveyance of the said lot of land, to the said James Lincrom, his heirs and assigns, and to demand and receive from the said James Lincrom, his executors and administrators, all such sum or sums of money as are due, or shall become due, for the said land and premises, and therewith pay and satisfy the debt due to Peter Perry as aforesaid: *Provided always*, that nothing in this act contained shall in any manner interfere with the lawful claim of any person whatever, to the said land and premises, except the heir or heirs of the said Martin Konnight, deceased.

C. Passed December 1, 1824.

AN ACT to incorporate the Perth-Amboy Ferry Company.

Style of the corporation.

1. BE IT ENACTED *by the Council and Geneaal Assembly of this State, and it is hereby enacted by the authority of the same*, That Andrew Bell, Joseph Marsh, Robert Arnold, James Parker, and all such persons as shall be hereafter associated with them for the purpose of keeping and conducting a ferry or ferries over the Raritan river, between Perth-Amboy and South-Amboy and also

over the Sound between Perth Amboy and Staten Island, and their successors and assigns, be, and they are hereby ordained, constituted and declared, to be a body corporate and politic, in fact and in name, by the name and style of "The Perth Amboy Ferry Company," 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 Perth Amboy Ferry Company," shall in law be capable of purchasing, holding and conveying any lands, tenements, hereditaments, real or personal estate, whatsoever, necessary for the objects of this incorporation.

Style of the Incorporation.

2. *And be it enacted*, That the capital stock of the said company shall not exceed two hundred and fifty shares of twenty five dollars each, and that subscriptions for the same shall be taken under the direction of Andrew Bell, Joseph Marsh, Robert Arnold and James Parker, or any two of them; that two dollars fifty cents be paid on each share at the time of subscribing, and that, as soon as one hundred shares are subscribed, the said Andrew Bell, Joseph Marsh, Robert Arnold and James Parker, or any two of them, shall call a meeting of the subscribers at Perth Amboy, giving at least two weeks notice by advertisements in one newspaper printed in the county of Middlesex, and in three of the most public places in Perth Amboy, and the subscribers assembled in consequence of such notice, shall choose by ballot from among themselves, by a majority of the votes present, in person or by proxy, a president, three directors, and a treasurer, who shall continue in office until the first Monday in October then next ensuing; and on the first Monday in October annually thereafter, a like election shall be made; and in case of the death, refusal, resignation, disqualification or removal of the president, or any director, or treasurer, the remaining directors shall have power to elect another person or persons in his or their place, for the remainder of the year.

Manner and time of election.

3. *And be it enacted*, That in all elections for a president, directors and treasurer, the stockholders shall be entitled to vote as follows, viz: for any number of shares

New Jersey State Library

not exceeding ten, one vote for each share, and one vote for every five shares exceeding ten.

4. *And be it enacted*, That the subscribers to the capital stock of the said company shall pay the amount of their several subscriptions at such time and in such instalments as the said company shall direct.—*Provided* that no instalment shall exceed five dollars on a share, and that notice of such instalment shall be given by advertisement in one newspaper printed in the county of Middlesex, and in three of the most public places in Perth Amboy, at least four weeks prior to the time of payment; and any person, copartnership or body politic, failing to pay any instalment, shall forfeit to the company each and every share on which there shall be a default of payment, and all previous payments made thereon.

Forfeiture &c.

5. *And be it enacted*, That the stock of the said company shall be deemed and considered personal estate; and shall be transferable in such way as the said corporation shall direct.

Shares, personal estate, &c.

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

By-laws, &c.

7. *And be it enacted*, That nothing herein contained shall be taken or deemed to authorize the said company to use or employ their funds, or any part thereof, for any purpose whatsoever not authorized or intended by this act; which purpose is hereby declarad to be, the keeping, conducting and maintaining a ferry or ferries, over the Raritan river, between Perth Amboy and South Amboy, and over the Sound between Perth Amboy and Staten Island.

8. *And be it enacted*, That the rates of ferriage at the

said ferries shall not exceed the rates now or hereafter to be established thereat, according to law.

9. *And be it enacted*, That nothing herein contained shall be so construed as to affect, invalidate or impair the rights or privileges of any other person or persons whomsoever, or body politic or corporate, claiming or exercising the right of ferriage in and over the waters aforesaid, or either of them.

10. *And be it enacted*, That this act shall be and continue in force for and during the term of twenty one years, and from thence to the end of the next session of the Legislature, and no longer.

C. Passed December 10, 1824.

AN ACT to establish the Peoples' Bank of Paterson.

1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That a subscription be opened for one hundred and fifty thousand dollars, in shares of fifty dollars each, and that subscriptions be taken in under the directions of John Colt, Alexander M. Muir, William Elison, John D. Brown, Brant Van Blarcom, William Jacobs, Caleb M. Godwin, Robert Carrick and Joseph Fowler—And it shall be the duty of said commissioners to open books for said subscription at the town of Paterson, and continue the same open for ten days, giving notice for at least three weeks in one Newspaper published in Paterson, and one in Newark, of the time and place, when such books will be opened.

Capital and Commissioners.

Books opened, &c.

2. *And be it enacted*, That the sum subscribed shall be paid, to the persons herein before mentioned, in the manner following, that is to say, five dollars upon each share at the time of subscribing, to the persons receiving subscriptions; twenty dollars upon each share on the day appointed for the election of the first directors of said company, to be paid to the persons aforesaid, previous to the said election; and the remainder to be paid in instalments of five dollars on each share, when called for by the said president and directors.

First instalment, and when to be paid.

3. *And be it enacted*, That notice shall be given by the cashier of said company in the newspapers published

in the town of Paterson, at least two weeks previous thereto, of the day of payment of each instalment, and any person, copartnership, or body politic failing to pay any instalment or any part thereof, to the persons in the second section named, and at the periods therein prescribed, shall forfeit to the said company, every share upon which there shall be a deficiency, and all moneys thereon previously paid.

Neglect of payment, to forfeit, &c.

4. *And be it enacted*, That as soon as one thousand shares shall be subscribed, the persons hereby empowered to receive subscriptions, or any three of them, may call a meeting of the subscribers at Paterson, by giving at least three weeks previous notice in the newspapers printed in the town of Paterson, and in one or more of the newspapers printed in the city of New York, if any of the subscribers shall be resident therein; and the subscribers assembled in consequence of such notice shall choose by ballot from among the subscribers by a majority of votes of such as are present, or by proxy, thirteen directors, a majority of whom shall be inhabitants within the chartered limits of the town of Paterson, for the term of one year thereafter; and on the same day annually thereafter, a like election shall be made, a majority of which directors shall at all times be inhabitants of the town of Paterson; and in case of the death, refusal, resignation, disqualification or removal of any directors, the remaining members at their next meeting thereafter, shall elect by ballot another person in his place for the residue of the year, and the directors or any seven of them, at their first meeting, after every general election, shall elect from among themselves, by a majority of the members present, by ballot, a president, who shall be an inhabitant of Paterson, and in case of the death, refusal, resignation, disqualification, or removal of the president, the directors shall meet as soon as conveniently can be thereafter, and elect in the manner before mentioned, another person, qualified as aforesaid, to act as president.

To advertise, choose directors, &c.

Vacancies how filled and president chosen.

5. *And be it enacted*, That all such persons as shall become subscribers to the capital stock, in the first section mentioned, their successors and assigns shall be, and are hereby created and made a corporation and body politic, by the name and style of, "The President, Directors, and Company of the Peoples' Bank of Paterson," and by that name shall be, and are hereby made capable in law to have, purchase, receive and possess, to them and their succes-

Style of the Incorporation, seal and by-laws.

sors, lands, tenements, hereditaments, goods, chattels, and effects, of what nature or kind soever, and the same to grant, demise, alien or dispose of, sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended, in any court of record or in any other place whatever, and also to make, have and use a common seal, and the same to break, alter, and renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation: *Provided*, they be not inconsistent with the laws of this State, or of the United States; and also to appoint all such officers, agents and servants as shall be necessary to carry into effect the powers by this act vested in the said corporation, and to allow them such compensation for their services as shall be right and proper. Proviso.

6. *And be it enacted*, That there shall be a meeting of the board of directors every quarter, who shall have power to adjourn from time to time, and the president and any three of the directors may call a special meeting at any other time they may think necessray. Directors to meet quarterly &c.

7. *And be it enacted*, That the said directors at every quarterly meeting shall choose three directors to inspect the business of the company for the ensuing three months, and the inspectors so chosen shall twice in every month examine into the state of the cash account, the notes received, and other business of said company, and see that the accounts are regularly balanced and transferred. Inspectors semi-monthly to examine cash account.

8. *And be it enacted*, That any director, officer or other person holding any share, stock or capital of the said company, who shall commit any fraud or embezzlement, touching the money or property of the said company, shall be liable to be prosecuted in the name of the State by indictement for the same, in any court of law of this state, and on conviction thereof, shall, besides the remedy that may be had by action in the name of the said corporation, for the fraud aforesaid, forfeit to the said company, all his share or stock in the same. Fraud, how punished.

9. *And be it enacted*, That if any person or persons, shall within this state, forge or counterfeit any of the notes or checks of the said corporation, or pay or tender in payment, or in any manner pass or offer to pass such forged or counterfeit note or check, knowing them to be forged Counterfeiters coerced.

or counterfeited, and shall be thereof convicted, in any court of law within this state, he, she, or they shall be adjudged guilty of misdemeanor and suffer such punishment as persons guilty of such crimes are liable to under the existing laws of the state.

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

11. *And be it enacted,* That a majority of the whole number of directors shall have power to fix on a place in the town of Paterson, for transacting the business of the said company and the same to change at their pleasure until the day of payment of the last instalment upon the said two thousand shares, and from thence until another place shall be fixed on by the stockholders; for which purpose it shall be the duty of the president to call a meeting of the stockholders at such time, not exceeding one month from the day aforesaid, at such place within the town of Paterson, as he may think proper to appoint, giving three weeks previous notice in the manner prescribed in the fourth section of this act, of said meeting, at which meeting the stockholders then present, or by proxy, shall proceed to vote by ballot for a permanent situation for transacting the business of the said company; and whatever place, within the town of Paterson, shall be fixed on by the stockholders, or a majority of them, voting as aforesaid, shall be established by the directors as the permanent place of business of the said company.

A permanent site for the Bankinghouse &c.

12. *And be it enacted,* That the following rules, regulations, restrictions, limitations, and provisions, shall be fundamental articles of the constitution of the said corporation, to wit:

ARTICLE I.

The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he, she or they shall hold in the proportions following, that is to say; for one share and not exceeding twenty five, one vote for every share; for every five shares above twenty five shares, one vote.

Fundamental articles.

ARTICLE II.

After the first year, half yearly dividends shall be made to the stockholders, of so much of the profits of the bank-

ing business, as shall appear to the directors advisable; but the said directors shall not at any time make any dividend of any part of the capital stock of the said company, but only the net profits thereof; and in case they shall divide any part of the capital stock as aforesaid, the directors under whose administration it shall happen, shall be liable for the same, in their natural and private capacities, and an action of debt may be brought in such case against them, or any of their heirs, executors or administrators, in any court of record of this state, by any creditor of said company, and may be prosecuted to judgment and execution, any conditions, vestment or agreement notwithstanding; and any director or directors who may have been absent when such dividend took place, or who may have dissented from the resolution directing the same, may prevent himself or themselves from being so liable, by forthwith giving notice of the fact of his, or their dissent to the governor of the state, for the time being, and to the stockholders at a general meeting, which the said directors shall have power to call for that purpose. And once in every year, the directors shall lay before the stockholders for their information, an exact and particular statement of the debts which shall have remained after the expiration of the original credit, and of the surplus of profits, if any, after deducting losses and dividends.

ARTICLE III.

No director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the president, for his services in the business of the said company, as shall appear to them reasonable.

ARTICLE IV.

Not less than seven directors shall constitute a quorum to do business, of whom the president shall always be one, except in case of sickness or absence, in which case his place shall be supplied by another director. But any three directors, the president being one, shall be deemed a competent board for the purpose of discounting notes, drafts, or other bills.

ARTICLE V.

The stock of said company shall be assignable and transferable according to such rules as shall be instituted in that behalf by the laws and ordinances of the said corpo- Stock assignable &c.

ration. The bills obligatory and of credit under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon, under the hand or hands of such person or persons, and his, her, or their assignee or assignees successively, and shall enable such assignee or assignees to bring, and maintain an action thereupon in his, her, or their own name or names, and bills or notes which may be issued by order of said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under seal of the said corporation, shall be binding and obligatory on the same in like manner, and with the like effect, as upon private person or persons if issued by him or them in their natural or private capacity or capacities, and shall be assignable and negotiable in like manner, as if they were so issued by any private person or persons, payable to any person or persons, his, her, or their order, shall be assignable and negotiable by indorsement in like manner, and with like effect as foreign bills of exchange now are, and those which are payable to bearer shall be negotiable or assignable by delivery.

ARTICLE VI.

The total amount of debts which the said corporation shall at any time owe, whether by bond, bill, note, or other contract shall not exceed double the amount of the capital paid in ; *Provided* the money deposited in the bank of said company for safe keeping, shall not be considered as the debts of said company, within the provision of this clause ; and in case of excess the directors under whose administration it shall happen, shall be liable for the same in the manner prescribed by the third article of this section, unless absent or dissenting from the resolution or act, by which such excess was created, in which case he or they so dissenting may be exonerated from such liability in the manner prescribed in said third article of this section.

ARTICLE VII.

The lands, tenements, and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be required for its immediate accommodation in relation to the convenient transaction of business, and such as shall have been in good faith—mortgaged to it by way of security, or conveyed to it in satisfaction for debts previously contracted in the course of its dealings, or pur-

chased at sales on judgments, which shall be obtained for such debts.

ARTICLE VIII.

The corporation shall not directly nor indirectly deal or trade in any thing except bills of exchange, promissory notes, gold or silver bullion or in the sale of goods which shall be the produce of its lands; nor shall the said corporation take more than at the rate of six per cent. per annum, for or upon its loans or discounts.

ARTICLE IX.

In the appointment of a cashier of the said corporation, the votes of seven of the directors shall be necessary to a choice; and every cashier before he enters on the duties of his office, shall be required to give bond with two or more sureties, to the satisfaction of the directors, in a sum not less than forty thousand dollars, with conditions for his good and faithful discharge of the duties of his office.

ARTICLE X.

Each director or cashier of said corporation, before he enters on the duties of his office shall take the following oath or affirmation, as the case may be, I do swear (or affirm) that I will faithfully execute the duties of agreeably to the provisions of the law and the trust reposed in me, according to the best of my skill and understanding.

Limitation of charter.

13. *And be it enacted*, That this act shall be, and continue, in force for and during twenty years from the passing thereof, and no longer.

To make an annual statement to the Legislature.

14. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths (or affirmations,) and under seal of the corporation, annually, to lay before the legislature of this state, a statement of the amount of its capital stock paid in, and of its notes, debts and specie on hand; and if the said president and cashier shall fail to do the same for the space of three years together, that then and from thenceforth, this charter and all the privileges hereby conferred, shall cease and be for ever at an end.

15. *And be it enacted*, That the company hereby created shall have the privilege of increasing their capital

May increase the capital.

stock to two hundred and fifty thousand dollars, so soon as they may deem it necessary, they having first paid into the treasury of this state, the sum of three thousand dollars, as a consideration therefor.

Bonus to be applied to the School Fund, and taxes to be paid on capital.

16. *And be it enacted*, That the said company shall pay to the treasurer of this state, before it shall commence banking operations, the sum of four thousand dollars, to be appropriated by him to the School fund; and further, shall pay annually into the treasury the sum of one half of one per cent on the capital sum subscribed, and which shall be paid in; to be collected in case of default in the manner prescribed in the act entitled "An act to tax Bank stock," passed the second day of November, one thousand eight hundred and ten, or according to any other legal provision in such case.

To redeem their notes in specie, &c.

Penalty on non compliance.

17. *And be it enacted*, That if at any time after the passing of this act, the said president, directors, and company, should refuse, on demand being made at their banking house, during the regular hours of doing business, to redeem in specie or other lawful money of the United States, their said bills, notes, and other evidences of debt, issued by the said corporation, and which shall be due and payable; the said president, directors, and company shall on pain of forfeiture of their charter, wholly discontinue and close their banking operations, either by way of discount or otherwise, until such time as the said president directors, and company, shall resume the redemption of their said bills, notes, and evidences of debt, in specie or other lawful money of the United States; and the said bank, shall be liable to pay the holder or holders of such notes or bills, the payment whereof has been refused or delayed upon demand, as aforesaid, damages for the non-payment thereof, at and after the rate of ten per cent. per annum, from the time of such demand, and until the same shall be paid as aforesaid, or otherwise satisfied.

18. *And be it enacted*, That it shall not be lawful for the said bank, to issue any notes or bills, until an affidavit by the president and cashier, shall have been made and filed in the office of the secretary of state, that fifty per cent. of the capital stock, of the said corporation has been subscribed, and the amount thereof paid in specie: And further, that the said company shall not issue any bill or note, or other instrument to be circulated as such, pay-

able in any kind of property, or commodity, except specie or other lawful money of the United States, or at any other place except the office of the said company.

C. Passed December 11, 1824.

A SUPPLEMENT to the act entitled "An act concerning Divorces and for other purposes, passed the sixteenth of February, one thousand eight hundred and twenty.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, all suits in the court of chancery, for divorces, may be commenced by filing a petition with the clerk of the court, which petition shall plainly and fully state the cause or causes of the application for such divorce, and the relief prayed—and the complainant shall make his or her oath or affirmation to be annexed to the said petition, that his or her complaint is not made by any collusion between him or her, and the defendant, for the purpose of dissolving their marriage, but in truth and good faith, for the cause or causes set forth in the petition.

Petition to be filed with the clerk.

2. *And be it enacted*, That upon filing the said petition, the clerk shall, if required, make out a certified copy thereof, to be served on the defendant, and issue a citation under the seal of the court, for the defendant to answer the said petition on or before the first day of the next stated term of the court, which citation shall bear date the day of issuing thereof, and be tested in the name of the chancellor.

Clerk to make out copy if required.

3. *And be it enacted*, That it shall be the duty of the sheriff or coroner, as the case may require, of any county in this state, to whom any such citation and certified copy of the petition shall be directed or delivered, to serve the same, and to make return of the said citation, at the time and place therein mentioned, which shall be filed by the clerk.

4. *And be it enacted*, That every such citation shall be served, either by delivering to the defendant a copy thereof, together with a certified copy of the petition, or by leaving the said copies at his or her dwelling house or

usual place of abode, at least twenty entire days before its return.

Answer of petition to be filed in a specified time.

5. *And be it enacted*, That on a citation being returned "served" or "cited," by the sheriff or coroner, as the case may require, the defendant shall on the day mentioned therein for him or her to answer the said petition, or within three days thereafter, file his or her answer to the said petition; unless the court shall grant the defendant further time for that purpose, and which answer, shall plainly and fully set forth the cause or causes of his or her defence, and shall be signed by the defendant, but not sworn to; after which, without any replication or further pleadings or rule, the parties shall proceed to take their evidence as in other cases in the court of chancery, so that the cause may be heard at the next stated term thereafter, unless the court for good cause, and upon such terms as shall be considered by the court, just and reasonable, shall think proper to put off the hearing thereof to another term.

6. *And be it enacted*, That if a defendant upon the citation being returned "served" or "cited" as aforesaid, shall not file his or her answer to the petition, within the time limited by this act, or granted by the court; the court may make an order that the petitioner proceed to take depositions and other evidence to substantiate and prove the allegations in the petition, and to bring on the hearing of the cause ex parte.

Advertised, &c. &c.

7. *And be it enacted*, That in case a petition as aforesaid shall be filed, and it shall be made to appear by affidavit or otherwise, to the satisfaction of the chancellor, that such defendant is out of this state, or cannot upon due inquiry be found therein, or that he or she conceals himself or herself, within this state; the chancellor may thereupon by order, direct such defendant to answer the said petition, at a certain day therein named, not less than two nor more than six months from the date of such order, which order shall within twenty days thereafter be served on such defendant, by a delivery of a copy thereof, to him or her, or by leaving it at his or her dwelling house or usual place of abode, or be published in one of the newspapers printed in this state, and designated in such order and continued therein for four weeks successively, at least once in every week, and shall be published in such other manner, as the particular circumstances of the case may require; if in the

opinion of the chancellor, any other or further publication shall be necessary ; and in case such defendant shall not file his or her answer within the time so limited, or within some further time to be allowed by the chancellor, on proof of due service or publication of the said order, the court may order and direct the petitioner to produce depositions or other evidence to substantiate and prove the allegations in the petition ; and the said petitioner may then proceed ex parte, and bring on the hearing of the said cause.

Chancellor may refer to a jury.

8. *And be it enacted*, That if in the opinion of the chancellor any matter of fact shall render the intervention of a jury necessary, in any suit or proceeding for a divorce, then the court of chancery is hereby authorized to direct an issue for the trial of the same in the supreme court, or one of the circuit courts of this state.

Petition may may be amended.

9. *And be it enacted*, That no petition, citation, answer or other proceedings under this act, shall be set aside, or otherwise annulled or made void for any defect in matter of form, or for any mistake or omission not affecting the real merits of the cause ; and the chancellor may permit, either party, to amend his or her petition, answer, or other proceedings in the cause, either in matters of form or substance, and proceed to give judgment according to the merits of the case.

10. *And be it enacted*, That in all cases where the proceedings shall be under or by virtue of this act, it shall and may be lawful for the chancellor, where not otherwise herein directed, to proceed as directed and allowed by the act to which this is a supplement, and to make such decree as thereby authorized ; which decree shall be carried into effect in the manner therein directed and provided for, and the court is hereby invested with all powers, necessary to the conducting and finally determining such cases, according to the true intent and meaning of this act, and the act to which this is a supplement.

Clerk to enter, &c.

11. *And be it enacted*, That when any cause shall be finally determined, which shall be commenced in the manner provided for in this act, the clerk of the court of chancery shall enter together in order, the petition, answer, decretal orders, reports, and final decree in such cause in his book of decrees, to be signed by the chancellor.

12. *And be it enacted*, That there shall be allowed in

Fees.

the taxation of costs, for the petition, the sum of one dollar; for the answer, the sum of one dollar; to the clerk for the citation and certified copy of the petition, seventy five cents; and to the sheriff for serving and returning the citation, one dollar and fifty cents; and to the examiner for taking the examination of every witness, for each sheet ten cents, and for certifying every exhibit shown to a witness, ten cents; and that no other or greater fees shall be allowed for the said services.

13. *And be it enacted*, That whenever any poor person shall have cause of suit under this act, or the act to which this is a supplement, and shall make an affidavit or affirmation, that he or she is not worth one hundred dollars clear estate; the chancellor may at his discretion, assign to such poor person, a solicitor and counsel learned in the law, to prosecute the said cause, who, together with all other officers, shall perform their respective duties therein, without fee or reward.

C. Passed December 13, 1824.

A SUPPLEMENT to the act entitled "An act to establish state banks in New Jersey" passed January twenty eighth, one thousand eight hundred and twelve.

Preamble.

THE president, directors, and company of the State bank at Morris, having made it appear that they pay a tax on one hundred thousand dollars, as the amount of their monied capital, whereas the actual amount of their capital employed for banking purposes is only sixty eight thousand dollars.—The remaining part, thirty two thousand dollars, being in lands and real estate necessarily taken in the ordinary course of business for bad debts, occasioned by the depression of property, and which pays the customary land taxes, thereby subjecting the same property to one tax as monied capital and to another tax as landed property, which is oppressive—For remedy WHEREOF,

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the president, directors, and

company of the State bank at Morris, shall pay a tax the present year, to the state on sixty eight thousand dollars, being the actual amount of their banking capital, exclusive of their landed property.

2. *And be it enacted*, That the president, directors, and company of said bank, shall hereafter make a report to the treasurer of this state, on or before the first Monday of December in each and every year, under the oath of the president and cashier, of so much of the lands and real estate now owned by said bank, which shall hereafter be sold, until the whole is sold; and the amount of such sales, shall yearly, and every year, be considered as a part of the banking capital, and pay taxes accordingly.

To make annual report to the treasurer, &c.

A. and C. Passed December 14, 1824.

AN ACT to authorize the executrix of Robert Fulton, deceased, to sell and convey certain real estate.

1. 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 Augustus Dale, and Harriet his wife, which said Harriet was formerly the wife of Robert Fulton, late of the city of New York, deceased, and is now the sole surviving executrix of the last Will and Testament of the said Robert Fulton, deceased, are hereby authorized to sell and convey, in connexion with Cadwallader D. Colden, of the city of New York, to George Dummer of the city of New York, merchant, and to his heirs and assigns for ever, all that certain block of land, containing about two acres of land, known upon the map of the town platt of the town of Jersey, in the county of Bergen, by block No. (28) twenty eight, on the condition that the said George Dummer, his heirs or assigns, shall and do pay yearly and every year, from and after the first day of May, one thousand eight hundred and twenty four, to whomsoever of right the same may be coming, the sum of three hundred and sixty dollars, the amount of the annual rent reserved on the said block in the original grant or conveyance from the associates of the Jersey company, to the said Robert Fulton and Cadwallader D Colden, bearing date the thirteenth day of February, in the year of our Lord one thousand eight

hundred and twelve ; or shall in any other manner legally extinguish the claim of the said company, or any other person or persons, to the said annual ground rent against the said Cadwallader D. Colden, and the estate of the said Robert Fulton.

2. *And be it enacted*, That the said Charles Augustus Dale, and Harriet his wife, are hereby further authorized to sell and convey to any person or persons, body politic or corporate, their heirs, successors or assigns, for ever, all the one equal undivided half part of the residue of all those lots, blocks, pieces or parcels of land and premises, situate, lying and being in the town of Jersey, in the county of Bergen, and State of New Jersey, commonly called Powles Hook, that were granted and conveyed by the associates of the Jersey company to the said Cadwallader D. Colden and Robert Fulton, by indenture bearing date the thirteenth day of February, in the year of our Lord one thousad eight hundred and twelve, subject to the annual rent, charged upon the same—*Provided always*, that the said Charles Augustus Dale, and Harriet his wife, shall sell the same, at public or private sale, for the highest price that can be had and obtained for the same.

3. *And be it enacted*, That the said Charles Augustus Dale, and Harriet his wife, shall, out of the proceeds of the said sale, first repay to the said Cadwallader D. Colden, the amount or proportion of the rent he has paid for the estate of Robert Fulton, deceased, and the interest thereon.

4. *And be it enacted*, That the said Charles Augustus Dale, and Harriet his wife, shall within six months after the sale of the residue of the said real estate, make, subscribe, and exhibit, under oath or affirmation, to the surrogate of the county of Bergen, an exact statement of the amount of the sale or sales of the residue of the said estate, and of the moneys arising therefrom, and shall report the same to the next Orphans' court to be held in and for the said county.

5. *And be it enacted*, That the monies arising from the said sale or sales, after a reasonable allowance to be made by the said Orphans' court for the services of the said Charles Augustus Dale, and Harriet his wife, shall remain as part of the residuary estate of the said Robert Fulton, deceased,

and be disposed of as his residuary estate is therein and thereby directed to be disposed of.

6. *And be it enacted*, That no deed of conveyance of the residue of such real estate made by the said Charles Augustus Dale, and Harriet his wife, shall be valid unless it be certified in or upon such deed or conveyance, by William S. Pennington, Theodore Frelinghuysen and Elias Van Arsdale or any two of them, or the survivor or survivors of them, that such sale was made bona fide and for the highest price that could be reasonably obtained for such real estate at the time of sale.

7. *And be it enacted*, That no sale, made by virtue of this act shall affect any lien or claim upon the said real estate, other than that of the widow and heirs at law of the said Robert Fulton deceased, or any existing contract or covenant with the said company.

C. Passed December 15, 1824.

AN ACT to incorporate "The Jersey Glass Company."

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That George Dummer, Joseph K. Milnor, and William G. Bull, their present and future associates, their successors and assigns, be, and they are hereby created a body corporate and politic, by the name of, "The Jersey Glass Company," and are hereby ordained, constituted, and declared to be a body politic and corporate in fact and in name, for the purpose of manufacturing glass at the city of Jersey; and by that name they and their successors shall and may hereafter 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, in all manner of actions, suits, complaints, matters, and causes whatsoever, and that they and their successors, may have a common seal, and make, change, and alter the same at their pleasure, and also that they and their successors, by the same name and style, shall be in law capable of purchasing, holding, and conveying any estate, real and personal for the use of the said corporation.—

Style of the Incorporation.

Powers, privileges, &c.

New Jersey State Library

Proviso. *Provided*, that the real estate, so to be holden, shall be such only as shall be necessary to promote or attain the objects of this incorporation, or which they may take in payment and satisfaction of debts contracted.

2. *And be it enacted*, That the capital stock of the said corporation may be at present fifty thousand dollars.—And if at any time hereafter, the said company shall deem it beneficial, to extend their business, the said capital may be increased as much as may be deemed necessary; not, however, to exceed two hundred thousand dollars in the whole—that a share of the said stock shall be twenty five dollars; and that the stock of the said company shall be deemed and considered personal estate: *Provided always*, That said company shall confine themselves to the manufacturing of glass at the city of Jersey.

Amount of capital stock may be increased.

3. *And be it enacted*, That for the better carrying into execution the privileges granted by this act, there shall be, for the present, three directors, who shall hold their office until the first Monday of May next, and until others shall be elected in their stead; that the first directors shall be George Dummer, Joseph K. Milnor, and William G. Bull; out of which number the said directors at their first meeting shall appoint their President, and have power to transact business.

Directors, President, &c.

4. *And be it enacted*, That the said corporation and their successors, shall have full power to make, constitute, ordain and establish, by and with the consent of a majority in value, of the persons interested in the said company, such by-laws, rules, ordinances and regulations, as they from time to time shall judge proper for the election of directors, and the number of directors, not exceeding eleven, which they may judge necessary to conduct the affairs of the company, their duration in office, and the time and manner of their election; and the directors above named or their successors in office, shall have power to make, constitute, ordain and establish all other by-laws, rules, ordinances and regulations 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, and all contracts 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.

May make by-laws, &c.

Manner and time of election.

5. *And be it enacted*, That the said company shall not employ any part of their funds or capital stock in banking operations, nor shall issue any bills of credit or negociable securities payable to bearer only; but any note, bill or other security, made, given, issued or negociated by the said company, shall be payable to the order or assigns of the payee therein named, and shall be in writing, and not printed, or such securities as aforesaid shall be void. Restrictions, &c.

6. *And be it enacted*, That it shall be lawful for the Legislature at any time, hereafter to alter, modify, or repeal this act.

C. Passed December 17, 1824.

AN ACT to improve the navigation of Great Timber Creek, in the county of Gloucester.

WHEREAS it is represented by the petition of a large number of the citizens of the county of Gloucester, that the clearing out and improving the navigation of Great Timber Creek, would tend to the public benefit; THEREFORE,

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for Benjamin Tomlinson and his associates, of said county, to erect and make a lock or locks, and dam or dams, at or near the forks of said creek, or above the floodgates on said creek, above Chew's Landing; and also to make, erect and maintain, as many locks and dams as they shall find necessary to improve the said navigation, up to the said Benjamin Tomlinson's upper mill; *Provided always*, That no authority be hereby given to the said Benjamin Tomlinson and his associates, to lay any obstructions in the said navigation to prevent the several owners along the said creek from erecting any mills or factories thereon. Lock, &c. authorized, &c.

2. *And be it enacted*, That it shall and may be lawful for the said Benjamin Tomlinson and his associates, to drive piling and spikes, planks on the flats, in said creek, between the said lock which he is hereby authorized to erect above Chew's Landing on said creek, at any proper places; and to cast banks in such places as may be necessary to improve the navigation, and from time to time to remove all logs, wood, underwood, sticks, brush or rubbish, and earth of any kind whatever, and to lay them on the bank of said Improve the navigation &c.

creek: *Provided always*, that in executing the authority extended to him by this act, he do no unnecessary injury to the adjacent proprietors, or their lands.

To receive tolls, &c.

3. *And be it enacted*, That after the navigation of the said creek be completed and made fit for use by the said Benjamin Tomlinson and his associates, they, the said Benjamin Tomlinson and his associates, shall be entitled to have and receive the following tolls; that is to say, for every cord of wood carried along said improved navigation, five cents per mile; for every thousand feet of lumber, five cents per mile; for every hundred bushel of coal, ten cents per mile; for every four bushels of turnips, potatoes, corn, wheat, or other grain, one cent per mile; and for all other goods as near the above rates as possible; and if carried in the boats of the said Benjamin Tomlinson and his associates, double the above rates.

Advertise the prostration of floodgate, &c.

4. *And be it enacted*, That if the said Benjamin Tomlinson and his associates, shall think it necessary for the free navigation of said creek, to remove and prostrate the floodgates at Chew's Landing on said creek, the said Benjamin shall cause to be made a public notice or advertisement of his intentions to remove and prostrate the said floodgates at the end of three calendar months from the date of such notice; a copy of which notice shall, for the space of nine weeks, be inserted in a newspaper published in the town of Woodbury, in the said county, one other copy thereof shall be affixed at a public place at Chew's Landing aforesaid, and one other copy at the door of the Court house of said county, for the space of nine weeks; and within fifteen days after the end of three calendar months, after the date of said notice, the said Benjamin Tomlinson may apply to any judge of the court of common pleas of said county, who is hereby authorized and required, on due proof of such notice having been given as is required by this act, to grant in writing permission to the said Benjamin Tomlinson to remove and prostrate said floodgates; *Provided always*, That no person or persons shall, in the manner hereinafter directed, have made any objections to such prostration or removal; and on such written permission, having been granted to the said Benjamin, by the said judge, it may be lawful for the said Benjamin to remove and prostrate said floodgates.

5. *And be it enacted*, That if any person or persons, inhabitants of said county of Gloucester, and freeholders within the same, and interested in the navigation of said creek,

shall allege that he, she or they, will sustain damage by the removal and prostration of said floodgates, and object thereunto, and shall within the time of said three months notice aforesaid, file in the clerk's office of said county a caveat against the removal of said floodgates; of the filing of which caveat the said Benjamin and his associates are hereby required to take notice; it shall not in such case be lawful for the said Benjamin Tomlinson and his associates, to proceed to the immediate prostration and removal of said floodgates as is provided by the fourth section of this act

Caveat, &c.

6. *And be it enacted*, That on the filing of said caveat in the clerk's office as aforessid, which caveat shall contain in substance an allegation that the person or persons filing the same will be aggrieved, or sustain damages, by the prostration or removal of said floodgates, the said Benjamin Tomlinson shall, within fifteen days after the three months aforesaid file an answer to said caveat, whereby he may deny that any such damage or injury will accrue to the person or persons filing such caveat as ought to prevent the removal of said floodgates, and pray that the same may be decided by the verdict of a jury; on which answer filed, it shall be lawful for the said Benjamin Tomlinson to make application to any justice of the supreme court of judicature of the state, who shall be in such case authorized and required, to cause a jury to be selected from the freeholders of said county, on like notice to the adverse party, and to be conducted in like manner as is now provided for by law in the selection of struck juries for the trial of issues joined in courts of common law; a copy of which list, delivered by the said Benjamin to the sheriff of the county of Gloucester shall authorize the said sheriff, without other process, to summon the jury so struck to meet in ten days after the same shall have been so struck: *Provided* the said tenth day do not happen on the first day of the week; in which case the said jury shall meet the next day, at the hour of eleven o'clock in the forenoon, at the Court house in said county; which jury, under the sheriff who shall act as presiding officer, as in case of inquest at common law, shall be duly sworn or affirmed to try the issue joined between the parties; and the said jury shall, under their hands and seals, determine whether the person or persons filing such caveat as aforesaid, will sustain, by the removal of the aid floodgates, such damages as ought to prevent the removal thereof without compensation first paid to such person or persons; and this jury

Caveat to be filed and also answer, &c.

