

ACTS
OF THE
FIFTY-NINTH
GENERAL ASSEMBLY

OF THE
State of New-Jersey,

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

BEING THE FIRST SITTING.



TRENTON:
PRINTED BY JOSEPH JUSTICE.

1835.



ACTS
OF THE
FIFTY-NINTH
GENERAL ASSEMBLY
OF THE
STATE OF NEW-JERSEY.

AN ACT providing for the distribution of the late compilation of the Public Laws of this State, and for compensation for the compiling and printing the same.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the treasurer of this state, shall, on receipt of two hundred and fifty copies of the compilation of the public laws of this state, passed since the revision, in the year eighteen hundred and twenty, compiled by Josiah Harrison, after retaining two copies for himself, immediately cause two hundred and forty-eight copies to be delivered to, and distributed among the persons and in the proportions following, namely: to the governor of this state, for himself, one copy, and two copies to be by him transmitted to the executives of each of the several states and territories within the United States, for the use of the states and territories; to the secretary of the department of State of the United States, four copies; to the justices of the Supreme Court, the attorney-general, the secretary of state and clerk of the Supreme Court, and clerk in Chancery, of this State, each one copy; to the clerk of Council, for the use of Council, fifteen copies; to the clerk of Assembly, for the use of Assembly, thirty copies; to the clerks of each of the counties, for the use of the county, one copy; to the surrogates of each of the counties, one copy for the use of the county; and to each of the boards of chosen freeholders, for the use of such boards, one copy; and to each of the present members of the Legislative Council and General Assembly of this State, one copy; the remainder to be depo-

Manner in which
Harrison's com-
pilation of laws
of New-Jersey
to be printed.

sited with the Librarian of this state, at the disposal of the governor, to make such disposition thereof among the several public libraries of this state, or otherwise, as he shall see proper.

Sum to pay
Harrison.

Sec. 2. *And be it enacted.* That the treasurer of this state, shall, on receiving from the compiler of the said laws, Josiah Harrison, two hundred and fifty copies of the same, be, and he is hereby authorized, to pay to the said Josiah Harrison, the sum of seven hundred and forty dollars, being the balance due to him for his services, as well for compiling and indexing the same, and the late revised laws, as his expenses in the printing, binding, and delivering the same to the treasurer for the use of the state.

Passed, November 6, 1834.

AN ACT to confirm the division of certain Real Estate, between the heirs of Isaac Berdan, deceased.

Preamble.

WHEREAS, a division of the Real Estate whereof Isaac Berdan, late of the county of Bergen, deceased, died seized, was made by the Orphans' Court of the said county, between Isaac Berdan, junior, Leah Vandelinda, the wife of Ralph Vandelinda, and the devisees of Samuel Berdan, deceased, which Isaac Leah and Samuel, were the heirs at law, of the said Isaac Berdan, deceased: AND WHEREAS, the said division is not binding and valid at law, by reason of want of jurisdiction in said court: AND WHEREAS, the said division was justly, equally and impartially made, by three judicious and disinterested freeholders, under their oaths: AND WHEREAS, it is for the interest of all parties concerned, that the said division should be confirmed, and they have joined in petition for the confirmation thereof; Therefore,

Division of real
estate confirmed

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the division of the real estate, whereof Isaac Berdan, late of the county of Bergen, deceased, died seized, made by James H. Brinkerhoff, Isaac J. Van Saun, and David I. Christie, commissioners appointed by the Orphans' Court of the county of Bergen, at the term of January, one thousand eight hundred and twenty-nine, as contained in the map and report by them made and signed, dated the twenty-fourth day of March, one thousand eight hundred and twenty-nine, which report was confirmed by the said court, and is now on file, in the Surrogate's office of the county of Bergen be confirmed and made valid; so as to divide, and make partition of the said lands and premises, in the same manner, as

they are therein divided, finally, effectually and conclusively, between the above named Isaac Berdan, junior, Leah Vandelinda, and the devisees of Samuel Berdan, deceased.

Sec. 2. *And be it enacted*, That the shares in the said division, apportioned to Isaac Berdan and Leah Vandelinda, shall vest in each of them, respectively, in severalty, in fee simple; and that the shares thereof in said division, apportioned to John Berdan, vest in severalty in the said John Berdan; and in the devisees, in remainder of the same estates, and subject to the same limitations, equities, liens, incumbrances and contingencies, as the undivided share of the said Samuel Berdan, deceased, by his last will and testament, vested and was made subject to: *Provided always*, that nothing in this act contained, shall affect the title, claim or estate of any other person or persons, except the above named three heirs of said Isaac Berdan, deceased; and any one claiming, or to claim, by, through or under them, or either of them.

Manner in which the estate shall vest in the heirs.

Proviso.

Passed, November 7, 1834.

AN ACT to authorize Mary Pitney, widow and Administratrix, and Benjamin Pitney, junior, Administrator of Byram Pitney, deceased, to execute a certain contract, made by said deceased, with one Thomas Dunlap, of the county of Sussex, for the sale of Real Estate.

WHEREAS, it appears to the Legislature, that Byram Pitney, deceased, late of the township of Byram, in the county of Sussex, in this state, who died intestate, did, in his life time, make an agreement, in writing, dated the twenty-sixth day of March, in the year of our Lord, eighteen hundred and twenty-five; and executed by the said Byram Pitney, deceased, and one Thomas Dunlap, in the presence of one witness; and did thereby agree, to sell a certain tract of land, to the said Thomas Dunlap, of about sixty-five acres, and seventy-two hundredths of an acre, situate in the township of Hardiston; which land Byram Pitney, deceased, in his life time, purchased of one George Robinson and wife, as by their deed will appear, and gave the said Dunlap possession of said tract of land, who has since possessed the same; but no conveyance has ever been executed for the same, and a portion of the price therefor, yet remains to be paid; and the said Byram Pitney, having since departed this life, and said agreement having been attested by only one witness; and Susan Wood, one of the daughters of the said Byram Pitney, who intermarried

Preamble.

with William A. Wood, of Orange county, in the state of New-York, having also departed this life, leaving issue, under the age of twenty-one years; and no deed can now be executed, without Legislative aid: AND WHEREAS, the administrators of Byram Pitney, deceased, have, by their petition, requested that they be empowered, to make a deed to the said Thomas Dunlap, for the tract of land aforesaid; Therefore,

Administrators of Byram Pitney deceased, authorized to fulfil an engagement made by him, for the sale of certain lands.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Mary Pitney, administratrix, and Benjamin Pitney, junior, administrator of the said Byram Pitney, deceased, be, and they are hereby authorized and empowered, to execute and deliver, to the said Thomas Dunlap, a deed for the said tract of land and premises, pursuant to said agreement, between him and said deceased; which deed, shall have the same force and effect, as a deed from the said Byram Pitney, in his life time, would have had; and also, to receive such portion of the purchase money, as remains unpaid, and distribute it among the several heirs, of the said Byram Pitney, deceased, as by law they are required to distribute other money belonging to said estate.

Passed, November 10, 1834.

A SUPPLEMENT to an act entitled, "An act to incorporate the Manufacturers Bank at Bellville."

Affidavit to be filed in office of secretary of state.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That 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 this state, stating that fifty thousand dollars of the capital stock of said corporation has been bona fide subscribed and paid in, conformable to the provisions of said act; and that the whole of the fifteenth section of the act to which this is a supplement be, and the same is hereby repealed.

Part of former act repealed.

Sec. 2. *And be it enacted,* That so much of the third section of the act to which this is a supplement, as requires the president of said bank to be a resident of the township of Bloomfield, be, and the same is hereby repealed.

Passed, November 11, 1834.

A SUPPLEMENT to an act entitled "An act to authorize Henry Hankinson, trustee of Keturah M. Sloan and Eliza B. Rusling, to sell and convey lots of land, on the farm on which he resides, on the Morris Canal, in the township of Mansfield, in the county of Warren, and state of New-Jersey," and to receive the moneys for the appraisalment and agreement of the lands, taken and occupied by said company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Henry Hankinson, trustee of Keturah M. Sloan and Eliza B. Rusling, be, and he is hereby authorized and empowered, to sell and convey, by good and sufficient deed or deeds, in fee simple, all the residue of the farm unsold and named in the act to which this is a supplement, and all other lots conveyed in trust to him for the said Keturah M. Sloan and Eliza B. Rusling, adjoining said farm.

Henry Hankinson, authorized to sell certain lots as trustee.

Sec. 2. *And be it enacted,* That the said Henry Hankinson, shall pay over to the said Keturah M. Sloan and Eliza B. Rusling, all the moneys arising on the sale of said farm and other lots of land, after a reasonable deduction for his necessary expense and trouble, agreeably to the third section of the act to which this is a supplement.

Proceeds of sale to be paid, &c.

Sec. 3. *And be it enacted,* That the said Henry Hankinson, his heirs, executors and administrators, be released from his trust from all the lands he sells as trustee of Keturah M. Sloan and Eliza B. Rusling, after the execution of the conveyances of said land, and complying with the conditions contained in the second section of this act.

Release from trust.

Passed, November 11, 1834.

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

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

Payment of officers provided for.

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

The Governor.

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.

Judges of Supreme Court.

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

Treasurer.

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

Law and Chancery Reporters.

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

Attorney General.

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

Quarter-master General.

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

Adjutant General.

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

How to be paid.

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

Members of Council and Assembly.

Sec. 2. *And be it enacted*, That there shall be paid to the Vice-President of Council and Speaker of the House of Assembly, the sum of three dollars and fifty cents, and to every member of Council and Assembly, the sum of three dollars, for each and every day they have respectively attended this, or shall attend any future sitting of the legislature; and to every member of Council and Assembly, the additional sum of three dollars, for every twenty miles of the estimated distance, by the most usual route between his place of residence and the seat of Government, in going and returning, on a certificate to be produced to the Treasurer, expressing the sum due, and the number of days and miles, signed by the President or Vice-President of Council, for the members of Council, or by the Speaker of the House of Assembly, for the members of Assembly, or by Asa Whitehead, Thomas G. Haight and William Marshall, Esquires, or any two of them, for the members of Assembly.

How to be paid.

Secretary of Council and Clerk of Assembly.

Sec. 3. *And be it enacted*, That there shall be paid to the Secretary of Council and Clerk of Assembly, the sum of three dollars and fifty cents, for every day they have respectively attended this present, or may attend any future sitting of this Legislature; and the sum of eight cents by the sheet, computing one hundred words to the sheet, for entering the minutes of Council and Assembly, and the Joint-Meeting, in the Journal; and eight cents by the sheet, for a copy thereof for the printers, on a certificate produced to the Treasurer,

signed by the President or Vice-President of Council, for the Secretary of Council; and by the Speaker of the House of Assembly, for the Clerk of Assembly. How to be paid.

Sec. 4. *And be it enacted*, That there shall be paid to the Serjeant-at-arms, for the time being, who shall attend the Council and the House of Assembly, and to the door-keepers of Council and the House of Assembly, for the time being, the sum of two dollars, by the day, for each day, on a certificate to be produced to the Treasurer, expressing the sum, and the number of days they have respectively attended, signed by the President of Council or the Speaker of the House of Assembly.

Sec. 5. *And be it enacted*, That there shall be paid to the Engrossing Clerk, who shall engross the bills of Council and Assembly, this session of the Legislature, at the rate of eight cents by the sheet, computing one hundred words to the sheet, on a certificate of the amount, signed by the President or Vice-President of Council, or by the Speaker of the House of Assembly. Engrossing Clerk.

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

Passed, November 11, 1834.

AN ACT making a further appropriation for building the New Penitentiary.

WHEREAS, it appears from the report of the commissioners, appointed by the Legislature to erect a New-Penitentiary, that a further appropriation is necessary to be made at the present sitting, for the purpose of going on with the work now in progress, it being advisable that the same should not be delayed—Therefore, Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That in addition to the amount which the governor or person administering the government of this state, has been heretofore authorized to draw in favor of the commissioners appointed to build the said new State Penitentiary, he shall be, and hereby is authorized, to draw in favor of said commissioners, from any unappropriated money in the treasury of this state, the further sum of ten thousand dollars, to be appropriated for finishing the block of buildings and out- 10,000 dollars appropriated towards completing the state Penitentiary.

ward walls now commenced, in conformity with the act of the thirteenth of February, eighteen hundred and thirty-three, for building the said Penitentiary.

Governor to borrow money.

Sec. 2: *And be it enacted*, That in case there should not be an amount of unappropriated money in the treasury of this state, sufficient to meet the drafts authorized by this act, it shall and may be lawful for the governor, or person administering the government of this state, to borrow an amount of money sufficient to meet the appropriations as aforesaid, at a rate of interest not exceeding five per centum per annum, and to reimburse the same at any time not less than one year, from the time of contracting the loan; and the governor or person administering the government of this state, is hereby authorized and empowered to pledge the faith of this state, for the payment of the principal and interest of all moneys that may be borrowed as aforesaid.

Passed November 11, 1834.

AN ACT to defray incidental charges.

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

To Jacob Warner, for hooks, staples, rivets, &c. for the State-House yard fence, five dollars and fifty-six cents.

David Delias, for breaking and putting away seven tons of coal, five dollars, sixty-two and a half cents.

William Miller, for three boxes of candles, &c. furnished for State-House, thirty dollars and fifty-four cents.

William A. Benjamin, for spikes, nails, paints, &c. furnished for State, seven dollars and twenty-eight cents.

Jasper Scott, for mason work on front wall of State-House, and sundry materials, thirty-four dollars and fifty-seven cents.

Grant & Cook, for boards, post, &c. furnished for State, fifty-six dollars, eighty-six cents.

William Robinson, for services, in taking care and keeping in order the State arms, &c. one hundred and three dollars.

Daniel Childs, for bill of sundries for state, six dollars and fifty cents.

John Voorhees, for bill of sundries for State, five dollars and ninety cents.

Philip Slack, to bill for sundries furnished for State, one dollar.

David & Joseph Witherup, for bill of sundries, furnished for State, five dollars and fifty-four cents.

H. C. Boswell, for grate and fixtures, furnished for Government House, nine dollars.

John Wilson, for glass and setting, in the Government House, eighty-seven and a half cents.

Charles Cain, for putting in glass in State House, two dollars and ninety cents.

R. H. Shreve & Co. for publishing laws of the fifty-eighth Legislature, in New-Jersey Democrat, and publishing notice of Court of Appeals, seventeen dollars.

Passed November 11, 1834.

RESOLUTIONS.

RESOLVED by the Council and General Assembly of this state, That Joseph Justice, be appointed to print the bills and current printing of the two houses at the following rates :

For the bills and other current printing to contain at least thirty lines per page, in pica type, on the best foolscap paper that can be procured at three dollars per ream, the sum of three dollars and fifty cents per sheet.

Passed November 8, 1834.

RESOLVED by the Council and General Assembly of this state, That the commissioners appointed by the governor of this state, under the joint resolution of the Council and Assembly of this state, of seventeenth January, eighteen hundred and thirty-three, authorizing him to appoint commissioners, to meet commissioners on the part of the state of Pennsylvania, to examine and report according to the provisions of the said resolution, be authorized to employ a competent and disinterested engineer, to examine the obstructions at and near Wells' Falls, in the river Delaware, and at Scudder's Falls, at the head of the Delaware Falls Water Company ; and to report to said commissioners.

Passed November 8, 1834.

Preamble.

WHEREAS, since the last adjournment of Congress, the question has been distinctly put to the people of New-Jersey, upon the prominent measures of the present administration of the General Government, and more especially those relative to the Bank of the United States, and their opinions approving those measures, have been emphatically expressed through the ballot boxes :—Therefore,

Adherence to Resolutions.

1. BE IT RESOLVED by the Council and General Assembly of the State of New-Jersey, That they concur in, and adhere to, the Resolutions of the Council and General Assembly of this State, passed on the eleventh day of January and twenty-first day of February, last, relative to the removal of the Deposites, and re-charter of the United States Bank, which Resolutions, they believe, truly express the opinions, and accord with the wishes of a majority of the people of this state.

Senators instructed to vote.

2. Resolved, That our Senators from this state, be instructed to vote for expunging from the Journal of the Senate of the United States, the resolution passed at their last session; declaring, "That the President in the late Executive proceedings, in relation to the public revenue, had assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both."

Copies to be forwarded.

3. Resolved, That the Governor of this state, be requested to forward a copy of the above Resolutions, to each of our Senators and members in the House of Representatives, at the opening of the next session of Congress.

Passed November 11, 1834.

State Library
ACTS

OF THE

FIFTY-NINTH

GENERAL ASSEMBLY

OF THE

State of New-Jersey,

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

BEING THE SECOND SITTING.



TRENTON:

PRINTED BY JOSEPH JUSTICE.

1835.

Mar 2 1891

ACTS
OF THE
FIFTY-NINTH
GENERAL ASSEMBLY
OF THE
STATE OF NEW-JERSEY.

AN ACT authorizing the sale of the Real Estate, whereof
James H. Porter died seized.

WHEREAS, James H. Porter, late of the township of Lawrence, in the county of Hunterdon, and state of New-Jersey, on the tenth day of November, in the year of our Lord, one thousand eight hundred and thirty-four, departed this life, intestate and without issue; **AND WHEREAS**, at the time of his death, the said James H. Porter was seized, in fee simple, of a small lot of land, situate in the said township of Lawrence, and was engaged in erecting thereon an edifice, intended as a public school; by reason whereof, he had contracted debts, to a considerable amount, to mechanics and others, in the purchase of the said land, and for work and materials done and furnished, in and upon the construction of said building: **AND WHEREAS**, it is represented to the Legislature, that the personas and real estate of the said James H. Porter, deceased, is insufficient to pay his debts, and that great loss must necessarily result to his creditors, unless a speedy sale of the said real estate be made; the said building, by reason of the sudden death of the said James H. Porter, having been left in an unfinished and exposed state, and liable to great deterioration: **AND WHEREAS**, the widow and creditors of the said James H. Porter, have, by their petition to the Legislature, prayed that the administrator of the said James H. Porter, may be authorized to make immediate sale of the said real estate, and to appropriate the pro-

ceeds thereof, toward the payment of the debts of the said James H. Porter, as if the said real estate were sold by order of the Orphans' Court, for the payment of debts; and the prayer of the said petition, appearing to be reasonable and proper; Therefore,

Administrator
authorized to
sell real estate.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Lewis W. R. Phillips, administrator of the said James H. Porter, deceased, be, and he is hereby authorized and empowered to sell and dispose of, all and singular, the real estate whereof the said James H. Porter died seized, situate in the township of Lawrence aforesaid, at public vendue, for the best price that can be obtained for the same, upon giving public notice, for the space of one month next preceding the time of said sale, by advertisements, inserted in at least two of the newspapers published in this state, and in one of the newspapers, published in each of the cities of New-York and Philadelphia; and when sold, to make, execute and deliver, in the name of the said Lewis W. R. Phillips, administrator as aforesaid, good, legal and sufficient deed or deeds therefor, to any purchaser or purchasers of the same, which said deed or deeds, shall convey to, and vest in the purchaser or purchasers of the said real estate, the right, title and interest of the said James H. Porter therein, at the time of his death.

Accounts to be
exhibited to Or-
phans' Court.

How Proceeds
of sale to be
applied.

Sec. 2. *And be it enacted,* That the said Lewis W. R. Phillips, shall keep a fair, full, and just account of the proceeds of the sale or sales, made by virtue of this act; and of the costs and expenses thereof; and shall exhibit said account, under oath or affirmation, to the Orphans' Court of the county of Hunterdon, within six months after such sale or sales, for settlement and allowance; which account, shall be filed in the Surrogate's office of the said county; and the said Lewis W. R. Phillips, after deducting from the proceeds of such sale or sales, all legal costs and expenses, and such reasonable commissions, as shall be allowed by the court, shall distribute the balance thereof, according to law, among the creditors of the said James H. Porter, ratably, and in proportion to the amount of their respective claims; first satisfying all legal incumbrances upon the said real estate in the order of their priority.

Sec. 3. *And be it enacted,* That the said Lewis W. R. Phillips, before entering upon the execution of the trust reposed in him by this act, shall enter into bond, to the Governor of this state, in such sum, and with such security, as the Surrogate of the said county of Hunterdon shall approve, conditioned for the faithful performance of the said trust, which bond shall be filed in the office of the said Surrogate; and in case the said bond shall become forfeited, it shall and

may be lawful for the Governor of the state, for the time being, to cause the same to be prosecuted, at the request, and for the benefit, and at the proper costs and charges of the person or persons aggrieved by such forfeiture.

Sec. 4. *And be it enacted*, That no sale or conveyance, under and by virtue of this act, shall impair, or in any wise affect the rights or interests, of any person or persons whatever, other than the heirs at law, of the said James H. Porter, deceased, and those claiming under them, or either of them.

Rights of heirs
of J. H. Porter
only to be af-
fected.

Passed January 16, 1835.

AN ACT FURTHER SUPPLEMENTARY to an act, entitled "An act to incorporate a company to form an artificial navigation between the Passaic and Delaware Rivers" passed, thirty-first December, eighteen hundred and twenty four.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the capital stock of the Morris Canal and Banking Company, be increased for the purpose of completing the said canal, and paying the debts and claims already incurred, by reason of the construction thereof, ten thousand shares, and the President and Directors of said Company, are hereby authorized and empowered, to obtain subscriptions for said shares, in the manner directed by the act to which this is a supplement, and to issue certificates for the same, giving preference to original stockholders still holding their stock; and all stockholders of such additional shares, and their assigns, shall thenceforward be incorporated into the said Company; and, that from and after the passing of this act, the par value of each and every of the shares in said company, as well those heretofore authorized, as those created by this act, shall be one hundred dollars; and that all holders of existing shares, representing two hundred dollars each, may surrender the same, and shall thereupon be entitled to receive new certificates to double the number of shares by them surrendered: *Provided*, that no part of the moneys arising from the subscription hereby authorized, be applied to the exercise of any banking or trust powers whatsoever, but solely and exclusively to the completion of said Canal, and the payment of its debts, as above stated.

Stock of Morris
Canal and bank-
ing Company
increased.

Par value of
shares fixed.

Passed January 19, 1835.

AN ACT to confirm the division of certain Real Estate, between the heirs of Isaac Berdan, deceased.

Preamble.

WHEREAS, a division of the real estate, whereof Isaac Berdan, late of the county of Bergen, deceased, died seized, was made by the Orphans' Court of said county, between Isaac Berdan, junior, Effy Vandelinda, the wife of Ralph Vandelinda, and the devisees of Samuel Berdan, deceased, which Isaac, Effy and Samuel, were the heirs at law of the said Isaac Berdan, deceased : AND WHEREAS, the said division is not binding and valid at law, by reason of want of jurisdiction in said Court : AND WHEREAS, the said division was justly, equally, and impartially made, by three judicious and disinterested freeholders, under their oaths : AND WHEREAS, it is for the interest of all parties concerned, that the said division should be confirmed, and they have joined in petition for the confirmation thereof ; Therefore,

Division of lands of J. Berdan, deceased, &c.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the division of the real estate, whereof Isaac Berdan, late of the county of Bergen, deceased, died seized, made by James H. Brinkerhoff, Isaac I. Van Saun, and David I. Christie, commissioners appointed by the Orphans' Court of the county of Bergen, at the term of January, one thousand eight hundred and twenty-nine, as contained in the map and report by them made and signed, dated the twenty-fourth day of March, one thousand eight hundred and twenty-nine, which report was confirmed by the said Court, and is now on file in the Surrogate's office of the county of Bergen, be confirmed and made valid so as to divide and make partition of the said lands and premises in the same manner as they are therein divided, finally, effectually, and conclusively, between the above named Isaac Berdan, junior, Effy Vandelinda, and the devisees of Samuel Berdan, deceased.

Nature of the estate vested in the heirs.

SEC. 2. And be it enacted, That the shares in the said division, apportioned to Isaac Berdan and Effy Vandelinda, shall vest in each of them respectively in severalty, in fee simple ; and that the shares thereof in said division, apportioned to John Berdan, vest in severalty in the said John Berdan, and in the devisees in remainder of the same estates, and subject to the same limitations, equities, liens, incumbrances, and contingencies, as the undivided share of the said Samuel Berdan, deceased, by his last will and testament vested and was made subject to : *Provided always*, that nothing in this act contained, shall affect the title, claim, or estate, of any other person or persons, except the above named three heirs of Isaac Berdan, deceased, and any one claiming, or to claim, by, through, or under them, or either of them.

Proviso.

Sec. 3. *And be it enacted*, That the act entitled "An act to confirm the division of certain real estate, between the heirs of Isaac Berdan, deceased," passed November the seventh, in the year of our Lord one thousand eight hundred and thirty-four, be, and the same is hereby repealed.

Former act repealed.

Passed January 20, 1835.

AN ACT for the relief of the heirs of Letitia Burroughs, deceased.

WHEREAS, it is represented to us, by the petition of Jacob Ege, and Pamela his wife, late Pamela Baldwin, and Zeruah Waters, heirs and devisees of Letitia Burroughs, deceased, that in the month of June, eighteen hundred and twenty-eight, the said Letitia Burroughs died, leaving a last will and testament, devising all her real estate to Pamela Baldwin and Zeruah Waters, to be equally divided between them, share and share alike, the survivor, in case of the death of either of them, without heirs, to take the whole; and if both died without heirs, the said real estate is bequeathed to the school fund of the state, for educating the poor in Pennington: AND WHEREAS, Pamela Ege, one of the heirs aforesaid, is married, and the other still living; and the probability of both the devisees dying without heirs, is very remote; and the property being in much need of repairs, and of inconsiderable value, (being a small house and lot in the township of Trenton;) AND WHEREAS, the said devisees are unable to keep the said premises in repair, while this contingency of the state's right remains; and it would greatly benefit the said heirs and the said property, to have the same removed and extinguished; Therefore,

Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the real estate devised by the will of Letitia Burroughs, deceased, to Pamela Baldwin and Zeruah Waters, upon certain conditions therein specified, be, and the same is hereby vested in the said devisees, in fee simple, and all right and title of the state, to the said bequest, is hereby released, and declared to be forever extinguished, in the same manner, as if the same had been devised by said will, in fee simple.

Right of the devisees to certain lands, &c.

Passed January 22, 1835.

AN ACT to amend an act, entitled "An act to incorporate the Farmers' and Mechanics' Bank at New-Brunswick."

Preamble.

WHEREAS, it appears that in the passage of the original act incorporating "The Farmers' and Mechanics' Bank at New-Brunswick," a mistake occurred, in the omission of certain parts of the act, of material consequence, and which mistake, it is supposed took place in copying the bill on re-engrossing; **AND WHEREAS**, it is proper the error should be corrected, and the stockholders holding a majority of the stock of said Bank, having petitioned the Legislature to that effect; **Therefore**,

Limitation of charter.

Legislature may repeal or alter act of incorporation.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the following section and words omitted in the act entitled "An act to incorporate the Farmers' and Mechanics' Bank at New-Brunswick," viz. "And be it enacted, that this act shall continue in force, until the first day of January, one thousand eight hundred and fifty-five, and no longer; and further, that it shall and may be lawful for the Legislature of this state, at any time hereafter, to alter, modify or repeal this act, whenever, in their opinion, the public good requires it," shall be deemed and taken to be a part of the said original act, and are hereby enacted and made part of the said act, the same as though said section and words had been passed with the said original act.

certain terms in the charter explained.

Sec. 2. *And be it enacted*, That the words "books of the corporation" in the seventeenth section of said act, shall be construed and taken to mean, the transfer books of the said corporation; and that the word transfer be, and the same is hereby added, so as to read the "transfer" books of said corporation, shall at all times during banking hours, be open for the inspection of the stockholders.

Passed January 22, 1835.

AN ACT to enable the President and Directors of the Paterson Bank, to settle the outstanding debts and credits of said Bank, and for other purposes.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the President and Directors of the Paterson Bank, and their successors, be, and they are hereby authorized and required, to declare a dividend of the property which belongs to the said Bank, at the time of its suspending payment.

Dividend to be made of property.

Sec. 2. *And be it enacted,* That in order to enable the President and Directors aforesaid, to settle and close the old concerns of said Bank, and ascertain the true amount to be divided among the stockholders thereof, it shall be lawful for them, four weeks previous notice being given, in a newspaper printed in Paterson, and one in the city of New-York, to sell and dispose of, at public auction, all the goods and chattels, lands and tenements, which still remain undisposed of, and to assign, set over, transfer and convey the same, to the purchasers thereof, and to dispose of the rights and credits of the said Bank to the best advantage, and to transfer the same.

Property to be sold.

Sec. 3. *And be it enacted,* That upon payment or tender of payment of said dividends, to the stockholders of said Bank, the several shares of said stock, upon which payment of said dividend shall be made or tendered as aforesaid, shall be surrendered, and the holders thereof shall have no further claim by reason thereof, upon the present President, Directors and company of the Paterson Bank, nor upon their successors or assigns; *Provided however,* that this section shall not apply to those stockholders who have paid the additional capital, in order to enable the said Bank to resume its operations; *and provided further,* that nothing in this act shall be so construed as to interfere with, or in any wise impair the rights of the stockholders of the original stock, as against the original President, Directors and Company of the Paterson Bank.

Shares to be surrendered by stockholders on receiving dividends.

Proviso.

Sec. 4. *And be it enacted,* That the act entitled "An Act supplementary to an act passed the twenty-sixth day of January, in the year of our Lord, one thousand eight hundred and fifteen," passed the second day of February, one thousand eight hundred and sixteen, be, and the same is hereby continued, until the sixteenth day of February, one thousand eight hundred and forty-two, and from thence, to the end of the next session of the Legislature, and no longer.

Limitation of former act extended.

Passed January 22, 1835.

AN ACT to authorize Priscilla Sheppard, widow and administratrix, and Nathan Sheppard, administrator of Robert R. Sheppard, deceased, to execute a certain contract, made by said deceased, with Josiah M. Reeve, William F. Reeve and Emmor Reeve, of the county of Salem, for the sale of Real Estate.

Preamble.

WHEREAS, it appearing to the Legislature, that Robert R. Sheppard, deceased, late of the township of Mannington, in the county of Salem, in this state, who died intestate, did in his life time, make an agreement with Josiah M. Reeve, William F. Reeve and Emmor Reeve, to sell a certain tract of land, to the said Josiah M. Reeve, William F. Reeve and Emmor Reeve, of one acre, situated in the township of Upper Alloways Creek, which land Robert R. Sheppard, deceased, in his life time, purchased of one Mason S. Gibbons and wife, as by their deed will appear; and gave the said Reeves possession of said tract of land, who has since possessed the same, but no conveyance has ever been executed for the same; and the said Robert R. Sheppard, having since departed this life, leaving issue under age of twenty-one years, no deed can now be executed without Legislative aid; AND WHEREAS, the administrators of the said Robert R. Sheppard, deceased, have, by their petition, requested that they be empowered to make a deed to the said Josiah M. Reeve, William F. Reeve and Emmor Reeve, for the tract of land aforesaid; Therefore,

Administrators of R. R. Sheppard authorized to execute a contract for the sale of lands.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Priscilla Sheppard, administratrix, and Nathan Sheppard, administrator of the said Robert R. Sheppard, deceased, be, and they are hereby authorized and empowered, to execute and deliver to the said Josiah M. Reeve, William F. Reeve and Emmor Reeve, a deed for the said tract of land and premises, pursuant to said agreement between them and said deceased; which deed, shall have the same force and effect, as a deed from the said Robert R. Sheppard, in his life time, would have had; and also, to receive the purchase money which remains unpaid, and distribute it among the several heirs of the said Robert R. Sheppard, deceased, as by law they are required to distribute other money belonging to said estate.