A struck jury to be raised on certain conditions.

shall make return of their verdict to the sheriff, who shall cause the same to be filed in the clerk's office of said county, and shall be final and conclusive to all parties.

To asses damages &c.

7. *And be it enacted*, That if the verdict of the said jury shall be rendered in favor of the person or persons filing such caveat as aforesaid, that he, she or they, will be aggrieved and will sustain damages in case such floodgates should be removed; it shall be further the duty of the said jury to assess and determine the amount of the damages which the said Benjamin Tomlinson and his associates ought to pay for the removal of the said floodgates, and in what proportion among those who sign the caveat, if more than one have signed the same; and it shall not be lawful in such case for the said Benjamin Tomlinson and his associates to prostrate or remove the said floodgates until the said money awarded be paid respectively to the said person or persons to whom the same, by the said verdict is ordered to be paid, or to their executor or executors, or other legal representative, or assigns, if willing to receive the same; or if the same be refused by him, her, them, or any of them, the said Benjamin Tomlinson is hereby required to deposit the same moneys in the clerk's office until called for by such person or persons; and on payment or deposit of the said moneys, it may be lawful for the said Benjamin immediately to prostrate and remove the said floodgates;

Verdict to be carried into effect.

and if said verdict be rendered in behalf of the said Benjamin Tomlinson, that no such injury will accrue to the person or persons who may have filed said caveat, and no sum of money shall be awarded by the said verdict to be paid, it may be lawful for the said Benjamin Tomlinson and his associates immediately to prostrate or remove the said floodgates.

Grievances, how redressed,

8. *And be it enacted*, That if any person or persons shall think him, her, or themselves aggrieved, by any thing which may be done by the said Benjamin Tomlinson and his associates, in clearing out the navigation of said creek, or in erecting any lock or locks, dam or dams, in the same, or in any other matter or thing which may be done under color of this act, such person or persons may, in case he, she or they cannot agree with the said Benjamin Tomlinson and his associates, on the amount of the sums to be paid, apply to one of the justices of the supreme court, and make his complaint of such grievances, who, at the costs and charges of said Benjamin Tomlinson and his associates, shall thereupon cause a special jury of the freeholders of

said county to be struck before him, whose duty it shall be to assess and determine what damages, if any, have been sustained by such person or persons so applying as aforesaid ; and if such verdict should be less than the said Benjamin Tomlinson and his associates hath before offered in satisfaction for said damages, then one half of all the costs of such suit shall be paid by the said complainant or complainants, which verdict shall be final and conclusive to all parties, and shall be performed and complied with by said Benjamin Tomlinson, and that the manner of proceeding before the said jury, the mode and time, and place of transacting the business before them, and the like notices in all respects, shall be observed as are herein before required, in and by those parts of this act, as relate to the jury to be concluded before the prostration and removal of the floodgates aforesaid.

9 *And be it enacted*, That the said Benjamin Tomlinson and his associates shall complete the clearing of the said navigation, within six years from the first day of January next, or all the privileges hereby granted to them shall cease and become null and void.

C. Passed December 17, 1824.

A SUPPLEMENT to an act entitled "A supplement to the act entitled, An act for the preservation of clams and oysters," passed on the ninth day of June, one thousand eight hundred and twenty, which said Supplement was passed on the eighth day of December, one thousand eight hundred and twenty three.

WHEREAS it is represented that the putting up of stakes as provided by the act to which this is a supplement, of a size sufficient to resist the ice, may be injurious to public navigation, or may be very difficult to be preserved from destruction or removal—THEREFORE,

1. 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 coves and places where notorious and plain ranges, or land marks, can be erected and established on contiguous shores, whereby the bound-

aries of planted beds of oysters may be clearly known and distinguished, without danger or mistake, and where in such coves or places, such notorious or plain ranges, or marks, on contiguous meadows, or shores, shall have been erected and established by stakes or other plain monuments, so that they may be plainly known and distinguished without danger of mistake, and due notice thereof being given; that then, and in such cases, the provisions of the act aforesaid in regard to the planting and setting up of stakes may be dispensed with, in respect to such places as above described.

Qualification of a former act.

C. Passed November 18, 1824.

AN ACT to authorize the board of chosen freeholders of the county of Salem, to erect a bridge over Stoe Creek.

1. 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 Salem, be, and they are hereby authorized to erect a bridge over Stoe Creek, about fifteen rods below the main stopping of the said Creek, so that it may correspond with a public road which has been laid out, leading from the Greenwich road to Stoe Neck.

C. Passed November 18, 1824.

AN ACT to dissolve the marriage contract between Jane Swezey and her husfland Stephen Swezey.

1. 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 Jane Swezey and her husband, of the county of Morris, be, and the same is hereby dissolved and made of no effect, as fully to all intents and purposes, as if they had never been joined in matrimony.

C. Passed November 24, 1824.

AN ACT directing the mode for choosing a place in the county of Gloucester at which the Court House, Jail and other necessary buildings shall be located.

1. 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 county of Gloucester, qualified to vote in elections for members of the state legislature, be, and they are hereby authorized and required to choose, by a majority of votes, by ballot, a place in said county, at which a court house, jail and other necessary public buildings may be erected, either at Woodbury, or at, or within one mile of Camden, in said county.

2. *And be it enacted,* That the said election shall be opened on Tuesday the eighth day of February next, at the places in the several townships of said county respectively, where the election of members of the legislature for the said county was last held; and shall be conducted, continued and concluded according to the times, and in the mode prescribed by the act of the legislature, regulating elections of members of the legislature, so far as the said act is not herein after altered or supplied; and the said court house, jail and other necessary public buildings shall be built at the place in said county which shall have a majority of the whole number of votes taken.

3. *And be it enacted,* That the clerk of each township in said county shall advertise the time and places of holding said election, agreeably to the directions of the act regulating elections, before referred to, at least fifteen days before the day of said election.

4. *And be it enacted,* That the respective officers acting at said election, shall, severally, before they receive any vote, take the oath or affirmation prescribed for them in the laws of this state, regulating elections for members of the legislature.

5. *And be it enacted,* That the judges and inspectors of said election, in the respective townships, shall on or before the hour of three o'clock in the afternoon of the Saturday next after the day of election, deliver or transmit to the clerk of the court of common pleas of said county, their respective certificates of the whole number of votes taken in their respective townships and the number taken

for each place, together with the list of voters whose votes were taken at said election, in their respective townships; which certificates and lists shall be filed by the said county clerk, who shall, in the manner prescribed by law, faithfully count the said votes, and the place having a majority of the whole number of votes so taken, he shall certify to the board of chosen freeholders, at their next meeting, under his hand and seal; and the same shall be entered on the book of their minutes, in words at length.

6. *And be it enacted*, That the officers at said elections, and the clerk of said county, shall be entitled to the same fees as for the like services they are entitled to by the act before referred to, to be paid by the county collector; and the clerk of said county shall be allowed, for his extra services required by this act, such further sum as the said board of chosen freeholders, at their next meeting, shall deem just.

7. *And be it enacted*, That all officers and others acting under this law, shall, for every breach or neglect of duty, or other violations of the laws, be liable to the same penalties and prosecutions as are provided by the act for regulating the election of members of the legislature and other officers therein mentioned.

8. *And be it enacted*, That, to raise money for erecting the said several public buildings, and for purchasing a lot to build on, if necessary, the assessors and collectors of said county may and shall, in their several townships, assess and collect, from time to time, such sums of money as the board of chosen freeholders of said county shall direct; which money shall be paid to the county collector, who is hereby required to pay out the same, for the purposes aforesaid, agreeably to the directions of the said board: and if any assessor or collector shall neglect or refuse to perform any duty required of him under this act, he shall be liable to the same fines and penalties as are inflicted by the act entitled, "An act to incorporate the chosen freeholders in the respective counties of this state," passed the thirteenth day of February, one thousand seven hundred ninety eight; and the act entitled, "An act concerning taxes," passed the tenth day of June, seventeen hundred ninety nine; and the several officers in the said acts mentioned are hereby required to perform the several duties enjoined on them in this act, or resulting

from it, under the same penalties as in the said several acts are imposed; and they shall be allowed such fees as are paid for assessing and collecting the county taxes.

9. *And be it enacted*, That a majority of the chosen freeholders of the said county are hereby authorized and required, in their corporate name, for the use of the county, (in case a majority of said votes shall not be in favor of Woodbury) to purchase a lot on which to build the intended public buildings, and to appoint one or more manager or managers for superintending the building thereof, at the place chosen in manner aforesaid; and to take all such measures for completing the same in the best manner, for the good of said county, as shall to them appear most eligible; and that all persons to be entrusted with any public money of the county, by order of a majority of the said board, shall be acountable to them for the expenditure thereof, as by law they are obliged to account for other money of said county.

10. *And be it enacted*, That in case Camden, or any place within a mile thereof, in said county, be the place chosen at said election, at which to erect the said public buildings; Zaccheus Ray of the county of Salem, John Evans of the county of Burlington, and Daniel Lake of the county of Gloucester, are hereby appointed commissioners to receive proposals, and to determine the site for erecting the said public buildings; which commissioners shall meet at Camden within twenty days next after the said election, and then and there receive proposals from any person or persons offering, for a site for the erection of said public buildings, within Camden or a mile thereof, in said county; and the said commissioners, or a majority of them, shall within forty days next after said election, determine and fix the site for the erection of said public buildings, and shall sign and deliver forthwith, to the clerk of said county, a certificate of their proceedings, to be filed in his office.

11. *And be it enacted*, That the said board of chosen freeholders shall at their first meeting at which a majority of them shall attend, after the site aforesaid is determined, enter upon the performance of the several duties required of them by this act: *Provided*, that if the town of Woodbury be the place chosen for the said public buildings, all powers of the said board under this act shall cease.

12. *And be it enacted*, That the courts of common pleas and general quarter sessions of the peace, in and for

the said county, shall be held at the said Court house, at their next terms after the same shall be ready: and all writs, processes and other proceedings depending or made returnable thereto, shall be valid in all respects, any law, usage or custom to the contrary notwithstanding.

C. Passed November 25, 1824.

A SUPPLEMENT to the act entitled "An act to erect the southwesterly part of Sussex county, into a separate county, to be called the county of Warren."

1. 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 judges, justices of the peace, sheriff, under sheriff, coroners, constables and all other officers or persons in office, at the time of the passing of the act to which this is a supplement, within the former limits of the county of Sussex, shall continue to hold, exercise and enjoy their several and respective offices and appointments, with all the power and authority, privileges and emoluments thereunto belonging, within the former limits of said county, until the first day of January next; and all courts at the time of the passing of said act existing and being within the former limits of the said county of Sussex, shall continue to have and exercise jurisdiction within the same until the first day of January next, in the same manner as if the act to which this is a supplement had not been passed.

The persons now in office to hold the same for a certain period.

2. *And be it enacted*, That all judgments, proceedings, acts, matters and things had, made, executed, done or performed by the said courts or officers or any of them in the preceding section mentioned or referred to, within the former limits of the said county of Sussex, since the passing of the act to which this is a supplement, shall be good, valid and effectual to all intents and purposes, as if the said act had not been passed; and all actions, suits, appeals, prosecutions, and proceedings of any nature whatsoever commenced, or that may be commenced, or depending in any court or before any justice of the peace within the former limits of the said county of Sussex, before the said first day of January next, shall in no wise be affected by the said act, to which this is a supplement, but the same

The acts to be valid, &c.

shall and may be continued and prosecuted to a final determination, and judgment and execution be had thereupon in the same manner, as if the said act to which this is a supplement had not been passed; any thing in the said act contained to the contrary notwithstanding.

The officers referred to in the 1st section to hold their commissions &c. till the time of their respective offices expire.

3. *And be it enacted*, That from and after the said first day of January next, and until their respective terms of office, in and for the said county of Sussex shall expire, the said officers in the first section of this act, mentioned and referred to, who are resident within the bounds of the county of Warren; and all and every of them shall hold, exercise and enjoy their respective offices, with all the power and authority, privileges and emoluments thereunto belonging, within the limits of the said county of Warren, as officers of said county as fully and effectually to all intents and purposes, as if they had been duly and legally elected and appointed to their said offices respectively, within the said last mentioned county.

The Sheriff of Sussex to act also as Sheriff of Warren until the next annual election.

4. *And be it enacted*, That from and after the first day of January next, the present sheriff of the said county of Sussex, in person or by his under sheriff or deputy, shall execute all writs to him or them directed and delivered, as well within the said county of Warren, as within the said county of Sussex, and make return thereof, to the respective courts to which the same are or shall be made returnable; and shall continue to act in his official capacity in all respects, as sheriff of the said county of Warren, as well as of the said county of Sussex, until the next annual election; any law, usage or custom to the contrary notwithstanding.

Prisoners to be retained in the jail of Sussex, &c.

5. *And be it enacted*, That the jail of the said county of Sussex, be, and it is hereby constituted a jail for the confinement of all prisoners of the said county of Warren, until the inhabitants thereof shall build a jail for the said county; and the sheriff or other officers of the said county of Warren, having the lawful custody of any prisoner or prisoners, are hereby authorized to confine him, her or them in the jail of the said county of Sussex; and the keeper of the said jail is hereby required to receive and safely keep all such prisoner or prisoners in the same manner, as if the act to which this is a supplement had not been passed, until such prisoner or prisoners shall be demanded by the sheriff or other proper officer of the said county of Warren, or be otherwise discharged by due course of law.

Jailor to be compensated

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

A. Passed November 27, 1824.

AN ACT to enable the executors of William Richards, deceased, to make title to certain real estate.

WHEREAS William Richards late of the county of Burlington, deceased, did, during his life time, contract to convey, in fee simple, unto William Lippincott, Benjamin W. Richards, Edward York, Benjamin Say, and William York, certain real estate, hereinafter described, situated in the county of Gloucester, but died before the performance of the said contract, and his Will contains no provision in relation to the same: *And whereas* his executors have by petition represented, that difficulties may arise in perfecting said contract, in consequence of one of their number, namely, Benjamin W. Richards being a party thereto; *and further* that serious inconvenience will arise to the estate of their testator, and to the contracting parties, unless the remaining executors, namely, Samuel Richards, Thomas Richards, and Jesse Richards be authorized by an act of the Legislature, to execute a deed in performance of the said contract—NOW THEREFORE,

1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Samuel Richards, Thomas Richards, and Jesse Richards, three of the executors of William Richards, deceased, be, and they are hereby authorized to execute, in due form of law, a deed of conveyance, in fee simple, to William Lippincott, Benjamin W. Richards, Edward York, Benjamin Say and William York, of, and for all that certain mill seat, situate in the township of Galloway, county of Gloucester and state of New Jersey, commonly called pleasant mills, together with the mill stream and pond, and all the water rights in

and to the same ; also two hundred acres of land adjoining the said mill seat, stream and pond, exclusively of that now and generally covered with water, together with three mills now thereon standing, the dwellings and other buildings, and all other appurtenances of the said mill seat ; and also for a certain other mill seat situate in the township of Galloway, county of Gloucester, and state of New Jersey, on the Batsto forge stream, commonly known as the site of the old Batsto forge, together with the mill stream and pond, and all the water rights, in and to the same ; also one hundred acres of land adjoining the said mill seat, stream and pond, exclusive of that now or generally covered with water, together with the right of directing the water of the said Batsto forge stream, from its present accustomed course, and conducting the same through the lands of the said William Richards, his heirs and assigns to the pleasant mills stream, before mentioned, or of conducting the waters of pleasant mills stream into the Batsto forge stream, in the same manner—and that such conveyance shall be as good and effectual in the law, as if it had been executed by the said William Richards, during his life time, or as if special authority were given in the Will of the said William Richards to execute the same.

C. Passed December 1, 1824.

AN ACT to authorize James Woolley and Elizabeth Van Outerstrip, to inherit certain real estate.

WHEREAS Anna Norcot (late Anna Grover, the illegitimate daughter of James Grover,) of the county of Monmouth, died, seized in fee simple, of a certain lot or tract of land, situated in the township of Middletown, in said county, and without having left any lawful heir or heirs to inherit the same :—AND WHEREAS the said James Woolley and Elizabeth Van Outerstrip are the illegitimate children of the said Anna Grover, deceased, THEREFORE,

1. 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 James Woolley and Elizabeth Van Outerstrip, as such illegitimate children of

the said Anna Norcot, (late Anna Grover) shall for ever hereafter hold and enjoy the said lot or tract of land with the tenements and hereditaments thereunto belonging, to them, their heirs and assigns for ever, as a full and perfect estate of inheritance, in fee simple, as though the same had descended to them as the lawful heirs at law of the said Anna Norcot; any law to the contrary notwithstanding: *Provided always*, that this act shall not impair any legal right or title that any person or persons may have to the said lot or tract of land, the tenements or hereditaments thereunto appertaining.

A. Passed December 7, 1824.

AN ACT to incorporate the New Jersey Bleaching, Printing and Dying Company.

Preamble.

WHEREAS it is represented to this legislature, that a subscription has been made for the purpose of introducing and establishing a bleaching, printing and dying company in this state—*and whereas* the said subscribers request the aid of the legislature of this state, to promote the views of said company; *and whereas* it appears to this legislature, that the granting of such aid will protect and encourage American manufactures and stimulate the laudable enterprize of the said company, and enable them to compete with foreign manufacturers, and thereby be conducive to public good—THEREFORE,

Style of the Incorporation.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Jas. W. Stephens, John W. Berry, Jos. Smith, Leonard Ogilby, Benjamin Armitage, William Chapman, and all such persons as now are, or hereafter shall become stockholders of the said company, shall be, and hereby are ordained, constituted and declared to be a body corporate and politic in fact, and in name, by the name of the "New Jersey Bleaching, Printing and Dying Company," and by that name they and their successors shall and may have succession, and shall be able and capable to sue and be sued, implead and be impleaded in any court or place whatsoever, and may have and use a common seal or impression, and may change and alter the same at their pleasure, and also that the presi-

dent and directors of said company, for the time being, shall have power to ordain, establish and enforce such by-laws, rules ordinances and regulations from time to time, as they may deem necessary for the government of said corporation, the management and disposition of the stock, business, property, estate, and effects of said corporation, the time, manner, and place of conducting their business, the duties and conduct of the officers, clerks and servants employed therein, the election of directors and all such other matters, as may appertain to the concerns of the institution:—*Provided*, such by-laws, rules and regulations shall not be repugnant to the constitution and laws of the United States, or of this state.

Powers and privileges, &c.

2. *And be it enacted*, That the capital stock of said incorporation, shall be one hundred and fifty thousand dollars, and that a share shall be fifty dollars, and that subscriptions to the said capital stock shall be opened under the direction of Benjamin Armitage, Jas. W. Stephens, Leonard Ogilby, John W. Berry, and Frederick Dibblee; or any three of them, on the first Monday of January in the ensuing year, at such place as the president and directors hereinafter named shall appoint, and shall be kept open until the said sum of one hundred and fifty thousand dollars shall be subscribed, and that as soon as twenty per cent. of said capital stock shall be subscribed and actually paid in, the said corporation may proceed to transact business:—*Provided*, That notice of the time and place of opening such subscription, shall be given in one of the newspapers published in the town of Paterson, and also in one newspaper published in the city of New York, at least ten days previous to opening such subscription:—*And provided also*, That before said corporation shall proceed to transact the business of said corporation, the president, or some one of the directors of said company, shall make and subscribe an affidavit, before a judge or justice of the peace, setting forth, that, at least twenty per cent. of the capital stock of said company, is actually paid in; which affidavit shall be filed in the office of the clerk of the county, in which said company shall select for their place of business, and that the bleaching, printing, and dying establishment, and works of said company, shall be located in the counties of Essex or Bergen, as the directors of said company may determine.

Capital stock.

Shares.

Subscriptions opened, &c.

Proviso.

3. *And be it enacted*, That the stock, property, affairs, and concerns of the said corporation, shall be man-

aged and conducted by ten directors, being stockholders in trust or otherwise, which directors shall hold their office from the first Monday of May in every year, and shall be elected on the first Monday of April in every year, at such time of the day, and at such place in the state of New Jersey, as a majority of the said directors for the time being shall appoint, and public notice shall be given by the said directors, not less than fourteen days previous to the time of holding the said election, by an advertisement to be inserted in, at least, one of the public newspapers in this state, printed or circulated in the county, where the said company shall have established their place of business; and also, in at least one newspaper published in the city of New York, if any one or more of the stockholders reside in said city; and the first election, under and by virtue of this act, shall be held on the first Monday of April, which will be in the year of our Lord, one thousand eight hundred and twenty six; and the said election, and every election thereafter, shall be made by such of the stockholders of the said corporation, as hereinafter mentioned, as shall attend for that purpose in person or by proxy, and the ten persons, who shall have the greatest number of votes, shall be directors: and all elections for directors, shall be by ballot, and if it should happen at any election, that two or more persons should have an equal number of votes, then the said directors in office, at the time of such election or a major part of them, shall proceed by ballot, and by plurality of votes, determine which of the said persons so having an equal number of votes, shall be the director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall proceed to elect by ballot, one of their number for their president; and if any director die, after being so chosen as aforesaid, or cease to be a stockholder as aforesaid, his office shall be considered as vacant; and whenever any vacancy or vacancies shall happen among the directors by death, resignation, removal, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year, in which it shall happen, by such person or persons as the remainder of directors for the time being, or a major part of them shall appoint; and that John W. Berry, John C. Stephens, Thomas Rogers, Benjamin Armitage, Joseph Smith, Frederick Dibblee, John Flack, Jas. W. Stephens, Leonard Ogilby, and William Chapman, shall be the present directors, and shall as soon after the passage of this act, as convenient, proceed in the manner herein before prescrib-

Annual elections to be held, &c.

Previously advertised.

Number of directors.

President.

Vacancies, how filled.

ed, to elect one of their body as president, which said president and directors shall and may hold their offices respectively until the first Monday of May, which will be in the year of our Lord, one thousand eight hundred and twenty six.

4. *And be it enacted*, That in case it should happen, that an election of directors, should not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause, or for any non user, be deemed to be dissolved, but that it shall and may be lawful on any other day, to hold an election for directors, in such manner as shall be provided for by the laws and ordinances of the said corporation:—*Provided* the same be in one year.

5. *And be it enacted*, That it shall not be lawful, for the said corporation to hold real estate, except such lands and tenements as may be necessary or needful for carrying on the business of said company, and that the same shall not exceed fifty thousand dollars: *Provided always*, That it may hold, until disposed of, such real estate as may have been bona fide mortgaged to it by way of security, on contracts made with the said company, or conveyed to it in satisfaction of debts previously contracted, in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts. But it shall not be lawful, for said corporation to traffic in bank stock, or other stock, or public securities; but the said corporation may nevertheless, work, deal, and trade in all such articles, foreign or domestic, as they may deem necessary in, and for the business of printing, bleaching, or dying, and may manufacture bleaching liquid or salts, and all kinds of materials used in printing, bleaching, or dying, or for other manufacturing purposes:—*Provided*, That nothing in this act contained, shall authorize said corporation to use its funds for banking operations, or the loan of moneys or for any other purposes, than are herein before expressed.

Real estate when to be holden,

Proviso.

6. *And be it enacted*, That no transfer of stock of the said company, shall be valid or effectual, until such transfer be entered or registered in a book or books, to be kept for that purpose, by the directors of said corporation.

Stock, &c. to be registred.

7. *And be it enacted*, That all obligations or other instruments for the payment of money, which shall be made payable by such corporation, and given in the ordinary course, and for the due transaction of their aforesaid busi-

ness, in its various branches, to any person or persons, his or their order or assigns, shall be assignable by endorsement thereupon, under the hand of such person or persons, his, her, or their assignee or assignees, so as absolutely to transfer and vest the property thereof, in each and every assignee or assignees respectively, and to enable him or them to bring and maintain an action thereupon, in his, her, or their own name or names, and such bonds, or other instruments, as may be given by order of the said corporation, promising the payment of money to any person or persons, his or their order, or assigns, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with like force and effect, as upon any private person or persons, if issued by him or them, in his or their private or natural capacity or capacities, and shall be assignable and negociable in like manner, as if they were so issued by such private person or persons.

Obligation assignable, &c.

8. *And be it enacted*, That it shall and may be lawful for the president and directors of said company, to settle, adjust and compromise, in any manner they deem expedient, with any person or persons, or with any manufacturing or other company, any action, cause of action, judgment, debt, claim, bond, mortgage, note, bill or bills of parcels, or other contract or contracts, owned, existing or due or owing, or payable to said corporation, and to release and finally discharge him or them, or any corporation in such manner and upon such terms and conditions as the said president and directors may deem advisable.

9. *And be it enacted*, That from and after the time that the whole amount of the stock of the said company shall have been subscribed, it shall and may be lawful for the directors for the time being, to call and demand of the stockholders or subscribers respectively, all such sums of money by them subscribed or to be subscribed, at such time or times, and in such proportions as they, the said directors shall see fit, under pain of forfeiture of his, her or their shares, and all previous payments thereon to the said corporation, always however giving at least thirty days previous notice of such call and demand, in one or more of the public newspapers printed or circulated in the county where said company shall be located, and in at least one newspaper printed in the city of New York; and that each stockholder shall be entitled to one vote on each share of the said stock, which he, she or they may hold, in his, her, or their

Shares how forfeited, &c.

name, at least fourteen days previous to the time of voting at an election for directors; and further, that the said directors for the time being, shall have power to call a general meeting of the stockholders of said company, giving at least thirty days notice of the time and place of meeting, in the public newspapers printed or circulated in the places aforesaid, and that each stockholder owning stock at least fourteen days before such general meeting or as aforesaid, previous to an election for directors, may vote on all questions and cases whatsoever in which said company are interested.

10. *And be it enacted*, That it shall be the duty of the directors to make half yearly dividends of so much of the profits of said corporation, if any, as a majority of them shall deem advisable; and it shall be the duty of said corporation, at least once in two years after they proceed to business, to make a report to the secretary of this state, signed by the president of said company, taken under oath or affirmation, before one of the judges of the inferior court of common pleas of the county of Bergen or Essex, which report shall contain a true statement of the aggregate debts and credits of said company, and the amount of their real and personal estate; which report shall be filed in the office of said secretary, and be subject to the inspection of any person or persons, on paying the usual office fees; and if the said company shall for the space of three years neglect or refuse to file such report, it shall be the duty of the said secretary to inform the legislature of this state, in writing, of such omission, and if within thirty days after such information shall have been so received by the legislature, and notice thereof given to the president of said company, the said corporation shall still omit or neglect to file such report, then this charter and all the privileges, matters and things therein contained shall cease and be determined.

To make report to secretary of state, &c.

11. *And be it enacted*, That if the said corporation shall not, within three years from and after the passing of this act, proceed to the business of bleaching, printing and dying, then this act and every part thereof shall cease and be determined.

12. *And be it enacted*, That this act shall be deemed a public act, and be benignly and favorably construed for all the the purposes therein expressed; *Provided*, That it shall be lawful for the legislature at any time hereafter, to alter, modify, or repeal this act.

A public Act

Proviso.

C. Passed December 8, 1824.

AN ACT to confirm certain acknowledgments of Deeds and other instruments, taken by John Hammel, Esq.

WHEREAS, it appears to the Legislature of this state, that John Hammell, Esquire, was duly appointed a commissioner for taking the acknowledgment and proof of deeds for the county of Middlesex, on the eleventh day of February, one thousand eight hundred and eighteen, for the term of five years, which said commission expired on the eleventh day of February, one thousand eight hundred and twenty three; *And whereas*, the said John Hammell, Esquire, did, under a misapprehension of the continuance of the said commission, continue to take and certify acknowledgments as he had been authorized to do by virtue of the said commission until the tenth day of December, one thousand eight hundred and twenty three, at which time the said commission was renewed, THEREFORE,

1. 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 of deeds and other instruments taken and certified by John Hammell, Esquire, as one of the commissioners for taking the acknowledgment and proof of deeds in the county of Middlesex, between the eleventh day of February, one thousand eight hundred and twenty three, and the tenth day of December, one thousand eight hundred and twenty three, be, and the same hereby are confirmed, and declared valid and effectual, in like manner as though the same had been taken and certified by the said John Hammell, Esquire during the continuance of his said commission for that purpose.

C. Passed December 1, 1824.

A SUPPLEMENT to the act entitled "An act to provide for the distribution of the compiled and revised public laws of this state."

WHEREAS a great number of copies of the revised laws of the state of New Jersey remain in the custody of the

Treasurer wholly useless, and it is desirable that the same be disposed of, THEREFORE,

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the Treasurer be and he is hereby authorized and required to distribute four hundred copies of the said revised laws in the following manner; that is to say, to deliver to each of the members of the present legislature who have not heretofore received a copy of the same, one copy, and one copy each to the clerks of each house, and to send the remainder to the presidents of the several boards of chosen freeholders of the several counties of this state, in the same proportion that the said counties contribute to the support of government, to be by the said chosen freeholders disposed of according to their discretion for the use of their respective counties.

C. Passed December 18, 1824.

AN ACT to enable Samuel Richards and Sarah Ball, administrators of Joseph Ball, deceased, to sell and convey certain real estate, therein mentioned.

WHEREAS Joseph Ball, formerly of the city of Philadelphia, in the state of Pennsylvania, did enter into a certain article of agreement, with Abner Doughty, Jun. formerly of the county of Gloucester, in the state of New Jersey, bearing date on the seventeenth day of January, Anno Domini one thousand seven hundred and ninety one, whereby the said Joseph Ball, for the consideration Preamble. therein mentioned, did agree to sell and convey unto the said Abner Doughty, certain real estate, situate in the townships of Galloway and Egg Harbor, in the county of Gloucester, in this state, described in the said article of agreement, in the following manner, that is to say:—"One half of Absecon Mill, and the lands thereunto belonging, as the same were purchased by said Ball of Edward Black, together with all the rights and privileges thereunto belonging as they are now held by him in company with Richard Price," into the possession of which said real estate, the said Abner Doughty thereupon entered and so continued in possession until

New Jersey State Library

the time of his decease :—*And whereas* the said Abner Doughty, in part fulfilment of the said article of agreement made unto the said Joseph Ball, three certain bonds, one dated on the nineteenth day of May, Anno Domini one thousand seven hundred and ninety four, for the sum of one thousand four hundred and forty four dollars and thirty three cents, and one dated the twentieth day of June, Anno Domini one thousand seven hundred ninety five, for the sum of one thousand five hundred and eighty five dollars and sixteen cents, and the other dated the eleventh day of August, Anno Domini one thousand seven hundred ninety six, for the sum of one thousand twenty five dollars and forty cents; and afterwards, without any conveyance of the said real estate having been made to him, the said Abner Doughty died intestate, leaving three children, namely, Daniel Doughty, Enoch Doughty, and Nathaniel Doughty, and leaving no estate either real or personal ; and letters of administration upon his estate have not been claimed by, or issued to, any person whatsoever ; and the said bonds are now deemed and considered wholly irrecoverable, and the amount of principal and interest due thereon, far exceeds the value of the said real estate ; *And whereas*, the said Joseph Ball hath also died intestate, and letters of administration upon his estate have been duly granted unto Samuel Richards and Sarah Ball ; *And whereas* the said Daniel Doughty, Enoch Doughty and Nathaniel Doughty, the children of the said Abner Doughty, deceased, are disposed to purchase the said real estate, and the said Samuel Richards and Sarah Ball, administrators as aforesaid, are disposed to sell the same to them, provided a valid title therefor may be made, for the sum of three thousand dollars ; which is by all the said parties deemed a full, fair, and adequate consideration for the said real estate ; and the said parties having by their joint petition represented the aforesaid facts to the Legislature, and prayed that the said Samuel Richards and Sarah Ball, may be authorized to sell and convey the said real estate to the said Daniel Doughty, Enoch Doughty and Nathaniel Doughty, and the prayer of the said petitioners appearing to be just and reasonable— THEREFORE,

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That whensoever the said Daniel

Doughty, Enoch Doughty and Nathaniel Doughty, shall pay or secure, to their satisfaction, to be paid unto the said Samuel Richards and Sarah Ball administrators as aforesaid, the said sum of three thousand dollars; it shall and may be lawful for the said Samuel Richards and Sarah Ball, administrators as aforesaid, by a proper deed of conveyance to grant, bargain, sell, and convey unto the said Daniel Doughty, Enoch Doughty, and Nathaniel Doughty, and their heirs and assigns, as tenants in common, the said real estate, mentioned and described in the said article of agreement, and thereby agreed or meant and intended to be agreed to be sold and conveyed, by the said Joseph Ball, to the said Abner Doughty. Conveyance to be made, &c.

2. *And be it enacted*, That the said deed so to be made, shall convey to and vest in the said Daniel Doughty, Enoch Doughty, and Nathaniel Doughty, all the estate, right, title and interest of the said Joseph Ball, of and in the said real estate, at the time of his decease, and shall be as valid and operative for that purpose, as if made, executed and acknowledged by him the said Joseph Ball.

3. *And be it enacted*, That the said sum of three thousand dollars, shall be deemed and taken as part of the personal estate of the said Joseph Ball, deceased, and shall be as such accounted for and disposed of by the said Samuel Richards and Sarah Ball, administrators as aforesaid.

4. *And be it enacted*, That whenever the said sum of three thousand dollars shall be paid or secured to be paid, and the said deed shall be so made as aforesaid, then the said article of agreement and the said bonds, shall forthwith cease and determine and be of no validity or effect.

5. *And be it enacted*, That the said deed of conveyance shall not, in any wise affect the rights, claims and demands, if any such there be, of any person or persons whatever, other than the said Joseph Ball, and Abner Doughty, and their respective heirs, and all persons claiming by, from or under them and each of them.

C. Passed December 20, 1824.

AN ACT to incorporate the Mechanics' Insurance Company, in the county of Essex.

Preamble.

WHEREAS sundry inhabitants of this state have represented to the legislature, that insurances are frequently made by the people of this state in the city of New York, and that an Insurance Company in the town of Newark, under certain regulations, would much tend to the convenience of the inhabitants aforesaid, and would confine at home a source of wealth which is now carried into another state:—THEREFORE,

Style, Powers and privileges, &c.

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

Capital stock, &c.

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

3. *And be it enacted*, That the sums subscribed, shall be paid to the persons hereinafter mentioned, in the following manner; five dollars on each share at the time of

subscription; and the remainder to be paid in such instalments, and at such times as the president and directors may appoint.

4. *And be it enacted*, That the secretary of said company, shall give notice in the newspapers published in the town of Newark, at least twenty days preceding the day when each instalment is to be paid; and the person or persons failing to pay any such instalment, to the persons appointed to receive the same, shall forfeit to the said company, all and every such shares whereon there shall be a deficiency, and all moneys previously paid thereon. Shares how forfeited, &c.