Passed January 27, 1835.

A SUPPLEMENT to an act entitled "An act to incorporate the New-Jersey Insurance Company in the County of Essex."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the said Company (in addition to the privileges granted in the act to which this is a supplement,) to purchase annuities.

Company may purchase annuities.

Sec. 2. *And be it enacted,* That the stock, property, affairs, and concerns of the said company, shall be managed and conducted by twenty-five directors, who may respectively hold their offices for one year, and until others may be chosen, and no longer; which directors shall, at all times during their continuance in office, be stockholders in their own right, and shall be citizens of New-Jersey; and the said directors shall be hereafter 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 votes of the stockholders then present, or represented by their proxies; but no share shall entitle the holder to vote, unless the same has been held by him at least twenty days next immediately preceding such election, nor unless such stockholder be a citizen of the United States; and it shall be lawful for the commissioners named in the eighth section of the act to which this is a supplement, or a majority of them, after the capital stock of the said company shall be subscribed for, to give public notice in the manner herein before prescribed, of an election by the stockholders, of the first directors of the said company, to be made on such day and at such hour of the day, and at such place in the town of Newark, as the said commissioners shall appoint; and the said election shall be made by ballot, and by a plurality of the votes of the stockholders then present or represented by their proxies, the number of votes of each stockholder at the said election, shall be estimated in the manner provided in the eleventh section of the act to which this is a supplement; and the said commissioners shall be judges of the said election, and shall conduct and regulate the same; and the directors chosen at the said election, shall respectively hold their offices until the last Tuesday in January, in the year of our Lord, one thousand eight hundred and thirty-six, and until others are chosen in their stead; and shall, as soon as convenient after their election, proceed to choose out of their own body, one person to be President, who shall be an in-

Number of directors.

Must be citizens of N. Jersey.

Time, place and mode of election of directors.

President to be chosen.

habitant of Newark, and who shall preside until the next election thereafter.

Legislature may
modify or repeal
this act.

Sec. 3. *And be it enacted*, That the Legislature shall have power, at any time hereafter, to repeal, alter, or modify this act, or the act to which this is a supplement, or any of its provisions.

Parts of former
act repealed.

Sec. 4. *And be it enacted*, That the fifth and twenty-first sections of the act to which this is a supplement, shall be, and the same are hereby repealed.

Passed January 28, 1835.

AN ACT to authorize a Trustee therein named, to sell a part of the Real Estate of Abram Créque, deceased.

Preamble.

WHEREAS, it is represented to this Legislature, that Abram Créque, late of the county of Middlesex, and state of New-Jersey, died seized of a farm or plantation, situate in the township of West-Windsor, in said county, containing one hundred and thirty acres, more or less, and leaving a widow and several heirs at law, some of whom, by reason of their minority, are unable to join in the execution of a deed for the premises, which can now be sold on advantageous terms, if a title could be made for the same: AND WHEREAS, application has been made on the part of Ellen Nelson, who is one of the grand children of the deceased, and under the age of twenty-one years, praying a law appointing a trustee, to sell her share in the real estate of the deceased; which appearing to be reasonable, and for the interest of the minor, as her share in the said real estate is unproductive in its present situation; Therefore,

Trustee appointed to sell share of E. Nelson in estate of A. Créque, deceased.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Abram M. Créque, be, and he is hereby appointed, a trustee, with full power and authority to sell, for the best price he can obtain, the right, title, and interest, which the said Ellen Nelson has in the real estate of her grandfather, Abram Créque, late of the county of Middlesex, deceased; and, after the sale thereof, to make and execute a good and sufficient deed of conveyance to the purchaser.

Sec. 2. *And be it enacted*, That the said trustee, after making sale in manner aforesaid, shall account to the Or-

phans' Court of the county of Middlesex, at the term next succeeding such sale, for the proceeds of said sale; and after a fair and just allowance of all costs, charges and expenses attending the sale, made and allowed by the said court, shall invest the balance of said proceeds at interest, upon good and sufficient security, to remain so at interest, till the said Ellen Nelson shall attain the age of twenty-one, then to be paid to her; and in case of her death, and before she attain the age of twenty-one, to be paid to her heirs, in such manner, as if this act had not passed.

Trustee to account to Orphans' Court of Middlesex.

How proceeds of sale to be disposed of.

Sec. 3. *And be it enacted*, That the said trustee shall, before he enters upon the duties prescribed by this act, enter into bond to the Governor of this state, with one sufficient surety, to be approved by the Surrogate of the county of Middlesex, conditioned for the faithful performance of said trust.

Trustee to give bond.

Passed January 29, 1835.

AN ACT to Incorporate the Morris and Essex Rail Road Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That James Cook, William N. Wood, William Brittin, Jephtha B. Munn, Israel D. Condict, John I. Bryans, Isaac Baldwin, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted and declared, to be a body corporate and politic, in fact and in name, by the name of "The Morris and Essex Rail Road Company," and by that name, they, and their successors and assigns, shall and may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient to the objects of this incorporation.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted*, That the capital stock of said company, shall be three hundred thousand dollars, with liberty to the said company to increase the same to five hundred

Amount of capital stock.

thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and shall be transferable in such manner as the by-laws of the said corporation shall direct.

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

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

Sec. 5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation, and they shall have power to call in the capital stock of said company, by such instalments, not to exceed five dollars on each share at any one time, and at such

Books of subscription for stock to be opened.

Notice of election of electors.

Time and manner of election of directors.

President to be chosen.

How vacancies supplied.

Corporation not dissolved for failure to elect on day prescribed.

Power and duties of directors.

times as they may direct ; *Provided*, that such instalments shall not be called for at a shorter period than thirty days from each other ; and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares, upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation ; and also, shall have power to appoint a Secretary, and so many Clerks and servants, as to them shall seem meet, and to establish and fix such salaries to them, and also to the President, as to the said board shall appear proper,

Sec. 6. *And be it enacted*, That the President and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a rail road, or lateral roads, from one or more suitable place or places, in the village of Morristown, to intersect one or more place or places in the rail road, known by the name of "The New-Jersey Rail Road and Transportation Company," at Newark, or at Elizabeth town, in the county of Essex, or between those places, not exceeding sixty-six feet wide, with as many sets of tracts and rails, as they may deem necessary ; and it shall be lawful for the said President and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times, upon all lands or water, for the purpose of exploring, surveying, leveling or laying out the route or routes of such rail road or lateral roads, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property ; and when the route or routes of such road or lateral roads, shall have been determined upon, and a survey of such route or routes deposited in the office of the Secretary of State ; then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of said road or roads, subject to such compensation as is hereinafter provided : *Provided always*, that the payment or tender of the payment of all damages, for the occupancy of lands through which the said rail road or rail roads may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road or roads, unless the consent of the owner or owners of such lands be first had and obtained.

Location of rail road.

Power of corporation, &c.

Proceedings
when the com-
pany and the
owners of lands
cannot agree.

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

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

In certain cases company to pay the value of lands into the court of Chancery.

Sec. 9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages, over or under the said rail road or roads, where any public or other road shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair, suitable wagon-ways over or under said road, so that he may pass the same; and if the company neglect to perform the same, after giving twenty days notice to the company, by the owners or possessors so to do, the owner or possessor may do it himself, and recover the value of the work from the corporation, by common process of law.

Other roads not to be obstructed

Sec. 10. *And be it enacted*, That the President and directors of the said company, shall have power to have constructed, or to purchase with the funds of the company, and to place on any rail road constructed by them, all machines, engines, wagons, carriages or vehicles for the transportation of persons or any species of property thereon, as they may think reasonable, expedient or right; *Provided*, they shall not charge more than at the rate of six cents per mile, per ton, for the transportation of property on the said road or roads, or six cents per mile for carrying each passenger on said rail-ways, in the carriages of the company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said rail-ways in the carriages of others, and three cents per mile for each empty carriage; and that the rail road or roads, and their appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Rates of passage or transportation.

Time annual
dividends of
proceeds to be
made.

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

Penalty for in-
juring rail road,
&c.

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

What real estate
may be held.

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

Company may
erect a bridge
over the Passaic.

Road declared
a public high-
way.

Proviso.

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

Statement of
cost of road, &c.

Sec. 15. *And be it enacted*, That as soon as the rail road, with its appendages, shall be finished so as to be used, the President and Treasurer of said company shall file, under oath or affirmation, a statement of the amount of the costs of said road, including all expenses, in the office of the Secretary of State; and annually thereafter, the President and Treasurer of the said company shall, under oath or affirmation, make a statement to the Legislature of this state, of the

proceeds of said road; and as soon as the net proceeds of said rail road shall amount to seven per centum upon its cost, the said corporation shall pay to the Treasurer of this state, a tax of one half of one per centum on the cost of said road, to be paid annually thereafter, on the first Monday in January of each year: *Provided*, that no other tax or impost shall be levied or assessed upon the said company.

Annual statement to Legislature.

when tax to be paid.

Sec. 16. *And be it enacted*, That at any time after the expiration of fifty years from the completion of said road, the legislature of this state may cause an appraisement of the said road, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the Chief Justice of this state, for the time being, the remaining three by the company; who, or a majority of them, shall report the value thereof to the Legislature, within one year from the time of their appraisement; or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after their said appointment, by the said Chief Justice, then the three persons so appointed by him, shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then, upon two weeks notice to the said company, the said Chief Justice shall appoint such seventh man, as aforesaid, to make such appraisement as aforesaid; and thereupon, the state shall have the privilege for three years, of taking the said road, upon the payment to the company of the amount of the said report, within one year after electing to take said road; which report shall be filed in the office of the Secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New-Jersey, upon payment of the amount so reported to the said company; and that it shall be the duty of the President of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the said road, and of all the receipts and disbursements of the company; *Provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company, or advance of the stock; and the said valuation shall in no case exceed the first cost or valuation of said road, with the appendages thereof.

After 50 years, state may take the road at appraised value.

Mode of appraisement.

Valuation not to exceed first cost.

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

When act to be void.

Sec. 18. *And be it enacted*, That the Legislature of this

Right of sub-
scription reserv-
ed to the state.

state, shall have the right to subscribe for stock of the said company, to the amount of fifty thousand dollars, at any time before or within two years after the said road or roads are completed.

Public act.

Sec. 19. *And be it enacted*, That this act shall be deemed and taken as a public act; and shall, at all times, be recognized as such, in all courts and places whatsoever.

Funds not to be
used for bank-
ing purposes.

Sec. 20. *And be it enacted*, That no part of the funds of this company, shall be used for banking or other purposes, not plainly indicated by the provisions of this act; and that the Legislature reserve to themselves the right to alter, amend, or repeal this act, whenever they think proper.

Passed January 29, 1835.

AN ACT authorizing the sale of certain Lands, of which Jacob Vandoren, of the County of Somerset, died seized.

Preamble,

WHEREAS, it appears to the Legislature that Jacob Vandoren, late of the county of Somerset, in and by his last will and testament, bearing date the twelfth day of September, eighteen hundred and ten, did order and direct, that a certain farm of him, the testator, called "the Compton farm," should be taken in charge by his executors, and be by them leased out, from time to time, to the best advantage, during the natural life of his son John Vandoren, and the net proceeds thereof be appropriated to, and for the use and comfortable support of his said son; and did further order and direct, that at the termination of the natural life of his said son John, his executors should, at their discretion, sell and dispose of the said "Compton farm;" and did give and bequeath the proceeds of such sale, in equal shares, to his four daughters, viz: Aully Logan, Elizabeth Annin, Lane Vandoren and Mary Vandoren, and the child and children of the said John, if he should die, leaving any child or children: AND WHEREAS, it is represented and made to appear to the Legislature, that the said "Compton farm," so far as regards buildings and fences, and is very much out of repair, and daily becoming more so: that the net proceeds thereof, are not sufficient to furnish a good and comfortable support for the said John Vandoren, who is now

a lunatic, and that it would be greatly for the benefit of all parties interested, that the said farm should be sold and disposed of, and the proceeds thereof properly invested and secured, for the uses mentioned in the said last will and testament of the said Jacob Vandoren, deceased; Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That William Annin and Samuel Ayres, be, and they are hereby authorized and empowered to sell at public auction, the said "Compton farm," for the highest sum of money the same will bring, first giving notice of the time and place of sale, in at least one of the newspapers published in the said county, for four weeks successively, and setting up advertisements in five or more public places in the said county, for the same time; and to execute, make and deliver a good conveyance in law, to the purchaser or purchasers, for the same, which conveyance shall vest in the purchaser or purchasers, his, or their heirs and assigns, all the estate, right, title and interest, which the said Jacob Vandoren had in the said farm, at the time of his death.

W. Annin and
S. Ayres autho-
rized to sell the
Compton farm.

Sec. 2. *And be it enacted,* That the said Willim Annin and Samuel Ayres, shall exhibit to the Orphans' Court of the county of Somerset, next after the said sale, under oath, an exact statement of the amount of the said sale, to be recorded and filed in the office of the Surrogate of said county; and the said Orphans' Court, after approving and confirming said sale, and after allowing all just and reasonable costs and charges incurred in the execution of this trust, shall order and direct the said William Annin and Samuel Ayres, to place out at interest, the balance of the proceeds of the said sale, upon good and sufficient security, to be approved of by the said Orphans' Court; and the said William Annin and Samuel Ayres, shall appropriate and apply, from time to time, the said interest, or such part thereof, as may be necessary to, and for, the comfortable support of the said John Vandoren, during his natural life; and after his death, shall pay the balance of the said proceeds, and arrears of interest, according to the directions, true intent and meaning of the said last will and testament of Jacob Vandoren, deceased.

Accounts to be
filed in Surro-
gate's office of
Somerset.

Proceeds of sale
to be placed at
interest for the
support of J.
Vandoren, ex-
ecutor.

Sec. 3. *And be it enacted,* That the said William Annin and Samuel Ayres, before they enter upon the trust reposed in them by this act, shall enter into bond, to the Governor of this state, with such surety, and in such sum, as shall be approved of by the Judges of the Orphans' Court of the county of Somerset; conditioned for the faithful performance of the trust reposed in them by this act; which bond shall be deposited in the office of the Surrogate of the said county.

Bond to be
given to Gover-
nor.

Passed February 4, 1835.

E

AN ACT to confirm and make effectual a Deed of conveyance from Ashbel W. Cory, Trustee, under the will of Daniel Tichenor, deceased, to Gabriel Tichenor.

Preamble.

WHEREAS, it appears to the Legislature that Daniel Tichenor, deceased, late of Newark, in the state of New-Jersey, by his last will and testament, did devise to his executors therein named, a certain portion of his Real Estate, in trust, for the use of his daughter, Mrs. Abby Freeman, during her natural life, and authorize them, upon the request of the said Abby Freeman, to sell and convey the same, and invest the proceeds on bond and mortgage, or in safe and productive stocks, and to pay over the interest to the said Abby Freeman; AND WHEREAS, it further appears, that Ashbel W. Cory, one of the executors named in the said last will and testament, has duly proved the same, and taken upon himself the execution thereof, and hath, at the request of the said Abby Freeman, sold and conveyed to Gabriel Tichenor, a certain part of said trust estate, being a lot of land in the township of Newark, fifty feet front, on the Essex and Middlesex turnpike road, and about four hundred and forty-three feet deep; as by reference to the deed of conveyance, bearing date the fifth day of January, in the year of our Lord, eighteen hundred and thirty-five, will more fully appear; AND WHEREAS, it further appears, that the said lot of land was sold, for the purpose of raising money to erect a dwelling house upon another part of said trust estate, for the accommodation of the said Abby Freeman and her family; and that the consideration money for the said conveyance, hath been applied to that purpose; AND WHEREAS, the said Ashbel W. Cory and Abby Freeman, have petitioned the Legislature to pass an act, to confirm and make effectual the said deed of conveyance, to the said Gabriel Tichenor, and the said request appearing to be reasonable and just; Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the said deed of conveyance from the said Ashbel W. Cory, to the said Gabriel Tichenor, shall be deemed and taken to be good and effectual in law, to vest in said Gabriel Tichenor, his heirs and assigns, the title of the lot of land mentioned in said deed of conveyance, as fully and amply, to all intents and purposes, as the same would have vested in the said Gabriel Tichenor, his heirs and assigns, if the consideration money thereof had been invested on bond and mortgage, or in safe and productive stocks, according to the directions of said last will and testament, and the codicil thereto.

A. W. Corey
authorized to
convey certain
lands to G.
Tichenor.

Passed February 4, 1835.

A FURTHER SUPPLEMENT to the act entitled "An Act to incorporate the Belvidere Delaware Bridge Company," passed the fifth day of March, eighteen hundred and thirty-two.

WHEREAS, it is represented to the Legislature, by the petition of the stockholders of the Belvidere Delaware Bridge Company, that the site of the said bridge, fixed upon by the commissioners elected for that purpose, is not approved of by many of the said stockholders, and that they have agreed and fixed upon the location hereinafter mentioned, as most satisfactory to them, and to the public at large, and best calculated to promote the objects for which the charter of the said company was granted; AND WHEREAS, some amendments to the said charter, are deemed necessary, as well to effect the change of the location, as for other purposes, in the said petition set forth; Therefore,

Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the location of the said bridge, shall be changed from the place fixed upon by the said commissioners, to such place as the President and Directors, or a majority of them, shall deem most eligible for the purpose, (*provided however, that on the New-Jersey side, it shall be north of Pequest river, and between the same and the point where the southern line of Water-street would strike the Delaware, if said street were continued straight through the bluff,*) and that the company shall be entitled to the same rights, privileges and immunities, as if such location had been fixed upon by the commissioners aforesaid.

Location of bridge authorized to be changed.

Sec. 2. *And be it enacted,* That the number of Directors of the said company, shall be increased to ten; and that it shall and may be lawful for the stockholders of the said company, to hold an election in the manner prescribed by their charter, and at such time and place as the President and Directors, or a majority of them, may appoint, for the purpose of electing the four additional Directors, and also, of electing a person or persons, to supply any vacancy or vacancies which may exist, in any of the offices of the said company; and that the Directors, and other officers so elected, shall hold their offices until the next annual election, and until others are appointed; and that it shall and may be lawful for the President and Directors, or a majority of them, to fill up vacancies which may occur in the board, or in any of the offices of the company, between the annual elections; and that the persons, by them appointed to fill such vacancies, shall be entitled to the same privileges, and liable to the same restrictions and penalties, in every respect, as if elect-

Number of directors, increased.

Vacancies to be supplied.

ed by the stockholders; and shall hold their offices until the next annual election, and until others are elected.

Seven directors
to be a quorum.

Sec. 3. *And be it enacted*, That from and after the election of the additional number of Directors, seven Directors, or the President and six Directors, shall be a quorum at all meetings for the transaction of business.

Part of former
act repealed.

Sec. 4. *And be it enacted*, That so much of the act, entitled "An act to incorporate the Belvidere Delaware Bridge Company," passed the fifth day of March, eighteen hundred and thirty-two, as is incompatible with the provisions of this act, and no more, be, and the same is hereby repealed; *Provided always*, that this act shall not take effect or go into operation, until it is sanctioned, or a similar act passed by the Legislature of the Commonwealth of Pennsylvania.

Passed February 6, 1835.

AN ACT to authorize the chosen Freeholders, of the Counties of Bergen and Essex, to build a Draw-Bridge over the navigable waters of the Passaic River, at Acquackanonk.

Bridge authorized to be built,
on the Passaic
at Acquackanonk.

Sec. 1. *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 boards of chosen freeholders, of the counties of Bergen and Essex, be, and are hereby authorized to build and maintain a good and sufficient bridge, over the Passaic river, at Acquackanonk, at any place between the present bridge and a point opposite the road that leads from Hackensack to Acquackanonk, where it strikes the river, a short distance south of the dwelling house of Michael Van Winkle, on the Bergen shore, with a draw therein, to be at least twenty-eight feet wide, and to be fixed in that part of the said bridge, where the vessels and boats may pass through with the greatest convenience.

Width of draw.

Penalty for
leaving draw
open.

Sec. 2. *And be it enacted*, That if any captain of a vessel, or other person or persons, shall open the draw of said bridge, and leave the same open for more than fifteen minutes, when the same is not absolutely necessary for the passage of some vessel or boat through the same; or if any person or persons shall cut, remove, or destroy any piece or pieces of

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

Sec. 3. *And be it enacted*, That in case it should become necessary for the protection of said bridge and draw, and the accommodation of persons passing over or through said bridge, to have the same put in special care of some person suitable for that purpose, then, and in that case, it shall and may be lawful for the boards of chosen freeholders of the said counties, for the time being, to make such regulations as they shall deem necessary, for the better protection and accommodation of the same; *Provided*, they shall be in accordance with the preceding sections of this act.

A person may be appointed to take care of the bridge.

Passed February 7, 1835.

AN ACT to authorize the sale and conveyance of the Real Estate, late of Joseph P. Chamberlin, deceased.

WHEREAS, Joseph P. Chamberlin, late of Flemington, in the county of Hunterdon, and state of New-Jersey, departed this life on or about the year of our Lord, eighteen hundred and twenty-five, intestate, leaving a widow and four children, all of whom are still living, the youngest being a minor of the age of sixteen years; **AND WHEREAS**, the said intestate, died seized of a considerable real estate, situate in the counties of Hunterdon and Middlesex, which remains in the hands of said widow and heirs, undivided, consisting principally of small lots, with dwelling houses, and other buildings thereon, which, in consequence of the great length of time since the decease of said intestate, the prosecution of a large claim against said heirs, and the want of proper care and attention on the part of tenants, has suffered and is suffering very much for want of re-

Preamble.

pairs, which the said heirs are not able to make thereto; AND WHEREAS, it is represented to this Legislature, that the said claim has been amicably compromised, and that the said widow and heirs are desirous that said real estate should be sold, and that their interest would be much enhanced thereby; Therefore,

Trustees appointed to sell real estate.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Hugh Smith, of the city of Philadelphia, and John S. Chamberlin and Andrew Miller, of the county of Hunterdon, or survivors or survivor of them, be, and they are hereby authorized and empowered to grant, sell, convey, and dispose of all or any part or parcel of the said real estate, at such time or times, and in such lots or parcels, either at public or private sale, as to them may seem expedient and most advantageous, for the best price or prices they can obtain for the same; and for the same or any part thereof, when so sold, to make and execute, in due form of law, in their own names, or in the names of the survivors or survivor of them, a good and sufficient deed or deeds of conveyance to the purchaser or purchasers thereof.

Trustees to keep accounts of sale.

manner of disposing of proceeds of sales.

Sec. 2. *And be it enacted,* That the said Hugh Smith, John S. Chamberlin and Andrew Miller, or the survivors or survivor of them, shall keep a true and fair account of any sale or sales made by virtue of the authority hereby granted, and of the expenses thereof, and after deducting therefrom the sum hereinafter mentioned, and the expenses of the sale, they shall put out and invest, in good and sufficient securities, to be approved of by the Orphans' Court of the county of Hunterdon, upon interest, the one equal third part of the net remainder, and shall pay over to the widow of the said Joseph P. Chamberlin, now the wife of the Reverend Joseph Campbell, of Hackettstown, during her natural life, the interest that may accrue thereon annually, on the first day of May in each and every year; and shall pay over to the heirs of said intestate, or to his, her or their legal representatives or guardians, the remaining net two-thirds of the proceeds of said sales, in equal parts or portions according to law, and that at the decease of the said Ann Campbell, the third part or parcel thereof, so invested as above directed, shall also be equally divided and paid over to the said heirs of said intestate, or to his, her or their legal representatives or guardians, in equal parts according to law; *Provided always,* that the said Hugh Smith, John S. Chamberlin and Andrew Miller, shall not ask, demand, or have any compensation or commissions for their, or either of their trouble or services, in and about the execution of this act.

Sec. 3. *And be it enacted,* That before the said Hugh

Smith, John S. Chamberlin, and Andrew Miller, or the survivors or survivor of them, who shall undertake to execute the authority hereby given to them, they, or such of them as may undertake the same, shall enter into bond to the Governor of this state, with two or more sufficient sureties, to be by him approved of in such amount as he shall direct, conditioned for the true and faithful performance of all their duties under this act, which bond they shall cause to be deposited in the office of the Register of the Prerogative Court, to be there affiled.

To give bond to Governor.

Sec. 4. *And be it enacted*, That the said Hugh Smith, John S. Chamberlin and Andrew Miller, or the survivors or survivor of them shall, within six months after making any sale or sales as aforesaid, of said real estate, make and exhibit, under oath or affirmation, a true and correct statement of such sale or sales, and of the expenses thereof, and shall cause the same to be affiled in the office of the Surrogate of the county in which the lands so sold, may lie or be.

Account of sales to be filed, &c.

Sec. 5. *And be it enacted*, That the said Hugh Smith, John S. Chamberlin, and Andrew Miller, or the survivors or survivor of them, shall pay over, out of the first proceeds or receipts from the sale of said real estate, to John P. B. Maxwell and William P. Robeson, of Belvidere, in the county of Warren, in this state, or their legal representatives, the sum of two thousand three hundred dollars, with interest thereon from the first day of September last, in full of a claim made by them, against the heirs of the said Joseph P. Chamberlin, which is a lien on said property.

Certain debts to be paid first.

Sec. 6. *And be it enacted*, That no sale or deed of conveyance, which may be made by virtue of the authority by this act granted, shall alter, impair, or in any way affect the right, title, interest, or claim, of any person or persons whatsoever, of, in, or to the said real estate, or any part thereof, other than that of the widow and heirs of the said Joseph P. Chamberlin, deceased, therein.

Rights of others not to be affected, other than that of the widow and heirs.

Passed February 10, 1835.

AN ACT Supplementary to "An Act to empower the owners of the Pigeon Swamp, Marshes and Ponds, adjoining in the South Ward of New-Brunswick, in the County of Middlesex, to open and keep clear of obstruction, a certain Water Course and Ditch, for draining the said Swamp, Marshes and Ponds," passed March the twentieth, seventeen hundred and eighty.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That if any person or persons shall, after the passing of this act, wilfully dam or otherwise obstruct the ditch or water course to Lawrence's brook, named in the first and second sections of the act to which this is supplementary, he, she or they so offending, shall be liable to pay the penalty of ten dollars for each and every such offence, to be sued for in the name of the managers of said water course and ditch, in an action of debt, in any court having jurisdiction of the same, with cost of suit, which penalty, when recovered, shall be applied by said managers, to the clearing of said water course and ditch.

Penalty for obstructing water course.

Passed February 11, 1835.

AN ACT to authorize the sale of the Wood standing on certain Real Estate of Henry Remsen, late of the County of Monmouth, deceased.

WHEREAS, Henry Remsen, late of the county of Monmouth, in the state of New-Jersey, died intestate, seized of a large quantity of Pine Woodland, situate in the township of Stafford, in the county and state aforesaid, leaving Eliza, Deborah, Julia-Ann, Maria, and Henrietta Remsen, minors, his children and heirs at law; AND WHEREAS, it is represented by James T. Bartine, the guardian of the said minor children, by petition and affidavits accompanying the same, that it would be for the interest of the said wards, if the guardian were authorized to make sale of the wood and timber standing and being on the said land, but that the same cannot be done without the aid of a special act for that purpose; Therefore,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the said James T. Bartine, guardian of the said infants, be, and he is hereby authorized and empowered to make sale, at public vendue, to the highest bidder, of such and so much of the wood and timber standing and being on the several tracts of pine land belonging to the said wards, as in the opinion of the said guardian, will be ripe and fit for market, and be for the benefit of the said wards, giving at least one month previous notice, by advertisements, in five of the most public places in the township of Stafford, in said county, and cause the same to be published, for the same period of time, in one of the newspapers printed in this state, nearest to the premises, and circulating in the vicinity of the said lands; and to invest the net proceeds of such sale or sales, in some safe securities, drawing interest under the direction of the Orphans' Court, of the county of Monmouth: *Provided nevertheless*, that before the guardian make sale as aforesaid, he give bond to the Governor of this state, in such sum, and with such security as the Orphans' Court of the said county may direct and approve.

Proviso.

Sec. 2. *And be it enacted*, That the Orphans' Court of the county of Monmouth, may, from time to time, as the said minor children come of age, order and direct the said guardian to make distribution of the proceeds of said sale or sales, and pay off to such child or children, so coming of age, her or their portion or portions: *Provided*, that nothing herein contained, shall prevent the said guardian from using any portion of the said proceeds, for the education and maintenance of said minor children, under the order and direction of the said Orphans' Court.

Orphans' Court to make distribution of proceeds.

Passed February 12, 1835.

AN ACT to incorporate the "Fairfield Social Library Company."

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Daniel Burt, Spencer Frary, Asa Fish, John Moore, Daniel P. Roray, Reuben Ware, Benjamin R. Bateman, James Diamant, Jr., and all such other persons as

Style of corporation.

Powers:

Amount of capital stock, &c.

Officers to be elected.

Provide.

By-laws to be enforced by suit.

now are, or hereafter may be, associated with them for the purpose of acquiring and diffusing useful knowledge, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in law, by the name of the "Fairfield Social Library Company," of the county of Cumberland; and by that name they, their successors, and assigns, shall have continual succession, and be a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts of law and equity; and may have a common seal, and have power to alter the same at their pleasure, and by their name aforesaid, and under their seal, make, enter into, and execute any contracts, agreements, and other writings, concerning the objects of such corporation; and shall have power to make and adopt such constitution, by-laws, and regulations, for their government, not inconsistent with the constitution and laws of this state, or the United States, as they shall think proper.

Sec. 2. *And be it enacted*, That the capital stock of the said company, shall not exceed the sum of one thousand dollars, which shall be divided into shares of two dollars each; which shall be transferable, and considered as personal property, and shall be applied and used for the purposes of acquiring and diffusing useful knowledge, and not otherwise.

Sec. 3. *And be it enacted*, That the said corporation shall have power to elect, annually, or oftener, if necessary, out of their own body, a President, Librarian, and such other officers as shall be necessary for the proper management of the affairs of the said company, according to their constitution and by-laws, for the time being; *Provided*, that no person shall be admitted to vote for said officers, unless he or she shall have been duly admitted a member of said company.

Sec. 4. *And be it enacted*, That the constitution and by-laws of said corporation, shall be binding and imperative on the different members; and may be enforced by suit against defaulting members, in the corporate name of said company, before any court having competent jurisdiction.

Sec. 5. *And be it enacted*, That the Legislature may, at any time hereafter, alter, amend, modify, or repeal this act, as they may think proper.

Passed February 12, 1835.

AN ACT to authorize Trustees, therein named, to sell parts
of the Real Estate of Aaron Steward, deceased.

WHEREAS, it is represented to this Legislature, that Aaron Steward, late of the county of Monmouth, and state of New-Jersey, died seized of a grist-mill and saw-mill, and about sixty acres of land, more or less, situate in Allentown, in said county, leaving a widow and several heirs at law, some of whom, by reason of their minority, are unable to join in the execution of a deed for the premises, which can now be sold on advantageous terms, if a title could be made for the same: AND WHEREAS, application hath been made on the part of Lydia Steward, Aaron Steward, George Steward, and Martha Steward, who are grandchildren of the deceased, and under the age of twenty-one years, praying a law appointing trustees to sell their respective shares in the real estate of the said deceased; which appearing to be reasonable, and for the interest of the said minors, as their shares in the said real estate are unproductive at present: Therefore,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That David McKean, junior, and John Palmer, be, and they are hereby appointed trustees, with full power and authority to sell, for the best price they can obtain, the right, title and interest which the said Lydia Steward, Aaron Steward, George Steward, and Martha Steward have, and each and every of them have, in the real estate of their said grand-father, Aaron Steward, late of the county of Monmouth, deceased, and after the sale thereof, to make a good and sufficient deed of conveyance, to the purchaser.

Trustees appointed to
sell real estate.

Sec. 2. And be it enacted, That the said trustee, after making sale in manner aforesaid, shall account to the Orphans' Court of the county of Monmouth, at the term next succeeding such sale, for the proceeds of said sale; and after a fair and just allowance of all costs, charges and expenses attending the the sale, made and allowed by the said court, shall invest the balance of said proceeds, at interest, upon good and sufficient security, to remain so at interest, until the said Lydia Steward, Aaron Steward, George Steward, and Martha Steward, shall respectively arrive at the age of twenty-one years, and then to be paid to them, and each of them, as they shall arrive at the age of twenty-one years; and in case they, or either of them, should die before they attain the age of twenty-one years, respectively, then the share or proportion of the person so dying, to be paid or distributed to his, her or their heirs, in the same manner, as if this act had not been passed.

Trustee to account to Or-
phans' Court.

Trustees to give
bond.

Sec. 3. *And be it enacted*, That the said trustees, before they enter on the duties prescribed by this act, shall enter into bond to the Governor of this state, with sufficient surety, to be approved by the Surrogate of the county of Monmouth, for the faithful performance of said trust.

Passed February 12, 1835.

AN ACT to incorporate the Boudinot Manufacturing Company.

Style of corporation.

Objects and powers of incorporation.

Capital not to be employed in banking.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Thomas Rogers, John Colt, James Hamilton, William L. Clark, and Edward Clark, and such other persons as may be hereafter associated with them, and their successors and assigns, be, and are hereby constituted a body politic and corporate; by the name of "the Boudinot Manufacturing Company," for the sole purpose of manufacturing cotton, wollen, hemp, linen, or silk, and generally all articles manufactured from all, or either of those articles, in their several and various branches; and, by the same name, they and their successors and assigns, shall have power and continue a body politic and corporate, and be capable in law, of suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts of justice or any other place whatever; to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be able and capable to acquire, purchase, receive, have, hold, and enjoy any lands, tenements, hereditaments, goods and chattels, of whatever kind and quality soever, necessary or useful for the said corporation to carry on their manufacturing operations, above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation, by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of business, or purchased at sales upon judgments, which shall have been obtained for such debts; *Provided always*, that the funds of said corporation, or any part thereof, shall not be applied, used, or employed, at any time in banking operations; and the said Thomas Rogers, John Colt, James Hamilton, William L. Clark, and Edward Clark, or a majority of them,

are hereby authorized to receive subscriptions to the capital stock of said company.

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

Manner and
time of electing
directors.

Duties of direc-
tors.

Sec. 3. *And be it enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but as soon as the sum of ten thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall and may be lawful to, and for the said company, to commence their said business, and with that capital, conduct and carry it on until they shall deem it expedient to extend their operations, and the capital necessary for that purpose, which they are hereby authorized to do, from time to time, to the amount herein before mentioned; and it shall be lawful for the Directors of the said company, to call and demand from the said stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions, not exceeding ten dollars on each share, at any one time, as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if the payments shall not be

Amount of capi-
tal stock.

To be paid by
instalments

Shares forfeited
on failure to pay
instalments.

made within thirty days after a notice shall have been published for the space of twenty days, in one or more public newspapers published in or near the place where such payment shall be required to be made, and also, in one or more newspapers published in the city of New-York.

Stock, personal
estate.

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

Corporation not
dissolved for
failure to elect
officers, &c.

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

Majority of
board to form a
quorum.

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

Books of ac-
count to be kept
open, &c.

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

How company
may be dissolved

Sec. 8. *And be it enacted*, That the said company may be dissolved at a general meeting of the stockholders, especially summoned for that purpose; *Provided*, at least three-fourths, in value, of the stockholders shall be present, or represented therein, and vote in favor of such dissolution; and upon such dissolution, the Directors, for the time being, and the survivors and survivor of them, shall be ipso facto trustees, for settling all the affairs of the said corporation, disposing of its effects, recovering and paying its debts, and dividing the

surplus among the stockholders, in proportion to their respective interest in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three, nor more than five in number, for such purpose; in which case, the person so appointed, and the survivors or survivor of them, shall be trustees and trustee, for the purpose aforesaid; and that stockholders owning one-fourth of the stock holden, may, by giving notice in a newspaper published in Paterson for a fortnight, and one newspaper published in the city of New-York, a fortnight, call a public meeting of the stockholders, for the purpose of passing by-laws and ordinances, for the election of Directors; and that such by-laws and ordinances shall be binding, until in like manner repealed or altered, in case a majority of the stock is represented at such meeting, either in person or by proxy.

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

Passed February 12, 1835.

AN ACT to Incorporate the Bordentown Water Company.

WHEREAS, John L. McKnight, Lewis W. Pancoast, and Samuel S. Bunting, associated with others, as a company, under the name and style of "The Bordentown Water Company," for the use and purpose of supplying the Borough of Bordentown, and its vicinity, with water from the most eligible situation it can be obtained, for domestic purposes, and as a further security against loss by fire, by their petition, presented to the Legislature, have requested to be incorporated, the better to enable them to carry into effect, the salutary objects of their institution; Therefore, Preamble.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all such persons as now are, or hereafter may become stockholders, shall be, and are hereby constituted, a body corporate and politic, in fact and in name, by

Style of incorporation.

the style and title of "The Bordentown Water Company," and by that name shall, and may have continual succession, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of actions, matters and causes whatsoever; have a common seal, and make, change, or alter the same at pleasure, and to hold and enjoy such real and personal estate, as may be necessary for the object aforesaid; that the stock of the said corporation shall be deemed personal property, and shall consist of one thousand shares, of ten dollars each; that the management of the concerns of the said company, shall be entrusted to five Directors, being stockholders and inhabitants of the Borough of Bordentown; which Directors shall be chosen each and every year, at the annual meeting of the stockholders, which shall be held the first Monday in April, at such hour and place in Bordentown, as said Directors shall, from time to time, appoint, by notices set up in three of the most public places in Bordentown, at least fifteen days previous to said election; that all elections shall be by ballot, by the stockholders, personally, or by proxy, under the direction and inspection of three stockholders, not being candidates; each stockholder having one vote for two shares, two votes for five shares, and one additional vote for each succeeding five shares that he holds; and the five persons having the greatest number of votes, shall be Directors; that if any two or more persons have an equal number of votes, so as that five Directors shall not be elected, they shall again proceed, in like manner, to elect out of the persons so having an equal number of votes, so many as shall complete the number of Directors; out of which number, the said Directors shall, by a plurality of their votes, elect one for their President; and in case of a vacancy in the office of any of the said Directors, by death, resignation, or otherwise, others shall be elected by said Directors to fill such vacancy; the Directors of the preceding year shall be considered as elected for the ensuing year; *Provided*, no election shall be held to elect others in their places.

Amount of capital stock.

Time and manner of electing directors.

President to be chosen.

Commissioners to receive subscriptions to stock.

Sec. 2. *And be it enacted*, That John L. McKnight, Lewis W. Pancoast, and Samuel S. Bunting, be commissioners to procure subscriptions for the stock, and shall open books for that purpose, at Bordentown, on the first Monday in March, eighteen hundred and thirty-five, having previously given ten days public notice; and whenever five hundred shares shall be subscribed, each stockholder paying at the time of subscribing, one dollar for each and every share, the said commissioners shall call a meeting of stockholders within thirty days thereafter, by giving twenty days public notice, put up in three of the most public places in Bordentown, for the purpose of electing Directors, and transacting such other

business as may come before them, at such hour and place in the borough of Bordentown, as they may deem proper; and to such Directors lawfully elected, they shall pay over such money as they shall have received; which said meeting shall be considered the first annual meeting.

Sec. 3. *And be it enacted*, That it shall and may be lawful for the Directors, or a majority of them, to require payment of the stock subscribed, in such proportions, and at such times as they, or a majority of them, may think proper, not exceeding two dollars on each share, with the penalty of a forfeiture of all previous payments thereon, and that notice of the instalments required, and of the time when the same are to be made, by notice set up in the borough of Bordentown, at least thirty days previous.

Stock forfeited
on failure to pay
instalments.

Sec. 4. *And be it enacted*, That the Directors shall be authorized, in their discretion, to appoint a Secretary and other officers, agents and servants, as they shall, from time to time, deem necessary, for carrying into effect the powers of said company; to establish rules, regulations and by-laws, for and concerning the conduct and government of such officers, agents and servants, and for determining the compensation to which they shall be entitled, and for and concerning the manner of making transfers of the said stock, and the conduct and government of all persons with whom they shall contract for the water for their works, so far as respects the preservation of water furnished by said company, and the use thereof, and to restrain the waste thereof; and by such laws and ordinances, to impose penalties and forfeitures, for a neglect or refusal to comply therewith, so as that such penalty and forfeiture, in any one case, shall not exceed four dollars; which penalties or forfeitures, shall be recoverable in the name of the said corporation, before any Justice of the Peace of the county of Burlington, with costs, in an action of debt; and that for the purpose of effectually supplying the said borough of Bordentown, and its vicinity, and its inhabitants, it shall and may be lawful to, and for the said Directors and company, to erect works on the most eligible situation that they may think proper; and conduct along the public highways and streets, any number of conduits necessary for, and calculated to supply such water through or over lands, in the borough of Bordentown; *Provided*, the same shall not be done without the consent and permission of the owners of property, over or through which it may be necessary to pass.

Power and duties of directors.

Proviso.

Sec. 5. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatsoever, whereby the works of the said corporation, or any

Penalty for injuring the works of company.

pipe, conduit, aqueduct, plug, cock, reservoir or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall forfeit and pay to the said corporation, treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of said corporation, with costs of suit, by action of debt, to be brought in any court in this state, having cognizance of the same.

Manner in
which capital to
be exclusively
applied.

Sec. 6. *And be it enacted*, That at any time, after twenty years from the passage of this act, the borough of Bordentown, in its corporate capacity, may take from the company, all the right, title and interest of the company aforesaid, by paying first cost therefor, without interest thereon.

Sec. 7. *And be it enacted*, That no part of the capital stock created by this act, shall be applied to any other purpose whatsoever, than the supplying of the borough of Bordentown with water, conformably to the provisions of this act.

Passed February 13, 1825.

AN ACT to authorize the sale of certain real estate, late of David Woolman, deceased.

Preamble.

WHEREAS it is represented by Levi Borton, as surviving executor of the last will and testament of David Woolman, deceased, that the said David Woolman, in and by his said last will and testament, devised certain lands and real estate, situate in the county of Burlington, to his five sons, Eber Pancoast Woolman, William A. Woolman, David Woolman, Daniel Woolman, and Abraham W. Woolman, their heirs and assigns, to be equally divided between them, but such division not to take place till the year eighteen hundred and thirty-five, and that the interests of the said devisees will be best subverted by an immediate sale of the said premises, which cannot be effected by the devisees themselves, a part of them being under the age of twenty-one years, all which appearing to be just; Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Levi Borton be, and he is hereby appointed a trustee, with full power and authority to sell, convey, and dispose of all or any part of the said premises so devised by the said David Woolman to his said five sons, named in the preamble of this act, at public sale, at such time or times as he may think expedient, and when so sold and the sale approved of by the Orphans' Court of the county of Burlington, to make and execute in due form of law, in his own name, good and sufficient deed and deeds of conveyance, according to the estate which the said devisees, or either of them have at the time of the passing of this act; and any sale or sales so made by the said trustee, and approved by the court as aforesaid, and confirmed by deed or deeds, which may be made as aforesaid, shall entitle the purchaser or purchasers to all the estate, right, title and claim which the said devisees, or either of them have, at the time of the passing of this act, in the premises so sold and conveyed by such deed or deeds.

Trustee authorized to sell lands, of David Woolman, dec.

Sec. 3. *And be it enacted,* That the said Levi Borton, shall keep a fair and true account of any sale or sales which he may make, by virtue of the authority hereby granted; and also, after deducting therefrom the expenses which may attend the execution of this trust, and such debts and legacies of the said David Woolman as there may not be other assets of the estate of the said David Woolman to pay, and as the premises so devised are liable for and bound to pay, the said Levi Borton shall pay the balance of the proceeds of the said sales, which may remain after such deduction, to the said Eber Pancoast Woolman, William A. Woolman, David Woolman, Daniel Woolman, and Abraham W. Woolman, respectively, in the proportion in which the lands and real estate are respectively devised to them, that is to say, such of the said devisees as shall have attained their full age of twenty-one years, shall be entitled to receive their respective shares of the said trustee, as soon as the balance in his hands shall be ascertained; and as to the shares of such of the said devisees as shall not have attained their full age, the said trustee shall place their respective shares at interest, upon sufficient security, and pay the principal and interest thereof, to them respectively, as they attain their lawful age to receive the same.

Accounts to be kept, &c.

Sec. 3. *And be it enacted,* That before the said Levi Borton, shall undertake the execution of the trust hereby assigned to him, he shall enter into bond, with surety, to the governor of this state, for the use of said devisees, in such amount and with such surety as shall be approved by the Orphans' Court of the said county of Burlington, condition-

Bond to be given to the Governor

ed for the faithful performance of the trust by this act assigned to him; which bond shall be deposited in the surrogate's office of the said county of Burlington.

Statement of
sales to be filed,
&c.

Proviso.

Sec. 4. *And be it enacted*, That the said Levi Borton, within six month after making any sale or sales, by virtue of the authority by this act assigned unto him, shall make, subscribe, and exhibit, under oath or affirmation, a fair and exact statement of such sale or sales, to the surrogate of the said county of Burlington, and which statement shall be filed in said surrogate's office: *Provided*, that no sale or deed which may be made by virtue of the authority by this act assigned, shall impair, or in any way affect the right, title, interest, or claim of any person or persons whomsoever, other than the devisees of the said David Woolman.

Passed February 13, 1835.

AN ACT to Incorporate the Wading River Manufacturing and Canal Company.

Style of incor-
poration.

Powers.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That William McCarty, Thomas Davis, Henry C. Carey, Isaac Lea, and Laurence Johnson, and such other persons as may be hereafter associated with them, their successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name of the "Wading River Manufacturing and Canal Company" for the purpose of manufacturing paper, boards, and other articles; by that name, they and their successors and assigns, shall have power and continue a body politic and corporate, and be capable in law, of suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts of justice, or any other place whatever, to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be able and capable to acquire, purchase, receive, have, hold and enjoy any lands, tenements, hereditaments, goods and chattels, of whatever kind or quality soever, necessary or useful for said corporation to carry on their manufacturing operations above mentioned; and all other real and personal estate, which shall have been bona fide mortgaged to said corporation, by way of security, or conveyed to them in satis-

faction of debts previously contracted in the course of business, or purchased at sales upon judgments, which shall have been obtained for such debts; *Provided*, that of the real and personal estate to be purchased and holden by said corporation, shall be that which is termed the "Slitting Mill Estate" in the township of Washington, county of Burlington; and it shall be lawful for the said corporation to carry on their manufacturing business only at that place, or at the termination of the canal, which the said corporation are, by another section of this act, authorized to construct; *Provided always*, that the funds of the said corporation shall not be applied, used or employed at any time, in banking operations; and the said William McCarty, Thomas Davis, Henry C. Cary, Isaac Lea, and Laurence Johnson, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company.

Commissioners
to receive sub-
scriptions.

Sec. 2. *And be it enacted*, That the stock, property and concerns of the said company, shall be managed and conducted by five Directors, being stockholders, and one of whom shall be President, and another of whom shall be agent, of the company, who shall hold their offices for one year, and until others shall be elected; and the said Directors shall be elected on the first Monday of June, in each and every year, after the company goes into full operation; the election for Directors shall be held at such hour and place, as a majority of the Directors, for the time being, shall appoint; and it shall be the duty of the President, to give each stockholder notice of the election through the post office, at least fifteen days previous thereto, of the time and place of holding such election, who shall have previously informed him in writing, of his or her place of residence, at least twenty days previous to such election; and all elections shall be by ballot, each stockholder shall be entitled, either in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of said corporation; and the said Directors shall proceed to elect one of their number to be President, and one of their number to be agent; and if vacancy or vacancies shall at any time happen by death, removal, resignation or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the Directors, for the time being, or a majority of them shall appoint.

Time and man-
ner of electing
directors.

President to be
chosen.

Sec. 3. *And be it enacted*, That no stockholder shall be eligible to the office of Director, who is not a citizen of the United States, and a stockholder in said company, in his own right, to the amount of at least ten shares, two months previous to the day of election; and the board of Directors may employ as many work people, appoint superintendents and officers, as in their opinion the business may require, and as-

Qualifications of
directors.

sign such compensation as they shall think fit; not less than a majority of the whole number of Directors being present, when the same shall be done; and may remove the same and appoint others at their pleasure.

Amount of capital stock.

Sec. 4. *And be it enacted*, That the capital stock of said company, shall not exceed two hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but as soon as the sum of fifty thousand dollars, of the said capital stock shall have been subscribed and paid, it shall and may be lawful, to and for the said company, to commence their said business, and with that capital, conduct and carry it on, until they shall deem it expedient to extend their operations and their capital, which they are hereby authorized to do, from time to time, to the amount hereinbefore mentioned; and it shall be lawful for the Directors of said company, to call and demand from said stockholders, respectively, all such sums of money by them subscribed, at such times, and in such portions of instalments, not exceeding ten dollars on each share, as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after a notice shall have been published for the space of twenty days, in, or near the place where such payment shall be required to be made, and also, in one or more newspapers of the city of Philadelphia, and in one of the newspapers of the county of Burlington.

Stock forfeited on failure to pay instalments.

Capital not to be reduced.

Sec. 5. *And be it enacted*, That at no time shall it be lawful to reduce the capital stock of said corporation, but by the permission of the Legislature, losses or misfortunes in business excepted.

Company authorized to construct a canal.

Proviso.

Sec. 6. *And be it enacted*, That the said corporation be, and they are hereby authorized to construct a canal from their land, to some point on the tide water of said river, the written consent of the owners of the land through which it may pass, being first obtained; and to charge a toll, which shall not exceed eight cents per ton per mile, for the transportation of every species of property; *Provided*, 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 use of said road or farm, by reason of said canal crossing the same; and also, to make and maintain, good and sufficient fences along the line of said canal, on both sides thereof, where the same may be necessary.

First directors.

Sec. 7. *And be it enacted*, That the first directors shall be William McCarty, Thomas Davis, Henry C. Carey,

Isaac Lea and Laurence Johnson, who shall hold their offices until others shall be legally chosen; and have power to establish and put in execution, such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government, management, and disposition of the stock, effects, profits, and concerns of the said corporation; *provided*, the same be not contrary to the laws and constitution of the United States, or of this state.

Sec. 8. *And be it enacted*, That the stock and property of the said corporation, of whatever nature or kind, shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the laws of said corporation; *provided*, that no dividend shall be made to and among the stockholders, except from and out of the profits of said corporation.

Stock and property deemed personal estate.

Sec. 9. *And be it enacted*, That the Directors shall at all times, keep, or cause to be kept, proper books of account, in which shall be regularly entered all the transactions of said corporation; which books shall at all times during business hours, be open to the inspection of the stockholders of the said company, or their legal attorney or attorneys: *And further*, that no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book or books to be kept by the President and Directors for that purpose.

Books of account to be kept open.

Sec. 10. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day, that pursuant to this act it ought to have been made, the corporation shall not for that cause, be deemed to be dissolved; but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation.

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

Sec. 11. *And be it enacted*, That it shall be the duty of the directors, for the time being, in each and every year, namely, on or about the first week in April, to take an account of all the stock, property and effects belonging to said corporation, including all debts due to and from the said company, and make and enter in a book for that purpose, a true inventory of the same, for the inspection of the stockholders, previous to, and at, the annual election.

Account of stock to be taken annually.

Sec. 12. *And be it enacted*, That it shall and may be lawful for the Legislature of this state, at any time hereafter, to alter, modify, or repeal this act, whenever, in their opinion, the public good requires it.

Passed February 17, 1835.

AN ACT to authorize the chosen freeholders of the county of Essex, to build a Draw or Swing bridge over the navigable waters of Elizabethtown Creek, at Elizabethtown.

Draw or swing bridge authorized to be built.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful, for the board of chosen freeholders, of the county of Essex, aforesaid, to build and maintain a good and sufficient bridge over Elizabethtown Creek, at or near D. Coriell's dock, as near as practicable, in a line with the road passing from Water street to said Creek, where the old bridge formerly stood, with a suitable draw or swing therein, of a sufficient width for the convenient passage of vessels navigating the same.

Penalty for leaving draw or swing open.

Sec. 2. *And be it enacted,* That if any captain of a vessel, or other person or persons, shall open the draw or swing of said bridge, and leave the same open, for more than fifteen minutes when the same is not absolutely necessary for the passage of some vessel or boat through the same; or if any person or persons shall cut, remove, or destroy any piece or pieces of timber, draw, swing, posts, or piles, or shall remove any iron or stone work belonging to said bridge, or otherwise wilfully damage or do any act which may have a tendency to injure said bridge, draw or swing unnecessarily, he, she, or they, so-offending, shall for each and every offence, forfeit and pay the sum of twenty dollars over and above the damage done to said bridge, draw, or swing, to be recovered in an action of debt, before any court having a competent jurisdiction, with costs of suit, by any person who shall sue for the same, one half of said sum to be for the use of the prosecutor, and the other half to be paid into the hands of the county collector of Essex, to and for the use of the county.

Bridge may be put in care of a person.

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

Passed February 17, 1835.

AN ACT to prevent the vending, burning, or exploding of fire crackers, squibs, turpentine balls or fire serpents.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall not be lawful for any person to sell, barter, or exchange, or to offer or exhibit for sale, barter or exchange, any fire cracker or squib in this state.

Sale of fire crackers, &c. prohibited.

Sec. 2. *And be it enacted,* That it shall not be lawful for any person to burn, explode or throw any burning fire cracker, squib, turpentine balls or fire serpents in this state.

Exploding fire crackers, &c. prohibited.

Sec. 3. *And be it enacted,* That any person offending against the provisions of the first section of this act, shall forfeit and pay for each and every offence, the sum of ten dollars.

Penalty for offending against first section.

Sec. 4. *And be it enacted,* That any person offending against the provisions of the second section of this act, shall forfeit and pay for each and every offence, any sum not less than one or exceeding five dollars.

Penalty for offending against second section.

Sec. 5. *And be it enacted,* That the forfeitures mentioned in this act, may be recovered in the name of any person who will sue for the same, before any justice of the peace of the county where the offence is committed, in an action of debt, with costs: one half for the use of the proecutor, and the residue for the use of the poor of the township where the offence is committed.

How forfeitures are to be recovered and applied.

Sec. 6. *And be it enacted,* That this act shall be in force and operation on and after the first day of July next, and not before that time.

When act to take effect.

Passed February 18, 1835.

AN ACT to authorize the Camden and Amboy Rail Road and Transportation Company to construct a lateral Rail Road, from their main road to South River, in the County of Middlesex.

Camden and Amboy Rail Road Company authorized to construct a lateral road to South river.

Sec. 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Camden and Amboy Rail Road and Transportation Company, to construct a lateral rail road or branch, from any point in their main road, within half a mile of their bridge, over South river, to one or more point or points on South river, not further distant from their said bridge, than half a mile; *Provided always,* that the assent of the owner or owners of the land over which such lateral road may pass, shall first be obtained.

Roads already laid not to be obstructed.

Sec. 2. *And be it enacted,* That it shall be the duty of the company, to construct and keep in repair, good and sufficient wagon-ways or passages, over the said lateral rail road or branch, where any public or other road may cross the same, so that the passage of carriages, horses and cattle, on said roads, shall not be prevented or obstructed thereby.

Road a public highway.

Sec. 3. *And be it enacted,* That the said rail road, when completed, shall be deemed a public highway; *Provided always,* that persons using the same, shall conform to such regulations as to the description of cars, time of starting, and rate of travelling, as may be prescribed by the said The Camden and Amboy Rail Road and Transportation Company.

Passed February 18, 1835.

AN ACT authorizing the sale of the Real Estate of Mary Freeman, an idiot, in the County of Monmouth.

Preamble.

WHEREAS, the overseers of the poor, of the township of Freehold, in the county of Monmouth, have, by their petition, represented that Mary Freeman of said county, an idiot, has been for two years last past, chargeable to the said county, as a poor person; and that she is seized of a lot of

land, in said county, containing about seventeen acres; and, also, of an undivided interest in a certain other tract, (being pine land,) in said county, which are of but small value, and that the same, if sold, would, in part, support the said Mary Freeman; and requesting Legislative aid in the premises, and the same appearing just and proper; Therefore,

Séc. 1. *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 of the board of chosen freeholders, of the said county of Monmouth, for the time being, be, and he is hereby authorized to make sale of the said premises of the said Mary Freeman, at public vendue and outcry, to the highest bidder, first giving public notice of the time and place of such sale, by advertisements set up in five of the most public places in said county, and in one of the public newspapers, circulating in said county, for at least sixty days preceding such sale; and that the said President, be authorized to execute good and sufficient deed or deeds for the same, to the purchaser or purchasers thereof; and that he pay over the proceeds of such sale, after deducting the expenses thereof, to the county collector, for the time being, of the said county of Monmouth, for the use of the said Mary Freeman, to be applied for her maintenance and support, so far as the same will extend, so long as she remains chargeable to said county; and that, in the event of her death, before the expenditure of the same, in her support, that the balance be paid over, by the county collector, for the time being, to her legal representatives.

Lands of Mary
Freeman, to be
sold.

Séc. 2. *And be it enacted,* That the sale and conveyance made as aforesaid, shall be as effectual in the law, to convey the interest and estate of the said Mary Freeman, in the premises, to the purchaser or purchasers, as if the same had been made by the said Mary Freeman, if capable of making the same.

Deed to be va-
lid.

Passed February 18, 1835.

AN ACT for the relief of the infant children of Edward Thebaud.

Preamble.

WHEREAS, Edward Thebaud, Louis Thebaud, Jules Thebaud, Paul Thebaud, Gustave Thebaud, and Mathilde Thebaud, minors, under the age of twenty-one years, children and wards of Edward Thebaud, late of Morristown, in the county of Morris, now of the city of New-York, state of New-York, are entitled to the remainder of a certain farm or tract of land, situate near Morristown aforesaid, containing about eighty acres, after the decease of their said father, Edward Thebaud, and Emma his wife; AND WHEREAS, it is represented, that it would be greatly for the interest of the said Edward, Louisa, Jules, Paul, Gustave, and Mathilde, the minors, to sell and convey the same, but that the same cannot be done without the aid of a special law for that purpose, and the said Edward Thebaud, their father, hath, by his petition, asked for a law to empower him to sell the same, and that an advantageous sale thereof can be made if power therefor be given; Therefore,

Lands authorized to be sold.

Sec. 1. 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 Edward Thebaud, guardian and father of the said Edward, Louisa, Jules, Paul, Gustave and Mathilde, be, and is hereby authorized and empowered to grant, bargain, sell, and convey the lands, tenements, hereditaments, and real estate, aforesaid, of the said minors, his children, and of such child and children as may be hereafter begotten between the said Edward Thebaud, and the said Emma his wife, entitled to any share or shares, or any interest in said premises, and to make and execute a deed and deeds thereof, and therefor, which shall be as good and effectual to grant, bargain, sell, convey, and assure the said lands, tenements and real estate, and the hereditaments and appurtenances to the same belonging, to the purchaser or purchasers thereof, as if the said deed or deeds were made by the said Edward, Louisa, Jules, Paul, Gustave and Mathilde, the said minors, and by such other child and children of the said Edward Thebaud, and Emma his wife, as may hereafter be begotten between them, and entitled to any interest in said premises, after they and each and every of them had attained his, her, and their full age of twenty-one years.

Sec. 2. And be it enacted, That the said Edward Thebaud, shall report the said sale or sales, to the Orphans' Court, for the said county of Morris, which shall sit next after such sale or sales, to be by said court allowed and approved, and the said Edward Thebaud, shall then and there enter into a

bond, with sufficient security, (being one or more competent freeholders of the said county of Morris) to the Ordinary of this state, in such sum as shall be required by the said Orphans' Court for the county of Morris, conditioned for the payment of the purchase money of said premises, without interest to said minors, and to such other children hereafter to be begotten, entitled to any interest in said premises or their heirs, at such time and times as they would respectively have come into possession of said premises, and in such proportion and proportions, as they might respectively have claimed to said premises, if no sale or sales thereof had been made, but in the same manner and by the same rule of law as if this act had not been passed, and they had taken real and not personal estate.

To give bond to the Governor.

Sec. 2. *And be it enacted*, That the said bond, shall be filed in the Orphans' Court for the county of Morris, to and for the use and benefit of the said children.

Bond to be filed.

Passed February 18, 1835.

AN ACT to authorize a Trustee to sell certain Real Estate, whereof Enoch Thorn died seized.

WHEREAS, Enoch Thorn, late of the township of Chesterfield, in the county of Burlington and state of New-Jersey, about eight years ago departed this life, intestate, leaving a widow and eight orphan children, to wit: William B. Thorn, Thomas Thorn, Maria Thorn, Susan Thorn, Elizabeth Vanderbeek, formerly Elizabeth Thorn, Sarah Forsyth, formerly Sarah Thorn, Enoch Thorn, and Catharine Thorn: AND WHEREAS, Catharine Thorn, widow of the said Enoch Thorn, hath since departed this life: AND WHEREAS, Sarah Forsyth, one of the aforesaid children of Enoch Thorn, hath also since departed this life, leaving an only child, Amos Forsyth; the said Amos Forsyth being a minor, under the care of his father; and the aforesaid Catharine Thorn being also a minor, under the care of her paternal uncle, George Thorn: AND WHEREAS, the said Enoch Thorn was, at the time of his death, seized in fee simple, of a certain farm and improvements, situate in the township and county aforesaid, and the heirs of the said Enoch Thorn, having petitioned the Legislature, that a per-

Preamble.

son might be appointed to sell the same for their benefit, and the prayer of the memorialists appearing reasonable and proper; Therefore,

Trustee to sell
real estate.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That George Thorn, be, and he hereby is appointed a trustee, with full power and authority, to sell and convey the said farm and improvements, and all the real estate belonging to the heirs of the said Enoch Thorn, of which he was in possession at the time of his death, for the highest sum or sums of money the same will bring, at public sale, at least thirty days notice being first given of the day of sale, by advertising in one or more news papers, published in the county, and by handbills, set up at five or more public places in the vicinity of the said property; and to execute, make, and deliver, a good conveyance or conveyances in law, to the purchaser or purchasers, of the same, and such deed or deeds of conveyance, shall vest in the purchaser or purchasers, his or their heirs and assigns forever, all the estate, right, title, and interest which the said Enoch Thorn, deceased, had of, in and to the said premises, with the appurtenances, at the time of his death.