5. *And be it enacted*, That the stock, property, affairs and concerns of the said company, shall be managed and conducted by thirty directors, who may respectively hold their offices for one year, and until others may be chosen, and no longer; which directors shall, at all times during their continuance in office, be stockholders in the said company, in their own right, and shall be citizens of New Jersey; and the said directors shall hereafter be elected on the last *Tuesday of January*, in each and every year, at such hour of the day, and at such place, in the town of Newark, as the board of directors for the time being shall appoint; of which election public notice shall be given in the newspapers printed in the town of Newark, at least two weeks previous to such election; and every such election shall be made by ballot, and by a plurality of the stockholders then present, or their proxies; but no share shall entitle the holder to vote, unless the same has been held by him at least twenty days next immediately preceding such election, nor unless such stockholder be a citizen of the United States: And the first directors shall be John I. Plume, Archer Gifford, Charles T. Shipman, Abraham W. Kinney, Joel W. Condit, Caleb H. Shipman, Joseph A. Halsey, Jabez Harrison, William Stevens, of Newark, Peter Doremus, John Dodd, of Bloomfield, John Harrison, Daniel Smith, of Orange, William Dow, of Belleville, Peter Jackson, of Paterson, William Gould, of Caldwell, Elijah Stites, of Springfield, David Osborn, of Plainfield, Robert Lee, of Rahway, Matthias Ogden, of Elizabethtown, David Marvin, of Hackensack, Abraham Brittin, of Chatham, Noadiah P. Thomas, of Hanover, David Miller, of Washington, Silas Johnson, of Morristown, William T. Anderson, of Newton, David Ford, of Hamburg, Jacob Van Doren, of Somerville, James Van Dyke, of New Brunswick, who shall respect- Number of directors. Time of election, &c.

ively hold their offices, until the last Tuesday in January, in the year of our Lord one thousand eight hundred and twenty six, and until other directors are chosen in their stead.

To choose a president.

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

Vacancies, how filled.

Officers to be compensated.

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

Books to be opened by commissioners, &c.

8. *And be it enacted*, That John I. Plume, Charles T. Shipman, of Newark, and John Harrison, of Orange, be appointed commissioners, to take in subscriptions to the capital stock of this company; that the subscription books be opened by the commissioners aforesaid, at Newark, first giving notice thereof, for two weeks, in the papers printed at Newark, and shall continue open from day to day, (Sundays excepted) for ten days, unless the whole capital stock shall be sooner subscribed.

9. *And be it enacted*, That it shall and may be lawful for the said company to insure houses or buildings, of any description, and also personal property contained therein, of whatsoever kind, against loss or damage by fire, and shall be liable to make good all losses sustained by fire, agreeably to such terms and conditions as shall be contained in the policy of insurance.

10. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by

the said company, may be made either under or without the seal thereof, and shall be subscribed by the president, or president pro tempore, (or by such other officer as may be designated for the purpose. by the by-laws of said corporation,) and attested by the secretary, and being so subscribed and attested, shall be binding and obligatory upon the said company, according to the tenor, intent and meaning of this act, and of such policies or contracts; and all such policies and contracts may be so made, subscribed, attested and executed, and the business of the said company may be otherwise conducted and carried on without the presence of a board of directors, by committees or otherwise; and the same shall be binding and obligatory on the said company.

Business of the corporation, how conducted.

11. *And be it enacted*, That the number of votes of each stockholder in the company shall be estimated according to the number of shares which such stockholder may have in his own right, that is to say, for every share, and not exceeding ten shares, one vote; every five shares above ten, and not exceeding fifty, one vote; and for every ten shares above fifty, one vote.

Votes, in what proportion, &c

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

Judges of election.

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

Board of directors may call a meeting

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

Stock assignable &c. constituted personal property.

15. *And be it enacted*, That it shall and may be lawful for the said company to purchase and hold such, and

What estate may be holden, &c.

so much real estate as shall be necessary for their convenient accommodation in the transaction of their business; and also, to take and hold any real estate or securities, *bond fide* mortgaged or pledged to the said company, or to secure the payment of any debt which may be contracted with the said company; and also, to proceed on the said mortgages or other securities, for the recovery of the moneys thereby secured, either at law or in equity, or otherwise, in the same manner as any other mortgagee is, or shall be, authorized to do; and also, to purchase on sales made by virtue of any judgment at law, or any order or decree of a court of equity, or any other legal proceedings, or otherwise, to receive and take any real estate in payment, or towards satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently sell or convert the same into money or other personal property: *Provided*, That it shall not be lawful for the said company to use or employ any part of the stock, funds, or moneys thereof, for or in any banking operations, or in the purchase or sale of any stock or funded debt created or to be created, under any law of the United States, or of any particular State, or to emit any notes or bills or securities, for the payment of money, except under the seal of the said company; but it shall nevertheless be lawful for the said company to purchase and hold any such stock or funded debt, for the purpose of investing therein any part of their capital stock, funds, or moneys, and also to sell and transfer the same, and again to renew such investments, when, and as often as the exigences of the said company, or a due regard to its interests shall require, and also to make loans of their capital stock, funds, or moneys on bonds and mortgages, and the same to call in and reloan as occasion may render expedient.

Proviso.

16. *And be it enacted*, That it shall be lawful for the directors of said company, to make dividends of so much of the profits of the company as shall appear advisable, and the said dividends shall be paid out semi-annually to the stockholders or to their legal representatives, but the dividends shall at no time exceed the amount of clear profits made by the company, but the capital stock shall be and remain unimpaired; and if the said directors shall at any time, knowingly make a dividend of the capital stock as aforesaid, they shall be individually liable for the proportion of the stock so divided, and an action of debt may

Dividends, how to be made.

be brought against them, or any of them, their heirs, executors or administrators, in any court of record of this state, by any creditor of said company, and may be prosecuted thereon to judgment and execution; and each director present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give farther notice to the stockholders of the declaring of such dividend.

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

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

19 *And be it enacted*, That this act shall continue in force for the space of twenty five years: But it shall and may be lawful for the legislature at any time hereafter, to alter, amend or repeal the same. Limitation of the corporation.

20. *And be it enacted*, That the said company shall pay into the treasury of this state one half of one per cent. per annum on the capital stock to commence three years after the said company shall go into operation; which said amount shall be paid in, under the oath of the president and secretary thereof. Amount of taxes corporation subject to.

A. Passed December 20, 1824.

A FURTHER SUPPLEMENT to the act entitled "An act for the punishment of crimes, passed the eighteenth day of March, one thousand seven hundred and ninety six."

1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the*

authority of the same, That hereafter, when there shall a conviction for either of the crimes mentioned or defined in the fourth, twelfth, thirteenth, sixteenth, twenty fifth, twenty sixth, thirty seventh, thirty eighth, forty fourth, forty fifth, fiftieth, fifty first, fifty second, fifty third, fifty seventh, fifty eighth, sixty first, sixty second, sixty third, sixty seventh sections of the act to which this is a supplement, the court shall fine the party convicted, in a sum not exceeding the amount prescribed in the act to which this is a supplement, in such cases, or shall sentence the said convict to solitary imprisonment in the cells of the state prison, or both at their discretion; but where there shall be sentence of solitary imprisonment in the cells as aforesaid, the term of such imprisonment, shall not exceed one fourth part of the term to which the court might by the said act, have sentenced such convict to imprisonment at hard labor.

2. *And be it enacted*, That when any slave shall hereafter be convicted of an assault, with intent to kill, it shall be lawful for the court before whom such conviction shall be had, to sentence such slave to such punishment as is prescribed by the fifth section of an act entitled "A supplement to the act, entitled an act for the punishment of crimes," passed the eighteenth day of March, one thousand seven hundred and ninety six; which said supplement was passed the twenty first day of May, one thousand eight hundred and twenty.

3. *And be it enacted*, That the keeper of the state prison, shall receive all and every person or persons sentenced to solitary imprisonment in the cells, by virtue of the first section of this supplement, any law, usage or custom to the contrary notwithstanding.

C. Passed December 21, 1824.

AN ACT respecting fugitives from justice.

1. 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 a person charged in this state with treason, murder, arson, rape, burglary, robbery or forgery, shall flee from justice and be found in another state, and the attorney general shall recommend to the governor, or person administering the government of

this state, to demand the said fugitive so that he may be brought into this state for trial; and the said fugitive shall on the demand of the executive authority of this state, be delivered up and removed to this state, the expenses of such removal being first ascertained to the satisfaction of the governor or person administering the government, shall on warrant from him be paid by the treasurer of this state out of any moneys in his hands not otherwise appropriated. Compensation

2. *And be it enacted*, That the act entitled "An act respecting fugitives from justice" passed the twenty eighth day of January one thousand eight hundred and nineteen, be, and the same is hereby repealed. Former act repealed.

A. Passed December 21, 1824,

AN ACT SUPPLEMENTARY to the act entitled "An act relating to Hawkers, Pedlers and Petty Chapmen, passed the seventh day of March, one thousand seven hundred ninety seven.

1. 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 tenth section of the act to which this is a supplement be and the same is hereby repealed; except so far as respects citizens of this state selling their own manufactures made therein.

2. *And be it enacted*, That all licences heretofore granted to any hawker, pedler or petty chapman shall cease and be of no effect from and after the first day of January, in the year one thousand eight hundred and twenty six, and that no licence hereafter granted to any hawker, pedler or petty chapman shall continue or remain in force only for one year from the time of granting thereof.

C. and A. Passed December 21, 1824.

AN ACT to divorce Elizabeth Welch from her husband Peter Welch.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Elizabeth Welch, be, and she is hereby divorced from her husband Peter Welch; and that the marriage contract heretofore exsisting between the said Peter Welch and Elizabeth his wife, be, and the same is hereby dissolved as fully as if they had never been joined in matrimony: *Provided nevertheless,* that the issue of the said marriage shall not be deemed illegitimate.

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

C. Passed December 21, 1824.

AN ACT to revive an act entitled "An act to authorize the Governor of this State, to incorporate a company for erecting a bridge over the river Delaware, near the town of Milford, in the county of Wayne, Pennsylvania," passed the twenty seventh day of January, one thousand eight hundred and fourteen.

Preamble.

WHEREAS by an act of the legislature, passed January the twenty seventh, one thousand eight hundred and fourteen, provision was made for the erection of a bridge across the Delaware river, near the town of Millford, for which purpose a correspondent law was enacted by the legislature of Pennsylvania; which said laws have expired on account of the lapse of ten years, within which time the said bridge was required to be built and completed; but the same not having been done within the prescribed time, nor yet done, and the legislature of Pennsylvania, having revived said law, and extended

the time within which said bridge may be built, for and during the further time of ten years, Provided, the State of New Jersey, pass a similar law; THEREFORE,

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the act entitled "An act to authorize the Governor of this State, to incorporate a company for erecting a bridge over the river Delaware, near the town of Milford, in the county of Wayne, Pennsylvania, passed the twenty seventh day of January, Anno Domini, one thousand eight hundred and fourteen, be, and the same is hereby revived, re-enacted and continued in full force, the same as if it were passed section by section, excepting such alterations as shall be hereinafter made. Former act revived.

2. *And be it enacted,* That George Biddis, John Brink, James Wallace and James Barton, of the commonwealth of Pennsylvania; and James Stole, John Gustin, George Neldren and Abraham Bray, of the State of New Jersey; and William Smith, of the city of New York, are hereby appointed commissioners to do and perform the several duties in the said act mentioned, in the place of those mentioned in the first section of the act which this is intended to revive. Name of commissioners.

C. Passed December 23, 1824.

AN ACT to enable Job Conover to build a bridge over Read's Creek, and stop the current in the same.

1. 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 Job Conover, his heirs or assigns, at his own and their own expense, to erect and maintain a dam or bridge over Read's Creek, in the township of Galloway, in the county of Gloucester, near Read's landing, and below the ditch or canal leading from said landing to the bay, and stop the current of water in the same. Conditions&c.

2. *And be it enacted,* That if any person or persons shall wilfully injure said dam or bridge, or other improvements, built or made for the support thereof, with intent

to injure the said Job Conover, his heirs or assigns, or either of them, he or she so offending shall be liable to a penalty of twenty dollars for every offence, to be recovered with costs of suit in any court having cognizance thereof, by any person suing for the same; *Provided*, that the legislature may at any time alter or repeal this act if it shall prove injurious to the public welfare.

Penalty &c.

A. Passed December 23, 1824.

AN ACT to divorce Ann Jackson from her husband William Jackson.

1. 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 of the said William Jackson and Ann Jackson, be, and the same is hereby for ever dissolved, as fully as if they had never been joined in matrimony; *Provided nevertheless*, that the issue of such marriage shall be considered legitimate.

A. Passed December 23, 1824.

A SUPPLEMENT to the Act "for the preservation of clams and oysters."

1. 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 June until the first day of September, yearly and every year, no person, under pretence of taking clams or shell fish, or under any other pretence whatsoever, shall rake on any oyster bed in this state, or gather any oysters or shells on any banks or beds within the same; and in case any person shall do so, whether oysters be taken or not, he shall, for every offence, forfeit and pay thirty dollars, to be recovered with costs of suit, by action of debt, by any person who shall prosecute for the same, in any court of record of this state having cognizance of the same, the whole thereof to the use of the prosecutor; *Provided*, that

Penalty for raking on oyster beds at certain seasons.

nothing in this section shall be so construed as to prohibit any person or persons from taking oysters from beds planted out by him or them pursuant to law.

A certain section of a former act repealed.

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.

Suits, how to commence &c.

3. *And be it enacted*, That any action for any offence under the first section of this act, may be commenced by warrant in the court for the trial of small causes, and be proceeded in as in other causes when the same are commenced by warrant, any law, usage, or custom to the contrary notwithstanding.

C. Passed December 24, 1824.

AN ACT to incorporate the Endeavor and Fulton Fire Engine Companies, in the city of Burlington.

1. 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 Hoskins, Joshua R. Smith, Thomas Aikman and Samuel R. Gummere, and all such other persons, not exceeding thirty five, as now are, or hereafter shall become associates of the Endeavor fire engine company, of the city of Burlington, and William R. Allen, Budd Sterling, Thomas B. Woolman, and all such other persons, not exceeding thirty five, as now are, or hereafter shall become associates of the Fulton fire engine company, of the said city of Burlington, respectively, be, and they are hereby constituted and declared to be bodies corporate and politic, in fact and in law, by the names of the "Endeavor Fire Engine Company of the city of Burlington," and the "Fulton Fire Engine Company, of the city of Burlington," respectively, and by such names, respectively, they shall have succession, and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors respectively, may have common seals, and shall have power to make, change and alter the same at their pleasure; and by their names as aforesaid, respectively, and

New Jersey State Library

under their respective common seals, may make, enter into, and execute any contracts, or agreements, touching and concerning the objects of said corporations respectively, and shall have full power and authority to make, form and adopt such by-laws and regulations for their government, not inconsistent with the laws of this State, or of the United States, as they shall think proper.

2. *And be it enacted*, That the capital stock of said companies, respectively, shall not exceed the sum of two thousand dollars, which shall be solely and exclusively applied to procuring, maintaining, and repairing such engines, hose, reservoirs of water, ladders, buckets, fire-hooks, and other implements and machines, and to such other incidental expenses, as shall to the said companies, respectively, appear best calculated to secure the property of the citizens of the said city, from injury, or destruction by fire.

3. *And be it enacted*, That each of the said companies shall have power to elect annually, a president out of their own body, and such other officers and assistants as they shall find necessary for conducting their affairs, according to their respective constitutions; and that the said presidents, respectively, shall keep in their custody the common seals of the said companies, and at the expiration of their term of office, shall deliver them over to their successors.

4. *And be it enacted*, That the members of said companies, respectively, while belonging to the same, shall severally be exempt from serving as jurymen, in justice's courts; and in case any of said persons shall not be freeholders, while belonging to said companies, they shall be exempt from labor and taxes, for the support of highways, not exceeding three dollars annually.

5. *And be it enacted*, That it shall be lawful for the Council and General Assembly of this State, at any time hereafter, to amend, repeal, or modify this act as they shall think fit.

C. Passed December 24, 1824.

AN ACT to procure a Manual for Militia officers.

1. 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 commander in chief, be, and he is hereby authorized to procure a sufficient number of copies of J. G. Dyckman's American militia officers' Manual, and distribute the same to such officers of the cavalry, artillery, riflemen and infantry, as in his opinion the service may require; and he is hereby authorized to draw on the treasurer of the state, for moneys to defray the necessary expenses; *Provided,* the cost shall not exceed the sum of sixty cents per volume.

C. Passed December 24, 1824

AN ACT to authorize Elias Mollison and William Lupp, executors of John Plum, deceased, to convey certain real estate to Andrew Bartles.

WHEREAS it hath been represented to the legislature, that John Plum, late of the city of New Brunswick, deceased, in his life time, agreed to advance to one Andrew Bartles, of New Germantown, in the township of Tewksbury, and county of Hunterdon, the sum of one thousand and fifty dollars, and the said Andrew Bartles, for securing the payment of said sum of money, agreed to convey to the said John Plum, deceased, a certain house and lot situate in New Germantown, in the township of Tewskbury aforesaid, and also assign to him the lease on quit rent of a certain farm near New Germantown, in the township aforesaid, whereon the said Andrew Bartles then lived, upon this further understanding on agreement with the said John Plum, deceased, that in case the said Andrew Bartles should afterwards repay the said sum of one thousand and fifty dollars, with the interest thereon, that the said John Plum should reconvey and reassign the said premises to the said Andrew Bartles; and that the said John Plum did, upon the said understanding and agreement, advance the said sum of money to the said Andrew Bartles; and the said Andrew Bartles, by deed dated the twenty ninth day of April, one thousand eight hundred and twenty one, did convey to

the said John Plum, the said house and lot in New Germantown, and by an assignment of the same date, did assign to the said John Plum all the interest of the said Andrew Bartles in the lease of the said farm; and that the said John Plum did at the same time execute an agreement in writing to reconvey the said premises to the said Andrew Bartles upon his repaying the said sum of one thousand and fifty dollars with the interest thereon; *And whereas* it hath been further represented that the said Andrew Bartles has lost the said last mentioned written agreement, and that the said John Plum hath since departed this life and left Elias Mollison and William Lupp his executors, and also several heirs, some of whom are infants; and that the said John Plum, in his life time, communicated to his said executors his intention to reconvey the said property to the said Andrew Bartles, upon the repayment of the money as aforesaid, and also his agreement with the said Andrew Bartles as above stated; *And whereas* the said executors are willing and desirous of making such reconveyance to the said Andrew Bartles, in pursuance of the said agreement; but inasmuch as the said Andrew Bartles cannot produce the same, do not feel themselves authorized so to do; THEREFORE,

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Elias Mollison and William Lupp, Executors of the last Will and Testament of John Plum, late of the city of New Brunswick, deceased, be, and they are hereby authorized to convey to Andrew Bartles of New Germantown, all the right, title, and interest, of the said John Plum, at the time of his decease, of, in, and to all that house and lot of land and premises, which were conveyed by the said Andrew Bartles to the said John Plum, by deed, dated the twenty ninth day of April, in the year of our Lord one thousand eight hundred and twenty one; situated in the township of Tewksbury in the county of Hunterdon, and in the said deed particularly mentioned and described; and also all the right, title, and interest which the said John Plum had at the time of his decease in a certain indenture of lease and the lands therein mentioned, which said indenture of lease was made on the first day of June, in the year of our Lord one thousand seven hundred and fifty six, and assigned by the said Andrew Bartles to the said John Plum by an instrument

of assignment, endorsed upon the said lease, and dated the twenty ninth day of April, in the year of our Lord one thousand eight hundred and twenty one; and good and sufficient deeds of conveyance in due form of law, to make and execute according to the estate, right, title and interest, which the said John Plum had, or might legally have claimed, in the said premises, upon the said Andrew Bartles, paying to the said executors the said sum of one thousand and fifty dollars, together with the interest which may be due thereon.

2. *And be it enacted*, That no conveyance or deed which may be made by virtue of this act shall impair or in any manner affect the right, title, interest or claim of any person or persons in the said premises, other than the heirs at law and devisees of the said John Plum, deceased.

C. Passed December 24, 1824.

AN ACT to enable a majority of the owners of certain Copper Mines, in the county of Bergen, to work the same.

WHEREAS it has been represented to this Legislature that there are certain copper mines in the township of New Barbadoes, in the county of Bergen, which are owned in undivided shares among several persons—That the expense of working the same is very great, and that several share holders are either minors or absent from this state,—THEREFORE, Preamble.

1. 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 copper mine or the right of digging or searching for, and taking away any ores or other valuable mineral from such mine, or from any piece or parcel of land, in New Barbadoes Neck, in the county of Bergen aforesaid, shall belong to, or be divided in shares among several persons, either as tenants in common, or joint tenants, or in fee, or for life or years, or otherwise, it shall and may be lawful for the person or persons who shall own, hold or be lawfully possessed of more than one half of such mine, or a majority of the shares in Owner, &c. may associate to work the mines.

the same, to associate themselves together with such persons as he, she or they may think proper, for the purpose of working said copper mine ; and the said company, by and with the consent of the tenants in fee of the soil, may proceed to open the said mine by clearing out the old pits, shafts, drifts and levels, or sinking new ones, erecting engines for pumping water, and any other works necessary to prosecute the mining business, at the proper charge and expense of said company, and to take ores, metals or minerals from said mine, for the use and benefit of said company subject to the regulations, restrictions and limitations hereinafter contained—*Provided*, the said associates shall first have declared their name and proportions owned in said mines, by some writing subscribed by them, and filed in the clerk's office of the said county of Bergen.

Part owners to have certain shares conditionally.

2. *And be it enacted*, That before the said company, or their legal representatives shall proceed to work the said mines, they shall give notice in writing, to such of the part owners, or share holders of said mine, who shall reside in the United States, and who shall not have associated themselves with said company, of the intention of said company, to open and work the said mines, and invite the said part owners or share holders to join in the expense thereof, or to agree with the company respecting the rent or portion of ores and minerals, which the said company shall render to the said part owners or share holders, for the use of their shares in the said mine ; and if such part owners or share holders after notice as aforesaid, shall refuse for the space of one month to contribute their ratable proportion to the expense of the working the said mine, and cannot agree with the company, within the same time for the rent or use of their part or share of said mine; or if any such part owner or share holder be feme covert, under age, non compos mentis, or reside out of the state, then it shall be lawful for the said company to apply to one of the justices of the Supreme court, whose duty it shall be on notice being given as aforesaid, to appoint not less than three nor more than five disinterested freeholders of this State, as appraisers, and thereupon the said appraisers having given at least fifteen days notice, in writing, of the time and place of their meeting, to every such part owner or share holder who may reside within this state, and having previously taken an oath or affirmation fairly and impartially to decide between the parties, upon such matters as shall be submitted to their decision, shall proceed to view and examine the

land on which said mines are intended to be worked, and enquire and estimate what proportion or part of the ores, or other minerals which may be found and taken from the said mines, shall be set apart and reserved for the use of each of the said part owners or share holders, who shall not have associated themselves with said company: in making which estimate it shall be the duty of the appraisers to take into consideration the probable quantity of ore, the probable expense of obtaining it, and also the rent or share of ore such of the share holders as are not members of said company have agreed to receive, and all such other facts and circumstances concerning the premises, as shall come to their knowledge, and make a report under their hands and seals, or under the hands and seals of a majority of them, of the share or portion of said ores or other minerals, which the said company shall set apart for the use of the said respective part owners, or share holders, (who shall not have associated themselves with the said company) or their legal representatives, and shall deliver the same into the office of the clerk of the county in which said mines are situate, to be there filed of record; which said report shall be conclusive evidence against the said company, of the share or portion of the said ores or other minerals which the said part owners or share holders shall be entitled to.

3. *And be it enacted*, That as soon as the said report shall have been filed in the clerk's office as aforesaid, it shall be the duty of the said company to give notice in one of the newspapers printed in the county where the said mines shall be situate, and in one of the newspapers printed in the city of New York, for six months, of the proportion of ore awarded by the report of the said appraisers, which will be due to each part owner or share holder as aforesaid; and also, that the said company is proceeding to work the mines, and that any part owner or share holder who may not have associated themselves with the said company, may take their election at any time within six months from the first publication of said notice, either to join the said company in working the said mines, or to receive their share of the ores or other minerals awarded them by the said report of the said appraisers; and if any such part owner or share holder, in said mines, or any person duly authorized, by any such part owner or share holder, shall appear within six months and pay to the company or their agent, or treasurer, his, her, or their share of the money.

To advertise for six months relative to the working the mines and to those interested therein, &c.

already expended, and from time to time thereafter, pay to the said company, their agent or treasurer, his, her or their share of the money requisite for the carrying on said mine, which payment shall be made in the same manner, and under the same rules and regulations which the said company shall have imposed or may thereafter impose on themselves, that then the said share holder shall be allowed to be a full partner in the concern, and have a vote in all its proceedings in proportion to the interest, or to the number of shares, he, she or they shall hold in the said mines, and receive his, her or their share of the profits thereof, or bear his, her or their share of the loss in the same proportion as his, her or their share shall bear to the whole number of shares in said mine.

4. *And be it enacted*, That in case all the part owners or share holders, shall not appear within six months, and join in the working the said mines as herein before provided for, such share holders shall not become partners or associates in the mining works, without the consent of the company, or persons who may have constructed the said works; but it shall be the duty of the persons or company owning the said works, before they remove any ore or metals from the premises, to give reasonable notice to the part owners or share holders in said mines, who are not owners of the said works, if any of them are known to be resident in this state, to attend at a certain time and place, to see their share or portion of ores weighed and set off, in conformity to the report of the appraisers herein before mentioned, and to deliver the same to them if they appear to receive it. But if the said share holders are not to be found in the state, or do not attend, it shall then be the duty of the company or persons who own the works, to weigh and set off, in the presence of two or more disinterested witnesses, for the use and benefit of such share holders in the mines, as are not concerned in the works, and who do not attend to receive the same, their share or portion of the ores, and place the same in safe keeping, at charge of the persons to whom the same may belong; and if not claimed, in one year, the company, or persons who own the said works, shall cause the same to be sold at public auction for the account of the persons to whom the same may belong, giving at least two months previous notice of the time and place of such sale in one of the newspapers printed in the county where

the mines may be situate, and in one of the newspapers printed in New York; and the moneys arising from such sale, shall, within ten days after the same shall have been received, be paid by the said company into the court of chancery of this state, to be disposed of under the order of the chancellor, for the benefit of the said share holders, to whom the same may belong.

C. Passed December 24, 1824.

A SUPPLEMENT to an act entitled "An act to incorporate the Mechanics' Insurance Company, in the County of Essex."

1. 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 company (in addition to the privileges for insurance granted in the act to which this is a supplement,) to insure goods, wares and merchandise of whatsoever kind, against all losses. either by fire, water or otherwise, on board of any ship or vessel, on the high seas, or in port, agreeably to such terms and conditions as shall be contained in the policy of insurance. Insurance from loss, &c

C. Passed December 27, 1824.

AN ACT to dissolve the Marriage contract between Absalom F. Randolph and Hannah Budd his wife.

1. 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 Absalom F. Randolph, of the county of Bergen, and Hannah his wife, be, and the same is hereby declared to be dissolved to all intents and purposes whatsoever; and the said Absalom F. Randolph and Hannah his wife, are hereby declared to be set free from their matrimonial

contracts, as fully as if they had never been joined in matrimony.

C. Passed December 27, 1824.

A SUPPLEMENT to an act entitled "An act to encourage and regulate the planting of Oysters, in the township of Perth Amboy," passed the twenty fifth day of November, one thousand eight hundred and twenty four.

The provisions of the above named act to be extended to certain lands, &c. in South Amboy.

1. 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 provisions and enactments contained in the said act, except so far as are altered by this act be extended to all the lands covered by water in the township of South Amboy, lying between Marsh Point on the Raritan river, and extending down the said river and bay shore, and up Cheesquake's creek, and the cove and creek, extending to George C. Thomas' land, and along his land as far as the upper end thereof, and up Cheesquake's creek to the upper end of the meadow bank, belonging to the estate of James Morgan, deceased, as fully in every respect as if the said lands, covered by water, had been mentioned and described in the before mentioned act.

Duty of Commissioners, &c.

2. *And be it enacted*, That the commissioners named in the act to which this is a supplement, and the commissioners named in this act, shall and may upon application of any person or persons proceed to make a survey of the shores and lands covered by water according to the true intent and meaning of both acts, and stake off such part as they may deem expedient, for the purpose of planting and growing Oysters thereon, and after reserving for each of the owners of the adjoining shore or shores not exceeding three acres, any other person or persons may take and stake off under the directions of the said commissioners for his or her use, a lot within the survey of the said commissioners: *Provided*, that not more than two acres shall be taken by any one person, who shall pay such rent to the state annually as the commissioners shall assess upon

the differently located lots, not less nor more than is specified in the act to which this is a supplement.

3. *And be it enacted*, That if any person or persons shall enter on the lands covered by water, staked out and set off under this act, and the act to which this is a supplement, without leave or consent of the owner thereof, in writing, and injure the same, or commit any trespass thereon, he, she or they so trespassing, shall be liable to the penalty of thirty dollars to be sued for and recovered by the party injured, in an action of trespass, one half of which sum, when recovered, after deducting the costs and expenses of prosecution, to be paid to the county collector, for the use of the state, and the other half to the use of the party injured, in addition to the damages allowed by the act to which this is a supplement.

Penalty on trespassing on the premises.

4. *And be it enacted*, That John T. M'Dowell, Joseph M'Chesney and David Mercereau, be, and they are hereby appointed commissioners to execute the duties enjoined by this act; and that they be allowed three dollars per day, for each and every day they may be employed in executing their duties, at the expense of the person or persons applying to them for the purpose or purposes mentioned in said act.

Commissioners, their compensation.

A. Passed December 27, 1824.

AN ACT respecting the Public Arms.

1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the Quartermaster General shall as soon as convenient, cause particular returns to be made to him by the Brigade majors of the several brigades of militia, in this state, respectively, of the number of public arms in each brigade, as well arms that have been purchased by fines for delinquencies or exemptions, as arms that have been loaned from the arsenal, which together with the arms on hand, shall form an aggregate, and be distributed among the several brigades in proportion to the last return made by the Adjutant General, charging each brigade with the number he may find by the returns already in their possession—*Provided*, That no arms now in the

possession of any brigade shall be actually withdrawn; and each brigade board shall give to the Quartermaster General a proper voucher for the arms they may receive, and the respective brigade boards shall distribute the arms they may receive, to the regimental boards hereinafter constituted, under such regulations as they may deem most expedient for the safety of the arms, and good of the militia, service; the brigade boards respectively shall cause accounts to be opened with their respective regiments and independent battalions, in a book provided for that purpose, wherein the arms of each regiment and independent battalion shall be charged, and the account regularly kept.

2. *And be it enacted*, That the field officers of each regiment of the respective brigades, and the commandants and the two senior captains of each independent battalion, shall form a board respectively, who shall meet annually on the first Monday in March, within the bounds of their respective regiments or independent battalions, and may adjourn from time to time as they may think necessary; and the regimental and battalion boards are particularly charged with the safety and good order of the arms entrusted to them, for which purpose they shall take bonds of the company officers, in the name of the president of the board and his successors in office, with sufficient surety, valuing each stand of arms at twelve dollars, conditioned safely to keep said arms, and in good order for actual service, and that they will promptly return them whenever they shall be thereunto required by their superior officers; and if they shall fail to perform the condition of said bonds, they shall be prosecuted by the president of the board, for the time being, in any court having competent jurisdiction, and the form of proceeding and recovery shall be as in other cases of debt; and whenever in the opinion of the regimental and battalion boards respectively, the security for the said arms has become doubtful, they shall cause the same to be increased, or said arms returned to their care. The regimental and battalion boards shall respectively make return to the brigade board at their annual meeting, stating the number and condition of their public arms; the purport of which return shall be entered in the book of account, kept with each regiment and independent battalion.

3. *And be it enacted*, That it shall be the duty of the presiding officer of the respective brigade boards, within three months after their annual meeting, to make a return of the number and condition of the public arms in the pos-

session of his brigade to the Quartermaster General, who shall compare the return with the voucher given by such brigade board for public arms, and if any loss is manifest, then he shall return the number deficient to the treasurer, who shall charge the county to which such brigade belongs with such lost arms at the rate of twelve dollars per stand. And it shall be the duty of the Quartermaster General, annually to lay before the Legislature a complete return of the situation and condition of said arms, so distributed by this act.

4. *And be it enacted*, That the regimental and battalion boards respectively, shall require the company officers to provide some safe place within the bounds of each company, where their public arms shall be deposited; and the men shall not be permitted to carry away or use them except on days of exercise, and the company officers respectively, shall, before their men are dismissed, cause the arms to be returned to the place of deposite.

5. *And be it enacted*, That it shall be the duty of the Quartermaster General to cause each stand of arms now in the arsenal, or which may hereafter be received as the quota of the state, to be struck on the barrel with a steel die, with the letters N. J.; and also before distributing them, as herein directed, to cause each stand to be branded with the name of the Brigade to which the same may be apportioned and delivered; and also that it shall be the duty of the Brigade boards respectively, before distributing said arms in the mannner herein before prescribed, to cause each stand to be branded with the initials of the regiment or battalion to which distributed.

C. and A. Passed December 28, 1824.

AN ACT for the relief of the Heirs of William Vibbert, deceased, and others.

WHEREAS it has been represented to the Legislature by the petition of William Winans and Mary his wife, Judah A. Lee and Priscilla his wife, late Priscilla Vibbert, the former wife of William Vibbert, deceased, that by a deed of conveyance, bearing date the seventeenth day of March, in the year of our Lord one thousand eight

hundred and sixteen, the above named William Winans and Mary his wife, of the township of Vernon, in the county of Sussex, and State of New Jersey, did sell and convey to one Horace Vibbert, a certain lot of land, situate in Vernon, aforesaid; which lot of land was afterwards conveyed by the said Horace to the said William Vibbert, late the husband of Priscilla Lee, the present wife of Judah A. Lee, above mentioned, and by the said William Vibbert a valuable dwelling house, and other improvements were placed and built upon said lot, as it was staked out by the contracting parties, and supposed to be conveyed; but it appearing by an accurate survey made by an experienced surveyor, that the dwelling house and some of the other improvements were put on land that was not included in the said deed, and consequently not conveyed, also that some part of the grantor's (viz. William Vinans') garden is by the same mistake included in said deed and conveyed away, when it was not so intended by and between the contracting parties, which mistake is represented to have arisen from the circumstance that the surveyor, who surveyed the lot when conveyed by William Winans and Mary his wife to Horace Vibbert, as per deed above referred to, commencing at South, twenty five degrees and thirty minutes West, two chains and twelve links from a certain limestone rock, when in reality it should have been on the same course two chains and sixty three links, viz. fifty one links further on that course; *And whereas also*, the said William Vibbert afterwards purchased of the said William Winans, another lot of land adjoining the one above mentioned, containing about sixty two hundredths of an acre, and paid him for the same, but received no deed of conveyance therefor, and that Mary, William and Julia the children and heirs of the said William Vibbert, deceased, are minors and therefore unable to give or receive a title to and by deed of conveyance, now therefore, in order to cause justice to be done to them, and at the same time to the said William Winans,

1. 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 Riekey and Joseph Edsall, be, and they hereby are appointed trustees, to whom the said William Winans and Mary his wife shall and may convey to and for the use of the said Mary, William and Julia, children of the said William Vibbert, de-

ceased, the two lots of land aforesaid, that were purchased by the said William Vibbert, deceased, and paid for, but for which no title has been given.