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

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

Sec. 4. *And be it enacted;* That the said George Thorn, shall be accountable for all money so received by him, and after paying off all legal claims and liens upon said estate, if any, together with such reasonable charges for his services, as shall be allowed by the Orphans' Court of the county of Burlington, shall distribute the surplus moneys among the said heirs according to law; and the receipt or discharge of the said heirs, or their proper guardians, shall be his sufficient vouchers to settle up the said estate, in the Orphans' Court aforesaid.

Passed February 18, 1825.

AN ACT to appoint a Trustee to sell the Real Estate of
James I. Post, deceased, late of the county of Essex.

WHEREAS, it is represented to the Legislature, that James I. Post, late of the township of Acquacknonk, in the county of Essex and state of New-Jersey, died seized of certain real estate, situate at Weasel, in the township and county aforesaid, consisting of a dwelling house and farm or plantation, with the appurtenances; which farm or plantation, the said James I. Post, in and by his last will and testament, devised to his wife, Jane Post, during her widowhood, and after her death or re-marriage, to his three daughters, hereinafter named, in fee simple; and the said Jane Post, widow of the said James I. Post, deceased, afterwards married Abraham Ackerman, of Acquacknonk aforesaid, who is also now deceased; Sophia, one of the daughters of the said James I. Post, deceased, the testator, is now the wife of Garret A. Hopper; Eliza, another of the daughters of the said testator, is a minor, and is now the wife of Richard A. Van Houten, of Totowa; and Maria Jane Post, the remaining daughter of the testator, is also a minor and unmarried; AND WHEREAS, the said children of the aforesaid testator, and their mother, the aforesaid Jane Ackerman, (late Jane Post,) who is the executrix, and the aforesaid Garret A. Hopper, who is the executor of the last will and testament of the aforesaid James I. Post, deceased, and the aforesaid Richard A. Van Houten, have, by their petition, represented to the Legislature, that the interest of the said children and devisees, would be promoted by a sale of the said real estate; which cannot be accomplished without the aid of the Legislature, in the premises; inasmuch as two of the said devisees are minors, and there is no power in the will, authorizing a sale of the said estate; and the prayer of the said petition, appearing to be just and reasonable; Therefore,

Preamble.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the said Garret A. Hopper, be, and he is hereby appointed a trustee, with full power and authority to sell, dispose of, and convey all the real estate, whereof the said James I. Post died seized, situate in the county of Essex aforesaid, at such time or times as he may think expedient, at public (or private) sale, for the best price or prices the same will bring; and for the same, or any part thereof, when so sold, to make and execute, in due form of law, in his own name, as trustee as aforesaid, good and sufficient deed or deeds of conveyance, according to the estate and interest, which the said James I. Post, at the time of his death, had, or might legally have claimed, of, in, and to the same; and any sale

Trustee to sell
real estate.

or sales, so made, and confirmed by a deed or deeds, and certified as hereinafter is provided, shall entitle the purchaser or purchasers, to all the estate, right, title, interest and claim, which the said James I. Post, at the time of his death, had in the premises, so to be sold and conveyed, by such deed or deeds.

Trustee to give
bond to the Go-
vernor.

Sec. 2. *And be it enacted*, That before the said Garret A. Hopper, do enter upon the execution of the trust assigned him by this act, he shall enter into bond, to the Governor of this state; with such surety or sureties, and in such amount, as shall be approved of by the Orphans' Court of the county of Essex, conditioned for the faithful performance of the trust reposed in him by this act; which bond shall be deposited in the Surrogate's office of the said county of Essex.

Trustee to ac-
count to Surro-
gate.

Sec. 3. *And be it enacted*, That the said trustee, shall keep a fair account of all the sales of the said land and real estate, so by him sold as aforesaid, and after deducting reasonable fees for his services, and the costs and charges attending the said sales, and the discharge of his trust, to be allowed and taxed by the Surrogate of the county of Essex, shall distribute all the residue of the moneys, arising from the sale of the said lands and real estate, to and among the children and devisees of the said James I. Post, deceased, according to their respective rights in said real estate, and in the proportions to which they are respectively entitled, under and by virtue of the said last will and testament of the said James I. Post, deceased; when such children and devisees shall be of full age, (or married,) or during the minority of such children and devisees, or any of them, or other inability to receive their proportions, to the guardian or guardians of such children and devisees, duly appointed.

How proceeds
of sale to be
distributed.

Proceedings to
make the deed
valid.

Sec. 4. *And be it enacted*, That no deed of conveyance of said land or real estate, made by the trustee aforesaid, shall be valid, unless it be certified on or upon the deed or conveyance, by James C. Stagg, Adam Ackerman, John H. Van Winkle, or the survivor or survivors of them, under their hands and seals, that they are satisfied that such sale or sales were made bona fide; and for the highest price that could be obtained for such property, at the time of such sale.

Trustee to ac-
count to Surro-
gate.

Sec. 5. *And be it enacted*, That the said Garret A. Hopper, shall, within six months after the sale of the lands and real estate aforesaid, make, subscribe, and exhibit, under oath or affirmation, to the Surrogate of the county of Essex, a true statement and account of said sale or sales, and of the expenses attending the same, and of carrying into effect the trust hereby created; and also, a true report of the manner

in which the moneys arising from said sale or sales, have been disposed of, which said statement and report shall be by the said Surrogate, filed in his office and recorded.

Passed February 18, 1735.

AN ACT to authorize Floyd Smith and John P. Douglass, of the city and state of New-York, and John Post, of the city of Brooklyn, in the said state of New-York, to sell certain real estate, late of John Post, deceased, situate in the county of Morris, in the state of New Jersey.

WHEREAS, it is represented to this legislature, that John Post, late of the city of New-York, in the state of New-York, died, leaving a last will and testament, which was duly proved and recorded in the city of New-York aforesaid, in which, among other things, he directed his executors, after the decease of his widow, Deborah Post, to sell all his real estate, and to add to it all his personal estate, and to divide it into five equal parts, and to dispose of them among his children, as in the said will particularly mentioned; and did appoint his wife, Deborah Post, and his four children, to wit: Catharine Ritter, John J. Post, Deborah Douglass and Peter R. Post, executors thereof; and that the said John Post died, seized of an equal undivided moiety, or half part of two certain tracts or parcels of land and premises, situate in the township of Morris, in the county of Morris, containing together, one hundred and fourteen acres and seventy-eight hundredths of an acre, more or less, which were conveyed to the said John Post, in his lifetime, and one William Post, by John McComb, jr. executor, of the last will and testament of John McComb, deceased, by deed, dated the fifteenth day of December, in the year of our Lord one thousand eight hundred and twelve, and recorded in the Morris County Register of Deeds, in liber. Y. fol. one hundred and twenty-seven, one hundred twenty-eight, one hundred twenty-nine and one hundred thirty; AND WHEREAS, it has been made to appear to this legislature, that the four children of the said testator named as executors of the said will, departed this life in the lifetime of the said Deborah Post, and that the said Deborah Post, hath since departed this life; so

Preamble.

that there was at her decease, no representatives of the testator, to execute the trusts created by said will: AND WHEREAS, it further appears, that Floyd Smith and John P. Douglass, of the city of New-York aforesaid, and John Post, of the city of Brooklyn, in the said state of New-York, have been duly appointed, by the Court of Chancery of the state of New-York, trustees, in the place and stead of the said deceased, executors, for the purpose of executing the trust created in, and by the said last will and testament of the said John Post, deceased, and which remain unexecuted by the late executors thereof; and have given bond, with sureties, approved of by the said Court of Chancery of the state of New-York, in the penal sum of sixty-nine thousand three hundred dollars, conditioned for the honest and faithful discharge of the trusts reposed in them as such trustees; but that they have no authority under the proceedings had in the said Court of Chancery, of the state of New-York, to sell the real estate, situate in the said county of Morris; and it appearing to be for the interest of the persons interested in the said estate, that the said real estate, should be sold as soon as possible; Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the said Floyd Smith, John P. Douglass and John Post, and the survivors and survivor of them, be and they are hereby appointed trustees, with full power to sell, dispose of and convey the equal, undivided moiety, or half part, of the two tracts of land, of which the said John Post, died seized, situate in the township of Morris, in the county of Morris, and state of New-Jersey; containing, together, one hundred and fourteen acres and seventy-eight hundredths of an acre, more or less, particularly described in a certain deed for the same, from John McComb, jr. executor, of the last will and testament of John McComb, deceased, to the said John Post, in his lifetime, and one William Post, dated, the fifteenth day of December, in the year of our Lord one thousand eight hundred and twelve, and recorded in the Morris County Register of Deeds, in liber. Y. fol. one hundred twenty-seven, one hundred twenty-eight, one hundred twenty-nine and one hundred thirty; with all and singular, the appurtenances, at public auction, first giving notice of the time and place of sale, in one of the newspapers published in Morristown, and one paper published in the city of New-York, for at least four weeks successively, and setting up advertisements in five or more public places, in the said county, near the premises, for the highest sum the same will bring; and when sold, to make, execute and deliver in their own names, or in the names of the survivors or survivor, as trus-

Trustee appointed to sell real estate of J. Post, dec'd.

tees or trustee aforesaid, a good and sufficient deed of conveyance, according to the estate, right, title and interest, which the said John Post had in the same, at the time of his death; which sale being made and confirmed by deed, shall entitle the purchaser or purchasers thereof, to all the estate, right, title, interest, claim and demand, which the heirs or devisees of the said John Post, deceased, now have in and to the same.

Deed to be valid.

Sec. 2. *And be it enacted*, That before the said trustees shall undertake the execution of the trust hereby assigned to them, they shall enter into bond, with surety, to the Governor of this state, to be approved of by the Surrogate of the county of Morris, conditioned for the faithful performance of said trust, and for the payment of the proceeds of the sale of the said property, to the heirs and persons entitled to receive the same, according to the direction, true meaning and intent, of the will of the said John Post, deceased.

Trustee to give bond to the Governor.

Passed February 18, 1835.

A SUPPLEMENT to an act, entitled "An Act directing the Descent of Real Estates," passed the twenty-ninth day of January, one thousand eight hundred and seventeen.

Sec. 1. *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 making title by descent, it shall be no bar to a party that any ancestor, through whom he or she derives his or her descent from the intestate, is, or hath been an alien.

Title by descent not barred by ancestor being an alien.

Passed February 18, 1835.

AN ACT to Incorporate "The Hibernian Provident Society of the town of Newark."

Preamble.

WHEREAS, the members of the Newark Hibernian Provident Society of the town of Newark, have prayed to become incorporated, in order to secure to those who may hereafter become members thereof, and to the public generally, the benevolent purposes of said Society ; Therefore,

Style of incorporation.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That all such persons as now are, and hereafter may become, members of "The Hibernian Provident Society of the town of Newark," shall be, and they are hereby, constituted, appointed, and ordained a body politic and corporate, in name and in fact, by the name and style of "The Hibernian Provident Society of the Town of Newark," and by that name, they, and their successors, shall and may have succession, and be capable in law, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in all courts of law and equity, in all places whatsoever, in all manner of complaints, action or actions, suits, matters, and causes whatsoever ; and that they, and their successors, may have and use a common seal, and may alter, change, and renew the same at pleasure ; and, also, that they, and their successors and associates, by the name and style of "The Hibernian Provident Society of the Town of Newark," may and shall be capable in law, to have, hold, use, possess, enjoy, purchase, sell, and dispose of any real or personal estate, for the benefit of said society.

Powers.

Officers to be elected and mode of election

Sec. 2. And be it enacted, That in order to carry the objects of said corporation into effect, there shall be one President, one Vice-President, one Treasurer, and one Secretary, who shall hold their respective offices for one year, and until others are elected in their stead ; and, also, six stewards, who shall hold their respective offices for such length of time as the said society, by their by-laws, may, from time to time, direct and deem proper, and until others are elected in their stead ; and that such elections shall be by ballot, at such times and places as the said society, by their by-laws, shall, from time to time, order and direct ; and that all the aforesaid officers shall be elected by a majority of the votes of the members present at such election ; and that in case of any vacancy or vacancies in either, or any of said offices, that shall at any time happen by any cause whatsoever, such vacancy or vacancies shall, and may be filled up, for the remainder of the time for which said officers were appointed, by a special election for that purpose, to be held in the same manner as the aforesaid election, and at such times and

Vacancies how filled.

places, as by the by-laws of said corporation shall be provided for.

Sec. 3. *And be it enacted*, That Timothy Bestick shall be the first President; that Michael Naughton shall be the first Vice-President; that Robert Reilly shall be the first Treasurer, and Michael Beatty shall be the first Secretary; who shall hold their respective offices, until the first Monday in October, in the year of our Lord, eighteen hundred and thirty-five, and until others are elected in their stead.

First officers.

Sec. 4. *And be it enacted*, That the said corporation, and their successors, shall and may, from time to time, enact and establish by-laws, and alter, amend, and abrogate the same, as they, from time to time, may deem proper, for the appointment of times and places for the election of officers; for the terms, conditions, and manner of the admissions of members; and of the amount and sums every such member shall contribute and pay into the funds of said corporation, and of the time and manner of paying the same; and, also, for the management, application, and disposition of the funds, estate, effects, and property of the said corporation, for the purpose of carrying the objects thereof into effect; for fixing the times and places of the meetings of the corporation, and the manner of conducting the proceedings thereof; and touching the conduct and duties of the officers; to demand and have of, and from the Treasurer thereof, such security or securities, and in such sum or sums, as they, from time to time, may deem necessary and proper; and for imposing any penalties for the breaking and violating any of the by-laws duly established; and, also, for such other matters and things as may appertain to the affairs, business, and purposes for which said corporation is, by this act, constituted, and for no other purposes whatever; *Provided always*, that such by-laws and penalties imposed for the violation of them, or any of them, be not repugnant to the constitution and laws of the United States or of this state; *Provided also*, that the funds or property of said incorporation, shall not, at any time, be applied or appropriated to any purpose or object, other than those of a charitable and benevolent nature, and for the relief of their own members and their families.

Nature of by-laws which corporation may enact.

Proviso.

Sec. 5. *And be it enacted*, That no person shall be admitted a member of this corporation, unless he be a citizen of the United States, or at the time of, or within three months after his admission, shall produce, before said corporation, a certificate from the proper officer, as designated by the act of Congress of the United States, in such cases made and provided, of his having declared his intention to become such citizen, and on failure thereof, such person shall not be considered, or taken to be a member of said corporation; and

Qualifications of members.

Proviso.

whenever any member of said corporation shall violate and break any of the by-laws as aforesaid provided for, and shall become liable to any penalty imposed by such by-laws, and shall neglect or refuse to pay the same, it shall and may be lawful, in any such case, for the said corporation to expel any such member from the said corporation, or to prosecute at law for said penalty; *Provided always*, that any member of this corporation shall be at full liberty to withdraw himself therefrom, at any time, on giving notice in writing of his intention, to the President thereof, for the time being, at any of the stated meetings of the same, first paying into the treasury of said corporation, all arrears of contribution or fines from him due, at the time of such notice; *And provided further*, that no member shall be expelled, unless at least two-thirds of the votes of all the members present, at one of the stated regular meetings of said corporation, approve thereof,

Member expelled to have no benefit of funds.

Sec. 6. *And be it enacted*, That every member of said corporation, withdrawing himself, or expelled from the same, shall thereafter be prevented from having or receiving any benefit, advantage or interest whatsoever, from and in the funds, property or estate of the said corporation; and that all payments, contributions and advances, made by any such member to the funds of the same, shall be forfeited and belong to said corporation.

Limitation of act

Sec. 7. *And be it enacted*, That this act shall be, and remain in force and virtue, for the term of twenty-one years from the passing of the same; *Provided nevertheless*, that in case the aforesaid corporation shall, at any time, divert from or appropriate their funds, or any part thereof, to any purpose or purposes, other than those intended and contemplated by this act, or shall, at any time, pass any law or regulation respecting the rate of wages of any of the members, or the business which any of them may, or do follow, and shall be convicted thereof by due course of law, that then, and from thenceforth, the said corporation shall cease, determine, and be void, and the estate, both real and personal thereof, shall be forfeited to, and be vested in, the state of New-Jersey; *And provided further*, that nothing herein contained, shall be construed to prevent the Legislature of this state, at any time from the date thereof, from altering or repealing this act.

For what causes charter to be forfeited.

Public act.

Sec. 8. *And be it enacted*, That this act is hereby declared to be a public act, and that the same be construed, in all courts, favorably to the beneficial purposes herein contained.

Passed February 18, 1835.

AN ACT to regulate the Standard of Weights within the
State of New-Jersey.

WHEREAS, it is agreeable to equity, and beneficial to commerce, that a people who live in the same community, shall have one equal and just weight, according to a true and perfect standard; Therefore,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That from and after the first day of July next, it shall be lawful and proper to calculate the standard of weights, within this state, in the following manner, to wit: sixteen drachms one ounce, sixteen ounces one pound, twenty-five pounds one quarter of an hundred, four quarters one hundred, and twenty hundred one ton, any usage or custom to the contrary thereof notwithstanding, except such as may be used in weight of coins and apothecary drugs.

Standard of weights regulated.

Passed February 19, 1835.

A SUPPLEMENT to an act, entitled "An Act to Incorporate the Plainfield Mutual Assurance Fire Company of Plainfield, Essex County," passed February fifteenth, eighteen hundred and thirty-four.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That in all elections hereafter to be held for Directors in the said company, every member shall be entitled to one vote, and for every twenty dollars paid in, over and above the sum of twenty dollars, to one additional vote; *Provided*, that no member shall be entitled to more than five votes.

Mode of voting for directors.

Passed February 19, 1835.

AN ACT authorizing the sale of certain Real Estate, whereof Elisha Clarke, late of the county of Somerset, died seized.

Preamble.

WHEREAS, it appears to the Legislature, that Elisha Clarke, late of the township of Montgomery, in the county of Somerset, died seized of a certain dwelling house, tan-yard, and twelve acres of land, with the appurtenances, situated in the said township of Montgomery, leaving a last will and testament, duly made and executed, in which, amongst other things, after giving to his wife, Sarah H. Clarke, the use of a part of the said dwelling house, during her widowhood, he devised the residue thereof, together with the said tan-yard, twelve acres of land and appurtenances, to his son, Elisha L. Clarke, so long as his said wife should remain his widow, upon condition that the said Elisha L. Clarke should pay to the said Sarah H. Clarke, the sum of one hundred dollars a year, provide fire-wood for her kitchen use, and keep for her one horse and one cow, during her widowhood; and did direct his executors therein named, after the death or widowhood of his said wife, to sell the whole of the said property, at public or private sale, and to pay the moneys arising from such sale, to his four sons, Benjamin Clarke, Joseph Olden Clarke, Ephraim O. Clarke, and Elisha L. Clarke, to be equally divided between them; AND WHEREAS, it appears that the said Elisha L. Clarke assigned all his interest in the said property, under the will of his said father, to the said Benjamin Clarke, and the said Benjamin Clarke, afterwards assigned all his interest therein, to the said Joseph Olden Clarke, and that the said Benjamin Clarke, Joseph Olden Clarke, and Elisha L. Clarke, have all departed this life, leaving children who are minors; that the said property is going rapidly to decay, and will not now rent for more than enough to pay the widow's incumbrances; and that an immediate sale thereof would greatly conduce to the interests of all persons interested therein; and it further appearing, that in the event of such sale, the said Sarah H. Clarke, is willing to release all her interest in the said property, in case the sum of one hundred and sixty dollars a year is secured to be paid to her, so long as she remains the widow of the said Elisha Clarke, which said sum is a fair equivalent for her said incumbrances; Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Martha Clarke, be, and she is hereby authorized and empowered to sell and convey, at public or pri-

M. Clarke authorized to sell real estate.

vate sale, the said dwelling house, tan-yard, land and appurtenances, for the highest sum of money the same will bring; and to make, execute and deliver, a good conveyance in law, to the purchaser or purchasers for the same; which conveyance shall vest in the purchaser or purchasers, his or their heirs and assigns, all the estate, right, title and interest, which the said Elisha Clarke had, in and to the same, at the time of his death.

Sec. 2. *And be it enacted*, That the said Martha Clarke, before she enters upon the trust reposed in her by this act, shall enter into bond, to the Governor of this state, with such surety, and in such sum, as shall be approved of by the Judges of the Orphans' Court of the county of Somerset, conditioned for the faithful performance of the trust reposed in her by this act; which bond shall be deposited in the office of the Surrogate of said county.

Bond to be given
to the Governor

Sec. 3. *And be it enacted*, That the said Martha Clarke, shall exhibit to the Orphans' Court of the county of Somerset, under oath or affirmation, within six months after such sale, an exact statement of the amount of the said sale, to be recorded and filed in the office of the Surrogate of said county; and the said Orphans' Court, after approving and confirming said sale, and after allowing all just and reasonable costs and charges incurred in the execution of this trust, shall order and direct the said Martha Clarke, to place out at interest, the balance of the proceeds of the said sale, upon good and sufficient security; and the said Martha Clarke shall pay, out of the interest of the said moneys, the sum of one hundred and sixty dollars yearly and every year, to the said Sarah H. Clarke, during her widowhood; and after her death or marriage, shall pay the balance of the said proceeds, and arrears of interest, according to the directions, true intent and meaning of the said last will and testament of the said Elisha Clarke, deceased.

To account to
Orphans' Court.

Mode of distribution of
proceeds of sale.

Passed February 20, 1835.

AN ACT for the relief the heirs of Gideon Gould, deceased,
of the county of Sussex.

WHEREAS Gideon Gould, of the county of Sussex, died about four years ago, holding a claim upon, and unto, two certain lots of land in the township of Wantage, county

Preamble.

K

of Sussex, now in the possession of Joseph Chandler and Timothy Holly, one thereof, containing about one acre, the other about twenty-four acres, and which they also claim, leaving Mary Gould, his widow, and mother of his six minor children, viz: Amy-Ann Gould, Jacob Gould, Julia Gould, James Gould, Sarah Gould, and Phebe Gould, his heirs at law; and to have the right tried by a suit at law, would be expensive to the said heirs, and the event uncertain, and that an offer is made by the aforesaid Joseph Chandler and Timothy Holly, unto Mary Gould, the widow of the said Gideon Gould, deceased, and the mother of the said minor children, and Andrew Willson, their guardian, for the claim and right they may have in said lands; and the said widow and guardian aforesaid, being desirous of accepting of their offer, settling and compromising for the same, believing it will be to the interests of the said minor children; Therefore,

Sec. 1. *Be it enacted by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Mary Gould, the widow of Gideon Gould, deceased, and Andrew Willson, guardian of Amy-Ann Gould, Jacob Gould, Julia Gould, James Gould, Sarah Gould, and Phebe Gould, minor children as aforesaid, be, and they are hereby appointed trustees, with full power and authority, to sell, for the best price they can obtain, all the right, title, and interest which the said Amy-Ann Gould, Jacob Gould, Julia Gould, James Gould, Sarah Gould, and Phebe Gould have, in and to the lots of land named as aforesaid, and after the sale thereof, to make and execute good and sufficient deed or deeds of conveyance, to the purchaser or purchasers, for all their right, title, and interests in and to said lands.

Trustee authorized to sell right of heirs of G. Gould, dec'd. to lands.

Sec. 2. *And be it enacted,* That the said trustees, after making sale in manner aforesaid, shall account to the Orphans' Court of the county of Sussex, at the term next succeeding such sale or sales, for the proceeds of said sale or sales; and after a fair and just allowance of all costs, charges and expenses attending the sale or sales made and allowed by said court, shall invest the balance of said proceeds at interest, upon good and sufficient security, to remain so at interest, until the said minors aforesaid, shall attain, severally, the lawful age to demand their respective share.

Sec. 3. *And be it enacted,* That the said Mary Gould, widow of Gideon Gould, deceased, and Andrew Willson, guardian as aforesaid, before they enter upon the trust reposed in them by this act, shall enter into bond to the Governor of this state, with surety, and in such sum, as shall be approved of by the Judges of the Orphans' Court of the coun-

Bond to be given to Governor.

ty of Sussex, conditioned for the faithful performance of the trust reposed in them by this act, which bond shall be deposited in the office of the Surrogate of the said county.

Passed February 20, 1835.

AN ACT to authorize Israel Fish, to convey certain Real Estate to the Inhabitants of the township of Trenton, in the county of Hunterdon.

WHEREAS, the town committee of the townships of Trenton and Ewing, in the county of Hunterdon, have, by their joint memorial, represented to the Legislature, that on the first day of April, in the year of our Lord, one thousand eight hundred and seventeen, Israel Carle and Israel Fish, both of the township of Trenton, in the county aforesaid, became seized, in fee, of a tract of land in said township, containing about seventy-seven acres of land, in trust only, and to and for the sole and only proper use and behoof of the inhabitants of the township of Trenton, in the county of Hunterdon, their successors and assigns forever, and to be sold, conveyed, disposed of, mortgaged, charged, and incumbered only by the order of the said The inhabitants of the township of Trenton, in the county of Hunterdon, made at a lawful town-meeting, and entered on their minutes, in the town book, or by the order of the township committee of the township of Trenton, for the time being, entered on their minutes; **AND WHEREAS**, the said The inhabitants of the township of Trenton, in the county of Hunterdon, afterwards became seized in their own right, by virtue of a deed of conveyance from the executors of Asa Knowles, deceased, of a tract of land, containing about thirteen acres, adjoining the aforesaid tract; which said tracts have been used for, and known, and designated as the Poor House Farm of the township of Trenton; **AND WHEREAS**, by an act of the Legislature of this state, entitled "An act to establish a new township in the county of Hunterdon, to be called the township of Ewing," passed the twenty-second day of February, in the year of our Lord, one thousand eight hundred and thirty-four, the said township of Trenton hath been divided, and a part thereof set off into a separate township, by the name of the township of Ewing, and a division of the property of the said township of Trenton, as it existed previously to the passing of the said

act, hath been thereby authorized between the said townships of Trenton and Ewing; AND WHEREAS, in order to effect a just and impartial division of the said tracts of land, between the said townships, in pursuance of the said act, the said Poor House Farm hath been, by an order of the inhabitants of the township of Trenton, in the county of Hunterdon, made at a lawful town-meeting, and entered on their town book, and also, by a like order of the inhabitants of the township of Ewing, in the county of Hunterdon, made at a lawful town-meeting, and entered on their town book, sold at public vendue, and the said the inhabitants of the township of Trenton, have become the purchasers thereof; AND WHEREAS, since the making of the aforesaid deed of trust, the said Israel Carle hath died, leaving the said Israel Fish surviving; AND WHEREAS, under the peculiar circumstances of the case, difficulties exist in the transfer of the said premises, pursuant to said sale, and doubts have arisen, whether a valid title can be made for the said premises, to the said The inhabitants of the township of Trenton, without Legislative aid in the premises; AND WHEREAS, the said memorialists have, by their memorial, prayed that, in order to remove existing difficulties, and to quiet the title to the said tracts of land, an act might be passed authorizing the said Israel Fish to convey and release to the said The inhabitants of the township of Trenton, in the county of Hunterdon, the said tracts of land, and all the right, title, and interest, as well of the said The inhabitants of the township of Ewing, and of the heirs of the said Israel Carle, deceased, as of the said Israel Fish therein; and the prayer of the said memorial appearing to be reasonable, just, and proper; Therefore,

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Israel Fish, of the township of Ewing, in the county of Hunterdon, be, and he is hereby authorized and empowered, to make and execute unto the inhabitants of the township of Trenton, in the county of Hunterdon, a good and sufficient deed of conveyance, for all that farm and tract of land which was conveyed from Samuel Howell and Sarah, his wife, by deed, bearing date on the first day of April, in the year of our Lord, one thousand eight hundred and seventeen, unto Israel Carle and Israel Fish, in trust for the inhabitants of the township of Trenton, in the county of Hunterdon; and, also, a good and sufficient release of all the right, title, and interest, of the inhabitants of the township of Ewing, in the county of Hunterdon, in, and to all that tract or parcel of land, known by the name of the Poor House Farm, in the township of Trenton, including, as well the aforesaid tract, as also a certain other tract conveyed to

I. Fish authorized to convey Poor House Lands to the township of Trenton.

the inhabitants of the township of Trenton, in the county of Hunterdon, by Mary Knowles and Aaron Moore, executors of the last will and testament of Asa Knowles; deceased, by deed, bearing date on the second day of May, in the year of our Lord, one thousand eight hundred and twenty-five.

Sec. 2. *And be it enacted*, That the said deed of conveyance, and release, duly made and executed by the said Israel Fish, shall convey to, and vest in, the said The inhabitants of the township of Trenton, in the county of Hunterdon, a good and sufficient estate of inheritance, in fee simple, of, and in the premises aforesaid, and therein and thereby, as well The inhabitants of the township of Ewing, in the county of Hunterdon, and the heirs and assigns of the said Israel Carle, as the said Israel Fish, his heirs and assigns, of and from all estate, right, title, interest, claim, and demand, whatsoever, of, in, and to the aforesaid tracts of land, and every part and parcel thereof, shall be absolutely debarred and forever excluded.

Validity of deed

Passed February 20, 1835.

AN ACT to enable the guardians of the minor grand children of Elizabeth Hance, deceased, to execute a Deed to John Hance, for land in the county of Cumberland.

WHEREAS Elizabeth Hance, deceased, late wife of John Hance, died seized of certain real estate in the counties of Cape May and Cumberland, in this state, and leaving Elizabeth H. Leaming, now Elizabeth H. Garrison, William S. Leaming Jonathan F. Leaming, and Julia Leaming, her grand children and only heirs at law; AND WHEREAS, the said John Hance, since the death of the said Elizabeth Hance, has presented heavy claims against the said minor children, for their support, education and maintenance, during the life time of their grandmother, and for other expenses, amounting in the whole to about four thousand five hundred dollars; AND WHEREAS, for the recovery of the said claim, the said John Hance hath instituted suits, and hath in one of said suits, obtained a decree of the Orphans' Court of the city and county of Philadelphia, for the sum of about twenty-seven hundred dollars, leaving the residue of said claims still pending and undetermined; AND WHEREAS, the guardians of the said heirs have believ-

Preamble.

ed that it would be greatly to the interest of the said children to compromise the said claims, and for that purpose have received a proposal from said John Hance, to accept, in full satisfaction and discharge of all claims, demands, actions and causes of action, which he the said John Hance has against the said heirs, two certain parcels of land, situate in the county of Cumberland, and computed to be worth twenty-five hundred dollars; and it is the opinion of the guardians of the said heirs at law, that such offer is very greatly to their advantage, and would put an end to tedious and expensive law suits and litigation; but that the said guardians have not the power to effect said compromise, without legislative aid; Therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That upon the execution, by John Hance of the city of Philadelphia, of good and sufficient releases and discharges, in due form of law, made, executed, and attested, of all his claims and demands whatsoever, actions and causes of action, against the said Elizabeth H. Garrison, wife of Nelson Garrison, William S. Leaming, Jonathan F. Leaming, and Julia Leaming, and against the estate of the said Elizabeth Hance, their grandmother, unto Nelson Garrison, husband of the said Elizabeth H. Garrison, one of the said heirs, to Nicholas Corson, guardian of Jonathan F. Leaming and Julia Leaming, two other of the said heirs, and to Jeremiah Leaming, guardian to William S. Leaming, another of said heirs at law, that they the said Nelson Garrison, Nicholas Corson and Jeremiah Leaming, or the survivor or survivors of them, are hereby fully authorized and empowered, to make, execute, and deliver to the said John Hance, his heirs and assigns, a good and sufficient deed for a certain plantation, tract of land and premises, situate on Maurice river, in the county of Cumberland, containing about one hundred and eighty acres of land, and also, two hundred acres of bush land, to be laid off of a tract of six hundred and seventy acres, near said last mentioned farm in the county aforesaid, being a portion of the real estate of the said Elizabeth Hance, deceased, which has descended to the said heirs at law, and which deed shall vest in the said John Hance, his heirs and assigns, as good, ample and perfect an estate in the said premises, as was held in the same by the said Elizabeth Hance, at the time of her death.