2. *And be it enacted*, That the said William Rickey and Joseph Edsall, trustees as aforesaid, be, and they are hereby authorized to convey to the said William Winans so much of the lot aforesaid as was conveyed by him through mistake to the said William Vibbert, and lies within the bounds and fence of the garden that did belong and was occupied by the said William Winans on the first day of January, one thousand eight hundred and twenty four.

C. Passed December 28, 1824.

AN ACT to incorporate "The Franklin Bank of New Jersey," to be located at the city of Jersey, in the county of Bergen.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Alexander C. Jackson, Peter Jackson, and all such persons as now are, or hereafter shall become, stockholders of the said company, shall be, and they are hereby created a body corporate and politic, in name and in fact, by the name and style of the president, directors, and company of "The Franklin Bank of New Jersey," and by that name they and their successors may have perpetual succession, and shall have power to sue and to be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and may have a common seal, and may change, alter, and renew the same, at their pleasure, and, by the same name, shall be, and hereby are made capable, in law, of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation;—*Provided*, That the said corporation shall in no case be owner of any ships or vessel, or deal or trade in any thing except bills of exchange, promissory notes, gold or silver bullion, stock of the United States, and such ships and vessels, goods, wares, and merchandize and effects as shall be truly pledged to them by

Style of the corporation.

Proviso, &c.

New Jersey State Library

way of security for debts due, owing, or growing due, to the said corporation, or purchased to secure such debts, or on the sale of goods which shall be the produce of its lands: —*Provided also*, That the real estate which it shall be lawful for the said corporation to hold, shall be only such as may be necessary for its immediate accommodation for the transaction of its business, or such as shall have been bona fide mortgaged to it by way of security, for loans or contracts made or conveyed to it, in full or in part satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments, for the purpose of bona fide securing any debt or debts to the said corporation.

Shares and capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be three hundred thousand dollars, divided into shares of fifty dollars each, with the privilege of increasing the same to five hundred thousand dollars, at any time during the continuance of the charter; and that subscriptions to the said capital stock be received by Lambert Sythoff, Joel W. Condit, Moses Codington, John Cassedy, and Robert M'Jimsey, or any three of them, who are hereby appointed commissioners for that purpose, and whose duty it shall be, as soon as convenient after the passing of this act, having given two weeks previous notice, of the time and place, in a paper printed in the town of Paterson, one in the town of Newark, and one in the city of New York; to open books of subscription in the city of Jersey, in the county of Bergen, and continue the same open until the whole amount of the stock of the said company shall have been subscribed; (giving to citizens, actual residents of this state, the privilege of subscribing for at least one half of the said stock, if application be made for the same within two weeks from the opening of the said books of subscription) whereupon it shall be the duty of the said commissioners to call a meeting of the stockholders, by the same previous notice of the time when, and the place where such meeting will be held, who shall proceed in person or by proxy, to elect seven directors, citizens of the United States, to manage the affairs of the said company; and the said directors shall proceed in manner hereafter prescribed, to elect one of their number, who shall act as president; and it shall be the duty of the commissioners aforesaid, to pay into the hands of the directors, all the money they or any of them have received on account of subscriptions.

Commissioners, &c.

Advertise.

Open books.

Call a meeting, elect directors, president, &c.

New Jersey State Library

3. *And be it enacted*, That the said directors shall hold their offices from the day of election, until the first Monday of December following, or until others shall have been chosen; which choice of directors shall take place on the said first Monday of December in each year, or as soon thereafter as may be, at the banking house at such time of day as the board of directors for the time being shall appoint; and notice shall be given by the said directors, not less than fourteen days previous to the time of holding the said election, by an advertisement, to be inserted in one of the newspapers printed in the town of Newark, in one of the newspapers printed in the town of Paterson, and in one of the newspapers printed in the city of New York; for the well ordering of which election, the directors shall, previously thereto, appoint three stockholders, not being directors, to be judges of election, who shall conduct and regulate the same, after having been sworn or affirmed, well and faithfully to discharge the duties of their office; they shall determine whether the persons voted for are duly qualified to be elected directors; and, after the conclusion of the ballot, shall decide and declare who are elected directors; and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled to one vote, for each share of stock, not exceeding ten, and one vote for every five shares, over and above that number, which he, or she, or they shall have held in his, her, or their name or names, at least twenty days before the time of voting; and all such elections shall be by ballot, and the persons who shall have the greatest number of votes shall be directors; and if it should so happen, at any such election, that two or more persons should have an equal number of votes, then the said directors in office at the time of such election, or a majority of them, shall proceed, by ballot and by plurality of votes, to determine which of the directors so having an equal number, shall be the director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall proceed, in like manner, to elect one of their number, by ballot, who shall be their president; and whenever any vacancy or vacancies shall happen among the directors, by death, resignation, or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint.

Judges of election how to be chosen, &c.

Ratio of votes.

Vacancies, how to be filled.

Quorum.

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

By-laws to be made, &c. and the duty of officers prescribed, &c.

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

Stock subject to taxes, &c.

6. *And be it enacted*, That the said corporation shall not isue bills or notes of a less denomination than one dollar, and that the stock of the said corporation, shall be considered personal property, and that the said stock, or the dividends arising therefrom, shall be subject to such taxes as all other banking institutions in this state are or may be liable to; and their real estate shall be subject to be taxed as other lands in this state are, or shall be taxed; and each and every person subscribing to the capital stock of the said bank, shall pay, at the time of subscribing, to the commissioners receiving subscriptions, or to any one of them, the sum of five dollars, in specie or current bank notes of such banks as redeem their notes in specie, upon every share so by him subscribed; and the directors of said company may require payment of the remaining instalments which shall have been subscribed, at such times and in such proportions as they, or a majority of them, shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and that previous notice of the instalments required after the first, and of the time, when the same are to be paid, shall be previously published, at least thirty days, in one of the newspapers printed in the town of Newark, and in one of the newspapers printed at Paterson, and in one of the newspapers printed in the city of New York.

Instalments, how and when to be paid.

Penalty, &c.

7. *And be it enacted*, That no transfer of stock of the said corporation shall be valid and effectual, until any debt or debts which may be due to said company, from the person transferring shall have been fully discharged, and such transfer, shall have been registered in a book or books to be kept for that purpose by the directors; and that the total amount of the debts which the said corporation, shall at any time owe, over and above the actual deposits in said bank, shall not exceed twice the sum of the capital stock subscribed and actually paid into the said bank; and in case of such excess, the directors, under whose administration it shall happen, shall be liable for the same in their separate and private capacities; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from also being liable and chargeable with such excess; but such directors who shall have been absent when the said excess was contracted, or who may have dissented from the resolution or act, by which the same was contracted, shall not be liable.

Excess, the directors liable, &c.

8. *And be it enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hands of such person or persons, his, her or their assignee or assignees, successively, so as to enable such assignee or assignees, to bring and maintain an action thereupon, in his, her, or their name or names; and the bills or notes which may be issued by order of the said corporation, signed by the president, and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her, or their order or bearer, though not under the seal of the said corporation, shall be binding and obligatory on the same, and with like force and effect as upon any private person or persons, if issued by him or them, in their private or natural capacity or capacities, and shall be assignable and negotiable in like manner, as if they were issued by such private person or persons:—*Provided*, that no bill or note, issued by said corporation, payable to bearer, or to any person or persons, his or their order, or bearer, shall express any place of payment other than the office of the said banking company.

Bills, &c. negociable and assignable, &c.

9. *And be it enacted*, That it shall be the duty of the directors of the said corporation to make semi-annual dividends of so much of the profits of the said bank as to them,

Directors to make semi-annual dividends, &c.

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

Annual statements to be made to the Legislature, &c.

10. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, annually to lay before the legislature of this state, a statement under their respective oaths or affirmations, of the amount of its capital stock paid in, and of its notes, debts, and specie on hand; and if the said president and cashier, shall fail to do the same for the space of three years, that then and from thenceforth, this charter and all the privileges hereby conferred, shall cease and be for ever at an end.

No note to to be issued till affidavit is filed, &c.

11. *And be it enacted*, That it shall not be lawful for the said bank, to issue any notes or bills, until an affidavit by the president and cashier shall have been made, and filed in the office of the secretary of state, stating that the whole of the capital stock of the said corporation hath been subscribed, and thirty per cent. thereof paid in, in specie, or current bank notes, of such banks as redeem their notes in specie, and the remainder satisfactorily secured, to be paid, to the said corporation.

12. *And be it enacted*, That it shall be the duty of the president and cashier, in case the privilege contained in the second section of this act of extending the capital stock of the said corporation to five hundred thousand dollars, is embraced, to certify the same to the secretary of state, within twenty days from and after the said privilege shall have been so embraced as aforesaid, that the institution may be taxed accordingly.

13. *And be it enacted*, That the said bank shall be located at the city of Jersey, in the county of Bergen.

Bonus.

14. *And be it enacted*, That the said corporation shall, as a consideration for granting this charter, pay into the treasury of this state the sum of fifteen thousand dollars, before commencing the operations of said bank, and ten thousand dollars in addition, within thirty days after the privilege contained in the second section of this act shall be embraced.

Limitation of charter, &c.

15. *And be it enacted*, That this act shall be and continue in force until the first day of January, in the year of our Lord, one thousand eight hundred and forty five;—*And further*, That it shall and may be lawful for the Le-

gislature of this state, at any time hereafter, to alter, modify, or repeal this act.

16. *And be it enacted*, That if at any time after the passing of this act, the said president, directors and company should refuse on demand being made at their banking house, during the regular hours of doing business, to redeem in specie, or other lawful money of the United States, their said bills, notes, and other evidences of debt, issued by the said corporation, and which shall be due and payable; the said president, directors, and company, shall, on pain of forfeiture of their charter, wholly discontinue and close their banking operations, either by way of discount or otherwise, until such time as the said president, directors and company shall resume the redemption of their said bills, notes and evidences of debt, in specie, or other lawful money of the United States; and the said bank shall be liable to pay the holder or holders of such notes or bills, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the non payment thereof, at and after the rate of ten per cent. per annum, from the time of such demand, and until the same shall be paid as aforesaid, or otherwise satisfied. How charter may be forfeited, &c.

C. Passed December 28, 1824.

AN ACT to incorporate the Weehawk Banking Company.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Philip Earle, John P. Garness, John Field, and their associates, shall be and they are hereby created a body corporate and politic, in fact and in name, by the name of the Weehawk Banking Company, to be located at Weehawk in the county of Bergen; and by the said name they and their successors shall and may have succession, and shall be in law capable of suing and being sued pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts of judicature whatsoever and wheresoever, and in all manner of actions, suits, complaints, matters and causes of action whatsoever, and also of contracting and being contracted with, relative to the funds of the said corporation, and the busi- Style of incorporation, &c.

ness and purposes for which the said corporation is hereby created, as hereinafter declared; and they and their successors may have a common seal, and may change and alter the same at their pleasure.

Capital stock may be extended.

2. *And be it enacted*, That the capital stock of said company shall be one hundred and twenty five thousand dollars, and shall be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said corporation when, and so soon as, fifty thousand dollars shall have been subscribed for and paid in, to commence their business, and with that capital conduct and carry on the same, until they shall find it expedient to extend their capital; which they are authorized to do from time to time, to the amount of two hundred thousand dollars; but no operation shall be made upon such increase of capital until the same shall have been paid in.

3. *And be it enacted*, That it shall and may be lawful for the said corporation to purchase and hold such and so much real estate as shall be necessary for their convenient accommodation in the transaction of their business, and also to take and hold such real estate, or securities bona fide mortgaged or pledged to the said corporation, either to secure the payment of the shares of the capital stock thereof or to secure the payment of any debt which may be contracted with the said corporation, and also to proceed on the same for the recovery of the moneys thereby secured, either at law or in equity, and to purchase on sales made by virtue of any judgment at law, or any order or decree of a court of equity, or other legal proceedings, in favor of said company, or security given to them, or otherwise, to receive and take any real estate in payment or toward satisfaction of any debt previously contracted and due to said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other personal property;—*Provided always*, that it shall not be lawful for the said corporation to deal, or use, or employ, any part of the stock, funds or moneys thereof, in buying or selling any goods, wares or merchandize, in the way of traffic; but it shall be lawful for the said corporation to use or employ the same for banking purposes.

4. *And be it enacted*, That Philip Earle, John R. Garness, John Field, Abel I. Smith and Michael Saunier, be, and they are hereby authorized to receive subscriptions for the said capital stock in shares of fifty dollars each.

5. *And be it enacted*, That the sum so subscribed shall be paid in the manner following, viz. Five dollars on each share, on or before the day appointed for the first election of directors of the said company hereby incorporated, to be paid previous to the said election, and the remainder in instalments not exceeding ten dollars on each share, to the directors of the said company for the time being, at such time as the said directors may direct, always giving three weeks notice thereof in two of the public newspapers printed in the county of Bergen: and any person, copartnership or body politic, failing to pay any instalment shall forfeit to the said company every share upon which such payment shall not be made and all payments thereon previously made.

Instalments, when to be paid.

Forfeiture.

6. *And be it enacted*, That as soon as one thousand shares shall have been subscribed, the persons empowered to receive subscriptions may call a meeting of the subscribers at Weehawk, by giving at least three weeks previous notice in the newspapers printed in the county of Bergen; and the subscribers assembled in consequence of such notice, shall choose, by ballot, from among the subscribers, by a majority of votes of such as are present, or by proxy, seven directors, a majority of whom shall be citizens of the state of New Jersey, and on the same day annually thereafter, a like election shall be made, and in case of death, refusal, resignation, disqualification, or removal of any director, the remaining directors, at their first regular meeting thereafter, shall choose a person in his place for the residue of the year; and the directors chosen, or a majority of them present, at their first meeting after every general election, shall, by ballot, from among themselves, by a majority of the directors, elect a president; and in case of the death, refusal, resignation, disqualification, or removal of the president, the said directors shall meet as soon as convenient thereafter, and elect in the manner before mentioned, a president in his room for the remainder of the year; *Provided*, that in case it should happen that an election of directors shall not be made upon the day herein prescribed, the said company shall not thereby be considered to be dissolved, but it shall be lawful, on any other day thereafter, to hold an election for directors for the year, in such manner as the by-laws of the corporation shall direct.

Elections, when to be holden; Directors and President to be chosen, &c.

Proviso.

7. *And be it enacted*, That the following shall be the

fundamental articles of said company or corporation hereby created, that is to say,

ARTICLE I.

The number of votes to which each stockholder shall be entitled shall be according to the number of shares, he she, or they shall hold, in the proportion following, that is to say—For one share and not exceeding twenty five, one vote for every share; for every five shares above twenty five shares, one vote.

ARTICLE II.

After the first year, half yearly dividends shall be made to the stockholders of so much of the profits of the company as shall appear to the directors advisable; but the said directors shall not at any time make any dividend of any part of the capital stock of the said company, but only the nett profits and in case they shall divide any part of the capital stock as aforesaid, the directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities, and an action of debt may be brought in such case against them or any of their heirs, executors or administrators, in any court of record of this state, by any creditor of said company, and may be prosecuted to judgment and execution; and each director present, when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring such dividend.

No dividend of the capital stock to be made, &c.

ARTICLE III.

A general statement of the affairs of the company shall be exhibited every year, at the banking house, for the inspection of the stockholders, at least three weeks previous to the annual election.

ARTICLE IV.

No director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the president for his services in the business of the said company as shall appear to them reasonable.

ARTICLE V.

Stock assignable, &c.

The stock of said company shall be assignable and transferrable, according to such rules as shall be instituted in

that behalf by the laws and ordinances of the said corporation. The bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon, under the hand or hands of such person or persons, and his, her, or their assignee or assignees successively; and shall enable such assignee or assignees to bring and maintain an action thereupon, in his, her, or their own name or names; and bills or notes which may be issued by order of the said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under seal of the said corporation, shall be binding and obligatory on the same, in like manner and with like effect, as upon any private person or persons, if issued by him or them, in their private capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by any private person or persons —*Provided* that no bill or note issued by said corporation payable to bearer, or any person or persons, his or their order or bearer shall express any place of payment other than the office of the said banking company. Proviso.

ARTICLE VI.

The total amount of debts which the said corporation shall at any time owe, whether by bond, bill or note, or other contract, shall not exceed double the amount of the capital actually paid in, provided the money deposited in the bank of said company for safe keeping, shall not be considered as the debts of said company, within the provision of this clause; and in case of excess the directors under whose administration it shall happen, shall be liable for the same in the manner prescribed in the second article, of this section, unless absent or dissenting from the resolution or act by which such excess was created; in which case he or they, so dissenting, may be exonerated from such liability in the manner prescribed in said second article of this section. Amount of debts not to exceed, &c.

ARTICLE VII.

The corporation shall not directly or indirectly deal or trade in any thing except bills of exchange, promissory notes, gold or silver bullion, or in the sale of goods which shall be the produce of its lands.

New Jersey State Library

ARTICLE VIII.

In the appointment of a cashier of the said corporation the votes of four of the directors shall be necessary to a choice, and every cashier before he enters on the duties of his office, shall be required to give bond, with two or more sureties to the satisfaction of the directors, in a sum not less than twenty thousand dollars, with conditions for his good and faithful discharge of the duties of his office.

ARTICLE IX.

Cashier to take oath or affirmation.

Each director or cashier of said corporation, before he enters on the duties of his office, shall take the following oath or affirmation, as the case may be: I do swear (or affirm) that I will faithfully execute the duties of agreeably to the provisions of the law and the trust reposed in me, according to the best of my skill and understanding.

President and cashier annually to lay a statement before the legislature.

8. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths (or affirmations) and under seal of the corporation, annually to lay before the legislature of this state, a statement of its capital stock paid in, and of its notes, debts, and specie on hand; and if the said president and cashier shall fail to do the same for the space of three years together, that then and from thenceforth, this charter, and all the privileges hereby conferred, shall cease and be forever at an end.

Bonus.

9. *And be it enacted*, That the corporation shall, as a consideration for granting this charter pay into the treasury of this state, the sum of five thousand dollars, before commencing of operations of said company.

10. *And be it enacted*, That the company, hereby created, shall have the privilege of increasing their capital stock to two hundred thousand dollars, so soon as they may deem it necessary, they having first paid into the treasury of this state three thousand seven hundred and fifty dollars.

11. *And be it enacted*, That if at any time after the passing of this act the said company shall neglect or refuse on demand being made at their Banking house during the regular hours of doing business, to redeem in specie or other lawful money of the United States, their said bills,

notes and other evidences of debt issued by the said corporation, and which shall be due and payable; the said company shall, on pain of forfeiture of their charter, wholly discontinue and close their banking operations, either by way of discount or otherwise, until such time as the said company shall resume the redemption of their said bills, notes and other evidences of debt in specie or other lawful money of the United States; and the said company shall be liable to pay to the holder or holders of all such notes or bills, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the non-payment thereof at and after the rate of ten per cent. per annum from the time of such demand until the same shall be paid or otherwise satisfied.

Specie to be paid under penalty, &c.

12. *And be it enacted*, That the said corporation shall not proceed to issue any bills or notes until fifty per cent. on the capital subscribed shall be actually paid in, either in specie or in the current notes of good and incorporate banks, and such as are circulating in this state at par value with specie.

13. *And be it enacted*, That no director or directors to be chosen under the authority of this incorporation shall ever be allowed to have discounted in his own name or names, or the name or names of any other person or persons, any sum to a greater amount than the true value of stock that they shall own in the said corporation.

14. *And be it enacted*, That no notes of a less denomination than one dollar shall be issued by said company.

Not to issue notes less than one dollar.

15. *And be it enacted*, That the capital stock of the said company shall be subject to the same tax as other banks in this state are or shall be subject to, and that the same shall be levied, collected and paid in the same manner, as the taxes on other banks in this state now are, or may be recovered; and this act shall be and continue in force for any term not exceeding twenty years; and further, that it shall and may be lawful for the legislature of this state at any time hereafter, to alter, modify or repeal this act.

Subject to taxes.

A. and C. Passed December 28, 1824.

AN ACT to divorce Tunis Vreeland from his wife Margaret Vreeland.

1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the marriage of Tunis Vreeland, of the county of Bergen, and Margaret Vreeland, be, and the same is hereby dissolved, annulled and made of no effect, as fully to all intents and purposes as if they had never been joined in matrimony.

C. Passed November 17, 1824.

AN ACT for the sale of part of the land at Paterson belonging to the State.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the Attorney General of this state, be, and is hereby authorized to sell and convey in behalf of this state not exceeding three acres of the land belonging to the state at Paterson to the trustees of the first Presbyterian society of Paterson for the uses and purposes of a burying ground; and that the Attorney General fix the price of said land.

C. Passed December 28, 1824.

A SUPPLEMENT to the act entitled An act to incorporate a company to erect a turnpike from the town of Paterson to the village of Hackensack.

1. 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 limited for making the road by the act, entitled "An act to incorporate a company to erect a turnpike from the town of Paterson to the

village of Hackensack," be, and the same is hereby extended, to three years from and after the sixth day of February next; any thing in the proviso in the thirteenth section of the act to which this is a supplement contained to the contrary notwithstanding.

C. Passed December 27, 1824.

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

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That there shall be assessed, levied, and collected on the inhabitants of this state, their goods and chattels and on the lands and tenements within the same, the sum of twenty thousand dollars, money of the United States, which sum shall be paid into the treasury of this state, on or before the twentieth day of January, one thousand eight hundred and twenty six.

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

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

The county of Essex, shall pay the sum of one thousand nine hundred and eleven dollars and four cents.

The county of Middlesex, shall pay the sum of one thousand six hundred and twenty six dollars and sixty nine cents.

The county of Monmouth, shall pay the sum of one thousand eight hundred and sixty one dollars and eighty five cents.

The county of Somerset, shall pay the sum of one thousand three hundred and twenty one dollars and forty three cents.

The county of Burlington, shall pay the sum of two

thousand one hundred and fifty three dollars and fifty seven cents.

The county of Gloucester, shall pay the sum of one thousand six hundred and eighty nine dollars and sixty one cents.

The county of Cumberland, shall pay the sum of seven hundred and ninety three dollars and ten cents.

The county of Salem, shall pay the sum of one thousand and seventy eight dollars and thirty one cents.

The county of Cape-May, shall pay the sum of three hundred and twenty three dollars and one cent.

The county of Hunterdon, shall pay the sum of two thousand two hundred and sixty seven dollars and ninety three cents.

The county of Morris, shall pay the sum of one thousand five hundred and sixty eight dollars and three cents.

The county of Sussex, shall pay the sum of one thousand and fifty two dollars and eighty one cents.

The county of Warren, shall pay the sum of one thousand and fifty two dollars and eighty one cents.

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

Every covering horse, above three years old, any sum not exceeding six dollars and fifty cents, to be paid by the person where such horse is kept; all other horses or mules, three years old and upwards, any sum not exceeding four cents; all neat cattle three years old and upwards, any sum not exceeding three cents.

4. *And be it enacted*, That in assessing the aforesaid sum of twenty thousand dollars, the following persons, articles and things, shall be valued and rated at the discretion of the assessors, to wit:—all tracts of land held or owned by deed, patent, occupancy, survey, or otherwise, any sum not exceeding one hundred dollars by the hundred acres:—*Provided always*, that houses and lots of ten acres and under, shall not be included in the above valuation, but shall be valued by the respective assessors at their discretion, having regard to the yearly rent and value thereof, proportioning the same as nearly as may be, to the valuation of the lands aforesaid.

All householders (under which description shall be included all married men living with their parents) the estimated value of whose ratable estate does not exceed thirty dollars, any sum not exceeding one dollar, over and above their certainties and other estate made ratable by this act.

All merchants, shop keepers, and traders, any sum not exceeding eight dollars.

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

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

All carding machines propelled by water, any sum not exceeding two dollars.

All furnaces, any sum not exceeding eight dollars.

All saw mills, for each saw, any sum not exceeding six dollars.

All forges that work pig iron, and forges and bloomeries that work bar iron immediately from the ore or cinders, for each fire, any sum not exceeding four dollars.

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

All paper mills, any sum not exceeding eight dollars.

All snuff mills, any sum not exceeding six dollars.

All powder mills, any sum not exceeding ten dollars.

All oil mills, any sum not exceeding six dollars.

All plaster mills, any sum not exceeding four dollars.

All fulling mills, any sum not exceeding three dollars.

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

All tan yards, where leather is tanned for sale or hire, for each vat, any sum not exceeding twenty cents.

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

Every male slave, between the ages of fifteen and sixty

years, any sum not exceeding seventy five cents : *Provided*, that no slave shall be taxed who is unable to labor.

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

All other distilleries, used for distilling spirits, any sum not exceeding six dollars, having due regard to the size, capacity and use of said stills.

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

Every phæton, coachee or four wheeled chaise, with steel or iron springs, any sum not exceeding two dollars and twenty five cents.

Every four horse stage wagon, any sum not exceeding three dollars.

Every two horse stage wagon, any sum not exceeding one dollar and seventy five cents.

Every covered wagon with a fixed or framed top, any sum not exceeding fifty cents.

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

Every riding chair, gig, Dearborne or pleasure wagon or sulkey, any sum not exceeding fifty cents.

Every printing, bleaching and dying company, any sum not exceeding three dollars.

Every glass factory, any sum not exceeding three dollars.

5. *And be it enacted*, That the said sum of twenty thousand dollars, shall be assessed, levied, and collected in the manner prescribed in the act entitled, an act concerning taxes, passed the tenth day of June, 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 duty imposed by said acts ; and the assessors, collectors and other officers, concerned in the assessment and collection of said tax, shall be entitled to the fees and compensation allowed by the before recited acts.

C. Passed December 28, 1824.

AN ACT for the augmentation of the fund for the support of Free Schools.

1. 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 one tenth part of all moneys to be raised by tax after the present year, for the use of the state, shall be, and the same are hereby set apart and appropriated to the Fund for the support of Free shcools, and shall be vested in the trustees for the time being of that fund.

C. Passed December 28, 1824.

AN ACT for the settlement of a claim of Hugh Sweeny for indexing certain records.

WHEREAS by an act of June the sixth, one thousand eight hundred and twenty, the then secretary of state, James Linn, was directed to index certain records, mentioned in the tenth section of the said act; and it was provided, that the said secretary should be allowed twenty five cents, for every one hundred names so indexed; to be paid by the treasurer of this state, on a certificate signed by the governor, or person administering the government, of this state:—*And whereas,* it is alleged by Hugh Sweeny, that he is entitled to the said allowance for indexing the said records, he having performed the same, at great labor and expense of time and money, and under an agreement with the said James Linn, that he should receive the same:— *And whereas,* the governor is not authorized to issue a certificate for payment to the said Hugh Sweeny, under the act aforesaid, and it is proper that the moneys for indexing said records should be paid:—THEREFORE;

1. 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, is hereby authorized and required to examine into the claim aforesaid of the said Hugh Sweeny, and

ascertain what moneys may have been paid either to the said James Linn or to the said Hugh Sweeny on the account aforesaid, if any hath been paid; and what is the whole amount of the sum due from the state for the indexing of the books of records, mentioned in the tenth section of the act aforesaid; and then to report, to the governor of this state a general statement thereof, showing what sum, if any, appears to be due for such services, to the said Hugh Sweeny or to the representatives of the said James Linn, respectively, and the evidence and proofs on which the said statement and opinion may be founded; and if the governor shall be satisfied from the said reports, evidence and proofs, that any sum of money is due, for said services, unto the said Hugh Sweeny, or unto the representatives of the said James Linn, respectively, he is hereby authorized to direct the same to be paid by the treasurer out of any unappropriated money in the treasury of this state: *Provided nevertheless*, that fifteen days notice, at least, be given to the said Hugh Sweeny, and to the executor or other legal representative of the said James Linn, deceased, when and where, the said treasurer, will proceed to enter upon the examination aforesaid and hear the parties concerned in the premises.

C. Passed December 28, 1824.

AN ACT to incorporate the Monmouth Bank.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That a subscription be opened for at least six days for one hundred thousand dollars in shares of twenty five dollars each, and that such subscription be taken in under the direction of William I. Bowne, James West, Alexander M'Gregor, John J. Ely and Nathaniel S. Wykoff, or a majority of them, in the town of Freehold; notice of which shall be given by advertising the same in one of the newspapers published in the city of New Brunswick and one other published in the city of Trenton, at least four weeks previous to such subscription; and should more stock be subscribed than the amount of capital, the said commissioners shall make an equitable deduction and apportionment.

Commissioners to open subscription. &c.

2. *And be it enacted*, That the sums subscribed shall be paid in manner following, that is to say, five dollars on each share at the time of subscribing to the persons receiving subscriptions, and the remainder in instalments of five dollars on each share when called for by the president and directors of the company, upon twenty days previous notice being given by the cashier of the company in the newspapers mentioned in the first section of this act; and any person, copartnership or body politic failing to pay any instalment or any part thereof at the times prescribed and required shall forfeit to the said company every share upon which there shall be a deficiency, and all money thereon previously paid. Shares, &c. how forfeited.

3. *And be it enacted*, That all the affairs, property and concerns of the company shall be managed and conducted by eleven directors, and that John J. Ely, Daniel B. Ryall, Isaac K. Lippencott, John Bowne and John T. Woodhull of Freehold, Alexander M'Gregor, James West, Doctor Samuel W. Tenbrook, Tylee Williams, Edmund W. Allen and Martin Chandler, of the township of Shrewsbury, shall be the first directors and shall respectively hold their offices until the first Monday in December, one thousand eight hundred and twenty five, and until others shall be chosen by the stockholders; and the said directors shall choose one of their number for president as herein after directed. Directors and President

4. *And be it enacted*, That there shall be an election of directors on the first Monday in December annually, at the banking house of the company, at such hour as the directors may appoint, two weeks previous notice thereof being given in the newspapers before mentioned in this act, which directors shall hold their offices for one year and until others are chosen; a majority of which directors shall at all times be freeholders and inhabitants of the county of Monmouth, and no person shall be elegible as a director, who shall not be at the time a stockholder, and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, voting agreeably to the ratio hereinafter established for the number of shares held by them respectively, and all such elections shall be by ballot, and the persons who shall have the greatest number of votes shall be directors; *Provided* that in all cases where two or more persons shall have an equal number of votes, the directors of the preceding year or a Election of directors to be annually and by ballot. Proviso.

New Jersey State Library

majority of them, shall by ballot and by a majority of votes determine which of the directors so having an equal number of votes shall be the director or directors so as to complete the whole number. And the directors so elected as soon as may be thereafter, shall elect one of their number by ballot and by majority of votes for president, who shall be an inhabitant of the county of Monmouth; and whenever any vacancy or vacancies shall happen among the directors, by death, resignation or otherwise, such vacancy or vacancies, shall be filled for the remainder of the year by such person or persons as the other directors, for the time being or a majority of them shall appoint; and if the office of president shall at any time during the year become vacant by death, resignation, or otherwise, the directors shall meet as soon as may be thereafter and elect in the manner before mentioned another person qualified as aforesaid for president.

Vacancies, how to be filled.

5. *And be it enacted*, That if at any time it shall so happen that an election of directors shall not be made on the day when pursuant to this act it ought to have been made; it shall not impair the charter, but it shall be lawful for the corporation to hold an election on any subsequent day, upon due notice as aforesaid, and the directors so elected shall choose a president as herein before directed. And as soon as twenty five thousand dollars of the capital stock subscribed shall have been actually paid in, the said company may commence their banking business.

May hold election, &c. on a certain contingency.

Whence to commence banking operations.

6. *And be it enacted*, That all such persons as shall become subscribers to the capital stock in the first section mentioned, their successors and assigns, shall be, and are hereby created and made a corporation and body politic by the name and style of "the president, directors and company of the Monmouth Bank;" and by that name, shall be, and are hereby made capable in law, to have and purchase, receive and possess, enjoy and retain to them and their successors, lands, tenements, hereditaments, goods, chattels and effects of what nature or kind soever, and the same to grant, demise, alien or dispose of, sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended, in any court of record, or in any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at their pleasure; and also to ordain, establish and put in execution, such by-laws, ordinances and regulations as shall seem necessary and convenient for the government

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

of said corporation, and to allow them such compensation for their services as shall be right and proper.

7. *And be it enacted*, That there shall be a meeting of the board of directors, every quarter, who shall have power to adjourn from time to time, and the president and any three of the directors, may call a special meeting at any other time they may think proper. Quarterly meetings of directors.

8. *And be it enacted*, That the said directors, at every quarterly meeting, shall choose three or more directors to inspect the business of the company for the ensuing three months; and the inspectors so chosen shall, twice in every three months, examine into the state of the cash account, the notes received and other business of the said company, and see that the accounts are regularly balanced and transfered. Three inspectors to be appointed quarterly, &c.

9. *And be it enacted*, That any director, officer or other person holding any share, stock or capital of said company, who shall commit any fraud or embezzlement, touching the money or property, of the said company, shall be liable to be prosecuted in the name of the state, by indictment for the same in any court of law of this state, and upon conviction thereof, shall, besides the remedy that may be had by action in the name of the said corporation for the fraud aforesaid, forfeit to the said company, all his share or stock in the same. Fraud, how punished, &c.

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

11. *And be it enacted*, That it shall, and may be lawful for the said company, from time to time, to increase their capital stock, by the addition of as many whole shares as shall be judged expedient by said company or a majority of them, voting in the manner herein before mentioned, at any general meeting of the company for that purpose, notified in the manner in the fourth section of this act prescribed:—*Provided*, That the whole number of additional shares, shall not exceed four thousand. And the members of the said company, for the time being, are hereby declared to have the preference of all other persons, for the space of thirty days after the determination to increase their capital as aforesaid, and all the proprietors of such additional shares, shall, and are hereby declared, to be thenceforward incorporated into the said company, and entitled to every benefit and privilege of the original subscribers. Capital may be increased, &c. Proviso.

12. *And be it enacted*, That it shall be lawful for the

commissioners named in the first section of this bill, to fix upon such place in the county of Monmouth for transacting the business of the said company, as to the said commissioners or a majority of them shall seem proper.

Fundamental articles.

13. *And be it enacted*, That the following rules, regulations, restrictions, limitations and provisions, shall be fundamental articles of the constitution of said corporation—That is to say,

I.

The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he, she, or they shall hold, in the proportion following; that is to say, for one share and not exceeding two shares, one vote; for every two shares above two, and not exceeding eight shares, one vote; for every four shares above eight, and not exceeding twenty shares, one vote; for every six shares above twenty, and not exceeding fifty shares, one vote; and for every ten shares above fifty, one vote.

II.

Semiannual dividends to be made, &c. but capital stock to be inviolate.

After the first year, half yearly dividends shall be made to the stockholders, of so much of the profits of the banking business, as shall appear to the directors advisable; but the said directors shall not at any time, make any dividend of any part of the capital stock of said company, but only the net profits thereof: and in case they shall divide any part of the capital stock as aforesaid, the directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities; and an action of debt may be brought in such case, against them or any of them, their heirs, executors or administrators in any court of record of this state, by any creditor of said company, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding; and such of the said directors as may have been absent when such dividend took place, or may have dissented from the act or resolution directing the same, may exonerate themselves from such liability, by forthwith giving notice of the fact of their absence or dissent, to the governor of the state, for the time being, and to the stockholders, at a general meeting, which they, the said directors, shall have power to call for that purpose; and once in every year, the directors shall lay before the stockholders, for their information, an exact and particular statement of the debts which shall have remained unpaid, after the expiration of the original credit, out of the surplus profit, if any, after deducting losses and dividends.