Guardians of grand-children of E. Hance authorized to convey lands of J. Hance on certain conditions.

Validity of deed.

Passed February 21, 1835.

AN ACT to authorize the Administrators of James Cassidy, late of the County of Sussex, deceased, to carry into effect an agreement therein named.

WHEREAS, Anna Cassidy, widow and relict of James Cassidy, late of the township of Newton, in the county of Sussex, deceased, and Peter Merkel and Mathias Metler, administrators of the said James Cassidy, deceased, and Alexander Boyles, surviving partner of the said James Cassidy, deceased, have, by their petition, represented to the Legislature, that on or about the twelfth day of May, eighteen hundred and twenty-eight, the said James Cassidy, and the said Alexander Boyles, engaged in business as partners in trade at Lafayette, in the township of Newton, in the county of Sussex, which was carried on and conducted under the style and firm of Alexander Boyles and company, until about the first day of September, eighteen hundred and thirty-four, at which time, the said James Cassidy departed this life, intestate, leaving the said Anna Cassidy, his widow, and Matilda, David, John, Charles, Euphemia, and Elizabeth, his children, all minors, under the age of fourteen years; **AND WHEREAS**, it is further represented, that the said James Cassidy and Alexander Boyles, partners as aforesaid, purchased for the use of the firm, certain real estate, situate at Lafayette aforesaid, consisting of a small quantity of land, with expensive buildings thereon, to wit: a furnace for castings, a saw-mill, blacksmiths shop, store house, dwelling house, tavern house, and wheelwright shop; and that previous to the death of the said James Cassidy, he frequently offered to the said Alexander Boyles, all his right, title, claim, and interest of, in, and to, all the partnership property, both real and personal, upon condition that the said Alexander Boyles would pay, or secure to him, the said James Cassidy, the amount of the capital invested by the said James Cassidy, in the said partnership, with lawful interest thereon, from the time of such investment, and release him from the payment of his own private account due to the firm, and indemnify him, the said James Cassidy, and his estate, from all liability and responsibility, for the outstanding debts due from said firm; but the said arrangement was never carried into effect, in consequence of the death of the said James Cassidy; **AND WHEREAS**, by reason of the minority of the said Matilda, David, John, Charles, Euphemia, and Elizabeth; and by reason of the peculiar situation of the said real estate, no division or sale of the same can be made, without great prejudice to the owners, and the said petitioners having requested the aid of the Legislature in the premises; **Therefore,**

Preamble.

Administrators
of J. Cassidy
authorized to
convey certain
lands.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the said Peter Merkel, and Mathias Metler, administrators of James Cassidy, deceased, be, and they are hereby authorized and empowered, to sell and convey to the said Alexander Boyles, all the right and title which the said James Cassidy had, at the time of his death, in the real and personal estate belonging to the firm of Alexander Boyles and company, upon payment, by the said Alexander Boyles, of the amount of capital invested by the said James Cassidy, in the real and personal estate belonging to said partnership, with interest thereon, from the time of the investment, together with a release or discharge from the debt due from the said James Cassidy, to the said firm at the time of his death, and an indemnity from all liability and responsibility, for the outstanding debts due from said firm; and upon such sale or conveyance, to execute and deliver to the said Alexander Boyles, a proper deed, which shall vest in the said Alexander Boyles, all the estate, right, title, and interest whatsoever, of the said James Cassidy, at the time of his death.

Administrators
to account to
Orphans' Court.

Sec. 2. *And be it enacted,* That the said Peter Merkel and Mathias Metler, shall keep a fair account of the amount received by them, and exhibit the same, under oath or affirmation, to the Orphans' Court of the county of Sussex, distinguishing in said account, what was received from the personal estate, and what from the real estate; which said account shall be filed in the office of the Surrogate of said county; and after deducting all reasonable costs and charges, to be allowed by the said Orphans' Court, the said Peter Merkel and Mathias Metler, administrators as aforesaid, shall charge themselves in their account, with the estate of the said James Cassidy, deceased, with such part of the moneys, so received, from Alexander Boyles, as arose from the personal estate of the said firm, and account for the same in the usual course of their administration, on the final settlement of the estate; and such part of the moneys, so received as aforesaid, from the real estate as aforesaid, the said Peter Merkel and Mathias Metler, administrators as aforesaid, shall pay as follows: two-thirds thereof to the said Anna Cassidy, guardian of the said Matilda, David, John, Charles, Euphemia and Elizabeth, minor children, as aforesaid, to be accounted for by her, on her settlement as guardian, as aforesaid, with the Orphans' Court of the county of Sussex; and the remaining third to be placed out at interest, by the said administrators on good security, to be approved of by the said Orphans' Court, during the lifetime of the said Anna Cassidy, and the interest to be paid to her annually; and after her death, the principal to the said minor children or their legal representatives.

Manner of dis-
tributing pro-
ceeds of sale.

Sec. 3. *And be it enacted*, That before the said Peter Merkel and Mathias Metler, shall enter upon the duties of the trust reposed in them by this act, they shall give bond to the Governor of this state, in such sum, and with such security, as the Orphans' Court of the said county of Sussex shall approve, conditioned for the faithful performance of the said trust; which bond shall be filed in the office of the Surrogate of the said county.

Administrators
to give bond to
the Governor.

Passed February 21, 1835.

AN ACT to authorize the enclosure of a certain tract of Woodland, in the township of Hackensack, in the county of Bergen.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the owners and possessors of all that tract of woodland, situated at Schralenburgh, in the township of Hackensack, in the county of Bergen, bounded on the east by lands of Albert N. Voorhis, Samuel Parcels and Albert Bogart; south by the lands of Albert N. Voorhis, and the road leading from the New Bridge to Schralenburgh; on the west, by the lands of William Ely, James J. Demarest, Henry D. Brinkerhoff and David I. Westerwelt; and on the north, by the lands of Garret A. Demarest and David A. Demarest; to fence the same in common, and to erect and maintain such swing-gates, as they may deem proper; and that from and after the enclosing the same as aforesaid, no person or persons whatsoever, shall drive or let in any horses, cattle or sheep, with intent to run at large in said tract: *Provided always*, that nothing in this act contained, shall be construed, so as to prevent any person or persons from turning his horses, cattle or sheep, on such part of the said tract as may belong to him, and as may be kept enclosed, by a sufficient and lawful fence, separate from the remainder of the tract.

Boundaries of
woodland autho-
rized to be en-
closed.

Proviso.

Sec. 2. *And be it enacted*, That if any person whatever, shall drive or let in any horses, cattle or sheep, into the said tract, after the same shall have been enclosed as aforesaid, except as is provided for in the preceding section of this act, or shall wilfully break down any part of the fence around the

Penalty for let-
ting in horses or
cattle.

L

For leaving open
bars or swing
gates.

same, or any of the swing-gates thereon, he shall be liable to a penalty of ten dollars; and if any person or persons shall leave open any bars or swing gates thereon, either negligently or wilfully, he shall be liable to the penalty of two dollars for each offence; any of which penalties may be sued for, and recovered, by the trustees hereinafter mentioned, or either of them, in any court of competent jurisdiction in this state, in an action of debt; and the proceeds thereof, after paying the costs and expenses of suing for, and recovering the same, shall be applied to making and repairing the fences and swing-gates around the said tract.

Cattle, &c. running
at large on
tract may be im-
pounded.

Sec. 3. *And be it enacted*, That if any horses, cattle, or sheep, be found running at large in said tract, it shall be lawful for any person so finding them, to drive them to any public pound in the township of Hackensack, leaving with the keeper of such pound an affidavit, that such horses, cattle or sheep, were found running at large on said tract; and it shall be the duty of such pound-keeper, to receive and keep the horses, cattle or sheep, so delivered to him, until the owner thereof shall pay to him the costs and fees of impounding the same, together with damages, if any incurred; and such pound-keeper, shall collect and receive the same, in the same, manner, and shall be entitled to the same fees, and be subject to the same penalties, and shall, in all matters, proceed as is directed by an act entitled "An act regulating fences," passed January twenty-third, seventeen hundred and ninety-nine.

Valuation of
lands.

Sec. 4. *And be it enacted*, That all the owners of any part of the said tract, shall meet on the first Tuesday of April, next, at the house of Albert N. Voorhis, at Schralenburgh, in the township of Hackensack, and on the first Tuesday of April, in each year thereafter, at such place as a majority of them shall direct, and shall proceed, at their first meeting, to value their respective lands, either separately or collectively; and in case they cannot agree among themselves, as to the valuation thereof, they, or a majority of them, shall proceed to choose three disinterested freeholders, residents of the county of Bergen, who shall assess the value thereof, and whose judgment or award shall be binding and conclusive; and the owners of the said lands, or a majority of them, shall choose from among themselves, three persons, to be trustees of said lands, and shall hold their office for the term of one year, or until others shall be appointed in like manner, in each year, at such place as a majority of them shall direct.

Trustees to be
appointed.

Sec. 5. *And be it enacted*, That the trustees elected as aforesaid, shall designate the line of the fence, to be erected round the said tract, and shall assign, by marks and measurement, to each of the owners of the said tract, a part of the said fence to make and maintain, in proportion to the number

of acres owned by him or her therein; and if, after such assignment, and notice thereof, any of the said owners shall neglect to make and maintain the fence so assigned him or her, the said trustees shall make or repair the same, and shall be entitled to sue for and recover the expenses, from the person or persons so refusing, and their legal representatives, in any court of competent jurisdiction in this state; and it shall be the duty of such trustees, to cause a lawful fence, at all times to be kept up and maintained, around the above said tract.

Assignment of
parts of fence to
be made.

Sec. 6. *And be it enacted*, That when any person who now owns any part of the said tract of woodland, shall own lands adjoining thereto, which are now enclosed by a fence, such person or persons shall keep up and maintain, his or her proportion of a good and lawful fence between such lands and the above mentioned tract, at his or her sole and separate expense; and if any other person may or shall own enclosed lands, adjoining said tract of woodland, the said trustees may compel them to maintain their share of the partition fence, between said tract and such enclosed lands, in the same manner as the said trustees might, by law, if they were the lawful owners of the whole of the said tract of woodland, and shall in all things be entitled to the same remedies, and may proceed in the same manner against them, as if they were the lawful owners of the whole of the aforesaid tract of woodland.

Partition fences
how to be main-
tained.

Sec. 7. *And be it enacted*, That each trustee shall be entitled to receive seventy-five cents per day, for every day spent in the above mentioned duties, to be paid by the owners of the said tract, in proportion to their interest therein, and shall be assessed, by the said trustees, according to the aforesaid valuation; and shall make out a duplicate list of the amount, assessed upon the property of each individual, who, upon refusing or neglecting to pay the same, after notice of the aforesaid assessment being set up in three of the most public places near the premises, for the space of thirty days, shall be liable to prosecution, before any court having competent jurisdiction of the same, in an action of debt, with costs of suit.

Pay of Trustees.

Passed February 23, 1835.

AN ACT to release to Elizabeth Taylor, the right of the State of New-Jersey, to a Lot of Land in the Township of Lodi, in the county of Bergen.

Preamble

WHEREAS, it is represented to the Legislature, that George Taylor, late of the township of Lodi, in the county of Bergen, in this state, died intestate, without leaving a widow or any lenial or collateral heirs, capable of inheriting the *real estate* whereof he died seized, consisting of a lot of land, containing about sixteen and one-half acres, situated in the township and county aforesaid, and by reason of the said premises, the said lot of land may have escheated to the state of New-Jersey; **AND WHEREAS**, it is further represented, that the said George Taylor at the time of his death, left a mother, Elizabeth Taylor, him surviving, without any means of support; **Therefore**,

Rights of lands
released to E.
Taylor.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all the right, title and interest, whereof the state of New-Jersey may have become seized, or entitled to, of and in the said lot of land, either by escheat or otherwise, be, and the same is hereby released to, and vested in, the said Elizabeth Taylor, the mother of the said George Taylor, her heirs and assigns, in fee simple; saving nevertheless, all the legal rights of any other person or persons whatsoever to the same.

Passed February 23, 1835.

A FURTHER SUPPLEMENT to an act entitled "An act to regulate the Newark Fire Department," passed the eleventh day of February, A. D. eighteen hundred and fifteen.

Two assistant
Engineers to be
chosen.

Sec. 1. *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 ninth day of March next, at seven o'clock in the evening, at David D. Chandler's Hotel, in the township of Newark, and thereafter at the several annual meetings, for electing a chief engineer, as is provided for in the act to which this is a supplement, and at such place as

shall be agreed upon by the previous annual meeting, a majority of the firemen present, having first agreed upon the number to be chosen, may proceed to elect not more than two assistant engineers, to be designated numerically, whose duty it shall be, at all times of fire, under the direction and control of the chief engineer, to locate the several engines, to determine from what source water shall be obtained, and also, to determine and order what duties and services shall be performed by the several hook and ladder companies, and to endeavor to have promptly executed, every order and instruction which shall emanate from the chief engineer; and in the absence of the chief engineer, his powers and duties shall devolve upon one of the assistants, in their numerical order.

Duties and powers.

Passed February 23, 1835.

AN ACT to authorize the sale of the Real Estate of Anna Hornblower, deceased, late wife of Josiah Hornblower.

WHEREAS, Anna Hornblower, deceased late wife of Josiah Hornblower, died seized of, and entitled to, certain lots of land and premises, situate in the county of Bergen, in the state of New-Jersey, and intestate, (which said lots of land and premises were devised to her by the last will and testament of her father, Merselis Merselis) leaving Elizabeth, wife of Thomas B. Gautier; Christiana, wife of Gasherie De Witt; Jane Hornblower, William Hornblower, children, and Anna E., wife of Edwin Webb, Caroline T. Hornblower, and Josiah H. Hornblower, (children of her son, Josiah Hornblower, Junior, deceased,) grand-children of her, the said Anna, her surviving, and her heirs at law; which said Caroline T. Hornblower, and Josiah H. Hornblower, are infants, under the age of twenty-one years: the said Caroline T. being of the age of twenty years, and the said Josiah H. of the age of eighteen years: **AND WHEREAS**, the said children are the issue of the marriage between her, the said Anna, and the said Josiah Hornblower, and the said Josiah Hornblower is tenant by the curtesy of the said lots of land and premises; **AND WHEREAS**, it is represented by the said Josiah Hornblower, Thomas B. Gautier, and Elizabeth his wife, Gasherie De Witt and Christiana his wife, Jane Hornblower, William

Preamble.

Hornblower, Edwin Webb and Anna E. his wife, Caroline T. Hornblower, and Josiah H. Hornblower, the only persons interested in the said lots of land and premises, that it would be advantageous to sell the said estate, as it would at present command a high price, and that it would be of a great benefit to all the parties interested in the same; and that the interests of the said Caroline T. Hornblower and Josiah H. Hornblower, who are infants, under the age of twenty one years, but still have arrived to years of discretion, would be greatly advanced thereby, all which appearing to be true; Therefore,

Trustees appointed to sell certain lands.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Samuel Cassidy and Abel I. Smith, of the township of Bergen, in the county aforesaid, be, and they are hereby appointed trustees, with full power and authority to sell and dispose of the said lots of land and premises, situate in the said county of Bergen, belonging to the heirs at law of the said Anna Hornblower, and which said lots of land and premises were devised to her, the said Anna, by the last will and testament of her father, Merselis Merselis, or any part thereof, for the best price or prices that can be procured for the same, and to make out and execute good and sufficient conveyances and assurances in the law, to the purchaser or purchasers; and they are hereby directed to account for, and pay over the moneys arising from such sale or sales, to the said petitioners, according to their legal and respective rights and interests therein.

Deeds to be certified before valid

Sec. 2. *And be it enacted,* That no deed of such lands and estate shall be valid, unless it be certified in writing, in or upon such deeds, by Peter Sip and Cornelius Van Worst, of the township of Bergen aforesaid, or the survivor of them, under his or their hands and seals, that such sale is made bona fide, and for the highest price that could be obtained for such property, at the time of the said sale or sales.

Trustees to give bond to governor.

Sec. 3. *And be it enacted,* That before the said Samuel Cassidy and Abel I. Smith, Esquires, trustees as aforesaid, shall enter into the trust reposed in them, by virtue of this act, they shall enter into bond, to the Governor of this state, with such securities, and in such amount, as shall be approved of by the Surrogate of the county of Bergen, conditioned for the faithful performance of the duties required of them by this act, which bond shall be deposited in the office of the said Surrogate.

Sec. 7. *And be it enacted,* That the said trustees, or the survivor of them, shall, within six months after the sale of the said lands is completed, make and exhibit, under oath, to

the Surrogate of the county of Bergen, a true statement of the amount of said sale or sales, to be by him recorded and filed in his office; and that the said trustees shall be accountable for all moneys received by them, by virtue of this act, deducting their reasonable and necessary expenses, and a reasonable compensation for their services, to be allowed by the said Surrogate, of the county of Bergen, and shall account for the same to the Orphans' Court for the county of Bergen accordingly.

Account of sales
to be exhibited
to Surrogate of
Bergen.

Passed February 24, 1835.

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

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

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same.* That James B. Potter, Daniel Elmer, H. R. Merselles, Isaac Tittsworth, William Riley, David Reeves, Benjamin Thompson, Isaac B. Husted, John Hire, Jr. and James M. Riley, and all such other persons, not exceeding three hundred, as now are or hereafter shall, become members of the Bridgeton Beneficial Society, be, and they are hereby constituted and declared, to be a body corporate and politic, in fact and in law, by the name of the "Bridgeton Beneficial Society;" and by such name, they shall have succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatever; and that they and their successors, may have a common seal, and shall have power to make, change and alter

Style of incorporation.

the same at their pleasure; and by their name as aforesaid, and under their common seal, may make, enter into and execute, any contracts or agreements, touching and concerning the objects of said corporation.

Time and mode
of election of
officers.

Sec. 2. *And be it enacted*, That the members of said society, or as many of them as can conveniently attend, shall meet on the first Thursday of April next, and on the first Thursday of April, annually thereafter, at some suitable time and place; of which meetings, notice for the space of ten days shall be given in one of the newspapers of this state, and then and there by a plurality of votes of those present, proceed to elect a president, vice-president, secretary, assistant secretary, treasurer, and such other officers and assistants as they shall find necessary for conducting their affairs according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of said company, and at the expiration of his term of office shall deliver it over to his successor.

Objects, duties
and powers of
incorporation.

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

Limitation of es-
tate to be owned

Corporation
may make con-
stitution and by-
laws.

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

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

Sec. 6. *And be it enacted*, That it shall be lawful for

the Council and General Assembly of this State, at any time hereafter, to amend, repeal, or modify this act, as they shall think fit.

Passed February 25, 1835.

AN ACT authorizing the sale of a part of the State Lands at Paterson.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the Attorney General be, and he is hereby authorized to sell and convey in behalf of this State, unto the Trustees of the first particular Baptist Church of Paterson, a plot, not exceeding two acres, of the land at Paterson, belonging to the State, for the uses and purposes of a burial ground; and that he fix the price of the same, agreeably to the present just and proper value thereof.

A lot at Paterson authorized to be sold.

Passed February 26, 1835.

A FURTHER SUPPLEMENT to the Act entitled "An Act for the punishment of crimes."

WHEREAS, several instances of the degrading practice of prize-fighting, have lately occurred in this state, and the existing laws are believed to be inadequate effectually to prevent the introduction and prevalence of this evil; Therefore,

Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That every person who shall be engaged in any fight or combat, with fists, commonly denominated prize-fighting, whether such fight or combat be for money or any other valuable thing, or merely to test the skill or bodily powers of the pugilists or combatants, and every person who shall be aiding, assisting or abetting, in any such fight or combat,

Penalty for prize fighting.

shall be deemed guilty of a high misdemeanor, and on conviction thereof, shall be punished by imprisonment not exceeding two years, or by fine not exceeding one thousand dollars, or both.

Penalty for bringing persons into the state for fighting.

Sec. 2. *And be it enacted*, That if any captain, commandant or owner of any steam boat, or other vessel, shall knowingly permit such boat or vessel to be used in, or for the conveyance or transportation of persons into this state, for the purpose of being engaged in, or aiding, assisting, abetting or witnessing any such fight or combat, as is mentioned in the first section of this act, he or she shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment, not exceeding two years, or by fine, not exceeding five hundred dollars, or both.

Penalty for being present at a prize fight.

Sec. 3. *And be it enacted*, That every person who shall be present at any such fight or combat, as is mentioned in the first section of this act, coming from a foreign state for the purpose of witnessing the same, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment, not exceeding one year and one day, or by fine not exceeding two hundred dollars, or both.

Passed February 26, 1835.

AN ACT to provide for a Geological and Mineralogical Survey of the state of New-Jersey.

A geological and mineralogical survey of the state authorized to be made.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the Governor or person administering the government of this state, be, and he is hereby empowered, to employ some suitable and scientific person or persons to make a Geological and Mineralogical survey of the state, and make a report thereon to the next session of the Legislature, and that he be authorized to draw upon the Treasurer, for any sum, not exceeding in the whole, one thousand dollars, in order to defray the expenses of the same.

Passed February 26, 1835.

AN ACT for the relief of Nathan Bolles.

WHEREAS Eliza Clapp, wife of Henry W. Clapp, late of the town of Newark, in the county of Essex and state of New-Jersey, died seized of a small lot of land, lying in the said town of Newark, being butted and bounded as follows: beginning at a corner of a lot set off to Abby J. Bolles; thence running along her line, south sixty-five degrees east nine chains and forty-six links to Joseph Baldwin's corner thence southwesterly along his line to the corner of a lot set off to Mary T. Norris; thence along her line north sixty-five degrees west nine chains and forty-six links, to a corner of a lot set off to Abby J. Bolles; thence along her line north twenty-six degrees east sixty-three links, to the place of beginning; the above described lot being designated as lot No. 2, on map No. 9, as set off to the said Eliza Clapp, by commissioners appointed to make partition of the real estate of Ezra Baldwin, deceased, among his children: AND WHEREAS, the said Eliza Clapp, left Caroline M., Cornelia W., Henry B. and Elizabeth I. Clapp, her children and heirs at law, being minors under the age of fourteen years; AND WHEREAS, it was much for the interest and advantage of said minor children, that the said lot of land and premises which was wholly unproductive and waste, should be sold, and the proceeds thereof invested in some productive funds for the use and benefit of said infant children: AND WHEREAS, the said Henry W. Clapp, the father and guardian of said minor children, did on the seventeenth day of April, A. D. eighteen hundred and thirty-three, sell and convey the said lot of land and premises to the said Nathan Bolles, in fee simple; Therefore,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the title of the said Nathan Bolles, in and to the above described lot of land and premises, be, and the same is hereby confirmed, and made valid and effectual in him, his heirs and assigns forever.

Title of Nathan Bolles to certain lands confirmed.

Passed February 26, 1825.

AN ACT to authorize the sale of the Wood and Timber standing on certain Real Estate, of Peter Drummond, of the county of Monmouth, a lunatic.

WHEREAS, Peter Drummond, of the county of Monmouth, a

lunatic, is seized of a large tract of woodland, situate in the township of Shrewsbury, in said county : AND WHEREAS, Edmund Throckmorton and Edmund T. Williams, of said county, are the guardians of the person and estate of the said lunatic : AND WHEREAS, it is represented it would be to the interest of the estate of the said lunatic, if the wood and timber fit for market, standing and growing on said premises were sold ; and that by the existing laws of the state, neither the said guardians, nor any other person, can sell or dispose of the same ; for remedy whereof,

Guardians authorized to sell timber.

Sec. 1. 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 Edmund Throckmorton and Edmund T. Williams, guardians of the said lunatic, be, and they are hereby authorized and empowered, to make sale at public vendue, to the highest bidder, of such and so much of the wood and timber, standing and being on the said land, belonging to the said lunatic, as in the opinion of the said guardians, will be ripe and fit for market, and be for the benefit of the said lunatic and his estate, giving at least one month's previous notice, by advertisements, in five of the most public places in the township of Shrewsbury, in said county ; and cause the same to be published for the same period of time, in one of the newspapers printed in said county, and circulating in the vicinity of such lands ; and to invest the net proceeds of such sale or sales, in some safe securities, drawing interest under the direction of the Orphans' Court, of the said county of Monmouth, for the use and benefit of the said lunatic and his estate : *provided nevertheless*, that before said guardians make sale as aforesaid, they give bond to the Governor of this state, in such sum and with such security, as the Orphans' Court of said county, may direct and approve.

Provido.

Proceeds of sale to be accounted for to Orphans' court of Monmouth.

Sec. 2. *And be it enacted*, That in the event of the personal estate of the said lunatic, being insufficient for his maintenance and support, that the proceeds of the sale of the said wood and timber, may, under the direction of the said Orphans' Court, be applied to his maintenance and support, so far as may be necessary ; and that the said guardians, account for the proceeds of said sale, to the said Orphans' Court, in the same manner, as though such proceeds were part of the personal estate of said lunatic.

Passed February 26, 1835.

AN ACT to incorporate the Mechanics' Hall Association in the town of Newark, New-Jersey.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Prudden Alling, Caleb Carter, John S. Darcy, Jabez G. Goble, and Richard Sweasy, be appointed commissioners to open books of subscription at Newark, to raise the sum of seventy-five thousand dollars, in shares of one hundred dollars each; the said commissioners to give notice of the time and place of opening books of subscription, by advertising the same in one of the newspapers printed in Newark, for at least four weeks next previous to such time; the books to continue open five days in succession, unless the stock should be sooner taken.

Commissioners
to open sub-
scription for
stock.

Sec. 2. *And be it enacted,* That all such persons as shall become subscribers to the capital stock in the preceding section mentioned, their successors and assigns shall be, and are hereby created and made a corporation and body politic, by the name and style of "The President, Directors and Company of the Mechanics' Hall Association, in Newark," 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, pledge, alien, or dispose of; sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended in all courts and places whatsoever; and also to make, have, and use a common seal, and the same to alter and renew at their pleasure, and also to ordain, establish, and put in execution, such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation: *provided,* they be not inconsistent with the constitution and laws of this state, and of the United States, or with this charter; and also to appoint all such officers, agents and servants as shall be necessary to carry into effect the powers of this act vested in said corporation, and allow them such compensation for their services, as shall be deemed reasonable by the board of directors.

Style of corpo-
ration.

Powers of incor-
poration.

Proviso.

Sec. 3. *And be it enacted,* That the sum subscribed shall be paid in manner following, that is to say: five dollars on each share at the time of subscribing, to the persons receiving subscriptions, and the remainder in instalments of five dollars on each share, when called for by the president and directors of said company, appointed and chosen in the manner hereinafter prescribed, upon thirty days previous notice being given by the secretary of said company, in one of the newspapers printed in Newark, and any person, corporation or body politic, failing to pay any instalment, or any part thereof,

at the times prescribed and required by said corporation, shall forfeit to the said company every share upon which there shall be a deficiency.

Amount of capital stock.

Sec. 4. *And be it enacted,* That the capital stock of said corporation shall be seventy-five thousand dollars, to be divided as aforesaid, in shares of one hundred dollars each; and upon the closing of said books of subscription or within five days after the directors are chosen, the stock having been subscribed as aforesaid, the said commissioners herein before named, shall deliver over into the hands of the said directors, the said subscription books, and all other books and papers whatsoever, which shall be in their hands, and belonging and appertaining to the said corporation; and shall also pay over to the said directors all moneys which they shall have received on account of said subscription; and the said directors shall have power to call in and demand from the stockholders, payment of the sums remaining due upon the shares subscribed, at such times and in such instalments or proportions, as they or a majority of them, shall deem proper and requisite, under the penalty of forfeiture as aforesaid.

Time and mode of electing directors.

Sec. 5. *And be it enacted,* That all the affairs, property, and concerns of the said corporation, shall be managed and conducted by seven directors, all of whom shall be stockholders of said company, one of whom shall be president of said company, all of whom shall hold their offices for one year, and shall be elected on the second Monday of April in every year, at the house of the company, at such time of day as the board of directors, for the time being, shall appoint, notice of which shall be given by the secretary of said company, not less than fourteen days previous to the time of holding the said election, by an advertisement to be inserted in one of the newspapers printed in the town of Newark; for the well ordering of which election, the directors shall, previously thereto, appoint three stockholders, not being directors, to be judges of election, who shall conduct and regulate the same, none of whom shall be elected as a director, they shall determine whether the persons voted for, are qualified for directors, and after the conclusion of the ballot, shall decide and declare who are elected; each stockholder shall be entitled to one vote for each share of stock held by him; and said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; those persons having a majority of the votes taken, shall be the directors for the ensuing year, and until others are elected; and the directors so elected, shall, immediately thereafter, proceed to elect by ballot, one of their number as president; and in case of a vacancy by death or resignation among the directors, such vacancy shall be filled for the remainder of the year, by such person or persons as the remainder of the directors, for the time being, shall appoint; the first directors

shall be elected on the tenth day of May, in the year of our Lord eighteen hundred and thirty-five, two weeks notice having been first given by advertisement in one of the newspapers printed in the town of Newark, signed by the commissioners, who are to act at such election as judges thereof, which is to be conducted as the elections herein before mentioned; five directors shall constitute a board for the transaction of business of said company.

Quorum of directors.

Sec. 6. *And be it enacted*, That the books of said company shall be kept by the clerk of said company, who shall reside in the town of Newark, and shall, at all times, between the hours of ten A. M. and three P. M., be subject to the inspection of any stockholder of said company; and in case of refusal on the part of said clerk to exhibit said books on demand made by any such stockholder, he shall forfeit and pay such person so refused, the sum of one hundred dollars, to be sued for in an action of debt; and no transfer of stock shall be deemed lawful, unless it be made on the book of said company kept for that purpose, in which shall be entered the names of all stockholders of said company.

Books to be open to the inspection of stockholders.

Sec. 7. *And be it enacted*, That the president of said company shall receive such compensation for his services, as the board of directors shall deem reasonable; but no other director shall be entitled to any emolument for his services, unless allowed by a majority of stockholders at their annual meeting.

Compensation to President.

Sec. 8. *And be it enacted*, That the funds of this corporation shall only be laid out and expended in purchasing a suitable site in the town of Newark, for a public house, and erecting a suitable building or buildings thereon, to be used for such purposes, and furniture for the same; and that the said company shall not employ any of their funds in any banking or insurance operations, or for any purposes not plainly indicated by this act.

How funds of corporation to be applied.

Sec. 9. *And be it enacted*, That this charter shall continue in force until the expiration of twenty years; and that no part of the capital stock shall be divided among the stockholders until a final dissolution of said company.

Capital not to be divided till expiration of charter.

Sec. 10. *And be it enacted*, That the capital stock of said company shall be deemed personal estate, and that the Legislature may, at any time hereafter amend, modify or repeal this act, as they may think proper.

Act may be altered or repealed

Passed February 26, 1835.

A SUPPLEMENT to an act, entitled "An act to authorize the chosen freeholders of the county of Cumberland, to build a draw-bridge over Cohansey creek, at the town of Bridgeton", passed the twenty-sixth of January, eighteen hundred and thirty-three.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall not be lawful, for any person or persons,

Penalty for fast driving,

to drive any wagon or cart, sled or sleigh, or any other kind of carriage, or vehicle, or ride, lead or drive any horse or horses, mule or mules, or any description of cattle, over or upon the draw of said bridge, at a faster gate than a walk; and any person or persons, driving any wagon or cart, sled or sleigh, or any other kind of carriage, or vehicle, whether of burden or pleasure, over said bridge, shall keep to the right, while driving or going over said bridge; and every person so offending against the provisions of this act, shall forfeit and pay five dollars, to be recovered by action of debt, with costs of suit, in any court of competent jurisdiction, by any person who shall sue for the same, for the use of the county of Cumberland; *provided always,* that this act shall not be construed, so as to prevent any physician, or person or persons going for such physician, or returning from said errand; any person or persons riding express, by order of any public officer of this state, or of the United States, or pursuing a fugitive from justice, runaway servant or apprentice, from riding or driving over said draw, at a faster gate than a walk: *provided always,* that the board of chosen freeholders, of said county, shall cause to be fixed, and always kept up, at each end of the bridge, in some conspicuous place, in plain letters, Five Dollars fine, for travelling over the draw of this bridge, at a faster gate than a walk; and on neglect of such notice, the aforesaid fine shall not be incurred.

Keep to the right.

Proviso.

Proviso.

Passed February 26, 1835.

A FURTHER SUPPLEMENT to an act, entitled "An act to incorporate the Paterson and Hudson River Rail Road Company," passed January twenty-first, one thousand eight hundred and thirty-one.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That so much of the fifteenth section of the act

to which this is a supplement, as requires that the said rail road shall be completed at the expiration of five years, from the fourth day of July, one thousand eight hundred and thirty-one, be, and the same is hereby repealed; and when the permanent rail road of The New-Jersey Rail Road and Transportation Company, shall be constructed through Bergen Hill, and thence to the Hudson River, and put in use, it shall be lawful for the president and directors of the Paterson and Hudson River Rail Road Company, their successors and assigns, to charge for the transportation of goods, wares and merchandise thereon, from the junction to the river, or on any branch thereof, twelve and a half cents per ton per mile; and that it shall not be lawful for said company, directly or indirectly, to charge for the transportation of property on their road, and on the said permanent road, from the junction, and on its branches, more than the tolls prescribed by the tenth section of their act of incorporation, and by this supplement; and if the owners and occupants of the property on Main and Congress streets in Paterson, or of a majority thereof in value, shall require the same, and the Paterson and Hamburg Turnpike Company, without compensation, shall consent thereto in writing, (if their consent be necessary,) that then the president and directors of the Paterson and Hudson River Rail Road Company, their successors and assigns, shall be authorized and required, within six months after such requisition and consent, shall be obtained with reference to said street, to extend a track down Main street, to, or within one hundred feet of its intersection with Broadway; and that within one year from the fourth day of July next, they shall lay a track down Congress street, to the point designated in their act of incorporation.

Time of completion of road extended.

Toll increased on part of the road.

Sec. 2. *And be it enacted*, That so much of the seventeenth section of the said original act, as authorizes the legislature of the state, to cause an appraisement of said road to be made, at any time after the expiration of fifty years from the completion of said road; and that so much of the eighteenth section as requires the treasurer of said company to make annual returns to the treasurer of this state, from and after the completion of the said rail road, be, and the same are hereby repealed; and that the legislature may cause such appraisement to be made at any time after the expiration of fifty years from the fourth day of July, one thousand eight hundred and thirty-six; and that it shall be the duty of the treasurer of the said company, from and after the said fourth day of July, one thousand eight hundred and thirty-six, to make the annual returns required by the said eighteenth section.

Time of appraisement and making returns, altered.

Sec. 3. *And be it enacted*, That this supplement shall be taken and considered as a public act.

Public act.

Passed February 27, 1835.

A SUPPLEMENT to an act entitled "An act for suppressing vice and immorality," passed the sixteenth of March, seventeen hundred and ninety-eight.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That nothing contained in the twelfth section of the act to which this is a supplement, shall be construed to affect the exhibition of any invention or improvements in the Mechanic Arts, but such exhibitions shall be placed upon the same footing as the exhibitions of natural curiosities are provided for in and by said act.

Exhibition of improvements in mechanic arts not prohibited.

Sec. 2. *And be it enacted,* That from and after the passage of this act, it shall not be lawful for any person or persons to exhibit or show within this state, for any price, gain, or reward, any menagerie, or collection of beasts or animals, without having first obtained license for that purpose, as hereinafter mentioned.

Menageries to be licensed.

Sec. 3. *And be it enacted,* That any three Justices of the Peace, shall have authority to grant a license, in their discretion, to any person or persons, to exhibit and show any menagerie, or collection of beasts, or animals, within the county of which they are Justices; and all licenses granted under this act, shall set forth the township or townships in which such exhibition or show is authorized to be made; the time or number of days it may be continued; and the price or prices which may be demanded for admission to the same.

How and by whom licenses are to be granted

Sec. 4. *And be it enacted,* That before any such license shall be granted, the person or persons applying for the same, shall be required to pay into the hands of the Justices of the Peace, to whom the application is made, such sum of money as the said Justices shall deem proper, not less than ten dollars, nor more than one hundred dollars, for each day said exhibition or show shall be licensed to continue.

Sum to be paid for license.

Sec. 5. *And be it enacted,* That any person or persons offending against the provisions of this act, shall forfeit and pay for every offence, the sum of one hundred dollars; to be recovered in an action of debt, in any court having cognizance of the same, in the name of the County Collector of the county where the offence is committed, and it shall be a duty hereby imposed for the Collector of the county, or the Collector of the township wherein such exhibition is made, to prosecute and recover the same.

Penalty for violation of the act.

Sec. 6. *And be it enacted,* That all moneys received and recovered under this act, shall be paid over to the County Collector of the county where the same shall be received, or the offence committed, within thirty days after the receipt thereof, for the use of the county.

Money to be paid to the county collector.

Passed February 27, 1835.

AN ACT to enable Albert A. Westervelt, late collector of the county of Bergen, to settle with the State Treasurer.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the Treasurer of this state be authorized to receive from Albert A. Westervelt, late collector of the county of Bergen, in payment of the quota of tax of the county of Bergen, for the year one thousand eight hundred and thirty-three, an assignment of his claim on the Washington Banking Company, for the sum of one thousand eight hundred and fifty-seven dollars and thirty-three cents, for moneys by him deposited with said company before their failure, and that the said assignment shall be received in payment for the sum of one thousand eight hundred and fifty-seven dollars and thirty-three cents.

Treasurer to receive assignment.

Sec. 2. *And be it enacted*, That the Treasurer of this state, be authorized and directed, upon receiving the assignment above mentioned, to refund and pay to the said Albert A. Westervelt, the sum of seven hundred and seventy-four dollars and thirty-three cents, out of the treasury of this state; and that the said Albert A. Westervelt, be, thereupon, discharged and acquitted from all further liability to this state, and to the Treasurer thereof, for the quota of tax for the county of Bergen, for the year of our Lord one thousand eight hundred and thirty-three.

Sum to be refunded.

Passed February 27, 1835.

AN ACT to incorporate "The Assanpink Manufacturing Company."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Philemon Dickinson, Lewis Waln, William Grant, William Waln, and Thomas J. Stryker, and their associates, and their successors, shall be, and they are hereby incorporated and made a body politic, by the name and style of "The Assanpink Manufacturing Company," for the purposes of manufacturing cotton or woollen or both, and shall have power to raise by subscription, in shares of one hundred dollars each, a capital of three hundred thousand dollars; and

Style of incorporation, &c.

Time and manner of election of directors.

as soon as five hundred shares shall be subscribed, the individuals above named, or any three of them may, by public notice of thirty days, given in one or more of the public newspapers, printed in the city of Trenton, call a meeting of the stockholders of the said company, for an election of seven directors, each of whom shall be a stockholder, to be voted for by the said stockholders, according to their respective shares, in person or by proxy, the said individuals above named, or any three of them, to be inspectors and judges of said first election; and the said directors when elected, shall choose out of their number a president; and the directors of the said company shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of said company; and shall appoint three inspectors of said election who are not directors; and the directors so elected, shall continue in office until their successors are elected; and shall at all times have power to make by-laws for the government of said company, not repugnant to the constitution and laws of this state or the United States; and shall also have power to call in said stock from time to time, in such instalments as they shall think necessary, by giving public notice as aforesaid, and to declare forfeited to the said company, the stock, with all previous payments made thereon, of all such stockholders as shall neglect or refuse to pay the instalments upon their respective shares, as shall be required to be paid as above; *provided*, previous notice of thirty days shall have been given to each delinquent stockholder.

Stock forfeited on failure to pay instalments.

Election to be by ballot.

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

How vacancies to be supplied.

Officers of the company to take an oath.

Sec. 3. *And be it enacted*, That the said directors, before they enter upon the duties of their office, shall severally take

and subscribe an oath or affirmation, faithfully and honestly to promote the interests of the said company; and they may appoint a secretary, treasurer and such other officers and agents as they may, from time to time, deem necessary and useful, with such compensation as they may think adequate; and require from such officers and agents, as well an oath or affirmation of fidelity, as such bond and security for their good conduct, as may to them appear reasonable and proper.

Sec. 4. *And be it enacted*, That the said company may for the purpose of promoting the manufacture of cotton or woolen goods or both, and of erecting such machinery as may promote the manufacture of said articles, buy, rent, take and hold, or otherwise become seized and possessed of, and hold, all such lands, tenements and water power, and other real and personal estate in the city of Trenton, and within one and a half miles of said city, as may be necessary and useful for the purposes aforesaid, and the same may improve and use, or sell, let, or otherwise dispose of, as they shall deem proper; *provided*, that they shall occupy none of the public streets, lanes or alleys of the said city, with their said improvements, without previously procuring the consent of the common council thereof, regularly expressed by ordinance; and the said company by their corporate name, may sue and be sued, plead and be impleaded, in all courts whatsoever; may have a common seal, and alter and renew the same at pleasure; and shall have, enjoy and exercise, all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act; *provided always*, that the privileges hereby granted, shall not be so construed as to interfere with the vested rights of any other person or persons, body corporate or politic.

Company may hold real estate.

Proviso.

Proviso.

Sec. 5. *And be it enacted*, That a dividend of the profits of the said company, except so much thereof as may be set apart for a surplus fund, (which surplus fund shall not exceed at any one time ten thousand dollars,) shall be semi-annually made by the said directors, among the stockholders, and the books of the said company shall, at all times, be open for the inspection of the said stockholders; *provided*, that no dividends shall be made, except from the actual profits of said company.

Semi-annual dividends to be made.

Proviso.

Sec. 6. *And be it enacted*, That the stock of the said company shall be personal property, and transferable on the books of said company; and that no part of the funds of the company shall be used for banking purposes.

Stock transferable.

Sec. 7. *And be it enacted*, That this charter shall continue in force until the first day of March, in the year of our Lord one thousand eight hundred and sixty-five, and no longer; and that during that time, upon any departure from, or vio-

Limitation of act.

lation of the provisions of this act, the legislature may repeal, alter, or modify the same, as in their opinion, the public good may require.

Passed February 28, 1835.

AN ACT to incorporate the "Jersey City Marine and Fire Insurance Company, in the county of Bergen."

Preamble.

WHEREAS, sundry inhabitants of Jersey City and vicinity, in this state, have represented to the legislature, that insurance of vessels, and other property, situate and belonging to citizens in this state, is frequently, and to a large amount, made in the city of New-York; and that an Insurance Company in Jersey City, under proper regulations, would tend to the convenience of the inhabitants in that section of the state, and would confine at home a source of wealth which is yearly carried into another state—Therefore,

Style of corporation.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be, and hereby are, constituted and made a body politic and corporate, by the name and style of "The Jersey City Marine and 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 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.

Powers and privileges.

Proviso.

Sec. 2. *And be it enacted*, That the capital stock of the said company shall be two hundred and fifty thousand dol-

lars, to be divided into shares of fifty dollars each; and that twenty-five thousand dollars of the said stock shall be subscribed and actually paid, before the said company shall be allowed to commence business.

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

Mode of payment of subscriptions.

Sec. 4. *And be it enacted*, That the secretary of said company shall give notice in two of the newspapers published in the town of Newark, and at least two of the daily papers published in the city of New-York, for at least twenty days preceding the day when each instalment is to be paid; and the person or persons failing to pay any such instalment, for the space of thirty days after such time of payment, to the person 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.

Notice of payments of instalments.

Sec. 5. *And be it enacted*, That the stock, property, affairs, and concerns of the said company, shall be managed and conducted by fifteen 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 first Monday in December in each and every year, at such hour of the day, and at such place in Jersey City, as the board of directors for the time being, shall appoint; of which election, public notice shall be given in one of the newspapers published in the town of Newark, and in the city of New-York, at least two weeks previous to such election; and every such election shall be made by ballot, and by a plurality of the votes of the stockholders then present, or represented by their proxies, but no share shall entitle the holder to vote unless the same has been held by him 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 M. Cornelison, Hartman Van Waggonen, John Cassedy, Robert Gilchrist, John Griffith, Dudley S. Gregory, John K. Goodman, William Glaze, Cornelius Van Vorst, William R. Taylor, Asa Wright, Samuel Cassedy, Francis Morris, John Gilbert, and Joseph Dodd, who shall respectively hold their offices until the first Monday of December, in the year of our Lord one thousand eight hundred and thirty-five, and until other directors are chosen in their stead.

Qualification of directors.

Time and mode of electing directors.

Sec. 6. *And be it enacted*, That the directors herein be-

President to be
chosen.

How vacancies
supplied.

Proviso.

Officers to be
appointed.

Commissioners
to receive sub-
scriptions.

Objects of in-
corporation.

Manner in
which policies
are to be made.

fore mentioned, shall, as soon as convenient after the passing of this act, and the directors annually chosen, agreeably to the provisions of this act, shall, as soon as convenient after their election, proceed to choose out of their body, one person, to be a president, who shall be an inhabitant of the township of Bergen, in the county of Bergen, and shall preside until the next annual election thereafter; and in case of death, resignation or inability to serve, of the president or any directors 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; 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 the said company may provide; *provided*, that the president of the said company, shall hold his office at the pleasure of the board of directors, and be subject to their removal.

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

Sec. 8. *And be it enacted*, That John M. Cornelison, Robert Gilchrist and John Griffith, 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 Jersey City, first giving notice thereof, for two weeks, in one of the papers printed at Newark, and one of the daily papers, printed in the city of New-York; and shall continue open, from day to day, (Sundays excepted,) for ten days, unless the whole capital stock shall be sooner subscribed.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the said company to insure houses, buildings of any description, and personal property, of whatsoever kind, against loss by fire; also, ships, steam-boats or other boats, and vessels, and the property contained therein, against loss or damage, by fire or other casualty; and the said company shall be liable for all loss sustained by fire, or other casualty, agreeably to, and on such terms and conditions, as shall be contained in the policy.

Sec. 10. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof; and shall be subscribed by the President, or President *pro tempore*, or by such other officer, as may be designated for the purpose by the by-laws of said corpora-

tion, and attested by the Secretary; and being so subscribed and attested, shall be binding and obligatory upon the said company, according to the tenor, intent and meaning of this act, and of such policies or contracts; and all such policies and contracts may be so made, subscribed, attested and executed, and the business of the said company may be otherwise conducted and carried on, without the presence of the whole board of Directors, but by such committee or otherwise, as the said board may direct; and the same shall be binding and obligatory on the said company.

Sec. 11. *And be it enacted*, That the number of votes of each stockholder in the company, shall be estimated according to the number of shares which such stockholder may have in his 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.

Manner of voting.

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

Judges of election.

Sec. 13. *And be it enacted*, That the board of Directors, or any number of stockholders, being proprietors of at least one-half of the stock, may at any time, call a meeting of the stockholders, for the transaction of the business of said company, previously advertising the time and place of said meeting, for at least two weeks, in a paper printed in the county of Bergen, or some paper in the town of Newark, or the city of New-York, and mentioning the object of such meeting.

How meeting of stockholders may be convened.

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

Stock assignable and transferable

Sec. 15. *And be it enacted*, That it shall and may be lawful for the said company, to purchase and hold, such and so much real estate, as shall be necessary for their convenient accommodations in the transaction of their business; and also, to take and hold any real estate or securities, bona fide mortgaged or pledged to the said company, or to secure the payment of any debt, which may be contracted with the said company; and also, to proceed on the said mortgages or securities, for the recovery of the moneys thereby secured,

What real estate company may hold.

Proviso.

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 money thereof, for or in any banking operations, or in the purchase or sale of any stock, or funded debt created, or to be created, under any law of the United States, or 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, or in doing any other business not designated by this act; but it shall, nevertheless, be lawful for the said company, to purchase and hold any such stock, or funded debt, for the purpose of investing therein, any part of their capital stock, funds or moneys; and also, to sell and transfer the same; and again to renew such investments, when, and as often as the exigencies of the said company, or a due regard to its interest shall require; and also, to make loans of their capital stock, funds or moneys, on bonds and mortgages, and the same to call in and re-loan, as occasion may render expedient.

Semi-annual dividends to be made.

Sec. 16. *And be it enacted*, That it shall be lawful for the Directors of said company, to make dividends of so much of the profits of the company as shall appear advisable; and the said dividends shall be paid out semi-annually to the stockholders, or their legal representatives; but the dividends shall not at any 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, as aforesaid, they shall be individually liable for the proportion of the stock so divided, and an action of debt may be brought against them, or any of them, their heirs, executors, or administrators, in any court of record in this state, by any creditor of said company, and may be prosecuted thereon to judgment and execution; and each Director present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give further notice to the stockholders of the declaring such dividend.

Annual statement of affairs to be exhibited.

Sec. 17. *And be it enacted*, That at the annual meeting for the choice of Directors, a statement of the affairs and business of the company, for the preceding year, shall be made

out and shown for the general satisfaction of the stockholders.

Sec. 18. *And be it enacted*, That each Director and Secretary shall, before he enters on the duties of his office, take and subscribe to the following oath or affirmation, (as the case may be) "I, Oath of officers. do swear, (or affirm) that I will faithfully execute the duties of agreeably to the provisions of the act, entitled "An act to incorporate the Jersey City Marine and Fire Insurance Company in the county of Bergen," and the trust reposed in me, to the best of my skill and understanding."

Sec. 19. *And be it enacted*, That the said company shall cause to be kept at their office, proper books of account; in which shall be fairly and truly entered, all the transactions of the company; which books shall be at all times open for the inspection of the stockholders. Books of acc't.
always open to
inspection.

Sec. 20. *And be it enacted*, That this act shall continue in force for the space of thirty-one years; but it shall and may be lawful for the Legislature, at any time hereafter, to alter, amend, or repeal the same.

Sec. 21. *And be it enacted*, That the said company shall pay into the treasury of this state, one-quarter of one per centum per annum, on the capital stock paid in, to commence three years after the said company shall go into operation; which amount shall be paid in under the oath or affirmation of the President and Secretary thereof. Per centum to be
paid to the state.

Passed February 28, 1835.

AN ACT authorizing trustees to sell and convey certain real estate late of William Biles, deceased.

WHEREAS, it is represented to the legislature, by the administrators, and by the widow and guardian of the children of William Biles, late of the county of Hunterdon, deceased, that the said William Biles, died seized, of an undivided moiety of a lot of land, with improvements thereon, situate in Lambertville, in said county, adjoining and bounded on the west by the Delaware river; on the north by Bridge street, and on the east by William Walters' lot; and also of one other lot, with the improvements thereon, bounded on the north by the last mentioned lot; on the west by the river Delaware; on the south by Dr. Wilson's Preamble.

land; and on the east by the feeder of the Delaware and Raritan Canal; leaving a widow and six minor children; that the said premises are incumbered by mortgages to a large amount, and other debts, which after exhausting the personal estate of said decedent, yet remain unpaid, which with the perishable nature of the property, renders it desirable for the interest of all parties concerned, that the property be disposed of immediately; Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Elias Ely and Lewis S. Coryell, be, and they are appointed trustees, with full power and authority to sell all the share, right, title and interest, of, and in the said two lots of land, with the appurtenances whereof the said William Biles, died seized, for the highest and best price that can be reasonably obtained for the same, and upon receipt of the purchase money therefor, to make, execute and deliver to the purchaser or purchasers thereof, good and sufficient deeds of conveyance for the same, which deeds shall convey to, and vest in, the said purchaser or purchasers, all the estate, right, title, and interest, which the said William Biles, at the time of his decease, had of, in, and to the said premises so sold.

Trustees appointed to sell lands of W. Biles, deceased.

Sec. 2. *And be it enacted,* That the said trustees, within six months after making such sale or sales, shall make, subscribe and exhibit, under oath or affirmation, to the surrogate of the county of Hunterdon, a fair and correct statement of such sale or sales, which shall be filed of record in the said surrogates' office, and within one year after making such sale or sales, shall account to the Orphans' Court of the county of Hunterdon, for the proceeds thereof, and after allowance for the expense of making such sales or sales, and such reasonable compensation as the said court shall see fit to allow said trustees for executing said trust, shall apply the net proceeds of such sale or sales, first, to pay the mortgages and liens on said property, in their order of priority, and the residue to the payment of the debts and expenses of said deceased, in a due course of administration, and the surplus, if any there be, shall be distributed to the widow and children of said deceased, in the following proportions; one fifth part thereof to the said widow, and the remainder in equal portions between the six minor children of said decedent.

Account of sales to be rendered to Surrogate.

Distribution of proceeds of sale

Sec. 3. *And be it enacted,* That the said trustees, before they shall enter on the duties prescribed by this act, shall enter into bond to the governor of this state, with one sufficient surety to be approved of by the surrogate of the county of Hunterdon, in such sum as he shall direct, conditioned for the faithful performance of the trust herein expressed.

Bond to be given to Governor.

Passed February 28, 1835.

AN ACT to authorize Eliza Meeker, widow and Administratrix of Stephen J. Meeker, deceased, to execute and deliver a Deed of Conveyance unto William B. Woodruff, for a Lot of Land, in the Township of Newark, in the County of Essex.

WHEREAS, it appears that William B. Woodruff, of the township of Newark, in the county of Essex, did, on or about the first day of April, A. D. eighteen hundred and thirty-two, execute and deliver a deed of conveyance, in fee simple, for a lot of land and premises, situate in the township of Newark aforesaid, which deed of conveyance, although in absolute terms, was given, and intended to be, in the nature of a mortgage, to secure endorsements of the said Stephen J. Meeker, for the said William B. Woodruff; and that it was agreed, by the said Stephen J. Meeker, to convey to the said William B. Woodruff, the said lot of land and premises, whenever he, the said Stephen J. Meeker, should be relieved from all liability on account of said endorsements; AND WHEREAS, the said Stephen J. Meeker, died intestate, on the seventeenth day of October, A. D. eighteen hundred and thirty-two, with the title of the aforesaid lot of land standing in his name; and it appearing, that there are no claims against the estate of the said Stephen J. Meeker, on account of the aforesaid endorsements; and that, therefore, the said lot of land and premises, should in justice and equity, be re-conveyed to the said William B. Woodruff; and that the same cannot now be done, by reason of the death of the said Stephen J. Meeker; Therefore,

Preamble.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Eliza Meeker, widow and administratrix of Stephen J. Meeker, late of the township of Union, in the county of Essex, be, and she is hereby authorized and empowered to make a deed of conveyance unto the said William B. Woodruff, and to his heirs and assigns, for the lot of land and the appurtenances, situated on the north corner of Broad and Fair-streets, in the town of Newark, in the county of Essex, which was conveyed by the said William B. Woodruff and wife, to the said Stephen J. Meeker, by deed bearing date the first day of April, A. D. eighteen hundred and thirty-two, and recorded in the Clerk's office of the county of Essex, in book K. 3. of deeds, in pages two hundred and ninety-eight and two hundred and ninety-nine, which deed, when duly executed and delivered, shall be as good and effectual for the conveyance of the said lot of land and the appurtenances, and the vesting the title thereof in the said

Administratrix
of S. J. Meeker,
dec'd, empower-
ed to convey
lands.

William B. Woodruff, as if the same had been executed and delivered by the said Stephen J. Meeker and wife, in his lifetime; *Provided nevertheless*, that before this act shall take effect, the said William B. Woodruff shall give bond to the Governor of this state, in such sum and such security, as shall be approved of by the Surrogate of the county of Essex, with condition to indemnify and save harmless the estate of the said Stephen J. Meeker, of, and from all endorsements made by the said Stephen J. Meeker, for the said William B. Woodruff.

Passed February 28, 1835.

AN ACT to authorize Samuel Van Saun, Mary-Ann Van Saun, and Richard Doremus, Executors of John Van Saun, deceased, to fulfil a contract with Edward Graham, for the conveyance of a certain tract of land at Preakness, in the Township of Saddle River, in the County of Bergen.

Preamble.

WHEREAS, it appears that Edward Graham, of the county of Bergen, verbally purchased of Garrabrant Van Houten, a certain tract of land, situate on the west side of the public road leading from Preakness to Samuel Crowell's, containing one acre, strict measure; **AND WHEREAS**, it appears that the said tract of land was, by the heirs of Garrabrant Van Houten, on the twenty-first day of November, A. D. eighteen hundred and thirty-one, conveyed to John Van Saun, to secure to him, the said John Van Saun, the consideration money agreed to be paid to the heirs of the said Van Houten, by the said Edward Graham, and advanced by the said Van Saun for the said Graham; **AND WHEREAS**, it appears, that it was agreed between the said John Van Saun and the said Edward Graham, that the said John Van Saun should convey the said lot of land, to the said Edward Graham, as soon as he, the said Graham, should pay to the said Van Saun, the amount by him so paid, with interest for the same; **AND WHEREAS**, it appears, that the said John Van Saun hath since that time departed this life, without conveying the said lot; and that the executors of the said Van Saun, have joined

in petition with the said Graham, for the passage of an act, authorizing them the said executors, to convey the said lot unto the said Edward Graham; and the prayer of the petitioners appearing to be reasonable and just; Therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Samuel Van Saun, Mary-Ann Van Saun, and Richard Doremus, executors of John Van Saun, deceased, be, and they are hereby empowered to convey to Edward Graham, a certain lot of land, situate at Preakness, in the county of Bergen; which said lot was conveyed to their testator, by the heirs of Garrabrant Van Houten, deceased, by deed, bearing date the twenty-first day of November, A. D. eighteen hundred and thirty-one; upon payment to them, by the said Edward Graham, of the consideration money paid to the said executors of Van Houten, by the said John Van Saun, and all interest due upon the same; and that said deed or conveyance, so made and executed by the said executors, as aforesaid, shall be valid and effectual, to convey and vest in the said Edward Graham, his heirs and assigns, all the estate, right and title in the said land which the said John Van Saun, had in the same, at the time of his decease; *Provided always,* that such deed or conveyance, shall in no ways affect the right, title or interest in the said land, of any person other than the heirs of the said John Van Saun, deceased.

Executors of J.
Van Saun em-
powered to con-
vey lands.

Proviso.

Sec. 2. *And be it enacted,* That the said executors shall account to the Orphans' Court for the county of Bergen, for the consideration money aforesaid, in the same manner, as for the other property of their testator.

Passed February 28, 1835.

AN ACT to incorporate the Morris and Sussex Manufacturing Company,

WHEREAS a number of citizens of Morris and Sussex counties, have, by their petition to this legislature, represented, that they are desirous of establishing a Manufacturing Company, at or within one and a half miles of Stanhope, in said counties, for manufacturing of cotton, wool, iron, and window sash, in their several and various branches,

Preamble.

and praying to be incorporated for that purpose; AND WHEREAS, the prayer of the said petition appears to be reasonable and proper, inasmuch as it will be beneficial to this state, by the introduction and employment of considerable capital therein; Therefore,

Style of incorporation.

Powers and privileges.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Robert P. Bell, Charles Munson, Alexander M'Kain, Joseph Northrup, jr. Jacob Lowrance, 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 Morris and Sussex Manufacturing Company," for the sole purpose of manufacturing wool, cotton, iron, and window sash; and that, by that name they and their successors shall have power, and continue to be a body corporate, for the term of twenty years, 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 goods, wares and merchandise whatsoever, and also any lands, tenements, or hereditaments, at or within one and a half miles of Stanhope, in said counties, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments or decrees which shall have been obtained for such debts; *provided always*, that the funds of said corporation, or any part thereof, shall not be applied, used, or employed at any time in banking operations.

Amount of capital stock.

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

Sec. 3. *And be it enacted*, That it shall be lawful for the President and Directors of the said corporation, to call for and demand of the stockholders respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, not exceeding ten dollars on each share, at any one time, under the pain of the forfeiture of his, her, or their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days previous notice of such call and demand, in two of the newspapers printed in Morris and Sussex counties.

Stock forfeited
on failure to pay
instalments.

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

Time and man-
ner of electing,
and qualifica-
tion of directors.

Sec. 5. *And be it enacted*, That Robert P. Bell, Charles Munson, Alexander McKain, Joseph Northrup, jr. and Jacob Lowrance, shall be commissioners, whose duty it shall be, at some suitable place in the county of Morris and Sussex, to open books to receive subscriptions to the capital stock of the said corporation; and twenty days public notice shall be given by the said commissioners, of the time and place of the opening of such books, and also, of the amount of the first instalment to be then paid, in two of the newspapers printed in said counties; and as soon as the same shall be subscribed, to give a like notice for the meeting of the stockholders, to choose five directors; and the said commissioners shall be in-

Commissioners
to receive sub-
scriptions for
stock.

spectors of the first election of directors of the said company, and shall certify, under their hands, the names of those duly elected, and deliver over to them the subscription books, and the moneys and securities received for subscriptions; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners.

President to be chosen.

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

How vacancies to be supplied.

Corporation not dissolved for failure to elect on day prescribed.

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

Stock assignable and transferable.

Sec. 8. *And be it enacted*, That the stock of the said corporation shall be assignable and transferable, according to such rules, and subject to such restrictions and regulations, as the board of directors shall, from time to time, make and establish, and shall be considered personal property; but in case the said corporation shall have any claim or demand against any stockholder thereof, whether such claim or demand is due, or to become due at any future period, such stockholder shall not be entitled to make any transfer, sale, or conveyance of his stock in the said corporation, or to receive a dividend thereon, until such claim or demand shall be paid, to the satisfaction of the board of directors.

Majority of directors a quorum.

Sec. 9. *And be it enacted*, That a majority of the directors of the said corporation shall constitute a board, and be competent to the transaction of all the business of the said corporation; and all questions before them shall be decided by a majority of voices; and they shall have power to appoint a Secretary, and such other officers, clerks, and servants, as they shall deem expedient and proper, for the well conducting and transacting their business; and they shall also have power, at such times as to them shall seem meet, to make and declare dividends of such part of the profits re-

sulting from the business of the said corporation, as they shall deem expedient; and shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, respecting the management and disposition of the stock, property, estate, and effects of the said corporation, the compensation of wages, and the duties, powers, and conduct of the officers and servants thereof, the election and meeting of directors, the transfer of shares, the management and conducting of the business of the said corporation, and all matters appertaining thereto, and such by-laws, rules, and regulations, at their discretion, to repeal, alter, or modify; *Provided*, that such by-laws, rules, or regulations shall not be repugnant to the constitution or laws of this state, or of the United States.