III.

No director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the president, for his extraordinary services and attendance upon the business of the said company, as shall appear to them reasonable.

IV.

Not less than six directors shall constitute a quorum to do business, of whom the president shall always be one, except in case of sickness or necessary absence, in which case, his place may be supplied by any other director, chosen by the directors so met for business,—*Provided*, That three directors shall be sufficient to discount. Quorum necessary, &c.

V.

The stock of the said company, shall be assignable and transferable, according to such rules as shall be instituted in that behalf, by the laws and ordinances of the said corporation; the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and his, her or their assignee or assignees successively, and shall enable such assignee or assignees, to bring and maintain an action thereupon, in his, her or their name or names; and bills or notes which may be issued by order of said corporation, signed by the president, and countersigned by the treasurer or principal cashier thereof, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same in like manner, and with the like effect, as upon any private person or persons, if issued by him or them in their private or natural capacity or capacities; and shall be assignable and negotiable in like manner as if they were so issued by any private person or persons; that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable and negotiable by endorsement in like manner, and with the like effect, as foreign bills of exchange now are, and those which are payable to bearer, shall be negotiable or assignable by delivery;—*Provided*, That no bill or note issued by said corporation, payable to bearer, or to any other person or persons, his, her or their order, or bearer, shall express any place of payment other than the office of the said banking company. Stock assignable and transferable, &c.

VI.

Amount of debts limited, and directors liable for excess, &c.

The total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, or note or contract, shall not exceed double the amount of the capital paid in; *Provided* the money deposited in the bank of said company shall not be considered as the debts of the said company within the provision of this clause, and in the case of excess the directors under whose administration it shall happen, shall be liable for the same in the manner prescribed in the second article of this section, unless absent or dissenting from the act or resolution by which such excess was created, in which case they may exonerate themselves from such liability by giving notice agreeably to the directions of the third article of this section.

VII.

Restrictions, and additional privileges, on a certain contingency.

The lands, tenements and hereditaments, or ships, steam boats or vessels, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, and such as shall be bona fide mortgaged to it by way of security, or conveyed to it in satisfaction for debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall be obtained for such debts, except a majority of the directors of the said bank, convened for that purpose by the president of the said bank, shall deem it expedient and proper to erect a steam boat ferry between the town of Shrewsbury in the said county of Monmouth and the city of New York; in which case the said corporation may set apart and appropriate any part of their capital stock paid in, not exceeding the sum of thirty thousand dollars, to the building or purchase of a steam boat or boats, docks, wharves, tavern house or other property necessary or proper for a ferry establishment: *And Provided also* that the steam boat or boats and tavern house, shall within two months after the same are purchased or built, be insured and be kept insured during the continuance of the said ferry establishment.

VIII.

Discount limited to six per cent.

The corporation shall not directly or indirectly, deal or trade in any thing except bills of exchange, promissory notes, gold or silver bullion or in the sale of goods which shall be the produce of its lands, nor shall the said corporation take more than at the rate of six per cent. per annum, for its loans or discounts.

IX.

In the appointment of a cashier or treasurer of the said corporation, the votes of a majority of the whole number of directors shall be necessary to a choice, and every cashier before he enters upon the duties of his office shall be required to give bond with two or more sureties to the satisfaction of the directors, in a sum not less than forty thousand dollars, conditioned for his good behavior.

Penalty on refusing to pay specie, &c.

14. *And be it enacted*, That if at any time after the passing of this act, the said president, directors, and company, should refuse, on demand being made at their banking house, during the regular hours of doing business, to redeem in specie, or other lawful money of the United States, their said bills, notes, and other evidences of debt, issued by the said corporation, and which shall be due and payable, the said president, directors and company, shall on pain of forfeiture of their charter, wholly discontinue and close their banking operations, either by way of discount or otherwise, until such time as their said president, directors and company shall resume the redemption of their said bills, notes, and other evidences of debt, in specie or other lawful money of the United States; and the said bank shall be liable to pay the holder or holders of all such notes or bills, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the non payment thereof, at and after the rate of ten per centum per annum, from the time of such demand, until the same shall be paid as aforesaid or otherwise satisfied.

To make an annual statement to the Legislature, &c.

15. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths or affirmations, and under the seal of the corporation, annually to lay before the legislature of this state, a statement of the amount of its capital stock paid in, and of its notes, debts and specie on hand: and if the said president and cashier shall fail to do the same for the space of three years together, that then and from thenceforth, this charter and all the privileges hereby conferred, shall cease and be for ever at an end.

Taxes, &c.

16. *And be it enacted*, That the said president and directors of the Monmouth bank, within ninety days after they commence their banking operations shall pay or cause to be paid to the treasurer of this state, two per cent. on their capital stock, and the one half of one per cent. annually, all of which shall be applied to the benefit of the school fund: and further, this charter may remain and continue in force, for the

term of twenty one years; subject, nevertheless, to be altered, amended or repealed, at the discretion of the Legislature.

C. Passed December 28, 1824.

AN ACT regulating the boundaries, and incorporating the inhabitants of certain townships in the counties of Sussex and Warren, and incorporating the board of chosen freeholders in the said county of Warren, and for other purposes.

Boundaries of the township of Green, &c.

1. 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 Hardwick and Independence, lying northeasterly of the line of division, between the counties of Sussex and Warren, and included within the following boundaries, that is to say; beginning in the middle of the Musconetcong creek, where the line run by John Lawrence, called East and West Jersey line crosses the same, thence running up the said line northwesterly to a point in said line, to be ascertained as hereinafter mentioned, thence running southwesterly until it intersects the line of division, between the counties of Warren and Sussex aforesaid, at a point to be ascertained in like manner, thence down the said division line southeasterly to the middle of the Musconetcong creek, thence up the same, the several courses thereof to the place of beginning, be, and the same is hereby erected into a new township, to be called the township of "Green."

Stillwater.

2. *And be it enacted*, That all that part of the township of Hardwick, lying northeasterly of the division line between the said counties of Sussex and Warren, and included within the following boundaries, that is to say; beginning in the line of division between the said counties of Sussex and Warren, at the northwesterly corner of the township of Green, thence running northeasterly along the line of said township to the aforesaid line called the East and West Jersey line, thence running up the said line in a straight direction to the summit of the Pahaqualong or Blue mountain, thence southwesterly along the summit of the said mountain, to where the aforesaid line of division, between the said counties of Sussex and Warren crosses the same, thence down the said division line southeasterly to the place of beginning,

be, and the same is hereby erected into a new township, to be called the township of "Stillwater."

Commissioners, &c.

3. *And be it enacted*, That Nathaniel Saxton, Thomas Gordon, and Benjamin M'Courry, be, and they are hereby appointed commissioners to locate and determine the line of division between the townships of Stillwater and Green, above mentioned; that it shall be the duty of the said commissioners, after having given ten days previous notice of the time and place of their meeting, by advertisement published in the Sussex Register, to meet at the time and place so appointed, and to view and examine the premises; and they or any two of them agreeing, shall fix upon and ascertain the extreme points or corners, and locate and determine the line of division between the said townships of Green and Stillwater, at such place as they in their discretion shall think most proper, and conducive to the interest and convenience of the said townships; and shall run, survey and mark the said line, and make a map and report thereof, under their or any two of their hands; which report shall be delivered to the clerk of the court of common pleas of the county of Sussex, who shall record the same in the records of returns of roads, and file the same in his office: and the line so determined by the said commissioners, shall be, and the same is hereby established and declared to be the line of division between the said townships of Green and Stillwater: and the said commissioners shall severally be entitled to receive as a compensation for their services the sum of five dollars per day, besides the expense of chain bearers, and other necessary assistants, one half to be paid by each of the said townships.

Walpack.

4. *And be it enacted*, That all that part of the township of Walpack, lying northeasterly of the division line between the said counties of Sussex and Warren, and included within the following boundaries, that is to say; beginning in the said division line where it crosses the summit of the Pahaqualong or Blue mountain, thence northeasterly along the summit of the said mountain, to the northeast corner of the township of Stillwater, in the line called the East and West Jersey line aforesaid, thence up the said line in a straight direction to the river Delaware, thence down the said river the several courses thereof, to the mouth of Flat brook, thence down the said line of division, between the counties of Sussex and Warren, to the place of beginning, be, and the same is hereby erected into a separate township, to be called the township of "Walpack."

5. *And be it enacted*, That all that part of the township of Walpack, lying southwesterly of the division line, between the said counties of Sussex and Warren, and included within the following boundaries, that is to say; beginning at the commencement of said division line on the river Delaware, at the mouth of Flat brook, thence runing along the said division line southeasterly to the summit of the Pahaqualong or Blue Mountain, thence along the summit of the said mountain southwesterly to the Delaware river, at the Water Gap, opposite to a place called the Indian ladder, thence up the said river Delaware, the several courses thereof, to the place of beginning, be, and the same is hereby erected into a new township, to be called the township of "Pahaquarry."

Pahaquarry.

6. *And be it enacted*, That all that part of the township of Hardwick, lying southwesterly of the division line, between the said counties of Sussex and Warren, and included within the following boundaries, that is to say; beginning at the southeasterly corner of the township of Pahaquarry, on the summit of the Pahaqualong or Blue Mountain, in the line of division, between the counties of Sussex and Warren, thence down the said division line southeasterly, passing the northeast corner of the Hardwick Meeting house, and continuing the same course until it intersects the line of the township of Independence, thence along the said line westerly to the corner of the township of Independence, in the line of the township of Oxford, thence along the line of the townships of Oxford and Knowlton, to the northeasterly corner of said township of Knowlton, in the line of the township of Pahaquarry, on the summit of the Pahaqualong or Blue Mountain, thence along the summit of said mountain and the line of the said township of Pahaquarry, northeasterly to the place of beginning, be, and the same is hereby erected into a separate township, to be called the township of "Hardwick."

Hardwick.

7. *And be it enacted*, That all that part of the township of Independence, lying southwesterly of the division line between the said counties of Sussex and Warren, included within the following boundaries, that is to say; beginning at the present corner of the townships of Independence and Hardwick, in the Oxford line, thence along the line of the said township of Hardwick about north sixty four degrees and fifteen minutes east, until it intersects the line of division between the said county of Sussex and Warren, being also the line of Green township, thence along the said line southeasterly to the middle of the Musconetcong creek,

Independence.

thence down the middle of said creek the several courses thereof, to a tree, the present corner of the township of Mansfield, thence along the line of said township about north sixty degrees west, six miles to the corner of the township of Oxford, on Pequest river, thence along the line of the township of Oxford, about north eleven degrees west, four miles to the place of beginning, be, and the same is hereby erected into a separate township, to be called the township of "Independence."

Incorporation of townships.

8. *And be it enacted*, That the inhabitants of each and every of the several townships, hereinafter mentioned, be, and they hereby are constituted a body corporate and politic in law, by the following names, that is to say:—

That the inhabitants of the township of Green, in the county of Sussex, shall be styled and known by the name of "The Inhabitants of the township of Green, in the county of Sussex."

That the inhabitants of the township of Stillwater, in the said county of Sussex, shall be styled and known by the name of "The Inhabitants of the township of Stillwater, in the county of Sussex."

That the inhabitants of the township of Walpack, in the said county of Sussex, shall be styled and known by the name of "The Inhabitants of the township of Walpack, in the county of Sussex."

That the inhabitants of the township of Pahaquarry, in the county of Warren, shall be styled and known by the name of "The Inhabitants of the township of Pahaquarry, in the county of Warren."

That the inhabitants of the township of Hardwick, in the said county of Warren, shall be styled and known by the name of "The Inhabitants of the township of Hardwick, in the county of Warren."

That the inhabitants of the township of Independence, in the said county of Warren, shall be styled and known by the name of "The Inhabitants of the township of Independence, in the county of Warren."

That the inhabitants of the township of Knowlton, in the said county of Warren, shall be styled and known by the name of "The Inhabitants of the township of Knowlton, in the county of Warren."

That the inhabitants of the township of Oxford, in the-

said county of Warren, shall be styled and known by the name of "The Inhabitants of the township of Oxford, in the county of Warren."

That the inhabitants of the township of Mansfield, in the said county of Warren, shall be styled and known by the name of "The Inhabitants of the township of Mansfield, in the county of Warren."

That the inhabitants of the township of Greenwich, in the said county of Warren, shall be styled and known by the name of "The Inhabitants of the township of Greenwich, in the county of Warren."

Powers, privileges, &c.

9. *And be it enacted*, That the inhabitants of each and every of the said townships, respectively, shall be, and they hereby are, vested with, entitled unto, and authorized to exercise and enjoy, all the franchises, powers, privileges, immunities, and authorities, and shall be and they hereby are, made subject to all the rules, regulations and government, which the inhabitants of the other townships in this state, incorporated by the act, entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," passed the twenty first of February, one thousand seven hundred and ninety eight, and the supplement to the said act passed the twenty second of May, one thousand eight hundred and twenty, are entitled and subject to.

Townmeetings, when to be held in the different townships.

10. *And be it enacted*, That the first townmeeting hereafter to be held in the said township of Green, in the county of Sussex, shall be held at the house now occupied by Amos Shiner, in the said township, on the second Monday in April next; and that all townmeetings thereafter shall be held on the second Monday in April, annually, at such place in the said township as the electors thereof shall, from time to time direct and appoint.

That the first townmeeting hereafter to be held in the said township of Stillwater, in the said county of Sussex, shall be held at the house now occupied by Nathan A. Shafer, at the village of Stillwater, in the said township, on the second Monday in April next, and that all townmeetings thereafter shall be held on the second Monday in April, annually, at such place in the said township, as the electors thereof shall, from time to time direct and appoint.

That the first townmeeting hereafter to be held in the said township of Walpack, in the said county of Sussex, shall be held at the house now occupied by John Vanauken,

in the said township, on the second Monday in March next, and that all townmeetings thereafter shall be held on the second Monday in March, annually, at such place in the said township, as the electors thereof shall, from time to time direct and appoint.

That the first townmeeting hereafter to be held in the said township of Pahaquarry, in the said county of Warren, shall be held at the house now occupied by James Van Campen, in the said township, on the second Monday in March next, and that all townmeetings thereafter shall be held on the second Monday in March, annually, at such place in the said township, as the electors thereof shall, from time to time direct and appoint.

That the first townmeeting hereafter, to be held in the said township of Hardwick, in the said county of Warren, shall be held at the house now occupied by Morris Sharp, in the said township, on the second Monday in April next, and that all townmeetings thereafter shall be held on the second Monday in April, annually, at such place in the said township, as the electors thereof shall, from time to time direct and appoint.

That the first townmeeting hereafter, to be held in the said township of Independence, in the said county of Warren, shall be held at the house now occupied by Jacob Sharp, in the said township, on the second Monday in April next and that all townmeetings thereafter shall be held on the second Monday in April, annually, at such place in the said township, as the electors thereof shall, from time to time, direct and appoint.

11. *And be it enacted*, That the town committees of the townships of Pahaquarry and Walpack, shall meet at the house now occupied by John Vanauken, in the said township of Walpack, on the Monday after the next annual townmeeting, in said townships, at ten o'clock in the forenoon, and shall then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships, all moneys on hand, moneys due and owing and choses in action, belonging to the former township of Walpack in proportion to the taxable property and ratables, as taxed by the assessor, at the last assessment, within the limits of the present townships of Pahaquarry and Walpack, respectively; and in case of the absence of any of the members of either of the said town committees, those assembled at the time and place aforesaid, shall proceed to make the said division, and the decision of a majority of those present, shall be final and con-

clusive; and the inhabitants of the said township of Pahaquarry, shall be liable to pay their just share in the same proportion of all debts, if any there be, due and owing by the late township of Walpack.

That the town committees of the townships of Hardwick, Stillwater and Green, shall meet at the house now occupied by Morris Sharp, in the said township of Hardwick, on the Monday after the next annual townmeetings, in said townships, and proceed to divide in like manner as aforesaid, all moneys on hand, moneys due and owing, and choses in action, belonging to the late township of Hardwick; and the inhabitants of the said townships of Stillwater and Green, respectively, shall be liable to pay their respective shares in like proportion, of all debts, if any there be, due and owing by the late township of Hardwick.

That the town committees of the townships of Independence and Green, shall meet at the house now occupied by Jacob Sharp, in Hacketstown, in the said township of Independence, on the Wednesday a week after the next annual townmeetings in said townships, and proceed to divide in like manner all moneys on hand, moneys due and owing, and choses in action, belonging to the late township of Independence, and the inhabitants of the said township of Green, shall be liable to pay their share in the like proportion, of all debts, if any there be, due and owing by the late township of Independence.

Public moneys how to be divided, &c.

12. *And be it enacted*, That it shall be the duty of the assessors of the several townships in the said counties of Sussex and Warren, respectively, to meet at the house now occupied by Jason King, innkeeper in Newton, on the third Tuesday of February next, at ten o'clock in the forenoon of said day, at which time and place the collector of the late county of Sussex, shall attend, and the said assessors or such of them as shall attend, shall then and there settle with the said county collector, and ascertain the amount of all county moneys remaining in his hands, and moneys due and owing, and choses in action, belonging to the late county of Sussex, and make a division thereof between the said counties of Sussex and Warren, in proportion to the taxable property and ratables in the said counties, respectively, according to the last assessment, by writing, signed by them and by the said collector, and it shall be the duty of the said collector of the county of Sussex, to pay over to the collector of the county of Warren, as soon as he shall be appointed, the proportion of said county moneys so found to belong to the county of Warren; for which his receipt shall be a sufficient voucher for the collector

of the said county of Sussex, in his settlement with the board of chosen freeholders of said county ; and it shall be the duty of the said assessors and collector, to lay before the boards of chosen freeholders of the counties of Sussex and Warren, respectively, at their next annual meeting correct statements of the settlements and division aforesaid ; and the said county of Warren, shall be liable to pay their share in the like proportion of all debts, if any there be, due and owing by the late county of Sussex.

13 *And be it enacted*, That the chosen freeholders of the several townships in the said county of Warren, shall be, and they hereby are constituted a body politic and corporate in law, and they shall be styled and known by the name of "The Board of Chosen Freeholders of the county of Warren," and shall have, hold, use, exercise and enjoy the same franchises, powers, privileges, immunities, jurisdiction and authority, and be subject to the same rules, regulations, restrictions and penalties as the boards of chosen freeholders of the other counties within this state are entitled and subject to, according to the existing laws of this state :—that the board of chosen freeholders of said county shall meet at the house now occupied by James M'Murtrie, innkeeper, in Belvidere, in the township of Oxford, in said county, on the day appointed by law for the next annual meeting of the board of chosen freeholders, in the other counties of this state ; and afterwards at such place as they may appoint, until a court house shall be built in said county.

Board of chosen freeholders incorporated.

14. *And be it enacted*, That courts of common pleas, and courts of general quarter sessions of the peace, shall be held in and for the said county of Warren, on the second Tuesday of February, first Tuesday of June, fourth Tuesday of August, and third Tuesday of November, annually ; and that circuit courts and courts of oyer and terminer, and genoral jail delivery, shall be held in and for the said county, on the first Tuesday in June, and third Tuesday in November, annually ; and that until the seat of justice, in and for said county shall be determined, and a court house built in the manner hereinafter directed, the said courts shall be held the first term after the passing of this act, at the house now occupied by James M'Murtrie, in Belvidere, in the township of Oxford, in said county, on the second Tuesday in February next ; the next term at the house now occupied by John P. Ribble, in the township of Mansfield, and the ensuing term at the house formerly occupied as the Moravian Church in the village of Hope, in the said county of Warren—and so on alternately, until the court house in the said county shall be

Common courts, &c. when and where to be holden to be advertised, &c.

prepared for their accommodation. And all process, and other proceedings shall be made returnable accordingly. And it shall be the duty of the sheriff of the said county, to cause notice of the times and and places of holding such courts to be given, by publishing a copy of this section in some newspaper circulating in said county, for six weeks successively, next after the end of the present sitting of the legislature.

Election for a site for a court house, &c.

15. *And be it enacted*, That an election for the seat of justice or place where the court house, jail and other public buildings shall be erected in the said county of Warren, shall be held at the places appointed for holding the next annual townmeetings, in the several townships in the said county, on the third Tuesday in April next, and Wednesday following; that the clerks of the several townships of Greenwich, Mansfield, Independence, Oxford, Knowlton and Hardwick, and of the late township of Walpack, shall give notice of the times and places of holding such election, by advertisements set up in three of the most public places in the township of Pahaquarry, and in each of the other townships in the said county of Warren, respectively, at least two weeks before the said time.

How to be conducted.

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

17. *And be it enacted*, That the respective officers holding or conducting the said election, shall severally, before they receive any votes, take the oath or affirmation prescribed for them, respectively, in and by the laws of this state, regulating the election of members of council, assembly, sheriff and coroners, in this state.

Qualification f voters, how to be tested.

18. *And be it enacted*, That no person shall vote at such election for the seat of justice, who did not at the time of the passing of this act, reside within the bounds of the said county of Warren, and whose name was not on the duplicate or list of taxable inhabitants, of the collector of the townships of Greenwich, Mansfield, Oxford, Knowlton, or of the late townships of Independence, Hardwick or Walpack, at the last annual election for members of the Legislature of

this state ; and that the collector of the said late township of Walpack, is hereby enjoined and required to lay before and deliver to the judge of election, in the said township of Pahaquarry, and that the several collectors of the said townships of Greenwich, Mansfield, Oxford, Knowlton, Independence, and Hardwick, are also hereby respectively enjoined and required to lay before and deliver to the respective judges of election, in their respective townships, at their respective places in the said several townships, where the said election for the seat of justice, is by this act directed to be holden, at the opening of the poll, at ten o'clock on the morning of the first day of such election, for public examination during the election; and that each of the said collectors shall at the same time make oath or affirmation before the judge of election, to whom he is hereby directed to deliver his said duplicate, who is hereby authorized and required to administer the same, that the said duplicate so delivered to the said judge of election is his, the said collector's real, true and authentic duplicate of the year one thousand eight hundred and twenty four ; and that it does not contain the name of any person who was not, to the best of his knowledge and belief, resident at the time of making such duplicate, in the then county of Sussex, taxable, and entitled to vote at the annual election for members of the Legislature of this state, in the said county of Sussex.

19. *And be it enacted*, That if any person shall vote or offer to vote at such election for the seat of justice, in the said county of Warren, who did not at the time of the passing of this act, reside within the bounds of said county, or who is not by the laws of this state competent to vote at the election for members of council and assembly, sheriff and coroners, or who is not by the requisitions of this act, entitled to vote at the said election for the seat of justice in said county; or if any judge of election shall knowingly receive any vote so wrongfully offered, or given contrary to the laws of this state, or to the injunctions of this act, or if any collector of any of the townships in the said county of Warren, or of the late townships through which the said division line between the said counties of Warren and Sussex passes, shall neglect or refuse to deliver to the judge of said election his said duplicate or list of taxable inhabitants of the last year, to wit ; of the year one thousand eight hundred and twenty four, for the purposes aforesaid, and at the time and places mentioned in the preceding section of this act, or shall refuse to make the oath or affirmation therein required ; or if any judge of said election, assessor, collector, town clerk, or other officer or person concerned in conducting the said election for the seat

Judges of election in receiving illegal votes, &c. Penalty, &c.

of justice, shall neglect or wilfully, and improperly delay, or make default in the performance of any duty or thing required of them respectively by this act, or shall be guilty of any fraud, corruption, partiality, or manifest misbehavior and dishonesty in conducting the said election for the seat of justice, in the said county of Warren, or in any matter or thing appertaining thereto, or shall unduly attempt to influence the said election; then every person so wrongfully voting or offering to vote, and every such judge of the said election, assessor, collector, town clerk, or other officer or person so offending, shall for every such offence, on conviction thereof, in addition to the penalty imposed by the laws of this state, regulating elections for members of council and assembly, sheriff and coroners in this state, forfeit and pay the sum of one hundred dollars, to be recovered by action of debt in any court of competent jurisdiction, by any person who will sue for the same, the one half to be paid to the overseers of the poor of the township, in which such offence shall have been committed, for the use of the poor of such township, and the other half to the use of the person who shall sue for and prosecute the same to effect; *Provided*, the same be sued for within one year from the time of holding the said election.

Duties of judges, inspectors and clerks.

20. *And be it enacted*, That the judges and inspectors of the said election, in the respective townships in the said county of Warren, upon the conclusion of said election, shall carefully count the votes received at said election, and make a certificate under their hands and seals, containing the whole number of votes taken in their respective townships, and the number taken for each place voted for as the seat of justice for said county; and shall on or before the hour of three o'clock, in the afternoon of the Saturday next, after the day of election, transmit and deliver to the clerk of the court of common pleas, of the said county of Warren, at the house now occupied by James M'Murtrie, in Belvidere aforesaid, the said certificate of the judges and inspectors of the election, together with the list of the voters whose votes were taken at the said election; which certificate and list shall be filed by the said county clerk, who shall in the manner prescribed by law, faithfully count the said votes; and the place having a majority of the whole number of votes so taken, he shall certify to the board of chosen freeholders at their next meeting, under his hand and seal, to be the place chosen for the seat of justice in the said county, and the same shall be entered in words at length, on the minutes of the said board.

21. *And be it enacted*, That if it so happen that no one place should have a majority of the whole number of votes at the first election, then and in that case it shall be the duty of the director of the board of chosen freeholders of said county of Warren, to call a meeting of the board within thirty days after the said election, who when met, or a majority of them shall appoint another election to be held for the purpose aforesaid, and shall cause notice, in writing, of the time of holding such second election, to be served on the clerks of the respective townships in the said county of Warren, at least twenty days before the time appointed for holding said election; and thereupon the clerks of the townships shall give notice by advertisements, as required of them, respectively, for the said first election, two weeks at least before the time appointed for the said second election; designating the time and places, when and where, the said second election shall be held; which said election shall be held at the same places, and conducted in every respect in like manner, and under the same rules, regulations and penalties, as are prescribed for the first election; and the place having a majority of the whole number of votes, shall be the seat of justice, or place where the said court house, jail and other public buildings for said county of Warren shall be built.

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

23. *And be it enacted*, That Nathaniel Saxton, Thomas Gordon and Benjamin M'Courry, be, and they are hereby appointed commissioners to receive proposals, and to determine the site for erecting the public buildings, at the place so chosen for the seat of justice in said county of Warren; which commissioners shall meet at the place so chosen, within thirty days next, after the said election, and then and there receive proposals from any person or persons offering a lot or site for the erection of the said public buildings; and the said commissioners, or a majority of them, shall within thirty days next, after the said election, determine and fix the site for the erection of the public buildings, at, or within one mile of, the place so chosen; and shall forthwith sign a certificate of their proceedings, and deliver the same to the president of the board of chosen freeholders, of the said

Commissioners to receive proposals, to determine the site, &c. &c.

county of Warren, and the same shall be entered on the minutes of the said board.

The board of freeholders to purchase a lot, erect a court house, &c. and to assess and collect money, &c.

24. *And be it enacted*, That the board of chosen freeholders of the said county of Warren, shall upon the call of the director, or upon their own adjournments, from time to time, as often as occasion may require, meet together, at such place as they may appoint for that purpose; and they or a majority of them are hereby authorized and required in their corporate name, and for the use of the county, to purchase a lot on which to erect the public buildings, and to order money to be raised by taxes, to be assessed on the inhabitants of the said county, for the purpose of erecting a court house, jail, clerk's and surrogate's offices; and to appoint one or more agents or managers to direct and superintend the building thereof; and by themselves, their agents or managers to contract with, and employ workmen, provide materials, do all such acts, and take all such measures as they may deem necessary, for carrying on and completing the said buildings, in the best manner for the interest of said county; and that all persons who may be by them intrusted with the public money, shall be accountable to the said board for the expenditure thereof, as by law they are obliged to account for other money of said county.

The duty of assessors collectors, &c.

25. *And be it enacted*, That to raise money for the purchase of a lot of land, whereon to erect the public buildings, and defray the expense of erecting the same, the assessors and collectors of the several townships in the said county, may and shall in their townships respectively, from time to time as occasion may require, assess and collect such sums of money as the board of chosen freeholders of said county shall direct, in the manner state and county taxes are assessed and collected; which money shall be paid to the county collector, who is hereby required to pay out the same for the purposes aforesaid, agreeably to the directions of the said board; and if any assessor or collector shall neglect or refuse to perform any duty required of him under this act, he shall be liable to the same fines and penalties, as are inflicted by the act entitled "An act to incorporate the chosen freeholders in the respective counties of this state," passed the thirteenth of February, one thousand seven hundred and ninety eight, and the act entitled "An act concerning Taxes," passed the tenth of June, one thousand seven hundred and ninety nine; and the several officers in the said acts mentioned, are hereby required to perform the several duties enjoined on them in this act, or resulting therefrom, under the same penalties as in the said several acts are imposed; and

they shall respectively be allowed such fees as are allowed by law, for assessing and collecting the county taxes.

26. *And be it enacted*, That the courts of common pleas and general quarter sessions of the peace, in and for the said county, shall be held at the said court house, at their next term, after the same shall be ready for their accommodation; and all writs and process, and proceedings issuing out of, or returnable before, the said courts, shall be returnable at the place where the public buildings shall be so erected.

When prisoners may be removed from Sussex jail, &c.

27. *And be it enacted*, That whenever the judges of the court of common pleas of the county of Warren, or any three or more of them, either in term time or vacation, shall be of opinion that the jail erected in and for the said county of Warren, is finished in such a manner as to be safe for the confinement of prisoners, they shall so determine, and shall certify the same by writing under their hands, to the clerk of the court of common pleas of said county, who shall enter the said certificate on the minutes of the court; and thereupon it shall be the duty of the sheriff of the said county of Warren, to remove all prisoners of the said county of Warren, that may then be confined in the jail of the county of Sussex, to the said jail of the county of Warren, and such removal shall not be deemed an escape, or in anywise charge or affect the said sheriff.

Judgments obtained on suits depending previous to January 1, 1825, how to be disposed of, &c.

28. *And be it enacted*, That in all cases where any judgment hath been obtained, in the court of common pleas, of the said county of Sussex, or shall hereafter be obtained in any action, suit or proceeding actually commenced or depending in said court, before the first day of January next; such judgment shall be deemed, esteemed and taken to be a lien upon the real estate of the defendant, or party against whom such judgment hath been or shall be rendered, situate in the county of Warren, as well as in the said county of Sussex; and it shall and may be lawful for the said court, upon such judgment, to award and issue writs of execution of any kind, allowed by law in other cases, directed to the sheriff of the said county of Sussex, who is hereby authorized to execute the same, within the limits of the said county of Warren, as fully and amply in every respect as the sheriff of the said county of Sussex could have executed the same, within the limits of his county.

Sheriff of Sussex, his duty, &c.

29. *And be it enacted*, That upon any such judgment as is mentioned in the last preceding section, it shall and may be lawful for the said court of common pleas, of the county of Sussex, to award and issue any writs of scire facias,

New Jersey State Library

allowed by law in other cases, directed to the sheriff of the said county of Sussex, who is hereby authorized to serve the same within the limits of said county of Warren, and thereupon such proceedings shall be had, judgment awarded, and execution issued, as the plaintiff or party prosecuting the same, would have been entitled to in other cases: and that the writ or writs of execution which shall be issued on such judgments shall be directed to and executed by the sheriff of the county of Sussex, in either of the said counties of Sussex or Warren; and the notices required by law of the sale of any property levied on by virtue of such execution or executions, shall be given in the county in which the property levied upon shall be taken or situated.

Writs of execution, &c. how to be executed, &c.

30. *And be it enacted*, That all writs of execution which have been issued, or which shall be issued upon judgment obtained in the court for the trial of small causes in the late county of Sussex, or in either of the said present counties of Sussex or Warren, before the first day of January next, shall be proceeded upon and executed by the proper officers in either of the said counties of Sussex or Warren, as if the said late county of Sussex had not been divided.

Warren brigade of militia.

31. *And be it enacted*, That the militia of the said county of Warren shall form a separate brigade, to be called the Warren Brigade, and that the militia of the present county of Sussex shall also constitute a separate brigade, to be called the Sussex brigade, and that the said brigades shall be subject to the same government and regulations as other brigades of this state; and that the said brigades, together with the Hunterdon brigade, shall form, as heretofore, the fourth division of the militia of this state.

C. Passed December 27, 1824.

AN ACT to incorporate the New Jersey protection and Lombard Bank.

Preamble.

WHEREAS Abraham Reynolds, Thomas Ward, John D. Haring, Garret Ackerson, Daniel M'Laren, jun. John F. Delaplaine and others, associated under the name and style of "The New Jersey Protection and Lombard Bank," by their petition, presented to the legislature, have prayed to be incorporated as a company and body corporate THEREFORE,

New Jersey State Library

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all such persons as shall become stockholders of said company, and their successors, be, and they are hereby created a body corporate and politic by the name of "The President and Directors of the New Jersey Protection and Lombard Bank" and by that name they and their successors, may and shall have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and may have a common seal and alter the same at pleasure. Name of the Incorporation. Powers and privileges.

2. *And be it enacted*, That the capital stock of the said corporation shall be four hundred thousand dollars, divided into shares of one hundred dollars each; and it shall be the duty of said commissioners, or a majority of them, to apportion the said stock, in case of an excess, among the several snbscribers in proportion to the amount of their several subscriptions. Capital stock. Shares. Duty of Commissioners.

3. *And be it enacted*, That subscription books to said stock shall be opened in the cities of Jersey and New York, under the direction of Daniel M'Laren, jun., John F. Delaplaine, William A. Tomlinson, Abraham Reynolds, John D. Haring and Garret Ackerson, or a majority of them, who are hereby appointed commissioners for that purpose; but it shall nevertheless be lawful for the said corporation, when and as soon as two hundred thousand dollars of said capital stock shall have been subscribed and paid, to commence their said business, and with that capital to conduct and carry it on, until they shall find it expedient to extend their capital, which they are authorized to do, from time to time, as the directors for the time being may deem expedient, to the amount herein before mentioned. Books where to be opened, &c. May extend capital.

4. *And be it enacted*, That it shall be lawful for the said corporation to loan money upon real estate, public stock and personal property of any description, to make all kinds of insurance against loss or damage, either by fire or water, within the United States, and on the coasts thereof, and to issue bills of credit not exceeding the amount of its capital paid in; *Provided nevertheless*, that all loans upon real estate shall be secured by mortgage, in the usual manner heretofore practised in this state, and not otherwise; *Provided*, that every person or persons, who shall have obtained any loans of said Loans and Insurance, &c. Proviso.

company upon any pledge of personal property, shall be permitted to renew the loans on the like sum upon the same pledge for a like term as that of the first loan, provided the pledge shall not have depreciated in value, and in that case by an increased pledge to the value of such depreciation: *and Provided also*, that no loan upon personal property to be pledged, shall be made unless the appraised value thereof shall amount to the sum of twenty five dollars.

Meeting of Stockholders to be advertised, and directors and president, cashier, &c. chosen.

5. *And be it enacted*, That when the commissioners appointed by this act shall have received and apportioned the subscriptions to the capital stock and the sums to be paid in at the time of subscribing, they shall call a meeting of the stockholders by giving fifteen days notice in at least one newspaper printed in the county of Bergen, and Essex, and one in the city of New York, and elsewhere if deemed expedient; and said stockholders shall proceed to the choice of nine directors, a majority of whom shall be inhabitants of this state, to manage the concerns of said corporation, and said commissioners shall be inspectors of said election, which shall be by ballot, and shall be decided by a majority of votes then given, in allowing one vote to each share of stock; and said commissioners shall certify, under their hands, the names of the persons so elected for directors, and shall deliver over to them the said subscription books, and the moneys paid in, and the said directors shall meet as soon as may be after said election, and proceed to choose out of their body one person to be president of said corporation, and shall also appoint a cashier and such other officers, and such agents, appraisers, clerks and servants as they shall deem proper for conducting the business of said corporation.

Vacancies how to be filled, &c.

By-laws.

6. *And be it enacted*, That all the officers and persons appointed to act for this corporation, shall be chosen for one year; and the directors shall have power to fill any vacancies among themselves that may occur either by death, refusal to serve, resignation or removal, for the residue of the term; and said directors shall have power to make, repeal and alter all such by-laws, rules or regulations, as to them shall appear needful and proper, for the well conducting of the affairs of said corporation in all respects. *Provided however*, That such by-laws shall not be contrary to this charter, the laws and constitution of this state or of the United States; and said directors shall declare dividends from time to time of such part of the profits as they shall deem expedient.

7. *And be it enacted*, That on all sums loaned by said corporation on real or personal estate, the rate of interest

shall in no case exceed six per cent. per annum; and all policies of insurance made by said corporation, shall be signed by two persons duly authorized to do the same, and shall be binding and obligatory on said corporation; and all bills issued by said corporation payable on demand, shall be paid in specie when required by the holder or holders thereof.

Rate of interest not to exceed six per cent.

8. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by nine directors, who shall be chosen from among the stockholders, in the manner aforesaid, and may respectively hold their offices for one year from the day of their election, or until others are chosen and no longer; which directors shall at all times be stockholders in the said company, in their own rights, and shall be citizens of the United States; and every election shall be held on the first Tuesday of January, in each and every year thereafter, at such time and place as the board of directors for the time being shall appoint; of which election notice shall be given in a public newspaper published in the county of Bergen, and one in the city of New York, at least ten days immediately preceding such election; and such election shall be holden under the inspection of three stockholders, not being directors, to be appointed previously to every election by the board of directors, and such election shall be made by ballot, and by a plurality of votes of the stockholders then present, or their proxies, allowing one vote for every share of the said stock, (but no share shall entitle the holder to vote, unless the same shall have been held by him or her, at least sixty days next immediately preceding such election.)

Election of officers to be annually.

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

Elections to be regulated by the By-laws.

10. *And be it enacted*, That all contracts and agreements whatsoever made by the president and directors of the said corporation, although not under the corporate seal thereof, shall be binding on them and their successors; that it shall be the duty of the said corporation, to use all reasonable diligence in the preservation of the articles which shall be pledged as security; and such articles pledged, shall be appraised by persons appointed by the directors, and the cashier shall deliver to the person, who shall pledge any goods,

Contracts binding, though not under corporate seal, &c.

a certificate, bearing date on the day of the delivery of the goods, containing a description of the articles pledged, and the value fixed by the appraisers, with the sum of money borrowed thereon, the rate of interest and the place of residence of the borrower, a copy of which certificate shall be entered in the books of the said corporation.

Articles pledged, &c. if not redeemed within fifteen days, to be exposed at public sale, &c.

11. *And be it enacted*, That after the day of payment fixed in the loan of any money on the pledge of goods, if the money shall remain unpaid for fifteen days, the said goods shall be liable to be sold at public sale, and the said corporation may proceed to sell them, or any part thereof, on giving twenty days notice in one of the New York newspapers, and in one newspaper in the county of Bergen, and in one newspaper printed in the county of Essex, and also causing notice of the time and place of such sale, containing a description of the property to be sold, to be given to the owners thereof, at least ten days before such sale, by serving the same on said owner, or leaving it at his or her usual place of abode and at the store where the goods to be sold are stored; but such sale may be adjourned from day to day, not exceeding ten days altogether; giving notice of such adjournment, and the surplus money arising from such sale, if any there shall be, after paying the debt, interest and expenses, shall be paid over to the person who owned the goods, or held the certificate at the time of the sale, with a legal transfer thereof: *Provided nevertheless*, that sales of said company of goods pledged to them, shall not be at shorter intervals than quarter yearly.

Proviso.

May hold real estate conditionally.

12. *And be it enacted*, That it shall and may be lawful for the said corporation to purchase and hold so much real estate as shall be necessary for their convenient accommodation in the transaction of their business, and also to take and hold any real estate, bonafide mortgaged or pledged to the said corporation, to secure the payment of the shares of the capital stock thereof, or to secure the payment of any debt, dues or demands, which may be contracted with the said corporation, and also to proceed on the said mortgages for the recovery of the moneys thereby secured, either at law, or in equity or otherwise, in the same manner as any other mortgagee is or shall be authorized to do, and also to purchase on sales made by virtue of any judgment at law, or any order or decree of a court of equity, or any other legal proceedings or otherwise, to receive or take any real estate in payment or towards the satisfaction of any debt, due or demand previously contracted and due to the said corporation, and to hold the same until they can conveniently and

advantageously sell and convert the same into money, or personal property: *Provided always*, that it shall not be lawful for the said corporation to employ its funds in buying or selling any goods, wares, merchandize, public stocks or real estate in the way of traffic; but it shall be lawful for the said corporation from time to time, to purchase, hold and sell public stocks for the purpose of investing therein part of its funds: But nothing in this section shall be construed to prevent the said company from selling any property pledged to them, or which they may have been obliged to purchase, for their own indemnity. Proviso.

13. *And be it enacted*, That from and after the time that two hundred thousand dollars of the capital stock of the said corporation shall have been subscribed, it shall be lawful for the directors for the time being, to call and demand of the stockholders or subscribers respectively, all such sum or sums of money by them subscribed, or to be subscribed, at such times, and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments thereon to the said corporation; and also in the same manner, whenever the capital stock shall be increased according to the second section of this act, always however giving at least fifteen days previous notice of such call and demand, in one or more of the newspapers in the county of Bergen, state of New Jersey, and one or more in the city of New York; and also no transfer of the capital stock of the said corporation shall be valid or effectual until such transfer shall be entered and registered in a book or books kept for that purpose by the directors. Directors may demand all subscriptions in arrears on pain of forfeiture of shares and all previous payments.

14. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, annually to lay before the legislature of this state, a statement on oath or affirmation of the amount of its capital stock paid in, and of its notes, debts, and specie on hand; and if the said president and cashier shall fail to do the same for the space of three years, that then and from thenceforth, this charter and all the privileges hereby conferred, shall cease and be forever at an end. Duty of the president and cashier on penalty of forfeiture of charter.

15. *And be it enacted*, That the said corporation shall not issue notes or bills of a less denomination than one dollar; and a portion of the capital stock of the said company actually paid in, shall be liable only to taxation as all other banking institutions in this state are liable to, and their real estate subject to be taxed agreeably to the laws of this state for the time being. Denomination of bills and taxes.

Location,

16. *And be it enacted*, That said corporation shall be located, either at the city of Jersey, or at Hoboken, in the county of Bergen.

Limtations,&c

17. *And be it enacted*, That this act shall be and continue in force, for, and during any time not exceeding twenty one years from the passing thereof: and it shall be lawful for the legislature at any time hereafter to alter amend or repeal the same.

Directors may be increased to a certain number.

18. *And be it enacted*, That in case the directors shall at any time deem it expedient to increase their number, they shall have power so to do; and may at any meeting at which a majority of the directors shall be present, determine how many additional directors shall be chosen, and shall proceed to elect the same by ballot, and such additional directors so chosen, shall be directors in said corporation until the then next annual election; and at such next and every preceding annual election, such additional number shall be included with the former directors, in the election by the stockholders; *provided however* that the whole number of directors, of said corporation shall never exceed fifty.

Bonus.

19. *And be it enacted*, That this act, and the grants herein before mentioned, are upon this express condition, that the sum of twenty five thousand dollars be paid to the treasurer of this state, in thirty days from and after commencing the operations of said company, as a consideration for granting this charter, the same to be appropriated to the school fund.

A. Passed December 29, 1824.

AN ACT to erect the southwesterly part of Sussex county into a separate county, to be called the county of Warren.

Preamble.

WHEREAS the inhabitants of the lower part of Sussex county have set forth by petition that they are laboring under great inconvenience and expense, by reason of their distant situation from the seat of justice of the said county, and have prayed that the same be divided, THEREFORE—

1. 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 lower part of the coun-

ty of Sussex, southwesterly of a line beginning on the river Delaware, at the mouth of Flat brook, in the township of Walpack, and running from thence, a straight course to the northeast corner of the Hardwick Church, situated on the south side of the main road leading from Johnsonsburg to Newton, and from thence in the same course to the middle of the Muskonetcong creek be and the same is hereby erected into a seperate county, to be called the county of WARREN; and a line running from thence down the middle of the said Muskonetcong creek to where it empties into the Delaware, shall hereafter be the division line between the counties of Morris and Hunterdon and the said county of Warren.

Name.

Boundaries, &c.

2. *And be it enacted*, That the said county of Warren shall have and enjoy all the jurisdiction, powers, rights, privileges, liberties and immunities which any other county in this state doth or may enjoy; and that the said county of Warren and the said county of Sussex shall each elect, in the same manner as other counties of this state do, two members from each county to represent them in the General Assembly, and one member from each county to represent them in the legislative council of this state and no more, until otherwise regulated by law.

Powers and privileges.

3. *And be it enacted*, That Nathaniel Saxton, Thomas Gordon and Benjamin M'Courry, be, and they are hereby appointed commissioners, and authorized and directed to run out, ascertain, fix and mark the line, described in the first section of this act, before the first day of May next, and to make and file in the secretary of state's office within six months thereafter, a report of the said line, describing its course, route and distance, and the most remarkable places, objects and monuments thereon—and that the said line so run out, ascertained, fixed and marked, shall be the division and boundary line between the said counties of WARREN and SUSSEX; and that the said commissioners shall have power to employ such person or persons as may be necessary to assist them in running out the said line, and that the said commissioners shall be allowed and paid, by the said county of Warren, five dollars per day for their services, and the other persons employed, such compensation as the commissioners deem reasonable.

Commissioners, their duties, &c.

Compensation.

C. Passed November 20, 1824.

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

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

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

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

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

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

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

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

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

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 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.

2. *And be it enacted,* That there shall be paid to the vice president of council, and the speaker of the house of assembly, the sum of three dollars and fifty cents, and to every member of the council and assembly the sum of three dollars for each and every day that they have respectively attended this, or may attend this or any future meeting of the legislature; and to every member the additional sum of three dollars for every twenty miles of the estimated distance, by the most usual road between his place of residence and the seat

of government in going and returning, on a certificate to be produced to the treasurer expressing the sum due, and the number of days and miles, signed by the president or vice president of council, for the members of council, or by the speaker of the house of assembly for the members of assembly, or by William Brittin, James F. Randolph, John T. Woodhull, and John Scott, or any two of them, for the members of assembly.

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 fifty cents, for every day they have respectively attended this or may attend any future sitting of the legislature, and the sum of eight cents by the sheet, computing one hundred words to the sheet, for entering the minutes of council and assembly and the joint meeting, fairly in the journals, and five cents by the sheet for a copy thereof for the printers, on a certificate produced to the treasurer, signed by the president or vice president of council for the secretary of council, and by the president of council or the speaker of the house of assembly for the clerk of assembly.

4. *And be it enacted*, That the treasurer pay to such persons, as may print the law reports, and such person or persons, as shall be appointed by the house of assembly for printing the laws of this state, and the votes and proceedings of the assembly, and to such persons as shall be appointed by council for printing the journals of council, and the minutes of the joint meeting, twenty three dollars for every sheet thereof; and that thirteen hundred copies of the same be printed, and for printing the laws and law reports twenty six dollars for every sheet thereof, and that sixteen hundred copies of the same be printed—and that the printer of the laws be required to print the public and private acts together, in one pamphlet, in the order of their passage, with tables of contents at the end, containing the title of each public act in one table and of the private acts in another table.

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

6. *And be it enacted*, That there shall be paid to the

secretary of council, and to the clerk of assembly, who shall severally engross the bills of council and assembly, this session of the legislature, at the rate of eight cents by the sheet, on a certificate of the amount signed by the president or vice president of council, or by the speaker of assembly.

7. *And be it enacted*, That this act be, and continue in force for one year from the twenty sixth day of October one thousand eight hundred and twenty four, and no longer.

C. Passed December 28, 1824.

AN ACT to incorporate the "Union," "Hand in hand," and "Resolution," Fire Companies of Trenton.

1. 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 Barnes, Samuel M'Clurg, Daniel Bellerjeau, John R. Tucker, James Hillman, and John D. Green, and all such other persons not exceeding one hundred in number as now are, or hereafter shall become associates of the Union fire engine Company of the city of Trenton, and their successors, be and they are hereby constituted and declared to be a body politic and corporate in fact and in law, by the name of "The Union fire company of Trenton."

2 *And be it enacted*, That Alexander Chambers, George Sherman, Samuel T. Machett, Joseph Higbee, Jacob Herbert, and Garret D. Wall, and all such other persons not exceeding one hundred in number, as now are, or hereafter shall become associates of the Hand in hand fire engine company of the city of Trenton, and their successors, be, and they are hereby constituted and declared to be a body politic and corporate in fact and in law, by the name of the "Hand in hand fire company of Trenton."

3. *And be it enacted* That Zachariah Rossell, David Johnston, Joseph M'Cully, Charles Ewing, Robert M'Neely, Daniel Baker, and John R. Smith, and all such other persons, not exceeding one hundred in number, as now are or hereafter shall become associates of the Resolution fire engine company, of the city of Trenton, and their successors, be, and they are hereby constituted and declared to be a body politic and corporate in fact and in law, by the name of "The Resolution fire company of Trenton."

4. *And be it enacted*, That the said corporations in the foregoing sections mentioned, by such names respectively, shall have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of judicature whatsoever, and that they and their successors respectively may have and use common seals, and have power to make, change and alter the same at their pleasure, and by their aforesaid names respectively and under their respective common seals, may make, enter into, and execute, any contracts or agreements, touching and concerning the objects of said corporations respectively, and shall have full power and authority to make, form and adopt such by-laws and regulations for their government, not inconsistent with the laws of this state, or the United States, as they shall think proper.

5. *And be it enacted*, That the capital stock of said companies respectively, shall not exceed the sum of two thousand dollars, which shall be solely and exclusively applied, to the procuring, repairing and maintainig such engines, hose, reservoirs of water, ladders, buckets, fire hooks, and other implements and machines, and to such other incidental expenses, as shall to the said companies respectively appear best calculatad, to secure the property of the citizens of Trenton, from injury or destruction by fire.

6. *And be it enacted*, That each of the said companies respectively shall have power to elect annually a president out of their own body, and such other officers and assistants as they shall find necessary for conducting their affairs according to their respective constitutions, and that the said presidents respectively, shall keep in their custody the common seals of the said companies, and at the expiration of their term of office shall deliver them over to their successors.

7. *And be it enacted*, That it shall be lawful for the Council and General Assembly of this state at any time hereafter to amend, modify or repeal this act as they shall think fit.

A. Passed December 29, 1824.

AN ACT to confirm a deed of release made by John Hartshorne of the township of New Hanover, in the county of Burlington, to his father Samuel Wright Hartshorne, of the same place, for certain lands therein named.

WHEREAS, Samuel Wright Hartshorne and John Hartshorne have by their petition set forth, that Samuel Wright late of the township of New Hanover by his last Will and testament, bearing date the twenty eighth of November, one thousand seven hundred and sixty two, executed in due form of law, to pass real and personal estate, did devise as follows: "Item, I give and bequeath to my grandson Samuel Wright Hartshorne, all the plantation which was given to me by my father Joshua Wright, during the term of his natural life, and after his decease, to remain to his issue, lawfully begotten, entailed forever:"—*And whereas*, upon the decease of the said Samuel Wright, in the year one thousand seven hundred and sixty three, the said Samuel Wright Hartshorne entered into the possession of the said plantation, under the said devise, and hath held and enjoyed the same ever since, and still holds the same, and hath issue, divers children, of whom John Hartshorne is his eldest son and heir apparent in tail; *And whereas* the said John Hartshorne, as well to enable the said Samuel Wright Hartshorne to make a disposition of said plantation more conformable to justice and the equitable and liberal principles of the laws of this state, directing the descent of real estate, as for and in consideration of the sum of ten dollars by his deed of release, bearing date the twenty second November one thousand eight hundred and twenty four, executed in due form of law, did remise, release and forever quit claim unto the said Samuel Wright Hartshorne, his heirs and assigns forever, all his right, title, interest, claim and demand whatsoever, of, in, and to the said plantation with the appurtenances; *And whereas* the said Samuel Wright Hartshorne and John Hartshorne, have by their petition prayed an act to confirm said deed of release, and to vest the title to the said plantation in the said Samuel W. Hartshorne, in fee simple, which appearing to be just and reasonable, THEREFORE,

1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the aforesaid deed of release made and executed on the twenty second day of November

in the year of our Lord one thousand eight hundred and twenty four, by John Hartshorne to Samuel Wright Hartshorne, be, and the same is hereby in all things confirmed, and shall be as valid and effectual in the law, to all intents and purposes, as if the same had been made after the said estate in remainder had vested in the said John Hartshorne; and that the said Samuel Wright Hartshorne shall be seized and possessed of an absolute estate of inheritance in fee simple of, and in the said plantation so devised to him in fee tail in and by the last Will and testament of the said Samuel Wright, deceased: *Provided*, that nothing herein contained shall in any way affect any right, interest, claim, estate or demand whatsoever, which any other person or persons, corporation or body politic whatsoever, shall or may have to the said lands, or alter, change, or lessen any lien, incumbrance, made, created or given by the said Samuel Wright Hartshorne and John Hartshorne, or either of them, or in any way affect the rights of their or either of their creditors, under, or by virtue of any judgment, mortgage, or other lien on the said plantation.

C. Passed November 30, 1824.

AN ACT to defray incidental charges.

1. 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, namely,

1. To his Exellency Isaac H. Williamson, for postage for letters and for printing general orders and distributing the same on General Lafayette's coming into this state, forty one dollars and five cents.

2. To David Taylor, for work done in the armory department, as per his account, fifty nine dollars and twenty five cents.

3 To John R. Taylor, for work done in the armory department, as per his account, fifty one dollars and twenty five cents.

4. To Samuel Paxton, for articles furnished the amory department, as per his account, five dollars and sixty two cents.

5. To James Johnson, for making case for state library, twenty dollars.

6. To Daniel Phillips, for boards, scantling and sealing lath, used in repairs of state House, thirteen dollars and eighty seven cents.

7. To Jasper Scott, for lime, lathing and plastering two rooms in second story of state house, and raising three chimneys, thirty nine dollars and forty four cents.

8. To John Cook, for iron work for state house, as per account, thirty seven dollars thirty one cents.

To Charles Parker, for expenses going to, returning from, and while at Philidelphia, twice on business for the state, postage, &c. forty three dollars and seventy eight cents.

To Charles Parker, for repairs of state house, and furniture for council chamber, four hundred twenty two dollars and ninety six cents, by a resolution of council.

To Jane Wilson, John Wilson, and William L. Prall, administrators of James J Wilson, deceased, for balance of account of printing, of last year, and petitioned for by the administrators, and ordered to be allowed by the house of assembly, twenty five dollars and fifty cents.

To Martin M. C. How, finding and setting glass in state house, seven dollars and fifty seven cents.

To Aaron Ward, for plank for tent poles, fifteen dollars and sixty four cents.

To Benjamin L. Jarvis, for transporting arms from Newark to Trenton, had for the use of celebration of General La Fayette, ten dollars.

To David L. Crane, for making tent poles and pins, twelve dollars and fifty cents.

To Isaac Crawford, for carting tents to Newark and returning the same to Trenton, for the use of celebration of General La Fayette, fifty dollars.

To William L. Prall, for wood for the use of the state house, one hundred twenty nine dollars thirty seven cents.

To Isaac Combs for services rendered on the part of this state on the trial of Anthony F. Taylor, Esq. and Redford Jobs, Esq., eighteen dollars and twenty four cents.

To William Gould, for receiving, cording and sawing wood for the use of the state house, twenty three dollars and forty three cents.

To Morgan Beakes, for bricks for chimneys for state house, thirty two dollars thirty seven cents.

To Samuel English, for attendance as witness on the part of the state against Anthony F. Taylor, Esq., one dollar ninety six cents.

To Asa Belden, for fixing pipes to the state house, one dollar and fifty cents.

To Joseph Abbot, for wood, twelve dollars.

To the Quartermaster General, for quarters, &c. furnished militia on the visit of General La Fayette, ninety two dollars and forty one cents.

To the Adjutant General, for postage, three dollars and eighty five cents.

To Charles Parker, for postage from October eleventh, one thousand eight hundred and twenty four, to the twenty fourth of December, one thousand eight hundred and twenty four, five dollars and twenty cents.

To Garrett Ackerson, one hundred and fifty dollars, to purchase, mount and equip a piece of field artillery.

To Charles Carson, one hundred and fifty dollars, to purchase, mount and equip a piece of field artillery.

To Thomas Cain, for candles, as per his account, five dollars and twenty cents.

To Daniel Fenton, for stationary, as per his account, twenty nine dollars and eighty two cents.

To Joseph Justice, for stationary, twenty six dollars and sixty three cents.

To Justice and Potts, for the Emporium paper, nine weeks, and other printing, twenty three dollars and sixteen cents.

To Joseph Justice, for printing general orders by the Governor, respecting the reception of Gereral Lafayette, and circulars, ten dollars.

To Joseph Justice, for printig bills for the use of the house, two hundred and seventy six dollars.

To John Bellerjeau, for labor done in council chamber, sixteen dollars.

To John Buckman, for repairing andirons, two dollars and twelve cents.

To Thomas Cain, for candles, for council chamber, three dollars.

To Daniel Fenton, for stationary, thirty eight dollars twenty two cents.

To Mr. Ford, for a cord of oak wood, four dollars.

To William Welling, for attendance at the state house, as a witness on the part of the state against Redford Jobs, one dollar.

To George Sherman, for newspapers furnished the house, printing rules of council, and second report of joint committee on canals, forty one dollars and sixteen cents.

To Daniel Fenton, for paper, one dollar eighty seven cents.

To the administrators of James J. Wilson, late quartermaster general, for bringing accoutrements from Bristol and Bloomsbury belonging to the state, five dollars and twenty five cents.

To Jane Wilson, for printing bills, and newspapers, and also rules of the house, thirty two dollars and sixteen cents.

To Joseph Justice, for balance of his last year's account, nine dollars eighty seven cents.

All which sums, shall be paid out of any moneys in the treasury, not otherwise appropriated.

To Daniel Coleman, Secretary of state, for certain duties performed in his office, as per account, for which no provision has been heretofore made by law, thirty five dollars and fifty four cents.

To William Gould, for receiving, cording, sawing, and putting away in the cellar, three and a half cords of hickory wood, during the present week, three dollars and fifty cents.

To Joseph M'Chesney, Esq. and his son Thomas, for attendance and expenses, as witnesses on the part of the state, against Anthony F. Taylor, a justice of the peace, ten dollars.

A. and C. Passed December 30, 1824.

A SUPPLEMENT to the act entitled "An act to incorporate a company to form an artificial navigation between the Passaic and Delaware rivers."

1. 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 after one million of dollars shall be subscribed towards the capital stock of said company, and ten per cent thereon paid in to the commissioners, and the directors appointed, as mentioned in said act, it shall be lawful for the said company to call in, from the stockholders respectively, the sum of one hundred thousand dollars, to be used for banking purposes as directed in said act; but they shall not call in any more money for said purposes except in conformity to the provisions of said act, and if the said company shall omit for the space of one year after the passing of this supplement, to expend the sum of one hundred thousand dollars on said canal, and file an account thereof agreeably to the sixteenth section of said act, the banking privileges hereby given shall cease.

C. Passed December 31, 1824.

AN ACT to provide for the gradual increase of the State Library.

1. 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 two hundred dollars in each and every year, during the term of ten years, be and the same is hereby appropriated for the gradual increase of the state library.

2. *And be it enacted* That the said sum of money shall be annually disbursed by the state librarian, for the purpose aforesaid, under the direction of Charles Ewing, John Wilson, and William Halsted, Jun. or a majority of them.

C. Passed December 31, 1824.

AN ACT concerning the widow of Joseph Brittin, deceased.

1. 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, do pay out of any unappropriated moneys in the treasury, the sum of five hundred dollars, unto Sarah Brittin the widow of Joseph Brittin, late of Trenton, deceased, at any time after the passage of this act.

C. Passed December 31, 1824.

AN ACT to incorporate a company to form an artificial navigation between the Passaic and Delaware rivers.

Preamble.

WHEREAS the construction of a Canal to unite the river Delaware near Easton, with the tide water of the Passaic, will be of great public benefit and advantage to the people of New Jersey ; now therefore, in order to secure to the state the results of this public work, and also as an inducement to a company to engage in this important undertaking, and in consideration of the risks and expenditures which they may encounter in its execution and operations, THERFORE—

Style of the incorporation, powers and privileges.

1. BE IT ENACTED *by the Council and General Assembly of this State and it is hereby enactea by the authority of the same,* That Jacob S. Thompson, of Sussex, Silas Cook, of Morris, John Dow, of Essex, Charles Board, of Bergen, and all and every other person or persons who may become subscribers according to the mode hereinafter prescribed, their snccessors and assigns shall be, and are hereby incorporated by the name of the "Morris Canal and Banking company," for the purposes, and with the privileges, and immunities, hereinafter described, defined and granted, and by that name shall be a body corporate and politic in law, and shall and may sue and be sued, implead and be impleaded in courts of justice or in any other place whatsoever ; and that the said company shall have power and authority at any time after the passage of this act to purchase, receive in donation, possess, enjoy and retain, demise, grant, alien and sell all such lands, tenements, hereditament , waters, streams, and water privileges, rights, goods, chattels and effects of every description whatsoever, as may be necessary

for carrying into effect any of the provisions of this act, and under the restrictions and limitations therein mentioned; and that the said company shall have perpetual succession, and power to make and use a common seal, and the same to change and renew at pleasure; and also to adopt, establish and carry into execution such by-laws, ordinances and regulations, as shall, by its president and directors be judged necessary or convenient for the said corporation, in respect to its canal and banking operations hereinafter mentioned; and the same to change, alter, repeal, annul and re-enact, provided the same be not contrary to the constitution or laws of the United States, or of the state of New Jersey.

2. *And be it enacted*, That George P. M'Culloch, and John Scott, of the county of Morris, Israel Crane, of the county of Essex, and Joseph G. Swift, Henry Eckford, and David B Ogden, of the city of New York, be, and they are hereby appointed commissioners for receiving subscriptions for the sum of one million of dollars, to constitute the capital stock for the canal aforesaid, in shares of one hundred dollars each; and that the said commissioners, or a majority of them, shall and do open books for that purpose, at such time and in such place or places, within this state, as they shall designate by public advertisements, to be previously inserted for at least three weeks, in a public newspaper printed in Morristown, Newark and the city of New York, respectively, and shall continue the same open until the said capital stock shall be subscribed, or at their discretion close the same, after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid; and the sum of ten per cent. upon each share so subscribed, shall be paid in specie, or in the bills of banks which redeem their bills with specie, by each subscriber, at the time of subscription to the said commissioners, or a majority of them, and the amount so received at the time of subscription, shall, by the said commissioners, or a majority of them, be deposited in such bank or banks, as the said commissioners, or a majority of them may elect in their joint names, there to remain until the same shall be by them paid over to the directors of the said company, to be appointed as hereinafter directed; and that the said directors, when so appointed, shall have power, and they are hereby authorized to call upon the said subscribers for the payment of farther instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures as they may deem expedient, until the whole amount of the said shares so subscribed shall have been fully paid.

Commissioners, time and mode of receiving subscriptions.

Time and mode of choosing directors and president.

3. *And be it enacted*, That the management of the concerns of the said company shall be, and the same is hereby vested in fifteen directors, to be selected from the stockholders; and that the said directors shall choose, by plurality of votes, a president from among themselves; and as soon as convéniently may be, after the said stock of one million of dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders, by public notice, to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the first Monday of April, eighteen hundred and twenty six; and if for any cause whatsoever, an election of directors should not be made on the day whereon, in pursuance of this act, it ought to be made, the said corporation shall not for that cause be deemed dissolved, but it may be lawful at any other time to hold such election, public notice of the time and place being previously given as aforesaid, and until such election be made, the president and directors, for the time being, shall continue in office, provided such election be held before the first day of January next ensuing the stated day of election; and in case of the death, resignation, incapacity, or removal of the president, or of one or more of the directors, the vacancy thereby occasioned may be supplied by appointments to be made by the board of directors; and at all elections of directors, each stockholder shall be entitled to one vote for every share of stock by him or her held.

Pproperty how far exempted from taxation.

4. *And be it enacted*, That no state, county, township, or other public assessments, taxes or charges whatsoever, shall at any time be laid or imposed upon the said canal company, or upon the stocks and estates which may become vested in them under this act; but this exemption shall not extend to any other estate or property of the company, than such as is possessed occupied and used by the said company for the actual and necessary purposes of said canal navigation under this act, according to the true intent and meaning thereof; and no tax shall be imposed upon any property of said company or of other persons transported or used upon or about said canal of greater amount according to the value of the article taxed than shall at the same time be imposed upon the property of the same or similar kinds in the state of New Jersey.

5. *And be it enacted*, That it shall be lawful for the said company to construct, make and execute a canal or artificial navigation, to connect the waters of the Delaware river near Easton, with the tide waters of the Passaic river, and passing

through the county of Morris, with all the locks, works, devices, wharves, toll houses and offices, necessary for the use of said canal; and it shall and may be lawful for the said company by its president and directors, and by any agent, engineer, superintendent or contractor or any other person or persons employed in the service of said company, to enter from time to time and at all times upon all lands, whether covered with water or not for the purposes of exploring or surveying the route or routes for said canal, and locating the several works as above specified; doing thereunto no unnecessary damage, and when the said route or routes shall have been fixed upon, and its several works located by the president and directors or a majority of them, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for them and for any agent, superintendent, engineer, contractor or any person or persons employed in the service of said corporation, at any time to enter upon, take possession of, and use all and singular such lands, water and streams, subject to such compensation to be made therefor as is hereafter directed.

Power to enter on lands, &c. for the purpose of surveying.

6. *And be it enacted*, That where lands, waters and streams that may be useful for said canal, shall not be made a free gift by their owner or owners, to the said company, then the company shall pay to the owner or owners, such compensation, as shall be mutually agreed upon; and in case of disagreement in relation to the value of such lands, waters and streams, or in case the owner or owners thereof be feme covert under age, non compos mentis, or reside out of the state, then it shall be lawful to, and for the aforesaid president and directors, from time to time, and at all times, to cause a survey or surveys, and map or maps, to be made of any of the lands, waters, and streams, in their estimation requisite and not given as aforesaid, and which they are authorized by this act, to take for the uses aforesaid; in the field book of which map and survey or maps and surveys shall be distinguished the land or waters of each of the several owners and occupants, appropriated or intended to be appropriated as aforesaid, and the quantity thereof, and shall exhibit the same, to one of the justices of the supreme court, in this state, not being a stockholder, (having given at least ten days previous notice, in writing to the parties concerned, if resident in the state, and by publication in at least two gazettes published in the counties to be traversed by the canal, of the time and place of such exhibition,) such book and map being accompanied by the oath or affirmation of one of the engineers, employed by said company, that the premises therein described are required to be occupied by the company, for the purpose of carrying into effect the object set

Owners of lands, &c. how compensated.

forth by this act, and are not more than is requisite for the said uses; and thereupon it shall be the duty of said justice to certify such map and book under his hand and seal, and to cause the same to be filed in the office of the clerk of the county, where such land, water, or stream, may be situated, there to remain a public record; and it shall also be the duty of the said justice, at the time and place aforesaid, by a writing under his hand and seal, to appoint three discreet and disinterested freeholders, chosen from some county or counties not intersected by the canal, as appraisers, who shall, before they enter upon the duties of their appointments, severally take and subscribe an oath or affirmation before some person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this act, and shall receive such compensation to be paid by the said company, as the justice by whom they are appointed shall determine; and it shall be the duty of said appraisers, or a majority of them, if requested so to do, by the owner or owners, or by the company to make a just and equitable estimate and appraisal of the value of the lands and damages to the several owners, proprietors or parties interested in the premises so required, for the purposes aforesaid, the said appraisers having given ten days previous notice of the time and place of meeting, to make such appraisment to the owner or owners resident in this state: and the appraisers or a majority of them, shall make regular entries of their determination and appraisal in a book or books to be by them kept for that purpose, and shall certify the same under their hands and seals, acknowledging the same before some person authorized to take the acknowledgment of deeds, and shall cause such book or books to be filed in the office of the clerk of the county, in which the lands may be situated, there to remain a public record; and the company shall pay or tender the damages so assessed to the person or personsentitled thereto; or in case such owner or owners shall be feme covert, under age, non compos mentis, or reside out of the state of New Jersey, the said company shall pay the same into the court of chancery of this state, to be disposed of under the order of the chancellor, according to the laws of this state; and immediately thereupon the estate, right, property and interest in and to the premises so appropriated, described and appraised, shall be vested in the company, to be by them held so long as they shall be sued for the purposes of said canal.

Power to enter on lands contiguous, and take materials

Owners, how compensated.

7. *And be it enacted*, That it shall be lawful for the president and directors of said company, and their superintendents, engineers, workmen and laborers, with carts, wag-

ons, and other carriages, and with their beasts of draught and burden, and all necessary materials, tools and implements to enter upon all lands, contiguous or near to the route or tract of the canal, doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and to take and carry away any stone, gravel, clay, sand or earth there, being most conveniently situated, and being most suitable for making or repairing said canal, the locks and other devices before mentioned thereto belonging; the said owners or occupants being entitled to a fair compensation or remuneration for the materials taken or damages done, if claimed within twelve months from the time of such damage sustained, or materials taken away; and in case of disagreement as to the amount of such damage, then it shall be lawful for the clerk of the common pleas of the county, upon the application of the company, to appoint three judicious disinterested freeholders as appraisers, who having given at least fifteen days notice to the owners, occupants, or persons having charge of such lands, and having been previously sworn, fairly and impartially, to enquire into, and report the amount of the said damages, shall deliver to each party, or deposit in the clerk's office of the county for their use, a copy of their appraisal under their hands and seals; which appraisal shall be conclusive evidence, of the amount of damages in any suit to be brought therefor (deducting therefrom, on such suit, all costs and charges of the appraisement if the amount so appraised shall not exceed one dollar, nor be less than what the company offered to pay, before the appointment of appraisers.

Power to enter on lands contiguous and take materials.

Owners how compensated.