Duties of directors.

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

Books of account always open to inspection.

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

Act may be altered or repealed.

Passed February 28, 1835.

A SUPPLEMENT to an act entitled "An act, authorizing the enclosure of a certain Tract of Land, situated in the Township of Caldwell, in the County of Essex," passed the third day of February, eighteen hundred and twenty.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall be the duty of the managers, now elected under the act to which this is a supplement, previous to the next annual meeting, to make an equitable allotment of the proportions of fence, each owner and possessor shall make and maintain, for enclosing the aforesaid tract of land, according to the best of their judgment, by survey or otherwise; having regard in such allotments, to the comparative benefits of the said owners and possessors; and also, allot-

Managers to make allotment of fence, &c.

New managers
to revise former
allotments.

ing, as near as may be, to the several owners and possessors, such portions of the said fence, as they have heretofore, respectively, made and maintained; which said allotments, properly described, together with the distance in chains and links, shall be entered in the book of proceedings, kept by the managers; which said entry, shall be evidence of the proportions of fence, each owner and possessor is bound to make, in any court of record, until the same shall be altered, at an annual meeting of the owners and possessors, in manner following, to wit: it shall be the duty of the newly elected managers, at each annual meeting, or any two of them, immediately upon their election upon the suggestion of any person concerned, to revise and correct the aforesaid allotments, for making and maintaining the aforesaid boundary fence, as in their judgment will be equitable and just, and make an entry thereof, which entry may be given in evidence as aforesaid.

Proceedings in
case of insuffi-
ciency of fence.

Sec. 2. *And be it enacted*, That in no case the managers, or any two of them, shall at any time hereafter, consider the fence on any of the allotments so as aforesaid made, insufficient for the purpose of lawfully enclosing the aforesaid tract, it shall be their duty to cause a written notice, signed by any two of them, to be served upon such person or persons, to whom such allotments have been made as aforesaid, or left at his or her place of abode, if convenient to be found, with some person of the family, above the age of fourteen years; requiring him or her, giving not less than thirty days notice, to make or repair, as the case may be, their respective proportions of said fence; the sufficiency of which, for the purpose of lawfully enclosing the aforesaid tract, shall be determined by the managers.

Proceedings on
neglect to make
fence.

Sec. 3. *And be it enacted*, That if any person or persons shall neglect to make their proportions of fence, so as aforesaid allotted, within the time specified in the aforesaid notice, it shall be the duty of the managers, or any one of them, forthwith to make, or cause the same to be made; and having so done, to call upon any two of the township committee, either owning lands, within the aforesaid enclosure or not, to appraise the value thereof, and to certify the same in writing, together with reasonable compensation for their service, which said amount so certified, the managers shall be entitled to recover, in their own names, in an action of debt, with costs of suit, from the person or persons neglecting as aforesaid, before any court having cognizance thereof.

Managers to
make fence
when owner is
not known.

Sec. 4. *And be it enacted*, That in case any parcel or parcels of land, within the aforesaid enclosure, should not be claimed, or the owner thereof is not known, or cannot conveniently be found, it shall be the duty of the managers,

without delay, to make the proportions of fence, assessed upon such lot or lots of land; and having had the value thereof appraised, and certified by two of the township committee as aforesaid, to present the same to a Justice of the Peace, and filing with him an affidavit, sworn and subscribed by any one of the aforesaid managers, setting forth the material facts in the case; whereupon it shall be the duty of the said Justice, to record the same, and enter judgment for the amount, so as aforesaid certified, with costs; and to issue an execution, directing the constable to levy upon, and make the said debt and costs, from the sale of so much of the wood and herbage, standing or growing, upon the said lot or lots of land as aforesaid, advertising the sale thereof, as in other cases for the sale of goods and chattels under execution; the purchaser or purchasers of which, shall be privileged to enter upon, cut and remove the wood and herbage so purchased, without molestation or hindrance.

Timber, &c. to be sold for expense of fencing.

Sec. 5. *And be it enacted*, That when the boundary line of the aforesaid enclosure, shall correspond with lines or division fences, on which fences now are, or have been made, for the purpose of enclosing adjoining lands, lying without the aforesaid enclosure, and while such adjoining lands are occupied as enclosed lands, it shall be the duty of such person or persons, owning or occupying such adjoining lands, to make and support one equal half of such fence or fences, as division fences, between neighbor and neighbor, are maintained separate from, and exclusive of any allotments of fence made on account of land, lying within the aforesaid boundary line; which said division fence as aforesaid, shall be made and maintained, in conformity to the provisions of this act, for enforcing the making and supporting the boundary fence of the aforesaid tract.

Owners of adjoining enclosed lands to make part of fence.

Sec. 6. *And be it enacted*, That the owners and possessors may, by a plurality of votes, to be regulated according to the ratio prescribed in the third section of the act to which this is a supplement, of such owners and possessors, as are present at an annual meeting, agree to pasture the aforesaid tract, any time between the tenth day of October and the first day of December following, and at no other time during the year; and also, that they have power, at the same time, to pass by-laws; which said agreement and by-laws, shall be fairly entered in the managers book of proceedings, and shall be binding until a subsequent annual meeting, and no longer; and if any person or persons, shall at any time, wilfully open or break down any fence, or wilfully open or break down any swing-gate, erected for the purpose of enclosing the aforesaid tract, or violate any of the by-laws, entered as aforesaid, such person or persons, shall, for every such offence, forfeit and pay the sum of ten dollars, to be recovered

Time for pasturing in enclosure.

Penalty for injuring fence, &c

in an action of debt, with costs of suit, in the name of the managers, before any court having competent jurisdiction.

Time and place
of electing direc-
tors.

Sec. 7. *And be it enacted*, That after the annual meeting in April next, a meeting of the owners and possessors shall be held on the first Monday in October following, at the house of Cornelius Dey, in the township of Caldwell, for the purpose of electing managers, as is directed in the third section of the act to which this is a supplement; and upon the election of managers as aforesaid, the term of office of the managers elected in April previous, shall expire; and also, for doing such other business as is contemplated by this act, and the act to which this is a supplement; which said first Monday in October, shall every year afterwards, be the time for holding the annual meeting of the owners and possessors, for the purposes aforesaid.

Penalty for
managers ne-
glecting duty.

Sec. 8. *And be it enacted*, That if any manager, duly elected as such, and entering upon the duties of his office, shall, during the term for which he is elected, wilfully neglect any of the duties directed by this act, and the act to which this is a supplement, for him to perform, he shall forfeit and pay the sum of ten dollars; to be recovered in an action of debt, with costs of suit, in the name of any owner or possessor who will prosecute for, and recover the same, in any court having cognizance thereof.

Mode of appro-
priating penal-
ties and dam-
ages.

Sec. 9. *And be it enacted*, That all penalties and damages, recovered and collected by virtue of this act, and the act to which this is a supplement; shall be appropriated to the erection of and maintaining swing-gates, and such other expenses as necessarily result from carrying into effect the provisions of this act, and the act to which this is a supplement; which appropriations shall be made and directed by the owners and possessors present at an annual meeting; and in case of a deficiency of means for the purposes aforesaid, the owners and possessors present at an annual meeting, are hereby empowered to assess and tax the lands so as aforesaid enclosed; which said assessment shall be recorded in the book of proceedings, and collected as is directed in the seventh section of the act to which this is a supplement.

Part of former
act repealed.

Sec. 10. *And be it enacted*, That every thing contained in the act to which this is a supplement, coming within the purview of this act, be, and the same is hereby repealed.

Passed February 28, 1835.

AN ACT authorizing a trustee to sell and convey certain real estate late of Caleb Runk, deceased.

WHEREAS, it is represented to the legislature by Margaret Runk, the widow, and Ellen Runk, Margaret Runk, the younger, Catharine A. Runk, and George W. Runk, the children and heirs of Caleb Runk, late of the county of Hunterdon, deceased, that the said Caleb Runk, died intestate, seized of a house and lot of about eleven acres of land; in the township of Amwell; also, two shares in a fishery, in the river Delaware, called Burnshin Fishery, below Centre Bridge, in said township, possessed of some personal property and effects, and indebted to such an extent, that proceeding to sell and apply the personal and real estate to the payment of debts and expenses, in a due course of administration, according to law, would eventuate, not only in the sale of the personal property, but also the lot, when a sale of one or both of the shares in said fishery, would be sufficient to liquidate the debts and claims against said estate, and enable them to retain the goods, as well as the house and lot, which furnishes a comfortable home for the widow and children—Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That John Barber, be, and he is hereby appointed a trustee, with full power and authority, to sell all those two shares in the said fishery, on the river Delaware, called Burnshin Fishery, for the highest and best sum that can be reasonably obtained for the same; and upon receipt of the purchase money therefor, to make, execute, and deliver to the purchaser thereof, good and sufficient deeds of conveyance for the same, which deeds shall convey to and vest in the said purchaser or purchasers, all the estate, right, title, and interest which the said Caleb Runk, at the time of his decease, had, of, in and to the premises so sold.

Trustees empowered to sell estate.

Sec. 2. *And be it enacted,* That the said trustee, within six months after making such sale or sales, shall make, subscribe and exhibit under oath or affirmation, to the surrogate of the county of Hunterdon, a fair and correct statement of such sale or sales, which shall be filed of record in the said surrogates' office; and within one year after making such sale or sales, shall account to the Orphans' Court of the county of Hunterdon, for the proceeds thereof; and after allowance for the expense of making such sale or sales, and such reasonable compensation as the said court shall see fit to allow said trustee for his services, in executing said trust, shall apply the net proceeds of such sale or sales, to pay the

Trustee to account of sales to Surrogate.

Distribution of
proceeds of sale.

debts and expenses of said deceased, in a due course of administration, and the surplus, if any there be, shall be distributed according to law.

Bond to be given
to the Governor.

Sec. 3. *And be it enacted*, That the said trustee, before he shall enter on the duties prescribed by this act, shall enter into bond to the Governor of this State, with sufficient surety, to be approved by the Surrogate of the county of Hunterdon, in such sum as he shall direct, conditioned for the faithful performance of the trust herein expressed.

Passed February 28, 1835.

A FURTHER SUPPLEMENT to the act, entitled "An act for the better relief and employment of the Poor, in the county of Salem," passed March twelfth, seventeen hundred and ninety-six.

Lands of paupers to be sold
by trustees of
poor house.

Sec. 1. *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 person shall be admitted as a pauper into the poor-house, of the county of Salem, under an order granted by virtue of the act to which this is a further supplement, and such pauper, at the time of the granting of such order, or during their residence at such poor-house, shall be seized, possessed of, or in anywise entitled to any estate, real, personal, or mixed, it shall and may be lawful for the trustees of the poor of the county of Salem, to sell, lease, or otherwise dispose of, so much thereof as shall from time to time be necessary to defray the expenses of said pauper, and to pay over the proceeds thence arising, to the treasurer of the said trustees, for the use and benefit of the incorporation.

Manner of selling and nature
of deed.

Sec. 2. *And be it enacted*, That all real estate, to be sold by the said trustees, by virtue of this act, shall be at public vendue, upon three months notice in a newspaper of said county, and by advertisements set up in five of the most public places of said county, for the like space of time; and all conveyances therefor shall be executed by the president of the trustees, for the time being, and the order or orders by which the pauper to whom the estate did belong, was admitted into the said poor-house, shall be set forth at large in the deed; which said deed or conveyance shall vest in the pur-

chaser or purchasers, as good and perfect an estate in the premises so conveyed as the said pauper was seized of, or entitled to, at any time before the said sale.

Sec. 3. *And be it enacted*, That in case any pauper, whose estate shall have been vested and disposed of as aforesaid, shall happen to die, after his or her admission into the poor house, and before the reasonable expenses of his or her relief, maintenance, or interment, shall have amounted to the amount of the proceeds of the sale of his or her estate, then it shall be the duty of the said trustees to pay over the balances remaining, after deducting such reasonable expenses, to the legal heirs of such deceased pauper; and for want of such heirs, the same shall belong to the said corporation for the use of the poor of the said county.

Application of
proceeds of sale

Passed February 28, 1835.

AN ACT to Incorporate the Camden Oil Manufacturing Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That John Ambler, Thomas A. Coffin, Samuel E. Davis, Samuel Harris, Robert W. Ogden, William M. Knight, Isaiah Tóy, Garret D. Wall, Gideon V. Stivers, Joseph Rodgers, Peter I. Clark, Francis Shoemaker, William W. Duncan, Samuel Laning, Morris Croxall, and such other persons as may be hereafter associated with them, (under regulations to be prescribed by a majority of them attending their first meeting, and thereafter by a majority of the directors, for the time being,) and their successors and assigns, be, and they are hereby constituted a body politic and corporate, to be located in the county of Gloucester, by the name of the "Camden Oil Manufacturing Company," for the purpose of manufacturing oil from cotton seed, or other substances, and purifying the same, and for making machines for hulling cotton seeds, and for carrying on the branches of business connected with the operations above mentioned; and by the said name, they and their successors and assigns shall have power as, and constitute a body politic and corporate, and be capable in law, of suing and being sued, pleading and being im-

Style of incor-
poration.

Q

Powers and
privileges.

pleaded, answering and being answered unto, in all courts of justice, or any other place whatever; to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors, and assigns, in their corporate name, shall be capable to acquire, purchase, receive, have, hold and enjoy, and dispose of and convey any lands, tenements, hereditaments, goods and chattels, or other property of what kind soever, requisite for carrying on the branches of business hereinbefore mentioned; *provided always*, that the funds of said corporation, or any part thereof, shall not be applied, used or employed, at any time, in banking operations, or in any other business not expressly authorized by this act.

Proviso.

Manner of elect-
ing directors.

Sec. 2. *And be it enacted*, That the stock, property and concerns of said company, shall be managed and conducted by such number of directors or managers, not less than three, being stockholders, as shall be fixed by the by-laws of the said company, one of whom to be president, who shall hold their offices one year, and until others are elected; and that the said directors shall be elected annually, at such time and place, as shall be directed by the by-laws of the said company; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in one or more newspapers, printed nearest the place where such election shall be held, by such 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 one vote for every share of stock he may hold; and the persons having the greatest number of votes, being stockholders, shall be directors; and the said directors, as soon as may be after their election, shall proceed, in like manner, to elect, by ballot, one out of their number, to be president, and shall also, at the same time, elect a secretary and treasurer to the company; and if any vacancy or vacancies shall at any time happen, by death or otherwise, among the directors elected, the directors for the time being, or a majority of them, shall fill up such vacancy or vacancies, for the remainder of the year.

President to be
chosen.

Vacancies sup-
plied.

Amount of capi-
tal stock.

Sec. 3. *And be it enacted*, That the capital stock of said company shall not exceed seventy-five thousand dollars, and shall be divided into shares of ten dollars each; but it shall, nevertheless, be lawful for the said company, whenever five thousand dollars of the said capital stock shall have been subscribed and paid, to commence their said business, and with that capital, conduct and carry it on, until they shall find it expedient to extend their capital, which they are authorized to do, from time to time, to the amount herein before mentioned; and it shall be lawful for the directors of said company to call and demand from the stockholders, respectively, all

such sums of money subscribed, at such times and in such proportions, as they shall deem proper, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after a notice requiring such payments shall have been published for that time, in one or more public newspapers, published nearest the place where such payments are to be made.

Stock forfeited
on failure to pay
instalments.

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

Stock personal
estate and trans-
ferable.

Sec. 5. *And be it enacted*, That a majority of the directors, for the time being, shall form a board for transacting the business of the said corporation, and shall have power to make and prescribe all necessary and proper by-laws, not repugnant to the constitution and laws of the United States, and this state, touching the subscription, increase, and management of the stock, effects, estate, property and profits of the said corporation, officers, appointments, clerks and servants, salaries and allowances, and other concerns of said corporation.

Majority of di-
rectors a quo-
rum.

Duties of direc-
tors.

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

Books of acc't.
always open to
inspection.

Sec. 7. *And be it enacted*, That this act shall be, and continue in force, until the first day of January, eighteen hundred and sixty, and no longer; *Provided*, that the legislature may, at any time, alter, amend, or repeal this act, when the public good may require it.

Act may be
altered or re-
pealed.

Passed February 28, 1835.

A SUPPLEMENT to "An act for the enclosure of a certain Tract of Woodland, in the Township of Saddle River, in the County of Bergen," passed the twenty-sixth day of February, eighteen hundred and thirty-four.

Boundaries of tract authorized to be enclosed.

Sec. 1. *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 boundaries set forth in the first section of the act to which this is a supplement, shall be taken and construed to embrace and include all the commons within said boundaries, or as much thereof as would be enclosed by a fence, running from the corner of William W. Colefax's land, along the road leading to Pompton, to the corner of Cornelius Ackerman's land, near his house.

Fees received for cattle impounded.

Sec. 2. *And be it enacted,* That the affidavit required by the third section of the original act, may be made before any Justice of the Peace, within the said county; and that for each horse, cow, steer or ox, the sum of twenty-five cents, and for each sheep or hog, the sum of twelve and a half cents shall be paid in the first instance by the pound-keeper, to the person or persons who shall impound the same.

Owners of adjoining lands to make fences.

Sec. 3. *And be it enacted,* That when any person who now owns any part of the said tract of woodland, shall own lands adjoining thereto, which are now enclosed by a fence, such person or persons shall keep up and maintain, a good and lawful fence between such lands, and the above mentioned tract, at his or her sole and separate expense; and if any other person may or shall own enclosed lands, adjoining said tract of woodland, the said trustees may compel them to maintain their share of the partition fence between said tract and such enclosed lands, in the same manner as the said trustees might, by law, if they were the lawful owners of the whole of the said tract of woodland; and shall, in all things, be entitled to the same remedies, and may proceed in the same manner against them, as if they were the lawful owners of the whole of the aforesaid tract of woodland.

Passed March 2, 1835.

AN ACT for the relief of the wife and children of Jacob Rose, of the township of Byram, County of Sussex.

WHEREAS, it is represented to the legislature, that Jacob Rose, of the township of Byram, is possessed and owner of one equal half of a forge and lot in said township, in fee simple, and that he is laboring under great affliction of body and mind, he being helpless and insane, and he has been so a long while, and that there is no hope of his recovery, and that he has now living a wife, viz: Electa Rose, and their four children, two sons and two daughters; and that the said Jacob contracted a debt whilst he was sane and capable so to do, with Andrew Rose, of six hundred dollars, which remains unpaid; that it will advance the interest of his wife and children, to sell the right and interest of the said Jacob, unto the forge and lot aforesaid, and apply the money to the payment of the debt due the said Andrew Rose; Therefore,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That John Leport, be, and hereby is appointed a trustee to sell and convey the equal undivided half of the forge and lot aforesaid, for the best price that can be had for the same, and after deducting reasonable compensation for his time and expenses, pay the balance unto Andrew Rose, on the debt aforesaid, if the debt shall amount to the balance, if any surplus, unto the wife of the said Jacob, for her use and of her four children.

Trustee to sell certain lands.

Distribution of proceeds of sale.

Sec. 2. And be it enacted, That any deed of conveyance which the trustee, by this act, may make to any purchaser or purchasers, shall be as binding and effectual, and convey all the right and interest of the said Jacob, as fully as he might or could have done when he was of sane mind and memory.

Validity of deed.

Sec. 3. And be it enacted, That before the said John Leport, as trustee aforesaid, enters upon the duties of said trust, he shall enter into bond, with one or more sureties, to the governor of this state, in the sum of one thousand dollars, conditioned for the faithful performance of said trust, which bond shall be approved of by the Orphans' Court of the county of Sussex, and filed in the surrogates' office, for the use of all that may be concerned.

Bond to be given to the Governor.

Pasæd March 2, 1835.

AN ACT for the sale of certain Real Estate of Stewart
Wilson, a lunatic.

Preamble.

WHEREAS, it is represented to the legislature, that John Wilson, and Mary his wife, late of the township of Kingwood, in the county of Hunterdon, deceased, died seized of the homestead farm of the said John Wilson, situate in the township of Kingwood and Lebanon, in the said county, adjoining and bounded by lands late of Charles Coxe, deceased, of William Chandler, Daniel Kenney, Jacob M. Kline, John Grandin, John Aller, and Henry Aller, containing about two hundred and forty-four acres of land; and also, of certain out-lands in the said township of Kingwood, consisting of three parcels, the one lying on the road from Clinton to Flemington, containing about two hundred and twenty-five and a half acres of unimproved land; another parcel near thereto, containing about one hundred and sixty-two and a half acres of land, with improvements thereon, called the Vankirk place; and one other lot near the two former, containing about fourteen acres of woodland; the said three parcels altogether, containing about four hundred and two acres of land, called the Hill Tract; leaving Martha S. Wilson, Margaret S. Hunt, Mary C. Wilson, Ann, the wife of John Keephart, Sarah C. who hath since intermarried with Moses Hoyt, and Stewart Wilson, the only children and heirs at law; who, upon the decease of the said John Wilson and Mary his wife, became entitled to the said real estate, equally to be divided between them, share and share alike; that the said Stewart Wilson for several years past, hath been and still continues to be a lunatic, incapable of the government of himself or his property; that the expenses of his support and maintenance has exceeded the personal estate and rents and profits of the real estate to which he became entitled, on the decease of the said John Wilson, and Mary his wife; that for the purpose of raising a fund, the better to enable them to provide for the support of the said Stewart Wilson, the said Martha S. Wilson, Margaret S. Hunt, Mary C. Wilson, Moses Hoyt, and Sarah, his wife, John Keephart, and Ann, his wife; and the said Martha S. Wilson and Margaret S. Hunt, for and on behalf of the said Stewart Wilson, have agreed to, and caused a division of the said Hill Tract, to be made by Edward Welsted and William Chandler, and one-sixth part thereof to be set off to the said Stewart Wilson; and have agreed to sell to Sidney Yard, a part of said Hill Tract, called the Vankirk place, containing one hundred and seven acres, and sixty-four hundredths of an acre, including part of the lot so

set off to the said Stewart Wilson; and have also, agreed to sell to Jacob M. Kline, a lot of about twenty acres, being part of the said homestead farm, one undivided sixth part whereof, is the property of the said Stewart Wilson; that since the making of said sales, the said Moses Hoyt and Mary C. Wilson, have been appointed by the Orphans' Court of the county of Hunterdon, guardians of the said Stewart Wilson, and have given bond, with approved security, for the due performance of said trust; and it is desired, and is for his benefit, that the said division and sale so made, should be confirmed and carried into effect; and that the said guardians be authorized to sell and convey the residue of the lot set off to the said Stewart Wilson, in the said division of the said Hill Tract, and his undivided share of the residue of the homestead farm; and that the proceeds thereof, after payment of the debts incurred for his past maintenance, be placed at interest, under the direction of the Orphans' Court, to provide for his future support; AND WHEREAS, all the children and heirs of the said John Wilson, and Mary his wife, other than the said Stewart Wilson, and the guardians of the said Stewart Wilson, have united in a petition, praying for the passage of a law to this effect: Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the agreement made and entered into on the sixth day of October one thousand eight hundred and thirty three, between the said Martha S. Wilson and Margaret S. Hunt, Mary C. Wilson, Moses Hoyt and Sarah his wife, John Keephart and Ann his wife, and the said Martha S. Wilson and Margaret S. Hunt, for and on behalf of the said Stewart Wilson, authorizing Edward Welsted, William Chandler and David Hulsizer, or any two of them, to make a valuation and division of the said lands called the Hill Tract; and the report, made by the said Edward Welsted and William Chandler, bearing date on the fifteenth day of November one thousand eight hundred and thirty three, of the division of the said lands called the Hill Tract, between the children and heirs of the said John Wilson and Mary his wife, be, and they are hereby confirmed and declared to be valid and effective, as if the said Stewart Wilson had been of sound mind and concerned therein.

Division and valuation of lands confirmed.

Sec. 2. And be it enacted, That the said Moses Hoyt and Mary C. Wilson, the Guardians of the said Stewart Wilson, or the survivor of them, be and they are hereby authorized to make, execute and deliver to the said Sidney Yard, his heirs and assigns, a good and sufficient deed of conveyance, for all that portion of the lot so set off to the said Stewart Wilson, in the division of the said lands called the Hill

Guardians authorized to sell and convey certain lands.

Tract, which is included in the farm so agreed to be sold to the said Sidney Yard; and also to make, execute and deliver to the said Jacob M. Kline, his heirs and assigns, a good and sufficient deed of conveyance in fee simple for the said equal undivided sixth part of the lot so sold to the said Jacob M. Kline, upon the purchase money therefor being duly paid or secured to be paid to the said guardians.

Other lands directed to be sold

Sec. 3. *And be it enacted*, That the said Guardians or the survivor of them, be, and they are hereby authorized to sell and dispose of the residue of the said lot of land so set off, to the said Stewart Wilson, on the division of the said lands called the Hill Tract, and not included in the sale to the said Sidney Yard; and also to sell and dispose of the equal undivided sixth part, (belonging to the said Stewart Wilson) of the residue of the homestead plantation, late of the said John Wilson and Mary his wife, after deducting the lot so sold to the said Jacob M. Kline, either at public or private sale, as they may deem most for the interest of the said Stewart Wilson; and to make, execute and deliver, good and sufficient deeds of conveyance in fee simple for the same, to the purchaser or purchasers thereof, upon the purchase money therefor being duly paid or secured to be paid to the said guardians; all which said conveyances made in pursuance of this act, shall be as valid and effectual as if the said Stewart Wilson, had been of sound mind, and made, executed and delivered the same himself; and shall convey to and vest in the purchasers of said premises all the estate, right, title and interest which the said Stewart Wilson, now hath in the said premises so to be conveyed.

Accounts filed with Surrogate.

Distribution of proceeds of sale

Sec. 4. *And be it enacted*, That the said Guardians or the survivor of them, shall within three months after the execution of said deeds or any of them, respectively file in the Surrogates office of the county of Hunterdon, a just and true inventory of the moneys received and securities taken by them, for and on account of the purchase money of the premises so sold and conveyed; and upon receipt of said purchase moneys from the purchasers, the balance, if any remaining after payment of the debts of the said Stewart Wilson, and the necessary expenses of said sales, and such reasonable compensation as the Orphans' Court shall think proper to allow said guardians, for their services and expenses in executing said trust, shall be placed out at interest by the said guardians upon such security as shall be approved by the Orphans' Court of said county; and the said guardians, shall from time to time account to the said Orphans' Court for all said moneys and securities arising from the property of the said Stewart Wilson, and the interest and proceeds thereof, according to law.

Passed, March 2, 1835.

AN ACT to regulate the Fishing, at certain times of year, on the Passaic River, in the counties of Morris and Essex.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall not be lawful for any person or persons, to fish with any net, seine, fykes, cribs, or other device, across said river, between the Great Falls at Paterson, to the line of the Morris and Somerset counties, on said river, at any other time or season, except only between the fifteenth day of March, and the first day of May, yearly and every year; and any person so offending, shall forfeit and pay the sum of ten dollars for each and every such offence, to be sued for and recovered, with costs of suit, in an action of debt, by any person, before any Justice of the Peace of the county wherein such offence shall have been committed, one half of the forfeit money to be paid to the person prosecuting the same, and the remainder paid to the collector of the township wherein the offence shall have been committed, for the use of the township; *Provided,* that nothing in this act shall be construed or taken to prevent any person or persons from fishing with a hook and line, at any time of the year.

Times when
lawful to fish
with seine.

Penalty for vio-
lation of act.

Proviso.

Passed March 2, 1835.

A SUPPLEMENT to the act, entitled "An act to authorize the sale and conveyance of the Real Estate, late of Joseph P. Chamberlin, deceased."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the several powers and duties conferred upon, and required of, Hugh Smith, John S. Chamberlin, and Andrew Miller, or the survivors or survivor of them, by the act to which this is a supplement, be, and the same are hereby conferred upon, and required of any two of them, or of the survivor of such two, in case but two of them shall take upon themselves the execution of said powers, any thing in the said act to the contrary notwithstanding.

Two of the
trustees autho-
rized to act.

Passed March 2, 1835.

SUPPLEMENT to the act, entitled "An act to Incorporate the Lodi Mining Company, in the county of Bergen," passed February eighth, eighteen hundred and thirty-four

Directors responsible for debts of company

Proviso.

Capital stock not to be withdrawn.

Part of former act repealed.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That for all debts which may at any time be due from said company, the directors thereof shall be responsible in their private capacity, and the property and estate of said corporation shall also be responsible; *Provided,* that nothing in the said act, shall be construed, to authorize or empower the said corporation, to use the funds of said corporation for any banking transaction; *And provided also,* that the said grant shall be subject to be altered, amended or repealed, at the pleasure of the legislature of this state; *And provided further,* that the said company within six months from the passing of this act, shall lodge a certificate, under the oaths of the president and secretary of said company, with the clerk of the county of Bergen, containing the amount of capital stock actually paid in, and belonging to said company; and the amount of capital stock thus certified, shall not be withdrawn, so as to reduce the same below the amount stated in said certificate; and if any part of the capital paid in, and certified as aforesaid, shall be withdrawn without the consent of the legislature of this state, the directors ordering, causing or allowing such withdrawal or reduction of capital, shall be liable, jointly and severally, as traders in company, for all debts due, or becoming due, subsequent to the reduction or diminution of the capital aforesaid.

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

Passed March 2, 1835.

AN ACT to incorporate the Yardleyville Delaware Bridge Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the capital stock of the Yardleyville Delaware

Baidge Company, for the purpose of erecting a bridge over the river Delaware, at the town of Yardleyville, in the county of Bucks, shall amount to twenty thousand dollars, with the privilege of increasing the same to thirty thousand dollars, and that the same shall be divided into shares of fifty dollars each, and the subscribers to the said capital stock shall pay the sum or sums of money for the share or shares by them respectively subscribed, at such periods, and in such proportions as the directors of the said company may determine.

Amount of capital stock.

Sec. 2. *And be it enacted*, That Edward S. Mc Ilvaine, James B. Green, Thomas L. Woodruff, William Scudder, William Howell, William Grant, Charles Parker, David Johnston and Israel Fish, be and they are hereby appointed commissioners, on the part of this state, who, with commissioners appointed by the commonwealth of Pennsylvania, shall be authorized to receive subscriptions to the said capital stock, at such times and places as they, or a majority of them may direct, giving notice thereof in two of the newspapers printed in the county of Bucks, in the state of Pennsylvania, and in two of the newspapers printed in the county of Hunterdon, in this state, for at least twenty days, of the times and places when and where the said subscriptions shall be received; and at the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some of them; which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and that the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons as the president and directors of the company, shall from time to time direct and give public notice of, and upon failure of payment thereof as so directed, for thirty days thereafter, the said president and directors shall have power to forfeit the shares of each and every person failing to pay the said instalments, or any of them, to and for the use of the said company; *provided*, that if the number of shares subscribed for, shall exceed the amount or number of shares authorized by this act to be subscribed for, that then, the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed as aforesaid.

Commissioners to receive subscriptions.

Stock forfeited on failure to pay instalments.

Proviso.

Sec. 3. *And be it enacted*, That when three hundred shares are subscribed for, the persons holding the same shall be and they are hereby incorporated into a company by the name of the "Yardleyville Delaware Bridge Company," and by that name shall have perpetual succession, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of purchasing, taking and holding to them and their successors and assigns, in fee simple, and for

Style of corporation.