8. *And be it enacted*, That the president and directors, or a majority of them, shall have power to elect all engineers, treasurers, collectors, cashiers, tollmen, clerks, agents, artificers, workmen, laborers, servants, and officers whatsoever, necessary in their judgment, for conducting the affairs of the company, and to dismiss and elect others at their pleasure, and also shall have power to charge and collect tolls, and rates for the passage of all boats, goods, draught cattle, wares, passengers, produce and merchandize whatsoever, upon the canal, or upon its banks, and to make, enact, and at pleasure, to change and re-enact such tolls, and rates, and also regulations and rules, for the collection and levying of the same, as to them may seem proper; *Provided*, the company shall at no time charge more than three cents per ton per mile on the passage of coal, lime, gypsum, iron, iron ore and stone, and a proportional charge upon other articles, contemplating their bulk, weight, and value, and a card thereof, to be put up in a conspicuous place, at every lock, or other

Power to chose officers.

Regulation of tolls.

New Jersey State Library

point on said canal, where toll shall be required to be paid: and if at any time hereafter, the said president and directors, shall deem it expedient to increase their capital stock for the canal aforesaid it shall be lawful for them so to do, and to obtain subscriptions for the same, and to manage and direct the same agreeably to the provisions, true intent and meaning of this act; and all stockholders of such additional shares, and their assigns, shall be thenceforward incorporated into the same company:—*Provided always*, that a preference of subscription shall always be given to actual stockholders, in proportion to the shares they shall respectively hold, and that such additional stock shall not exceed five hundred thousand dollars.

Capital may be increased.

Proviso.

9. *And be it enacted*, That at the general meeting of the stockholders to be held annually, agreeably to the second section of this act, a general statement of the affairs of the company shall be made out, and exhibited, by the president and directors, and the president and directors, or a majority of them, shall at that meeting, or as often as to them may appear expedient, declare such dividends of the nett profits of the company as they may think proper.

Statement of affairs to be exhibited annually.

Dividends, when declared.

10. *And be it enacted*, That the capital stock of said company, shall be deemed personal property, and that all shares of the capital stock, at any time, owned by any stockholder, shall be transferable on the books of the company, in such manner, as the by-laws shall ordain; but all debts due or payable to the company, and also all outstanding engagements with it, shall be satisfied previously out of said stock, before such transfer can be made, and before any dividend or dividends shall be paid upon such shares, unless by the consent of the president and directors.

Transfer of stock, how made.

11. *And be it enacted*, That under the powers and conditions stipulated in the foregoing enactments, it shall be lawful for the company to alter at any time, any part or parts of the route of the canal, making compensation for damages to owners, as herein before directed, and that it shall not be lawful for any person or persons, or any body politic, or corporate; whatsoever, to construct any canal within ten miles of any point of the main trunk of the Morris Canal, without the consent of the said company, expressed in writing, under their common seal; but this prohibitation shall not extend to the construction of any canal, of less than ten miles in length, and which does not approach within two miles of the canal to be constructed under this charter, and saving to any person or persons, or body corporate, any of their just and le-

No other canal within ten miles, &c.

New Jersey State Library

gal rights, already vested, to the contrary of such prohibition; and it shall be the duty of the chancellor of this state, upon application made therefor, by the solicitor of the company, in due form, to issue his injunction, to stay and prevent the construction of any such canal, and also it shall be lawful for the said company, to raise the waters in the Green Pond, and lake Hopatcong, commonly called the Great Pond, by damming the same, and to use the surplus waters, thus saved, and so much water of said ponds as shall be necessary for said canal, and to take and convey said waters, into said canal; all loss and damages, to the owners of said ponds, and the lands flowed, or otherwise, used in obtaining water for the same, as aforesaid, being paid for agreeably to the previous provisions of this act

Injunction.

Green Pond, &c.

12. *And be it enacted*, That when the said canal shall cross any public road or farm, it shall be the duty of said company at their proper expense, to make good and sufficient bridges across said canal, and to keep the same in repair, so as to prevent any inconvenience in the usage of the said road, or farms, by reason of the said canal crossing the same.

Bridges, when to be made, &c.

13. *And be it enacted*, That if any person or persons shall in any manner, wilfully and maliciously, destroy, injure, or obstruct said canal, or any of its parts, or works therewith connected, or unnecessarily and maliciously open any gates thereon, or otherwise let off and waste water, to the detriment of said company, he, she or they, shall be considered guilty of a misdemeanor and being thereof convicted shall be punished by fine or imprisonment, or both at the discretion of the court in which such conviction shall take place; *Provided*, such fine shall not exceed the sum of twenty five dollars, nor the imprisonment, the term of two years; and such criminal prosecution, shall in no wise impair the right of action, for damages, by a civil suit to be brought by the company.

Injuries, how punished.

Proviso.

14. *And be it enacted*, That for the encouragement of so great an undertaking, as the erection of said canal, and in some measure to induce capitalists and others to subscribe for the same, it shall be lawful for the said company, to increase the capital stock of said company, for the purpose of banking operations; but under the following conditions, limitations, and restrictions, namely, that as soon as the said company shall have actually paid, laid out and expended the sum of two hundred thousand dollars, in the purchase of lands, waters, and water privileges, necessary for the construction and uses of said canal, and in constructing, making

Banking privileges, under certain restrictions.

and building the same, it shall and may be lawful for the president and directors aforesaid, to call from the stockholders respectively of said canal company, for the time being, in proportion to their respective shares, the sum of two hundred thousand dollars, or any less sum, in the discretion of said president and directors, towards a capital for banking purposes as aforesaid, and so often thereafter as the said company shall have paid, laid out and expended other like sum, of two hundred thousand dollars, in the purchase of lands as aforesaid, and in constructing, making and building the said canal as aforesaid, it shall be lawful for the president and directors aforesaid, to increase the capital stock of said company for banking purposes, to such further amount, of two hundred thousand dollars : *Provided* that the said increased capital of the company for banking purposes shall not exceed in the whole, one million of dollars ; and the president and directors, shall and may upon any increase of the capital of said company, for banking purposes as aforesaid, call for the same, from the stockholders respectively, at such time and in such instalments in proportion to their respective shares, and upon such notice, and under such forfeitures, as they shall prescribe : *Provided always*, that no such increase of stock for banking purposes as aforesaid shall at any time be made, by reason of na alleged expenditure of any of the respective sums, of two hundred thousand dollars, as aforesaid, until the president and directors aforesaid, shall have first caused to be exhibited to the governor or person administering the government of this state, a just and full statement, and account, shewing that such expenditure of two hundred thousand dollars, han actually been made in and about the purchases, necessary for the construction of, and in the various works as aforesaid, of said canal, and the president and cashier, or person keeping the accounts of said company, shall severally certify the said account of expenditures, to be just and true, and subscribe their names thereto ; and moreover make, subscribe and annex to the same their respective oath or affirmation, taken before one of the justices of the supreme court of this state, that the said account is just and true to the best of their knowledge and belief ; and shall otherwise, if required, by the said governor, or person administering the government, prove to his satisfaction that the same is true, and further obtain from said governor, or person administer- the government, a certificate under his hand, and the seal of the state, certifying that it hath appeared to him that the said sum of two hundred thousand dollars, has been actually expended upon, and towards the said canal, according to the provisions of this act, and that the said company is entitled to increase its capital stock, for banking purposes to that amount ; which

Proviso.

certificate the said governor or person administering the government, upon his being satisfied of the truth, and fairness of said account, is hereby authorized and required to grant; and the said president and directors, before any increase of their said capital for banking purposes to such additional amount of two hundred thousand dollars as aforesaid, shall cause the account and statement exhibited and sworn to as aforesaid, to be filed in the office of the secretary of state; and the certificate of the governor, or person administering the government as aforesaid, to be recorded in the same office; a certified copy of which certificate and account, by the secretary of state, under the great seal of the state shall be received in all courts in this state as evidence that such expenditures of two hundred thousand dollars was made on, or towards the said canal, at the exhibition of the account as aforesaid.

President or Cashier making false statement

Perjury.

15. *And be it enacted*, That if the person acting as president and the person acting as cashier or accountant of the said company, and who shall have made or exhibited any such account as aforesaid, or either of them, shall wilfully and knowingly make a false oath to the same, such person shall be deemed guilty of perjury and on conviction of the same shall be subject to the pains and penalties of wilful and corrupt perjury.

Bank when established, account of expenses, &c. to be filed in Secretary's office, and penalty on neglect.

16. *And be it enacted*, That within one year after the first increase of the capital stock of the said company, for banking purposes as aforesaid, shall have been made, and so annually thereafter, until the said canal shall be completed, the said company shall cause to be made out a just and true account of their expenditures upon said canal, within each of the said years respectively, which account shall be certified and sworn to by the acting president and cashier or accountant in manner as directed in the fourteenth section of this act; and the said account shall be filed within such year in the secretary's office of this state; and whensoever it shall appear by such annual account in any year, that the said company have not actually expended on said canal, at least the sum of one hundred thousand dollars within such year, or if the said company shall neglect to file said account in manner aforesaid, in any year, then, and in either case, the said company shall wholly cease from and discontinue all banking discounts and operations upon their said increased capital for banking purposes, and shall not resume the same until the said account shall have been proved and filed as aforesaid, and showing such anuual expenditure.

President or cashier making false oath to such account, perjury.

17. *And be it enacted*, That if the said acting president and cashier, or accountant, or either of them, shall wilfully make a false oath to any such account as is mentioned in the foregoing section, such person shall be deemed guilty of perjury, and on conviction of the same, be subject to the pains and penalties of wilful and corrupt perjury.

Bank located at Jersey City.

Return of stock to be made triannually to Secretary of state.

18. *And be it enacted*, That the banking house of the said company shall be situated, and their banking operations be conducted in the city of Jersey, in the county of Bergen, and it shall be the duty of the president and cashier of the said corporation for the time being, once in two years, to make a full return to the secretary of state, under oath, of the stock of said company used in banking operations, where the same is employed, how much specie is in the vault or vaults, of their banking house, or banking houses, what amount of notes of said company are in circulation, and the amount of debts due from and owing to said company: and in case the said president and cashier shall neglect or refuse so to do, for the space of ninety days, the legislature may at any time thereafter in their discretion, suspend said banking operations.

Penalty on neglect, &c.

Funds to be no otherwise employed.

19. *And be it enacted*, That the funds of the said company shall never be employed in any other operations, nor for any other purposes than those provided for in this act.

Rights of action against the company.

20. *And be it enacted*, That nothing in this act shall be taken to impair the right of any person to an action against the said company for damages to his or her water rights, lands, tenements or hereditaments by the erection of said canal where such person hath not been agreed with by the said company, or his or her damages, right and estate satisfied and vested in the said company, under the previous provisions of the act.

Half of 1 per cent. on stock when to be paid.

21. *And be it enacted*, That in eleven years after the passing of this act and annually thereafter, the president and directors of said company shall be, and they are hereby required to pay or cause to be paid into the treasury of this state, the one half of one per cent. on the whole amount of such capital actually subscribed and paid in, and which shall thereafter be paid in to such company for banking purposes as aforesaid; and upon neglect or refusal so to do by said president and directors, the said tax shall and may be recovered in such manner as is directed in an act entitled "An act to tax bank stock," passed November second, one thousand eight hundred and ten, or any other act or acts of the Legislature for the time being, for the recovery of tax, on bank

Penalty on neglect, &c.

stock; and the said tax when collected shall be appropriated as other bank tax is or shall by law be directed to be appropriated.

Banking privileges to continue 31 years.

22. *And be it enacted*, That so much of this act as relates to banking rights and privileges upon the increased capital of the company for banking purposes as aforesaid, shall continue and be in force for and during the term of thirty one years from the passage of this act.

On what occasion charter may be forfeited.

23. *And be it enacted*, That unless one million of dollars shall be subscribed as aforesaid, on or before the first day of November next, and also unless the said canal shall be completed and opened for the passage of boats within fifteen years from the passage of this act, then the same shall be, and is hereby declared to be null and void.

Further banking privileges.

24. *And be it enacted*, That the said company shall and may be, and are hereby made capable of using any part of their capital which shall be paid in for banking purposes as aforesaid, for the following additional purposes, that is to say, in buying and selling bills of exchange, or the stock of any body or bodies corporate and politic, and in loans upon bonds and mortgages; and they may bind themselves by contract not under seal, and receive and take by deed or devise any effects and property, both real and personal, which may be left or conveyed to said company, in trust, and to assume, perform and execute any trust which has been or may be created by any deed bequest or devise as aforesaid; and the said company is hereby authorized and empowered to receive, take, possess, and stand siezed of, and to execute any and all such trust or trusts in their corporate capacity and name, in the same manner and to the same extent as any private trustee, or trustees, might or could lawfully do, and no further; but it is hereby expressly declared, that the privileges hereby granted to the said company, for receiving, and executing trusts, are solely for the purpose of the protection of property so conveyed to them, and not for the purpose of aiding, or promoting any traffic in any kind of stocks, or in any kind of goods, wares and merchandizes: and in case any kind of goods, wares or merchandizes, shall be so conveyed, or bequeathed in trust as aforesaid, the said company shall dispose of the same, as soon as it conveniently can be done, and the avails thereof shall be invested in stocks, or in bonds and mortgages, or other permanent securities for the sole use of the person or persons beneficially interested therein; and the said privileges shall not be so construed, as legally to empower the said company to take any other kind of trusts

Proviso. than such as are usual with other trustees: *Provided always*, that this act shall not extend to create any entailment, trust, or perpetuity, contrary to any existing provision of law.

Canal to be deemed a high way.

25. *And be it enacted*, That the said canal when completed, shall for ever thereafter be esteemed a public highway, free for the transportation of any goods, commodities or produce whatsoever, on payment of the tolls, and conforming to the regulations made or authorized by this act: and it shall be lawful for the legislature of this state, at any time hereafter, to appoint three commissioners for the purpose of fixing and regulating the tolls to be taken on said canal; which shall be done by the said commissioners in conjunction with two commissioners to be appointed by the company, unless the said company should refuse or neglect upon due notice to appoint any commissioners on their part, in which case the said commissioners on the part of the state or a majority of them, shall fix and regulate the tolls with due regard to the interests of the company and of the citizens of this state: *Provided always*, that they shall not have power to reduce said tolls lower than one half the greatest amount allowed by the ninth section of this act, without the consent of the president and directors of the said company.

Commissioners to regulate toll.

Proviso.

When canal may be taken by the state.

26. *And be it enacted*, That at the end of ninety nine years from the passing of this act, it shall and may be lawful for this state, to take to itself, and on its own account the said canal and its appurtenances, paying to the said company the fair value thereof, to be estimated and fixed upon by ten commissioners or a majority of them, to be mutually chosen by this state and the said company; or in case that shall not be done at that time, or within one year thereafter, this charter shall continue so far as respects its canal operations and privileges for the further term of fifty years, when it shall cease, and the said canal with its appurtenances become the sole property of this state.

Corporation to take lands, on what conditions, &c.

27. *And be it enacted*, That the first, fifth, sixth and eleventh, sections and every other part of this act shall be so construed as that the said corporation shall not be authorized to take or appropriate to the use of said canal or under color or pretence that the same are necessary therefor, any lands, waters or streams of water, but such only as are actually necessary for the erection and use of said canal for the purposes of navigation only and its necessary towing paths and works as specified in the fifth section of this act; and that the said corporation shall not be authorized to demise, grant, alien or sell any such lands, waters or streams, taken or pre-

tended to be taken or acquired for the use of said canal as aforesaid, or any part thereof, to any person or persons whomsoever (excepting only such lands as may be received by them by donation or acquired by them by private contract,) and that the said corporation or any other person shall not be authorized to use or appropriate any part of said waters for mills or any other purpose than the mere navigation of said canal; and all waters not used for that purpose shall be permitted without unnecessary interruption to flow into their ancient and natural courses and channels; and that the twentieth section of this act shall be so construed, as to extend to damages sustained not only by the erection of the said canal in the first instance, but also by the subsequent operations of the said company from time to time, as the same may arise, any thing in this act before contained to the contrary notwithstanding.

28. *And be it enacted*, That this shall be a public act, and shall be judicially referred to by all judges, justices and others without being specially pleaded. Public act.

C. Passed December 31, 1824.

A FURTHER SUPPLEMENT to an act entitled "An Act making provision for carrying into effect the act for the punishment of crimes," passed February the fifteenth, one thousand seven hundred and ninety eight.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That at the first joint-meeting after the accounts of the state prison are settled, five suitable persons shall be chosen as inspectors of the state prison, who shall continue in office until the next session of the legislature, and until others are chosen in their stead; and at the first joint-meeting which shall happen after every annual settlement of the accounts of the state prison, the inspectors shall be re-elected or others chosen in their stead; and if any vacancy shall happen by the death, removal, resignation or refusal to act, or other inability, of any of the inspectors in the recess of the legislature, it shall and may be lawful for the person administering the government to appoint a person or persons to fill the vacancy. Inspectors. Vacancies how filled.

Inspectors may erect, &c. workshops

2. *And be it enacted*, That the said inspectors, or a majority of them, are hereby authorized to repair, enlarge or alter, at their discretion, the work shops situate within the walls of the said state prison, or to erect new work shops, if they or a majority of them shall deem it useful or expedient.

and designate the employment of each prisoner, and

3. *And be it enacted*, That the particular employment of each prisoner shall be such as the inspectors may consider best adapted to his or her state and condition, having due regard to that employment which is the most profitable, and the convicts shall be supplied as far as practicable and consistent with the interest of the state, with articles manufactured by the prisoners, and the keeper shall cause separate accounts to be kept of the work done by each prisoner, and of the materials delivered to him to be manufactured.

to see that the regulations are inforced, &c.

4. *And be it enacted*, That it shall be the duty of the inspectors to attend to and inspect the concerns of the prison, and to see that the laws and regulations respecting the prisoners, are duly observed and executed, and to keep minutes of their proceedings, accounts of articles manufactured, and the profits thereon, and generally such other things as may be useful for the information of the Legislature, which accounts, minutes, &c. shall be opened for the inspection of the committee of the legislature, annually appointed to inspect into the state of the prison and settle the accounts thereof.

Keeper and assistants to take oath or affirmation.

5. *And be it enacted*, That the keeper, his deputies and assistants, before they enter on the duties of their respective offices, shall take and subscribe, before a justice of the peace, the following oath or affirmation, viz: I do solemnly swear, or affirm, as the case may be, that I will well and faithfully serve the state of New Jersey, in the office of and will faithfully and diligently execute all the duties required of me as such officer and carry into execution all the laws and regulations of the said prison, so far as concerns my said office, according to the best of my ability, so help me God. Which said oath or affirmation, shall be by the said justice delivered to the secretary of state to be by him filed in his office.

What visiters excluded.

6. *And be it enacted*, That no person whatsoever, except the committee of the legislature, physician, inspectors, the keeper, his deputy or assistants, and Ministers of the Gospel in the presence of the keeper, or his deputy, shall be permitted to visit or converse with any prisoner confined

in the cells, except only in case of sickness; nor shall the keeper, his deputy or assistants, or any other person, visit or converse with such prisoners, any further than shall be necessary in the faithful discharge of their duties.

7. *And be it enacted*, That no person shall be permitted to speak to, or converse with, any prisoner confined in the said prison, except as otherwise provided for by law.

Keeper to examine all letters, &c.

8. *And be it enacted*, That no letter or communication in writing, shall be suffered to go in or out of the said prison, until the same shall have been examined, and approved of, by the keeper, nor shall any person without his consent, take any thing in or out of the said prison, for the use of any prisoner.

Penalty for neglect of duty in keeper &c.

9. *And be it enacted*, That if the keeper, his deputy, or either of his assistants, shall voluntarily, or negligently, suffer any prisoner, under sentence of solitary imprisonment, to be at large out of the cell or apartment assigned to such prisoner, or shall voluntarily, or negligently, suffer any prisoner under sentence of imprisonment in the said prison, to be at large without the bounds of the said prison, or to be visited, or conversed with, contrary to the rules and regulations thereof, the keeper or other persons, so offending in the premises, shall be removed from his office by the board of inspectors.

Duty of keeper on escapes.

10. *And be it enacted*, That if any prisoner sentenced to the said prison, shall escape therefrom, it shall be the duty of the keeper, to make a written report thereof, to the board of inspectors at their next meeting thereafter, whose duty it shall be to enquire into the circumstances thereof, and to make report to the legislature at their next meeting; *Provided always*, that nothing in this act shall be construed to prohibit the removal of any convict, confined in the cells, in case of sickness, upon certificate of the attending physician.

Bibles to be furnished to prisoners.

11. *And be it enacted*, That it shall be the duty of the inspectors, to furnish as many bibles for the use of the prisoners, as they may deem necessary.

What repealed.

12 *And be it enacted*, That the first section of the act entitled "A further supplement to an act, entitled an act, making provision for carrying into effect the act for the punishment of crimes," passed February the fifteenth, one thousand seven hundred and ninety eight, which said further supplement was passed the eleventh day of November, one thousand eight hundred and twenty, be, and the same is repealed.

C. and A. Passed December 21, 1824.

A SUPPLEMENT to an act concerning wills, passed November the sixteenth, seventeen hundred and ninety five.

On certain contingencies, Wills made void.

1. 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 last will and testament made when the testator had no issue living, wherein any issue he might have, is not provided for or mentioned, if at the time of his death he leave a child, children, or issue, or leave his wife ensient of a child or children which shall be born, such will shall be void, and such testator be deemed to die intestate.

After born children or descendants how to succeed.

2. *And be it enacted*, That if a testator having a child or children born at the time of making and publishing his last will and testament, shall at his death leave a child or children born after the making and publishing of his said last will and testament or any descendant or descendants of such after born child or children, the child or children so after born, or their descendant or descendants respectively, if neither provided for by settlement, nor disinherited by the said testator, shall succeed to the same portion of the father's estate, as such child or children, or descendants as aforesaid, would have been entitled to if the father had died intestate, towards raising which portion or portions the devisees and legatees, or their representatives shall contribute proportionably, out of the part devised and bequeathed to them by the same will and testament.

Devise or legacy to child or descendant dying before testator, when not to lapse.

3. *And be it enacted*, That whensoever any estate of any kind shall or may be devised or bequeathed by the testament and last will of any testator or testatrix, to any person being a child or other descendant of such testator or testatrix, and such devisee or legatee shall during the life of such testator or testatrix, die testate or intestate, leaving a child or children, or one or more descendants of a child or children who shall survive such testator or testatrix, in that case such devise or legacy to such person so situated as above mentioned and dying in the life time of the testator or testatrix shall not lapse, but the estate so devised or bequeathed, shall vest in such child or children, descendant or descendants, of such legatee or devisee in the same manner as if such legatee or devisee had survived the testator or testatrix and had died intestate; but this provision shall not apply where the testator or testatrix shall by the said will, or codicil thereto, or other instrument have otherwise directed, in regard to the children or descendants of the said devisee or legatee dying as aforesaid.

4. *And be it enacted*, That nothing in this act contained shall affect any case where the testator or testatrix, named in any testament, shall have died before the passing of this act, but such case shall be determined as if this act had not been passed. Not to retrospect.

5. *And be it enacted*, That it shall be lawful for any surrogate, or orphan's court, or for the ordinary, when any will shall be produced to such surrogate, court or ordinary for probate, and any witness or witnesses attesting the same, shall reside out of this state, whose evidence may be deemed material, to issue a commission or commissions annexed to such will, and directed to the judge of any court of law, mayor, recorder, or other chief magistrate of any city, town, corporation, or county, where such witness may be found, authorizing the taking and certifying his, her or their attestation, and if the person to whom any such commission shall be directed, shall certify in the manner such acts are usually authenticated by him, that the witness or witnesses, personally appeared before him and made oath or solemn affirmation (as the case may require) that the testator or testatrix signed and published the writing annexed to such commission, as his or her last will and testament, and that at the doing thereof the said testator or testatrix was of sound and disposing mind and memory, and that the said writing annexed, was also signed and published by the testator or testatrix in presence of the other subscribing witness or witnesses thereto (if any) such oath or affirmation shall have the same operation as if the same had been made before the surrogate, court, or ordinary, who issued such commission. Commission may issue to examine witness to a will residing out of the state.

C. Passed December 28, 1824.

AN ACT to incorporate the Delaware and Raritan Canal Company.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That John N. Simpson, James Neilson, and Floyd S. Bailey, and all and every person or persons, who may become subscribers, according to the mode hereinafter prescribed, their successors and assigns, shall be, and they are hereby incorporated, by the name of "the Delaware and Raritan canal company," for the purpose, and Style of the incorporation, powers and privileges.

with the privileges and immunities, hereinafter described, defined and granted; and by that name, shall be a body corporate and politic, in fact and in law, and shall, and may sue and be sued, implead and be impleaded, in all courts of justice and elsewhere; and the said company shall have power and authority, at any time after the passage of this act, to purchase, receive in donation, possess, enjoy and retain, demise, grant, alien and sell, all such lands, tenements, hereditaments, waters, streams, and water privileges, rights, goods, chattels and effects, of every description whatever, as may be necessary for carrying into effect any of the provisions of this act, and under the restrictions and limitations therein mentioned; and that the said company shall have perpetual succession and power to make and use a common seal, and the same to change and renew at pleasure, and also to adopt, establish and carry into execution, such laws, ordinances and regulations, as shall by its managers be judged necessary or convenient for the government and management of the said company; and the same to change, alter, repeal, annul and re-enact, provided that the same be not contrary to the constitution and laws of the United States, or of the state of New Jersey.

Capital stock, amount of,

2. *And be it enacted*, That the capital stock of said company shall consist of eight hundred thousand dollars, to be divided into shares of one hundred dollars each, and that the said company shall have power to increase the same to such amount as may be found necessary for the completion of the canal and works contemplated by this act, provided the same does not exceed one million of dollars.

Subscriptions, when and where to be opened.

3. *And be it enacted*, That the subscriptions to the capital stock of the company shall be opened on the first Monday in April next ensuing, under the direction of John N. Simpson, James Neilson, Charles Parker, Garret D. Wall, and Floyd S. Bailey, at the cities of Trenton and New Brunswick, giving at least twenty days notice of the time and place in one or more of the newspapers printed in Trenton, and in one or more of the newspapers printed in New Brunswick, and that the same shall be continued open for three days in succession, in each place, commencing at Trenton, and that each person subscribing, shall pay to the said commissioners ten dollars per share on each share subscribed; which said sum so paid, the said commissioners shall pay over immediately to the managers herein appointed, or their successors duly elected as hereinafter prescribed; *Provided*, that if more than the whole amount of the stock shall be subscribed, then the commissioners shall reduce the said sub-

scriptions, ratably, in proportion to their amounts, and return the overplus paid in. But if the consent of the state of Pennsylvania to use the waters of the Delaware, as hereinafter mentioned, is not obtained by the first Monday in April, aforesaid, then the said commissioners may open said books, at the same places at some other time, giving notice and proceeding in manner aforesaid.

Number of managers, &c.

4. *And be it enacted*, That the management of the business and concerns of the said company, shall be vested in seventeen managers, one of whom to be the president, and appointed as hereinafter mentioned; a majority of whom shall reside in the state of New Jersey.

Manner of voting, &c.

5. *And be it enacted*, That in all elections, or other questions concerning the management, and business of the said company, each share shall be entitled to one vote for every share not exceeding ten, and for every additional five shares one vote, which may be given in person or by proxy, as may be prescribed in the by-laws of the said company, and that the managers at their first meeting, shall, by a plurality of votes, appoint one of their number to be president, and shall also in the same manner, appoint a treasurer, and such other officers and agents necessary in their judgment for conducting the affairs of the company as they may see proper, who shall severally hold their offices during the pleasure of the said managers; and the said managers may demand and require of the said officers, or any of them, security for the faithful discharge of their respective duties, in such form and manner as they may see proper; and all subsequent instalments shall be paid in such time and manner as the said president and managers may direct.

Annual election, &c.

6. *And be it enacted*, That John N. Simpson, James F. Randolph, Lambert Rickey, John T. M'Dowell, James Neilson, Nathaniel S. Wyckoff, Joseph Bullock, Samuel Clement, Ephraim Bateman, Richard L. Beatty, William Halsted, jun. Joseph Rogers, John Marshall, Aaron Ogden Dayton, Floyd S. Bailey, Pearson Hunt and John Davisson, shall be the first managers, and shall hold their offices until the first Tuesday of January one thousand eight hundred and twenty six, and on that day, and annually thereafter, the managers of the said company, shall be chosen at a meeting of the stockholders to be held at such place within the state of New Jersey, and at such hour as the said managers shall appoint, giving at least twenty days notice thereof, by advertising the same in one or more of the newspapers published in Trenton, New Brunswick and New York; and

if an election of managers should not be made on the day when in pursuance of this act it ought to be made, the corporation shall not, for that cause be considered as dissolved; but it shall and may be lawful to hold such election at any other time, giving public notice thereof, in manner aforesaid; and until such election be made, the managers for the time being shall continue in office, but such election shall be held within thirty days after the time, when by law it ought to have been made; and in case of vacancy in the office of managers by death, resignation, removal or otherwise, the other managers may supply such vacancy or vacancies, from time to time, for the unexpired term of the manager or managers, whose place is so supplied.

Company, how far exonerated from taxes, &c.

7. *And be it enacted*, That no state, county, city, township, or other public assessment, tax, duty, impost, contribution or charge, whatsoever, shall be laid, imposed or in any manner levied upon the said canal company, or upon the stocks, property or estate which they may acquire, or which may be vested in them under this act; but this exemption shall not extend to any other estate or property of the said company, other than such as is possessed, occupied and used by the said company for the actual and necessary purposes of the said canal navigation under this act, according to the true intent and meaning thereof; and no tax or other impost shall be imposed or levied upon any property of the said company, or of any person or persons, body politic or corporate, used about or transported upon, the said canal, of greater amount, according to the article taxed, than shall at the same time be imposed upon articles or property of the same or similar kinds, in the state of New Jersey.

Width and depth of canal and feeder.

8. *And be it enacted*, That it shall be lawful for the said canal company to construct, make, erect and execute, a canal or artificial navigation from the waters of the Delaware river to the waters of the Raritan, and to improve the navigation of the said rivers respectively, as may from time to time become necessary, below where the said canal shall empty into said rivers respectively; which canal shall be at least forty feet wide at the surface, and the water therein be at least four feet deep throughout; and the said company are hereby empowered to supply the said canal with water from the river Delaware by constructing a feeder, which feeder shall be so constructed as to form a navigable canal, not less than thirty feet wide, and four feet deep, to conduct the water from any part of the river Delaware:

Proviso.

Provided, that before the commencement of the said feeder, or the improvement of the navigation of the said river Del-

aware, the consent of the legislature of Pennsylvania be obtained.

9. *And be it enacted*, That it shall and may be lawful for the said company to construct, make, erect, and form all locks, works, devices, wharves, toll houses, offices and other buildings necessary for the use of the said canal and feeder, or either of them ; and that it shall and may be lawful for the said company, by their managers, president, officers, agents, engineers, superintendents, or contractors, or any other person or persons by them employed, from time to time, and at all times hereafter, to enter upon all lands, whether covered with water or not, for the purpose of locating the several works and buildings, herein before specified, within such route for the said canal and feeder, as shall be determined on by the commissioners hereinafter mentioned, doing no unnecessary damage ; and when the general route, or routes, be determined by the commissioners hereinafter mentioned, or a majority of them, shall have been fixed upon by the said commissioners, then a survey of the said route shall be made by an engineer or other person to be employed by said company, and completed and deposited in the office of the secretary of the state of New Jersey ; whereupon it shall and may be lawful for the said company, their agents, engineers, contractors, superintendents, or other person or persons employed by them, at any time, to enter upon, take possession of, and use all and singular such lands, waters and streams, subject to such compensation to be made therefor, as hereinafter directed ; *Provided*, that the said company, or their agents, shall at no time, or under any of the provisions of this act, take or occupy, for the purposes of the said canal, or otherwise, any of the water or waters, flowing in any of the natural watercourses, over which the main canal or its waters may be constructed, and lying betweeen the Delaware and Raritan Rivers as aforesaid, unless by the consent or agreement of the several persons owning or occupying the said watercourses, and having right and legal capacity to give such consent or to make such agreement ; *Provided nevertheless*, that if it should happen that the said canal crosses the stream or extends along the bed of any watercourse, so that the water thereof, by reason of the deep cutting of said canal, or other unusual circumstances cannot be brought into its natural course without great and unreasonable expense to the company, it shall be the duty of the commissioners hereinafter appointed, or a majority of them, to certify such fact, and describe such place or places in their return of the general route of the canal ; in which case compensation shall be made to the

Privileges of the company to enter on lands, &c. &c.

Proviso.

party damaged by agreement with the company, or if no agreement is made, then the damage done may be appraised and paid for by the company in the manner provided in this act.

Commissioners their duty, &c. &c.

10. *And be it enacted*, That for the fixing and determining the general route of the said canal and feeder, previous to the particular location and survey of the same, by the said company, Benjamin Wright, Canvass White, and Ephraim Beach, jun. being first sworn or affirmed, are hereby appointed commissioners, whose duty it shall be to determine on the most proper stations for the beginning and termination of the said canal and feeder respectively, and the most proper route or routes, on which the said canal and feeder ought to be made by the said company, taking into view, economy and the public interest; and having determined on such general line of the said canal and feeder, they, or a majority of them, shall make and sign a description of the same, and cause it to be filed in the office of the secretary of state; which being done, and not before, the said company may proceed to locate, survey and obtain, the lands and waters necessary for the construction of the canal and feeder aforesaid, conforming themselves in so doing, to the stations, and within the general description of the commissioners as aforesaid; and the compensation to said commssioners and all expenses of obtaining such general description of the line of said canal and feeder, shall be paid by said company.

Compensation for lands occupied by the company, &c.

11. *And be it enacted*, That where lands, waters, and streams, that may be useful for said canal and feeder, shall not be made a free gift by their owner or owners, to said company, then said company shall pay to the owner or owners of all such lands, waters, streams, such compensation as shall be mutually agreed upon between them; and in case the said company cannot agree with such owner or owners in relation thereto, or in case such owner or owners or any of them, be feme covert, under age, non compos mentis, or reside out of the state, then it shall and may be lawful for the said company, and they are hereby required without delay from time to time, and at all times, to cause a survey or surveys, and map or maps, and field book or books, to be made of any of the lands, waters, streams or other things requisite and useful for the purposes aforesaid, distinguishing in the field book annexed thereto, the lands, waters, streams, or other things of each and every owner or owners thereof, appropriated or intended to be appropriated, as aforesaid, and the quantity thereof; and the same survey, map and field book, together with the oath or affirmation of the principal engi-

neer employed by the said company, that the premises therein described, are required to be occupied or used by the said company, for carrying into effect the object set forth in this act, and is not more than is requisite and needful for the said uses and purposes, to exhibit to one of the justices of the supreme court of New Jersey, not being a stockholder or otherwise interested, giving at least ten days previous notice in writing, to the parties, of the time and place of such exhibition, by serving the same on such owner or owners, and every of them, if resident in the state at the time, and if not by advertising the same in one or more of the newspapers printed in Trenton and New Brunswick ; and thereupon it shall be the duty of the said justice, to certify such survey, map and book, under his hand and seal, and to cause the same to be filed in the office of the secretary of state, there to remain as a public record ; and also at the same time and place by a writing under his hand and seal, to appoint three discreet and disinterested freeholders of the state of NewJersey, not residing in either of the counties traversed by the canal, as appraisers, who shall before they enter upon the duties of their appointment severally take and subscribe an oath or affirmation before some person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this act ; and it shall be the duty of the said appraisers or a majority of them, if requested so to do by the owner or owners, or by the company, to make a just and equitable estimate and appraisement of the value of the lands and damages, if any, that each owner may sustain by such appropriation, for the uses and purposes aforesaid, the said appraisers giving ten days previous notice in manner aforesaid of the time and place of meeting to make such appraisement ; and the said appraisers, or a majority of them, shall make regular entries of their determination, valuation and appraisement in a book or books to be by them kept for that purpose, and shall certify the same under their hands and seals, acknowledging the same before some person authorized to take the acknowledgement of deeds and shall cause such book or books to be filed in the office of the secretary of state, there to remain a public record ; and the company shall pay or tender the damages so assessed to the person or persons respectively entitled to the same ; or in case such owner or owners shall be feme covert, under age, non compos mentis or reside out of the state of New-Jersey, the said company shall pay the same into the court of chancery of this state, to be disposed of, under the order of the chancellor according to their several and respective rights and interests agreeably to law; and immediately thereupon, the right, property and interest belong-

ing to the person or persons so compensated and paid in, and to the premises so appropriated, described appraised, and paid for, shall be vested in the said company; and if default be made in such payment, the owner or owners may sue for, and recover of the said company the amount of such appraisement, or bring an action of ejectment for the lands, at his, her or their option.

Further privileges of the company, &c. &c. specified.

12. *And be it enacted*, That it shall be lawful for the managers of the said company, their officers, superintendents, engineers, workmen, laborers and other person or persons by them employed, with carts, wagons and other carriages, and with their beasts of burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route or tract of the canal, doing as little damage thereto as possible, repairing any breaches they make in the enclosures thereof, and to take and carry away any stone, gravel, clay, sand, earth, or other materials there, being most conveniently situated, and being most suitable for making or repairing said canal, or the locks and other devices before mentioned thereto belonging, the said owners or occupants being entitled to a fair compensation or remuneration for their materials taken, and damage done, if claimed within twelve months from the time of such damage sustained or meterials taken away, and in case of disagreement as to the amount of such damage sustained, or the value of such meterials taken away, then it shall be lawful for the said company to apply to one of the justices of the supreme court not being a stockholder or interested in any way, and in case he shall be a stockholder or interested, then to one of the judges of the court of common pleas, whose duty it shall be upon such application, to appoint three judicious and disinterested freeholders of the state, not resident in the county where such lands lie; and thereupon the said appraisers having given at least fifteen days notice in the manner aforesaid, of the time and place of their meeting to the owner or owners, occupant or occupants, or person or persons having charge of such lands to meet at such time and place, and having taken an oath or affirmation fairly and impartially to enquire into and report the value of the said materials, and the amount of the said damages, which may be submitted to their judgment, shall proceed to view and examine the premises, and make a valuation and appraisement under their hands and seals, and deliver the same into the office of the secretary of the state of New Jersey; which said valuation and appraisment shall be conclusive evidence of the value of the said materials, and the amount of damages sustained by such

owner or owners of such lands, in any suit, to be brought therefor; and every such owner or owners of the said land, having first made demand of the said company, for the amount so valued or appraised, may sue for, and recover the same by action of debt with costs of suit.

Commissioners, justice, &c. how remunerated for services.

13. *And be it enacted*, That the costs and expenses of all commissioners, justices and other officers and persons engaged in making any appraisement, or discharging any duty imposed by this act, shall be paid by the said company on a bill to be taxed by one of the justices of the supreme court, who shall allow for said services such sum as shall appear to him reasonable.

Tolls how to be regulated, &c.

14. *And be it enacted*, That it shall and may be lawful for the said Delaware and Raritan Canal company, after the said canal and feeder shall be made wholly, or in part, navigable, to demand and receive from the person or persons in possession of, or having charge of any boat or craft, passing on said canal or feeder, such tolls for the same as they may think proper; *Provided*, that the said tolls shall not exceed the following rates, to wit: two cents per mile for every ton weight of the ascertained lading of any boat, ark, craft or vessel, laden with, or engaged in the transportation of mineral coal; and not more than four cents for every ton weight of the ascertained lading of any boat, ark, craft or vessel, laden with or engaged in the transportation of any article of merchandise, and the same for every hundred feet, cubic measure, of lumber, or one thousand feet board measure, of boards, plank or scantling, or for every five thousand shingles, and so in proportion for any other article, and for any other distance; *Provided*, that the stockholders or a majorty of them, holding at least one half the capital stock, shall have full power and authority at any general meeting, to lessen the said tolls or any of them. And it shall be lawful for the legislature of this state at any time hereafter, to appoint three commissioners for the purpose of fixing and regulating the tolls to be taken in said canal, which shall be done by said commissioners in conjunction with two commissioners, to be appointed by the company, unless the said company should refuse or neglect upon due notice to appoint any commissioners on their part; in which case the said commissioners on the part of the state, or a majority of them, shall fix and regulate the tolls with due regard to the interests of the company and of the citizen of the state: *Provided always*, than they shall not have power to reduce said tolls, lower than one half the amount allowed as aforesaid, without the consent of the president and directors of said company, but

the same rate of tolls shall be paid on articles passing from the Delaware to the Raritan, as on those passing from the Raritan to the Delaware.

Dividend when and how to be made.

15. *And be it enacted*, That at the general meeting of the stockholders to be held annually, agreeably to the sixth section of this act, a general statement of the affairs of the said company, shall be made out and exhibited by the said managers, which shall be proved to be a correct and true statement, by the oath or affirmation of the president and treasurer of the said company, and thereupon, or as often as they shall deem expedient, upon such statement being proved as aforesaid, the said managers, or a majority of them, shall declare such dividends of the nett profits of the company, as they may think proper; which dividends shall be paid to the stockholders, or their legal representatives within ten days thereafter; *Provided*, that if any dividend shall be declared which shall impair the capital stock, the managers and each of them assenting thereto, shall be personally responsible to the said company for the amount of the deficiency.

Stock, personal property and transferable.

16. *And be it enacted*, That the capital stock, shall be deemed personal property, and that all shares of the capital stock at any time owned by any stockholder, shall be transferable on the books of the company in such manner as the by-laws shall ordain, but all debts due or payable to the company, and all outstanding engagements with it, shall be satisfied previously out of said stock, before such transfer can be made, and before any dividend or dividends shall be paid upon such shares, unless by consent of the managers.

No railway nor other canal to be constructed within 10 miles.

17. *And be it enacted*, That under the powers, restrictions and conditions, stipulated and prescribed in the foregoing enactments, it shall be lawful for the company aforesaid, to alter any part or parts of the route of the canal, if in constructing the same they meet with any insurmountable obstructions arising from rocks or other physical causes, making compensation to owners as hereinbefore directed, and that it shall not be lawful for any person or persons, body corporate or politic, whatsoever, to construct any canal or railway, within ten miles of any point of the said canal or feeder, without the consent of the said company expressed in writing under their common seal, saving to any person or persons, body politic or corporate, any of their just and legal rights already vested to the contrary of this prohibition: and it shall be the duty of the chancellor of this state upon an application made therefor by bill in due form of law, by the said

company, to issue his injunction to stay and prevent the erection and construction of any such canal or railway. Injunction may issue, &c.

18. *And be it enacted*, That every manager, president and treasurer, and all such other officers as the said managers may direct, shall before he or they act as such, take an oath or affirmation, for the due and faithful execution of the duties of his or their office. All officers to take an oath before acting.

19. *And be it enacted*, That the said canal and feeder, and the works to be erected thereon in virtue of this act, when completed, shall forever thereafter be esteemed a public highway, free for the transportation of passengers or any goods, commodities or produce whatsoever, on payment of the established tolls. Canal and Feeder to be deemed a public highway.

20. *And be it enacted*, That in case of the neglect or refusal of any person or persons to pay the toll, at the time of offering to pass through the said canal, and previous to the boat or vessel passing through the same, the collector or collectors of said toll may lawfully refuse passage to such boat or vessel; and if any vessel shall pass without paying the toll, without the consent of the collector, then the said collector or collectors may seize such vessel wherever found, and detain the same three days if necessary; and in case the toll shall not be paid within that time, then the said collector or collectors, may, after having given five days previous notice of the time and place of such sale in three of the most public places in the township where such seizure may be made, sell the same at auction for ready money; which, so far as is necessary, shall be applied towards paying the said toll and expenses of seizure and sale, and the balance, if any, shall be paid to the owner of said vessel; and the person having charge of said vessel shall be liable for such toll, if the same is not paid by such sale. Toll how collected.

21. *And be it enacted*, That nothing in this act shall be taken or construed to impair the right of any person or persons to an action against the said company for any damage done to his, her or their waters, rights, lands, tenements or hereditaments, by the erection or construction of the said canal, where such person or persons has not been agreed with by the said company, or his, her or their rights, damages and estate, satisfied and vested in the said company under the provisions of this act. Damages how recovered.

22. *And be it enacted*, That scales, steelyards, or other machines for the weighing of goods, shall be established at convenient distances along the said canal; and if any dispute Scales &c.

to be established &c. and the powers of toll-gatherers defined.

shall arise between the tollgatherer and the boatman with respect to his lading, and the said tollgatherer shall have cause to suspect deception or fraud, the said boatman may be compelled to give an accurate account of his said lading, and if the same be unsatisfactory, the said tollgatherer may take the said boat to the nearest wharf where accurate scales, steelyards or engines, for weighing goods are kept, and there have the cargo unloaded and weighed; which expense, together with the sum of twenty dollars, if he shall have refused or neglected to give an account of his lading, or if his account so given, shall prove below the real weight of the goods, shall be paid by the said boatman; and if it shall prove that the said boatman has given a correct account of his cargo, then the said corporation shall be liable to the owner of the said boat for damages of detention; in all cases where the toll is charged by the number of articles or by the number of feet contained therein; and if any difference shall arise between any collector of the said toll and the boatman, or person having charge of such articles, it shall be lawful for any such collector to stop and detain any such articles, together with the vessels in which they may be contained, so long as may be necessary to count or measure the same, and upon ascertaining the kind and weight or measure of lading as aforesaid, the said tollgatherer shall give a certificate thereof to the said boatman, which shall be sufficient proof of his not having a greater cargo on board throughout his passage of the said canal, unless an addition shall have been made after the said weighing and admeasurement; and the said company shall put up in some conspicious places the rate of tolls established on said canal.

Bridges where and how to be erected, &c.

23. *And be it enacted*, That whenever the said canal shall cross any public road or farm, it shall be the duty of the said company at their proper expense, to make good and sufficient bridges across said canal, and to keep the same in repair so as to prevent any inconvenience in the usage of the said road or farm by reason of the said canal crossing the same.

Penalty for injuring the canal &c.

24. *And be it enacted*, That if any person or persons shall in any manner wilfully and maliciously destroy, injure or obstruct said canal, or any of its parts or works therewith connected, or unnecessarily and maliciously open any gates thereon, or otherwise let off and waste water to the detriment of said company, he, she or they, shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine or inprisonment or both, at the discretion of the court in which such conviction shall take place; provided such fine shall not exceed the sum of twenty five dollars, nor

the imprisonment the term of two years; and such criminal prosecution shall in no wise impair the right of action for damages by civil suit, to be brought by the company.

Public act.

25. *And be it enacted*, That this shall be a public act, and shall be judicially referred to and taken notice of by all justices and others without being specially pleaded.

Amount of bonus, when to be paid, &c.

26. *And be it enacted*, That the said company in part consideration of this grant, shall within ninety days after the consent of the state of Pennsylvania for the use of the waters of the Delaware is obtained, as hereinafter mentioned, pay into the treasury of this state, the sum of one hundred thousand dollars, for the use of the state; and in case of omitting to pay the same, it shall be in the option of the state to declare the said incorporation void, or to hold the said company liable to the said state for the sum aforesaid, with interest thereon, at six per centum per annum; and the said canal, and other property and stock of the company, shall stand pledged for the payment thereof.

One fourth of capital stock may be taken by the state.

27. *And be it enacted*, That at the opening of the books of subscription as aforesaid, the state of New Jersey shall be deemed a subscriber to the amount of one quarter part of the capital stock of said company, which shall be reserved for them until the last day of the session of the legislature of this state, succeeding the time when the said company may obtain the assent of the legislature of Pennsylvania to the waters of the Delaware river as aforesaid, and at such session, it shall be at the option of the said legislature to accept of the said one fourth of the capital stock or any portion thereof for the state of New Jersey; and if the said legislature shall then accept of the same, or any part thereof, the instalments therefor to the company, shall be paid up to the same amount as has been paid by other subscribers, and any other instalments afterwards, as may be lawfully required.

Which may appoint five managers.

28. *And be it enacted*, That in case of subscription to the stock of the said company, of one fourth part thereof, as aforesaid, the state shall be entitled to appoint five of the managers, and if for any lesser portion, then proportionably to their stock in said company, accepted as aforesaid.

On certain contingencies, shares only transferrable.

29. *And be it enacted*, That the shares of the stock of said company shall not be assignable or transferrable, by the said company, or any stockholder or subscribers thereto, until after thirty per cent. at least, of the capital stock is paid in, and after the assent of the state of Pennsylvania shall be obtained for the use of the waters of the Delaware, and the sum

New Jersey State Library

of one hundred thousand dollars be paid to the state aforesaid, and any transfer so made or agreement therefore shall be void.

When the state may purchase the whole establishment &c.

30. *And be it enacted*, That at the expiration of fifty years after the completion of said canal and feeder, the said state of New Jersey may at their option, to be made within one year thereafter, become entitled to all the estate of the said company, in the said canal and feeder, upon payment to said company of the first cost of the same, as the expenditure therefor may appear at the end of one year after the navigation thereon shall have commenced ; and the said company shall cause to be made out a true and accurate account and statement at the expense of the said canal and feeder, up to the end of said year, and such account shall be sworn or affirmed to, by the president and treasurer or other principal accountant, keeping the accounts, and be filed in the office of the secratary of this state, within six months thereafter : and moreover the state of New Jersey shall at all times by its agent or attorney, duly appointed, have right to examine the account, books and vouchers of said company, in relation to said account, in order to determine if the same be true : but the sum of one hundred thousand dollars mentioned in the twenty-sixth section of this act, shall not be deemed to constitute any part of such expenditure.

Statement of the annual amount of tolls received and expenses for collecting &c. made every five years and laid before the Legislature.

31. *And be it enacted*, That the said company shall once in every five years lay before the legislature of this state, under the oath or affirmation of the president and treasurer, or other principal accountant of the company, a statement of the annual amount of tolls received, the expenses of collecting the same, and keeping the canal and feeder in repair, and the dividends paid to the stockholders.

Canal to be finished in six years &c.

32. *And be it enacted*, That unless the said company shall obtain the consent of the legislature of Pennsylvania in due form, for the use of the waters of the river Delaware, as aforesaid, on or before the first day of June one thousand eight hundred and twenty six, or shall not complete the said canal and feeder, within six years from the passing of this act, in either case, this act shall be void, and the right of the company to the said canal and feeder shall be vested in the state.

C. Passed December 30, 1824.

Resolutions.

RESOLUTION relative to an amendment of the Constitution of the United States, proposed by the Legislature of the state of Georgia.

RESOLVED, *by the Council and General Assembly of this State,* That the amendment to the Constitution of the United States, proposed by a resolution of the Legislature of the state of Georgia, passed December the twenty second, one thousand eight hundred and twenty three, providing "That no part of the Constitution of the United States, ought to be construed, or shall be construed to authorize the importation or ingress of any person of color, into any one of the United States, contrary to the laws of such State," be, and the same is, hereby disapproved of by the Legislature of this state.

RESOLVED, That his excellency the Governor be requested to transmit a copy of the foregoing resolution to the executive of each of the United States, to be laid before their respective legislatures.

C. Passed December 17, 1824.

RESOLUTION, for enquiring into the manner in which the authority to raise money for the benefit of Queens College by the way of Lottery has been exercised.

RESOLVED, *by the Council and General Assembly of this State,* That the Attorney General be, and he is hereby directed to adopt such proceedings either at law or in equity as he shall deem expedient, to prevent or restrain any undue or improper exercise of the grant and authority contained in the act to authorize and empower the trustees of Queens College in New Brunswick, to erect a Lottery for the purposes therein mentioned and of the supplement thereto.

C. Passed December 27, 1824.

RESOLUTIONS concerning the Commissioners and others employed in the collection of information relative to the Delaware and Raritan Canal.

RESOLVED, *By the Council and General Assembly of this State*, That his excellency the Governor is hereby requested to transmit to the honorable John C. Calhoun, secretary at war; to his excellency the Governor of New York; to the honorable Stephen Van Rensalaer, president of the board of canal commissioners of New York; to General Bernard; to Colonel Joseph Totten, and John L. Sullivan, members of the Board for Internal Improvement, each five copies of the Report of the commissioners appointed for the purpose of ascertaining the expediency and practicability of a canal from the Delaware to the Raritan river, together with copies of these resolutions.

RESOLVED, That the legislature entertain a high sense of the renewed proof of liberality and patriotism exhibited by the honorable Secretary at war, in promptly granting to the canal commissioners the aid of the board for *Internal Improvements*, to assist in their investigation.

RESOLVED, That the thanks of the legislature be presented to George Holcomb, Lucius Q. C. Elmer, and Peter Kean, Esquires, commissioners, for the intelligence, candor and diligence, which have characterized their execution of the commission with which they were intrusted.

RESOLVED That the thanks of the legislature be presented to General Bernard, Colonel Totten and John L. Sullivan; members of the Board for *Internal Improvement*, for the prompt, enlightened, and efficient aid, which they afforded to the commissioners upon the subject of a canal from the Delaware to the Raritan.

C. and A. Passed December. 29, 1824.

JOINT RESOLUTION, directing the Governor to forward certain copies of the revised laws &c. to the Congress Library.

1. BE IT RESOLVED *by the Council and General Assembly of this State and it is hereby resolved by the authority of the same*, That the Governor of this State,

cause to be sent two copies of the compiled and revised laws of this state, and of all the public laws, since that revision, to the Library of Congress; and that in future two copies of the public laws of each session, be sent to the said Library.

2. *And be it resolved* That the Librarian of this state, be, and he is hereby authorized to procure for the Public Library, two copies of the Journals of the first American Congress, recently published in four volumes.

A. Passed December 29, 1824.

RESOLUTIONS relative to the gradual emancipation of people of color and their colonization in a foreign country.

RESOLVED, *by the Council and General Assembly of this State*, That the consideration of a system providing for the gradual emancipation of the people of color, held in servitude in the United States, be recommended to the Legislatures of the several states of the American Union, and to the Congress of the United States.

RESOLVED, That in the opinion of this Legislature, a system of foreign Colonization, with correspondent measures might be adopted, that would in due time effect the entire emancipation of the slaves in our country, and furnish an asylum for the free blacks without any violation of the national compact or infringement of the rights of individuals; and that such a system should be predicated upon the principle that the evil of slavery is a national one, and that the people and the states of the Union ought mutually to participate in the duties and burdens of removing it.

RESOLVED, That his excellency, the Governor, be requested to forward a copy of these resolutions, to the Executives of each state in the Union, respectively, with a request that they lay the same before their several Legislatures; and that his excellency will also forward a like copy to each of our Senators and Representatives in Congress, requesting their co-operation in all national measures, having a tendency to effect the same object embraced therein.

C. Passed December 30, 1824.

RESOLUTIONS relative to the Delaware and Raritan Canal.

RESOLVED *by the Council and General Assembly of the state* of New Jersey, That the Governor of this state, do transmit with all convenient despatch to his excellency the Governor of Pennsylvania an exemplified copy of the law of this state, passed at the present session, incorporating the Delaware and Raritan canal company, with a request that he would communicate the same to the legislature of Pennsylvania now in session, and express the earnest desire which is felt, that Pennsylvania would co-operate with New Jersey in the proposed plan of improving and extending the common navigation, trade and commerce of both states.

RESOLVED, That the secretary of state do forthwith furnish the Governor with a certified copy of the aforesaid act, and a copy of these Resolutions.

A. and C. Passed December, 31 1824.

RESOLUTIONS relative to the School Fund, the Milford and Owego Turnpike, and the Sussex Bank.

RESOLVED, *By the Council and General Assembly of this State*, That the treasurer of this state be authorized to transfer to the trustees of the School Fund, the United States stock, amounting to seven thousand five hundred and fifty one dollars and twenty three cents, belonging to this state, and to take from the moneys belonging to said fund, the same sum, to be appropriated to the current expenses of the government.

RESOLVED, That the treasurer be authorized to take such measures as he shall deem expedient to ascertain the amount of dividends belonging t the state, from the Milford and Owego Turnpike company, and to receive the same for the use of the state.

RESOLVED, That the president directors and company of the Sussex Bank, ought to continue to pay to this state, the tax upon twenty seven thousand five hundred dollars, as they have heretofore done, and that the treasurer transmit to them a copy of this resolution.

C. Passed December 31, 1824.

INDEX

TO THE

Private Acts.

An act to extend the Charter of the Bank of New Brunswick - - - - - - - - 3

An act to authorize Andrew Howell and John A. Auten, administrators of the estate of John Warberton, deceased, to sell the real estate of the said deceased 3

An act to incorporate the Managers of the School Fund for the Education of Youth in the city of Burlington. - - - - - - 4

An act to incorporate the Phœnix Manufacturing Company - - - - - - - - - 8

An act to authorize Col. Abraham J. Van Arsdalen to take out of this State a certain lad of color, named Silas - - - - - - - - - 11

An act to dissolve the Marriage Contract between Edith Kay and Clement H. Kay - - - - 12

An act to authorize and direct Joshua M. Hardenburgh and Josiah B. Howell, trustees of Ann Griffith to reconvey certain real estate therein named, to Andrew Howell in fee simple - - - - - 12

A supplement to an act, entitled "An act to incorporate the Protestant Episcopal Church of St. Michael, in the city of Trenton," passed January the twenty eighth, one thousand eight hundred and eighteen - - - - - - 13

An act relative to certain lots of land in and near Somerville, in the county of somerset - - 14

An act to confirm and establish the last Will and Testament of Joseph Applegate, late of the county of Middlesex, deceased - - - - - - 14

An act to authorize Rachel Ireland, Administratrix of Captain Elijah Ireland, deceased, to fulfil a certain contract therein named - - - - . 16

An act to authorize the formation of Fire Companies in the Borough of Elizabeth - - - - - 17

An act to repeal certain acts therein named. - 18

An act to incorporate "the Schuyler Copper Mine Company" - - - - - - - - - 19

An act supplementary to an act to extend the Paterson and Hamburgh Turnpike to the Hudson river. 19

An act to authorize William Bishop, one of the Executors of Edward Parlier, deceased, to make and execute a deed of conveyance to John Suydam, senior - - - - - - - - - 24

An act to confirm a certain division of the estate of Abraham Inskeep, deceased, therein mentioned 27

An act to encourage and regulate the planting of oysters in the township of Perth Amboy. - 28

An act to authorize Conrad Konnight the father of Martin Konnight deceased, to fulfil a certain contract for the sale of land made by the said Martin Konnight, with James Lincrom - - - - - 31

An act to incorporate the Perth-Amboy Ferry company - - - - - - - - - - 32

An act to establish the Peoples' Bank of Paterson 35

An act to authorize the executrix of Robert Fulton, deceased, to sell and convey certain real estate - 47

An act to incorporate "The Jersey Glass Company" 49

An act to improve the navigation of Great Timber Creek, in the county of Gloucester. - - 51

An act to dissolve the marriage contract between Jane Swezy and her husband Stephen Swezy - - 56

An act to enable the executors of William Richards, deceased, to make title to certain real estate - 62

An act to authorize James Woolley and Elizabeth Van Outerstrip, to inherit certain real estate - - 63

An act to enable Samuel Richards and Sarah Ball, administrators of Joseph Ball, deceased, to sell and convey certain real estate, therein mentioned - 71

An act to incorporate the Mechanics' Insurance Company, in the county of Essex - - - 74

An act to divorce Elizabeth Welch from her husband Peter Welch. - - - - - - 82

An act to revive an act entitled "An act to authorize the Governor of this State, to incorporate a company for erecting a bridge over the river Delaware, near the town of Milford, in the county of Wayne, Pennsylvania," passed the twenty seventh day of January, one thousand eight hundred and fourteen. 82

An act to enable Job Conover to build a bridge over Read's Creek, and stop the current in the same 83

An act to divorce Ann Jackson from her husband William Jackson - - - - - - - 84

An act to incorporate the Endeavour and Fulton Fire Engine Companies, in the city of Burlington - 85

An act to authorize Elias Mollison and William Lupp, executors of John Plum, deceased, to convey certain real estate to Andrew Bartles - - - 87

An act to enable a majority of the owners of certain Copper Mines, in the county of Bergen, to work the same - - - - - - - - - - 89

A supplement to an act entitled "An act to incorporate the Mechanics' Insurance Company, in the County of Essex" - - - - - - - 93

An act to dissolve the Marriage contract between Absalom F. Randolph and Hannah Budd his wife 93

A supplement to an act entitled "An act to encourage and regulate the planting of Oysters, in the township of Perth Amboy," passed the twenty fifth day of November, one thousand eight hundred and twenty four - - - - - - 94

An act for the relief of the Heirs of William Vibbert, deceased, and others - - - - - 97

An act to incorporate "The Franklin Bank of New Jersey," to be located at the city of Jersey, in the county of Bergen - - - - - - - 99

An act to incorporate the Weehawk Banking Company - - - - - - - - - 105

An act to divorce Tunis Vreeland from his wife Margaret Vreeland - - - - - - - 112

A supplement to the act entitled "An act to incorporate a company to erect a turnpike from the town of Paterson to the village of Hackensack" - - - 112

An act for the settlement of a claim of Hugh Sweeny for indexing certain records - - - - - 117

An act to incorporate the Monmouth Bank - 118

An act to incorporate the New Jersey protection and Lombard Bank - - - - - - - 140

An act to incorporate the "Union," "Hand in hand," and "Resolution," Fire Companies of Trenton 150

An act to confirm a deed of release made by John Hartshorne of the township of New Hanover, in the county of Burlington, to his father Samuel Wright Hartshorne, of the same place, for certain lands therein named - - - - - - - 152

An act concerning the widow of Joseph Brittin, deceased. - - - - - - - - - 158

INDEX

TO THE

Public Acts.

An act providing for repairs to the State House, and Government House and lot in the city of Trenton, and for other purposes. - - - 15

An act to repeal an act, entitled "An act to abolish imprisonment for debt in certain cases," passed the eleventh day of December, one thousand eight hundred and twenty three. - - - 17

A supplement to an act entitled "An act to regulate fees," passed the thirteenth of June, one thousand seven hundred and ninety nine. - - 18

An act for the settlement of territorial limits and jurisdiction between the states of New Jersey and New York. - - - - - 23

An act to authorize the United States to hold its courts in the State House. - - - - 25

An act for the sale of a part of the Government lot in the city of Trenton. - - - - 26

A supplement to an act entitled "An act concerning Divorces and for other purposes," passed the sixteenth of February, one thousand eight hundred and twenty. - - - - - 43

A supplement to an act entitled "An act to establish state banks in New Jersey," passed January twenty eighth, one thousand eight hundred and twelve. 46

A supplement to an act entitled "A supplement to the act entitled, An act for the preservation of clams and oysters," passed on the ninth day of June, one thousand eight hundred and twenty, which said supplement was passed on the eighth day of December, one thousand eight hundred and twenty three. 55

An act to authorize the board of chosen freeholders of the county of Salem, to erect a bridge over Stoe Creek. - - - - - 56

An act directing the mode for choosing a place in the county of Gloucester at which the Court House, Jail and other necessary buildings shall be located. 57

A supplement to the act entitled "An act to erect the southwesterly part of Sussex county, into a separate county, to be called the county of Warren." 60

An act to incorporate the New Jersey Bleaching, Printing and Dying Company - - - - - 64

An act to confirm certain acknowledgments of Deeds and other instruments, taken by John Hamel, Esq. 70

A supplement to the act entitled "An act to provide for the distribution of the complied and revised public laws of this state." - - - - - 70

A further supplement to the act entitled "An act for the punishment of crimes, passed the eighteenth day of March, one thousand seven hundred and ninety six." - - - - - - 79

An act respecting fugitives from justice. - - 80

An act supplementary to the act entitled "An act relating to Hawkers, Pedlars and Petty Chapmen," passed the seventh day of March, one thousand seven hundred and ninety seven. - - 81

An act respecting the Public Arms. - - 95

An act for the sale of part of the land at Paterson belonging to the State. - - - - - 112

An act to raise the sum of twenty thousand dollars for the year of our Lord one thousand eight hundred and twenty five. - - - - - 113

An act for the augmentation of the fund for the support of Free Schools. - - - - 117

An act regulating the boundaries, and incorporating the inhabitants of certain townships in the counties of Sussex and Warren, and incorporating the board of chosen freeholders in the said county of Warren, and for other purposes. - - - - 126

An act to erect the southeasterly part of Sussex county, into a separate county, to be called the county of Warren. 146

An act to defray incidental charges. - - - 153

A supplement to the act entitled "An act to incorporate a company to form an artificial navigation between the Passaic and Delaware rivers." - - 157

An act to provide for the gradual increase of the State Library. - - - - - - 157

An act to incorporate a company to form an artificial navigation between the Passaic and Delaware rivers. - - - - - - - 158

A further supplement to an act entitled "An act making provisions for carrying into effect the act for the punishment of crimes," passed February the fifteenth, one thousand seven hundred and ninety eight. - - - - - - - 171

A supplement to an act concerning Wills, passed November the sixteenth, one thousand seven hundred and ninety five. - - - - - 174

An act to incorporate the Delaware and Raritan Canal Company. - - - - - 175

INDEX TO THE RESOLUTIONS.

Resolutions relative to an amendment of the Constitution of the United States, proposed by the Legislature of the state of Georgia - - - 189

Resolution for enquiring into the manner in which the authority to raise money for the benefit of Queens College by the way of lottery has been exercised - - - - - - - - - 189

Joint Resolution, directing the Governor to forward certain copies of the revised laws, &c. to the Congress Library - - - - - - - 190

Resolutions relative to the gradual emancipation of people of color, and their colonization in a foreign country - - - - - - - - - 191

Resolutions relative to the Delaware and Raritan Canal - - - - - - - - 192

Resolutions relative to the School Fund, the Milford and Owego Turnpike, and the Sussex Bank 192

Resolutions concerning the Commissioners and others employed in the collection of information relative to the Delaware and Raritan Canal - - 193

Census

OF THE

STATE OF NEW JERSEY.

FROM THE UNITED STATES' CENSUS, 1820.

SUSSEX COUNTY.

Towns.	*Population.*
Wantage	3,307
Greenwich	3,335
Oxford	3,089
Hardwick	3,360
Mansfield	2,787
Newton	2,743
Knowlton	2,701
Hardiston	2,160
Vernon	2,096
Independence	1,850
Frankford	2,008
Sandiston	858
Montague	964
Walpack	822
Byram	672
Total	32,752

ESSEX COUNY.

Towns.	*Population.*
Newark	6,508
Elizabeth	3,515
Springfield	1,804
Orange	2,830
Caldwell	2,020
Westfield	2,358
Aquacknock	3,338
Union	1,567
Rahway	1,945
Bloomfield	3,085
Providence	768
Livingston	1,056
Total	30,793

MORRIS COUNTY.

Towns.	*Population.*
Morris	3,524
Pequanock	3,820
Hanover	3,503
Chatham	1,832
Washington	1,876
Chester	1,212
Roxbury	1,792
Mendham	1,826
Jefferson	1,251
Randolph	1,252
Total	21,868

BERGEN COUNTY.

Towns.	*Population.*
Compton	2,818
Franklin	2,968
Saddle River	2,291
Harrington	2,296
New-Barbadoes	2,592
Bergen	3,137
Hackensack	2,076
Total	18,178

HUNTERDON COUNTY.

Towns.	*Population.*
Trenton	3,942
Hopewell	2,881
Lawrence	1,354
Amwell	6,749
Readington	1,964
Bethlehem	2,002
Alexandria	2,619
Kingwood	2,786
Lebanon	2,817
Tewksbury	1,490
Total	28,604

SOMERSET COUNTY.

Towns.	*Population.*
Franklin	3,071
Bridgewater	3,147
Montgomery	2,495
Hillsborough	2,885
Warren	1,452
Bernards	2,063
Bedminster	1,393
Total	16,506

MIDDLESEX COUNTY.

Towns.	*Population.*
Woodbridge	4,226
North Brunswick	4,275
South Amboy	3,406
Piscataway	2,648
South Brunswick	2,489
East Windsor	1,710
West Windsor	1,918
Perth Amboy	796
Total	21,470

MONMOUTH COUNTY.

Towns.	*Population.*
Freehold	5,146
Upper Freehold	4,541
Middletown	4,369
Shrewsbury	4,284
Howell	3,354
Dover	1,916
Stafford	1,428
Total	25,038

BURLINGTON COUNTY.

Towns.	*Population.*
Burligton	2,758
Northampton	4,833
Evesham	3,977
Hanover	2,642
Nottingham	3,633
Springfield	1,568
Chesterfield	2,087
Mansfield	1,957
Chester	2,253
Washington	1,225
Little Egg Harbor	1,102
Willingborough	787
Total	28,822

GLOUCESTER COUNTY.

Towns.	*Populalion.*
Woolwich	2,113
Deptford	3,281
Greenwich	2,699
Waterford	2,447
Newtown	2,497
Eggharbor	1,635
Gloucester	2,059
Galloway	1,895
Franklin	1,137
Weymouth	787
Gloucestertown	662
Hamilton	877
Total	23,089

CAPE MAY COUNTY.

Towns.	*Population.*
Upper Township	2,107
Middle Township	1,157
Lower Township	1,001
Total	4,265

SALEM COUNTY.

Towns.	*Population.*
Pilesgrove	2,012
Pittsgrove	2,040
Upper Alloway's Creek	4,194
Lower Alloway's Creek	1,217
Salem	1,303
Upper Penn's Neck	1,861
Lower Penn's Neck	1,158

Mannington	1,732	Deerfield	1,903
Elsenborough	505	Downe	1,749
		Stow Creek	884
Total	14,022	Milville	1,010
		Greenwich	890
CUMBERLAND COUNTY		Fairfield	1,869
Towns.	*Population.*		
Maurice River	2,411	Total	12,668
Hopewell	1,952		

SUMMARY.

Counties.	Whites.	Slaves.	Free colored persons.	Total.	Foreigners not naturalized.	Engaged in Agriculture.	Engaged in Commerce.	Engaged in Manufactures
Sussex,	31,901	378	473	32,752	122	5,539	97	1,611
Essex,	28,744	659	1,390	30,793	433	2,844	253	3,543
Morris,	20,254	657	457	21,368	157	2,867	58	1,313
Bergen,	15,396	1,683	1,059	18,178	81	3,126	57	994
Hunterdon,	26,454	616	1,443	28,604	113	4,268	206	1,955
Somerset,	13,897	1,122	1,487	16,056	61	2,536	44	841
Middlesex,	19,425	1,012	1,033	21,470	109	2,049	137	890
Monmouth,	22,808	1,248	982	25,038	51	5,740	90	997
Burlington,	27,479	82	1,261	28,822	210	4,042	175	1,585
Gloucester,	21,968	39	1,064	23,089	100	3,017	249	1,079
Salem,	13,006	15	1,001	14,022	26	2,562	99	567
Cumberland,	12,045	18	605	12,668	45	1,845	296	503
Cape May,	4,032	28	205	4,265	21	377	69	63
Total,	257,409	7,557	12,460	277,575	1,529	40,812	1,830	15 941