Powers and privileges.

any less estate, such lands, as may be necessary in the erection of said bridge and suitable toll houses, and of suing and being sued.

Time and manner of electing officers.

Sec. 4. *And be it enacted*, That as soon as three hundred shares of the said capital stock shall be subscribed as aforesaid, it shall be the duty of the said commissioners to give notice in two or more of the newspapers printed in the county of Bucks, Pennsylvania, and in the county of Hunterdon in this state, of a time and place by them to be appointed, not less than thirty days from the time of issuing the said notice, at which time and place the said stockholders shall proceed to organize the said company, and shall choose by ballot, by a majority of votes to be delivered in person or by proxy, one president, six directors, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until other officers shall be appointed, and may make such by-laws and regulations not inconsistent with the laws and constitution of this state or of the United States, as shall be necessary for well ordering the affairs of the said company; *provided always*, that no person shall have more than ten votes at an election, or in determining any question arising at such meetings, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held, not exceeding ten.

Proviso.

Annual meeting of stockholders.

Sec. 5. *And be it enacted*, That the said stockholders shall meet on the first Monday in November, in every succeeding year, at such place as shall be fixed by the by-laws of said company for the purpose of choosing such officers for the ensuing year.

Stock to be issued and transferable.

Sec. 6. *And be it enacted*, That the president and directors first to be chosen as aforesaid, shall issue certificates of stock to the several stockholders, respectively, signed by the president and countersigned by the treasurer of the said company, which certificates shall be transferable at his or her pleasure, in person, or by attorney, subject however to the payments due, and that may grow due thereon, and the assignee holding any certificate, having first caused the assignment or transfer to be entered in a book of the company, to be kept by the treasurer for that purpose, shall, for every share of stock so held by him or her, be entitled to his or her equal proportion of the said capital stock, and the profits thereof, and to vote, as aforesaid, at the meetings thereof.

Five directors to be a quorum.

Sec. 7. *And be it enacted*, That the said president and directors shall meet at such times and places, and be convened in such manner, as shall be agreed on for transacting their business at such meetings, five members shall be a quorum, who in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered

in a book, and a quorum being met, they shall have full power and authority to agree with, and appoint such engineers, superintendents, artists, and other officers, as they shall think necessary to carry on the said bridge, and to complete the same, and fix their salaries and other wages; to determine the time, manner and proportions in which the stockholders shall pay the money due on their respective shares; to draw orders on the treasurer for all moneys that may be required; the same to be signed by the president or chairman, and countersigned by the clerk of the board; and to do and transact all matters and things as by the by-laws or regulations of the said company shall be lawful.

Duties of directors.

Sec. 8. *And be it enacted*, That after the place for the erection of the said bridge shall be fixed, and before the said president and directors shall proceed to erect the same, it shall and may be lawful for the said president and directors to contract and agree with the owner or owners of any lands and tenements, for the purchase of so much thereof as shall be necessary for the purpose of erecting the said bridge and toll houses, if they can agree with the owner or owners of the same; but in case they cannot agree, then it shall and may be lawful for the said president and directors to apply to one of the Justices of the Supreme Court of this state, not being a stockholder or otherwise interested, who, upon such application is hereby authorized and directed, to appoint three discreet and disinterested freeholders of this state, who after being duly sworn or affirmed before any justice of the peace, faithfully to perform the duties enjoined on them by this act, shall proceed to view and examine the said banks, and all such lands and tenements as shall be necessary for the purpose of erecting and perfecting the said bridge and toll houses, and shall, according to the best of their skill and judgment, ascertain and estimate the injury and damage that will be sustained by the owner or owners of such lands and tenements, so necessary to be taken as aforesaid, and shall report what sum shall be paid by the company for the same; which report shall be made in writing, under their hands and seals, or under the hands and seals of any two of them, and shall return the same, together with a map describing the metes and bounds of such lands and tenements, to the Supreme Court, next after they shall have agreed upon and signed the same; and the report having been confirmed by the said Supreme Court, shall be filed in the clerk's office of the said court, with the map aforesaid, and the president and managers, having paid the said owners, respectively, the several sums awarded to be paid to them in and by the said report, together with the fees of the said arbitrators, at the rate of two dollars to each for every day employed in the said business, and their necessary expenses, the said company shall be

Proceedings when company and owners of land cannot agree on value of lands.

entitled to have and to hold, to them and their successors and assigns forever, the said lands and tenements, as fully and effectually, as if the same had been granted to them by the respective owners thereof; and it shall and may be lawful thereupon, and not before, for the said president and directors to enter upon the said lands and tenements, and to commence and complete the erection of the said bridge.

Purposes for
which company
may enter on
lands, &c.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the president and directors aforesaid, their superintendents, engineers and artists of every kind, to enter into and upon all lands and enclosures near to the place where the said bridge is to be built, and to examine the ground for the purpose of obtaining stone, gravel or sand, necessary for the building of the said bridge; and it shall and may be lawful for the said directors, overseers, superintendents, or any other person employed in building the said bridge, to enter with wagons, carts, sleds, or sleighs, or beasts of burden or draught of any kind whatsoever; first giving notice to the owners, doing as little damage as possible, and repairing any breaches of fences they may have occasion to make, and first making amends for any damages that may be done, which damages shall be ascertained by the parties, if they can agree, or if they cannot agree, then by appraisement thereof, to be made upon oath or affirmation of three disinterested freeholders of the neighborhood, or any two of them, to be mutually chosen; or if the owner or managers, or superintendents, engineers or artists, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders to be appointed by any justice of the peace of the county, not interested on either side, and the said managers or other persons by them employed as aforesaid, after tender of the appraised value to the owner, may enter and dig, take and carry away, any stone, gravel, sand or earth, most conveniently situated for making and repairing said bridge.

Annual statement of accounts
to be submitted
to stockholders.

Sec. 10. *And be it enacted*, That the president and directors of the said company, shall keep fair and just accounts of all moneys received by them from the said commissioners and from the stockholders, and of the amount of the profits on shares that may be forfeited as aforesaid, and of all voluntary contributions, and also of all moneys by them expended in the erection of said bridge and toll houses, and shall at least once in each year, submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and until all the costs, charges, and expenses for effecting the same, shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained.

Sec. 11. *And be it enacted*, That when a good and complete bridge is erected over the said river Delaware, at the

place aforesaid, the property of the said bridge shall be vested in the said company aforesaid, their successors and assigns forever; and the said company, their successors and assigns, may demand and receive toll from travellers and others, not to exceed the following rates:

Property of the bridge, vested in the company.

For every coach, landau, chariot, phaeton or other pleasureable carriage, with four wheels, drawn by four horses, the sum of sixty cents.

Rates of tolls.

For the same carriage with two horses, the sum of forty cents.

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

For every carriage of the same description, drawn by two horses, the sum of forty cents.

For every chaise, riding chair, sulkey, cart or other two wheel carriage, or a sleigh or sled, with two horses, the sum of thirty-one cents.

For the same, with one horse, the sum of fifteen cents.

For a single horse and rider, the sum of ten cents.

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

For every foot passenger, the sum of two cents.

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

For every sheep or swine, the sum of half a cent.

Provided, all persons going to and returning from funerals, persons going to and returning from meeting or church, children going to and returning from school, and persons going to and returning from military trainings, shall pass free of toll; *provided also*, that in fixing the toll of all carriages, to be drawn wholly by oxen, or partly by horses and partly by oxen, two oxen shall be estimated equal to one horse; and the said company shall so erect the said bridge, as in no wise to injure, stop or interrupt the navigation of the said river or prevent boats or rafts, from passing, or persons from fording the said river.

Proviso.

Proviso.

Sec. 12. *And be it enacted*, That if any person or persons shall wilfully cut, destroy, break, or remove from off the said bridge, or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other materials whatsoever, belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she, or they so offending, shall forfeit and pay for every such offence, over and above the damages done to the said bridge, the sum of thirty dollars, to be recovered in any court having cognizance thereof.

Penalty for injuring bridge.

Sec. 13. *And be it enacted*, That if the said company, their successors and assigns, and whoever shall own or possess the said bridge, shall collect or demand any greater rates or prices for the passing over the said bridge, than what are

Penalty for exacting unlawful tolls.

herein before prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she, or they, so offending, shall, for every such offence, forfeit and pay the sum of thirty dollars, one third thereof for the use of the poor of the county of Bucks, in the state of Pennsylvania, and one third thereof for the use of the poor of the township of Ewing, county of Hunterdon, in New-Jersey, and the other third for the use of the person who may sue for the same; *Provided always*, that no suit or action shall be brought, unless within thirty days after such offences shall be committed.

Proviso.

Compensation
to owners of fer-
ries and fisheries
injured by
bridge.

Sec. 14. *And be it enacted*, That the said president and directors, shall have power to agree with any owner or owners of ferries or shad fisheries, that may be injured by the erection of the said bridge, and to compensate them for any damages they may thereby sustain; and if they cannot agree with such owner or owners, then and in such case, the said damages shall be ascertained and paid, in the same manner as is provided for in the ninth section of this act; *Provided*, that no person shall receive any compensation for ferrying at any ferry, which shall have been purchased and paid for by the said company, after the said bridge shall have been completed.

Semi-annual
dividends to be
made.

Sec. 15. *And be it enacted*, That the said president, directors and company, shall also keep a just and true account of all and every the moneys received by their respective collectors of tolls, for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof, among all the stockholders of the said company, deducting first therefrom, all contingent costs and charges, and such proportion of said income as may be deemed necessary for a growing fund, to provide against the decay, and for the rebuilding and repairing of the said bridge; and shall on every first Monday in May and November, in each and every year, publish the dividend to be made of the said clear profits thereof, among the stockholders, and of the time and place where and when the same shall be paid, and shall cause the same to be paid accordingly.

Act not to take
effect till Penn-
sylvania passes
a similar law.

Sec. 16. *And be it enacted*, That this act shall not take effect, or go into operation, until the legislature of the commonwealth of Pennsylvania, shall pass a law appointing commissioners on their part, and vesting like power and authority in the subscribers to the said capital stock, of erecting a bridge at the place aforesaid, and of extending the same from shore to shore, with as full and ample powers, privileges, franchises and emoluments, as to the said company are hereby given.

Sec. 17. *And be it enacted*, That nothing in this act contained, shall be so construed as to authorize the said bridge company to exercise any banking privileges, or to the issuing notes in the form of bank notes, or to do any other thing than to erect a bridge over the river Delaware, with suitable toll houses, at the place designated in the first section of this act; and the legislature reserve the right of altering, amending, or annulling this charter whenever they think proper.

Exclusive objects of the company.

Passed March 2, 1835.

AN ACT to change the time of holding certain Courts in the counties of Bergen and Essex.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the Circuit Court, the Courts of Oyer and Terminer and General Jail Delivery, Courts of Common Pleas, Orphans' Courts, and Courts of General Quarter Sessions of the Peace, in and for the county of Bergen, heretofore, by law, directed to be held on the fourth Tuesday in October, shall hereafter be held on the third Tuesday of September, annually.

Time of holding courts in Bergen changed.

Sec. 2. *And be it enacted*, That the Circuit Court, the Courts of Oyer and Terminer and General Jail Delivery, Courts of Common Pleas, Orphans' Courts, and Courts of General Quarter Sessions of the Peace, in and for the county of Essex, heretofore, by law, directed to be held on the third Tuesday of September, shall hereafter be held on the third Tuesday in October, annually.

Time of holding courts in Essex changed.

Passed March 2, 1835.

AN ACT to incorporate "The New-Jersey Mining Company."

Preamble.

WHEREAS, Sherman Converse, of the city of New-York, by his petition to the legislature of this state, has set forth, that he, together with Edward I. Danforth, of Jersey City, in the county of Bergen, Daniel Stansbury, late of Bergen county and now of New-York, and George Bacon, of the city of New-York, are lessees of certain copper mines in the county of Bergen, and that the said petitioner expects that he will be able to work said mines with the assistance of such other persons, as have, or may associate with him for that purpose, provided, he can obtain an act of incorporation, so as to secure 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,

Style of incorporation.

Objects of incorporation.

Powers and privileges of company.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Sherman Converse, Edward I. Danforth and George Bacon, with such others as are or shall hereafter become associated with them, be; and they with their successors and assigns, are hereby constituted a body politic and corporate, by the name of "The New-Jersey Mining Company," for the purpose of mining, smelting, manufacturing and vending ores, minerals, earths, and metallic substances of every description; and by that name, they and their successors and assigns shall be, and hereby are, authorized and empowered to purchase, take, hold, use, occupy, possess and enjoy, to them and their successors, any goods, chattels and effects of whatsoever kind they may be, the better to enable them to carry on such business to advantage; also to purchase, hold, use, occupy, possess and enjoy, any such lands, tenements or hereditaments, in the county of Bergen, in this state, as shall be necessary for the purposes of said corporation, not exceeding in the whole, three thousand acres, (unless the same be taken in payment of debts due the company) and the same to sell and dispose of at pleasure; or to take any lease or leases of lands in the county of Bergen, for mining purposes, for a term of years, also, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any court of judicature, and also of contracting and being contracted with, relative to the purposes and business for which this corporation is hereby created; and said corporation may have and use a common seal, and may alter the same at pleasure.

What real estate may be held.

Sec. 2. And be it enacted, That said corporation, shall have power to hold as mortgagee, any real estate, bona fide

mortgaged to the said corporation as security for the payment of any debts due, or become due in the course of their lawful business; and to proceed on said mortgages, for the recovery of the money, thereby secured, in the same manner as any mortgagee is or shall be authorized to do; and to purchase any real estate, sold by virtue of a judgment at law or equity, and hold and sell the same, notwithstanding it shall exceed, with the amount already possessed, three thousand acres.

Sec. 3. *And be it enacted*, That the capital stock of said corporation, shall not exceed two hundred and fifty thousand dollars; that a share of said stock shall be one hundred dollars, and shall be considered personal estate, and be transferable only on the books of said company, in such form as the directors shall prescribe; *provided*, that no transfer of any share or shares of said stock, shall be valid, until all debts due, from the holder or holders thereof, to the company, shall have been paid.

Amount of
capital stock.

Sec. 4. *And be it enacted*, That the stock, property, and affairs of the corporation, shall be managed by seven directors; one of whom they shall appoint their President; who shall hold their offices one year, who shall be stockholders and citizens of the United States; a majority of whom, shall at all times constitute a board for the transaction of business; who may make by-laws, and regulations not inconsistent with the laws of this state or of the United States for the proper management of the business of the company, and alter or repeal the same; the said directors shall appoint a treasurer, and may appoint and employ such other officers, miners, mechanics, or laborers, as may be necessary for transacting their business, and dismiss the same at pleasure; and in case of the death, resignation, or disqualification of the president, or any of the directors, they shall appoint another president from among themselves, or another stockholder, to be a director, as the case may be, to serve the remainder of the year; they shall declare dividends of profits only on each share of the capital stock, as often as the affairs of the company will permit, and cause the same to be paid to the stockholders, at such times and places, as they may think proper; they shall cause the books of the company to be opened for the inspection of any stockholder, at all reasonable times; they shall make a report of the accounts and business of the company, to the stockholders annually; they shall call an annual meeting of the stockholders, at some convenient place, at least ten days before their term of service as directors shall expire; they may call a meeting of the stockholders, at any time they shall think proper, by giving fifteen days notice of such meeting; they shall call in sub-

Powers and
duties of directors.

Stock forfeited
on failure to pay
instalments.

scriptions to the capital stock, at such times and places, and in such proportions, as the business of the company may require; *provided*, that no instalment shall be called for, so as to become payable within sixty days of the time when the preceding instalment fell due; *and provided also*, that if any stockholder shall neglect or refuse payment of such instalment or instalments, for the term of fifteen days after the same shall have become due and payable, due notice having been given, such negligent stockholder or stockholders, shall forfeit to said company, if they shall so choose, all his, her or their interest whatsoever in said stock.

Sec. 5. *And be it enacted*, That Sherman Converse, Edward I. Danforth, and George Bacon, shall be authorized to receive subscriptions to the capital stock of said company; and when five hundred or more shares of said stock shall have been subscribed, they shall call a meeting of the subscribers, at some convenient place in Jersey City, or in the city of New-York, giving each subscriber timely notice thereof; and the subscribers so assembled, or their proxies, shall proceed to elect by ballot, and by plurality of votes, each share being entitled to one vote, a board of directors from among themselves, who shall, within one week, organize themselves, and proceed with the business of the company, agreeably to the provisions of this act; in like manner the stockholders shall elect directors at their annual meeting, in each year, and do such other business as may be necessary; *provided*, that if the stockholders should not so meet and so appoint directors as aforesaid, this corporation shall not, for that reason, be dissolved; but a meeting of the stockholders may be held at any time thereafter within one year, for the choice of directors, the board having given due notice of the time and place of meeting; and the directors for the time being, shall hold their offices until new directors shall have been elected; *provided*, that the holders of a majority of the stock, shall constitute a quorum for the transaction of business.

Time and mode
of electing directors.

Corporation not
dissolved for
failure to elect
on day pre-
scribed.

Sec. 6. *And be it enacted*, That all instalments upon the capital stock, shall be paid to the treasurer of the company, in such manner, and at such time and place as the board of directors shall prescribe; and all shares of the capital stock not taken up at the first meeting of the subscribers or stockholders, shall be offered for subscription only by order of the board of directors; and when any portion thereof shall be subscribed for, an instalment on each share so subscribed, equal to the amount paid on any share previously subscribed for, shall be immediately due and payable to the treasurer of said company; *provided*, that five dollars on each share of the capital stock which shall have been subscribed for at the first meeting of the stockholders, shall be due and payable to

Instalments to
be paid to Treas-
urer.

the treasurer of the company, as soon as he shall have been appointed.

Sec. 7. *And be it enacted*, That no part of the capital actually paid in, at any time, shall be withdrawn, by a return of said capital, or any portion of it, to the stockholders, without the consent of the legislature of this state; and if any part of the capital so paid, shall be withdrawn without consent as aforesaid, the directors, allowing such withdrawal or reduction, shall be liable, jointly and severally, as traders in company, in case of insolvency of said corporation, at any period afterwards, for all debts owing by said corporation, at the time of, or subsequent to the reduction of the capital aforesaid; but any director who shall not consent to, and shall record his vote against such reduction, shall not be held so liable as a trader in company.

No part of capital stock to be withdrawn.

Sec. 8. *And be it enacted*, That the corporation hereby created, shall not use any part of their capital for banking operations, and that the legislature may alter, modify, or repeal this act, at any time hereafter, if in their opinion the public good may require it.

Act may be altered or repealed.

Passed March 3, 1835.

AN ACT to enable the owners and possessors of the Meadows and Low Lands adjoining Black River, in the township of Chester, in the county of Morris, to drain the same, and to straighten the channel of said River, within the limits therein mentioned.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the owners and possessors of meadows and low lands, lying upon said river, between the bridge called Topping's Bridge, and the bridge on the road leading from Chester to Flanders, to meet together on the first Monday in May, annually, at two o'clock in the afternoon, and that the first meeting shall be held at the house of Mahlon Brown, in the said township of Chester, where the annual meetings shall be continued to be held (unless otherwise ordered by a plurality of votes of such owners

Time and mode of electing managers.

and possessors, as shall attend;) and when met (by plurality of votes) to choose not less than three nor more than five managers, all of whom shall continue in office for one year, and until others are chosen.

Managers to
keep a book of
proceedings.

Sec. 2. *And be it enacted*, That the said managers shall procure a book to be kept by them, in which shall be recorded the proceedings of the several meetings of the owners and possessors aforesaid, and also the proceedings of the managers.

Managers to
cause meadows
to be surveyed.

Sec. 3. *And be it enacted*, That the managers, when appointed, or a majority of them, shall as soon as may be convenient, cause all the parcels of meadows, and low lands flowed, or which will be benefitted by clearing and straightening of the channel as aforesaid, to be surveyed; a draught or plot of the same to be made, showing the quantity held by each owner or possessor benefitted as aforesaid; which shall be kept and retained by the said managers during their continuance in office, a copy of which draught or plot shall be filed in the clerks office in the county of Morris, and upon the expiration of such time, shall be delivered by them to their successors in office; and which shall at all times thereafter, be received as evidence of each owner or possessors quantity or number of acres benefitted as aforesaid; and all assessments shall be made agreeably thereto.

Managers to
contract for con-
struction of
works.

Sec. 4. *And be it enacted*, That it shall and may be lawful for the said managers, or a majority of them, after giving twenty days notice of the time and place at which they will attend, by setting up advertisements, in five of the most public places in the township, then or thereafter, at their discretion, to put out by contract or sale, the construction of such works as are hereinafter described, for the draining of said meadows and straightening the channel of the river aforesaid.

Channel of the
river to be
cleared.

Sec. 5. *And be it enacted*, That it shall be the duty of the said managers, to clear out or cause to be cleared out, the channel of said river, from Topping's bridge to the mouth of Tanner's brook, twenty feet wide, and deep enough to carry off the waters freely; and from the mouth of Tanner's brook to the commencement of an old ditch, (which was authorized to be constructed by the Legislature, many years ago) and thence along the line of the said old ditch, to the aforesaid bridge on the Chester and Flanders road, the said channel and ditch shall be opened and cleared out twelve feet wide at the surface, nine feet wide at the bottom, and three feet deep.

Managers may
enter on adjoining
lands.

Sec. 6. *And be it enacted*, That it shall and may be lawful for the said managers, or any of them, or any person or persons employed by them as aforesaid, to enter upon the lands

lying upon the said Black river, within the limits aforesaid, and to open, dig, and clear out the same in manner aforesaid.

Sec. 7. *And be it enacted*, That it shall be the duty of the said managers, to assess such sum or sums of money, as shall be necessary to carry this law into effect, upon the lands held by each owner or possessor, in proportion to the number of acres owned or possessed by each, and benefitted as aforesaid, as ascertained by the survey hereinbefore directed; and shall and may demand and receive, of each and every of the said owners and possessors of such lands, such sum or sums so by them assessed; and on neglect or refusal of the payment thereof, for the space of sixty days after such demand, in writing, it shall and may be lawful for such managers, or either of them, and they are hereby required by action of debt, to sue for and recover the same, with costs of suit, in any court having cognizance thereof; all which sum or sums of money, so assessed, received and recovered, shall be applied by the managers, for the purpose before mentioned.

Manner in which expenses to be paid by owners of land benefitted.

Sec. 8. *And be it enacted*, That if any person or persons whatsoever, after the passing of this act, shall in any way fill up, stop, or obstruct the free course of the waters of said river or ditch, within the limits aforesaid, he or they so offending, shall forfeit the sum of twenty dollars, to be recovered in an action of debt, with costs of suit by said managers, in any court having cognizance thereof, to be applied to the purposes aforesaid.

Penalty for obstructing the course of waters

Sec. 9. *And be it enacted*, That the said managers, shall severally be entitled to receive for each day, he or they may be employed in discharging the duties required by this act, the sum of seventy-five cents.

Compensation to managers.

Sec. 10. *And be it enacted*, That the owners and possessors aforesaid, or a majority of them, may make such by-laws, rules and regulations, as to them shall appear needful and proper, for the completion and continuance of the object aforesaid; *provided*, they are not repugnant to the constitution and laws of this state, or of the United States.

Owners and possessors may make by-laws.

Passed March 3, 1835.

AN ACT to authorize, Thomas J. Stryker and Joseph G. Brearley, executors of John S. Chambers, deceased, to fulfil a contract for the sale of a lot of land, made by the said John S. Chambers, deceased, with George Sweet and John Sweet.

Preamble.

WHEREAS, it appears that John S. Chambers, late of the county of Hunterdon, deceased, did in his life time contract and sell, by a certain written contract to George Sweet and John Sweet, a certain lot of land situated in the city of Trenton, in said county, now in the possession of the said George Sweet and John Sweet, and upon which they have erected two houses, stables, &c. and that the yearly interest arising from the amount of the purchase money has been regularly paid by the said George Sweet and John Sweet, and they have not yet received a deed for the same, all of which appearing just and reasonable; Therefore,

Executors authorized to convey certain lands.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the said Thomas J. Stryker and Joseph G. Brearley, executors of John S. Chambers, deceased, be, and they are hereby authorized and empowered, to make a deed of conveyance unto the said John Sweet and George Sweet, and to their heirs and assigns, for a certain lot of land in the city of Trenton, in the county of Hunterdon, and now in the possession of the said George Sweet and John Sweet, and which the said John S. Chambers, by a certain contract in his life time, agreed to convey unto the said George Sweet and John Sweet, which deed, when duly executed and delivered, shall be as good and effectual for the conveyance of the said lot of land, as if the same had been made and executed by the said John S. Chambers, in his life time.

Passed March 3, 1835.

AN ACT making a further appropriation for erecting and finishing the State Penitentiary.

WHEREAS, it appears from the report of the Commissioners appointed to erect a New Penitentiary, that a further appropriation is necessary for the purpose of going on with the work now in progress, and for the completion of the same—Therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That in addition to the amount which the Governor, or person administering the government of this state, has been heretofore authorized to draw in favor of the Commissioners appointed to build the New State Penitentiary, he shall be, and hereby is, authorized to draw in favor of the said commissioners, from any unappropriated money in the treasury of this state, the further sum of fifty thousand dollars, to be appropriated in conformity with the act of thirteenth February, eighteen hundred and thirty-three, toward building the Penitentiary, namely, another block of cells, corresponding in dimensions with the block now in progress, and after the same shall have been enclosed with a permanent roof, to finish as many of the cells, as in addition to the cells contained in the present new block, shall make one hundred and fifty cells.

50,000 dollars
appropriated
towards building
new state Peni-
tentiary.

Sec. 2. *And be it enacted,* That in case there should not be an amount of unappropriated money in the treasury of this state, sufficient to meet the drafts authorized by this act, it shall and may be lawful for the governor, or the person administering the government of this state, to borrow an amount of money to meet the appropriations as aforesaid, at a rate of interest not exceeding five per centum per annum, and to reimburse the same at any time not less than one year from the time of contracting the loan; and the governor, or person administering the government of this state, is hereby authorized and empowered to pledge the faith of this state, for the payment of the principal and interest of all moneys that may be borrowed as aforesaid.

Governor
may borrow
money at five
per cent.

Passed March 3, 1835.

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AN ACT authorizing Hannah Woolever, Administratrix of Peter J. Woolever, to convey certain Lands therein mentioned.

Preamble.

WHEREAS, it appears to the Legislature, that Peter J. Woolever, late of the township of Bethlehem, in the county of Hunterdon, deceased, in his life time, entered into a parol contract with Adam Woolever and Daniel Vliet, of the township of Greenwich, and county of Warren, to sell and convey to them, all the estate of the said Peter, in a certain farm, situate in the said township of Greenwich, adjoining lands of Peter Woolever, Philip Woolever, David Smith, William Kline and others, for thirteen hundred dollars, in three yearly payments: one hundred dollars of which purchase money, was paid to the said Peter in his lifetime; but that he departed this life, without making a conveyance; and Hannah Woolever, the administratrix of the said decedent, hath applied to the Legislature for the passage of a law, authorizing her to convey the said premises to the said purchasers, in fulfilment of said contract; Therefore,

Administratrix of Peter J. Woolever, authorized to convey certain lands.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the said Hannah Woolever, be, and she is hereby authorized, to make, execute and deliver, to the said Adam Woolever and Daniel Vliet, a good and sufficient deed of conveyance, in fee simple, for all the part, share or portion of said farm, whereof the said Peter Woolever died seized, upon the purchase money therefor, being paid, or secured to be paid, according to the terms of said contract; which deed shall convey to, and vest in the said purchasers, all the estate, right, title and interest, which the said Peter J. Woolever, at the time of his death, had in the said farm.

Account rendered to Surrogate and Orphans' Court.

Sec. 2. *And be it enacted,* That the said Hannah Woolever, shall, within three months after executing said deed or deeds, file in the Surrogate's office of the county of Hunterdon, a just and true inventory and account, of all the moneys received, and securities taken by her, for, or on account of the purchase money for said premises; and within one year thereafter, shall account to the Orphans' Court of the said county of Hunterdon, for the same, according to law; and shall pay and apply the nett proceeds of said sale, in a due course of administration.

Bond to be given to Governor.

Sec. 3. *And be it enacted,* That before executing said deed, the said Hannah Woolever shall enter into a bond, to the Governor of this state, with two sufficient sureties, to be approved of by the Surrogate of the county of Hunterdon, in such sum as he shall direct, conditioned for the faithful performance of the trust created by this act.

Passed March 3, 1835.

A SUPPLEMENT to the act, entitled "An act to establish the Peoples' Bank at Paterson," passed the eleventh day of December, A. D. eighteen hundred and twenty-four.

WHEREAS, it is represented, that much inconvenience is experienced from the provisions of a section of the act of incorporation, of the Peoples' Bank of Paterson, which requires that the President shall always be present at the discounting of notes, drafts or bills, by the discounting board; and that in case of his sickness or absence, a full quorum is required for said business; Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall be lawful for the directors of said company, or a majority thereof, to elect, by ballot, from among their number, a Vice President, who shall hold his office until the next legal election of officers in said company; and that annually thereafter, they shall elect such officer, at the time and in the manner of electing their President; and shall also, supply his place in the same manner.

A Vice-President to be elected.

Sec. 2. *And be it enacted,* That if on any regular discounting day of said company, the President shall be sick or absent from Paterson, any three of the directors, the vice-president being one of them, shall be deemed a competent board for the purposes of discounting, any thing in the fourth article of the twelfth section of the act to which this is a supplement, to the contrary notwithstanding.

Vice-President and three Directors may constitute a board.

Passed March 3, 1835.

AN ACT to authorize Joseph Smith, Restore S. Lamb and John Chambers, to erect a dam and flood gates across the main north branch of Rancocas Creek.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That it shall and may be lawful for Joseph Smith, Restore S. Lamb, and John Chambers, their heirs and assigns, to erect,

A Dam authorized to be erected over main north branch of Rancocas creek.

and forever maintain a dam across the main north branch of Rancocas creek, at a point called the "Short Turns," where the said creek passes through their lands, in the township of Northampton, county of Burlington, about one mile above the confluence of the New Lisbon stream with said creek, as high as will hold a sufficient head of water, for carrying on a saw mill and other water works, which they, or any of them, may at any time hereafter see proper to erect; they, the said Joseph Smith, Restore S. Lamb, and John Chambers, their heirs and assigns, forever (if necessary) keeping in good order, sufficient gates and ways for the passage of lumber down said stream; *provided*, that nothing herein contained, shall be construed to prevent any person or persons from maintaining his or their action or actions, against the said Joseph Smith, Restore S. Lamb, and John Chambers, their heirs and assigns, for any damage they may sustain by reason of erecting said dam; *and also provided*, that in erecting the said dam, it shall not be construed or implied, that the said Joseph Smith, Restore S. Lamb and John Chambers, their heirs and assigns, shall have the right or power under this act, to overflow or retard the velocity of the water on the land of John Black, without his consent or his heirs and assigns.

Proviso.

Proviso.

Passed March 3, 1835.

AN ACT securing to Mechanics, and others, payment for their labor and materials in erecting any house, or other building, within the limits therein mentioned.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That all and every dwelling-house or other building, hereafter constructed and erected, within the limits of the township of Trenton, in the county of Hunterdon, and Nottingham, in the county of Burlington, in this state, shall be subject to the payment of the debts contracted for, or by reason of any work done, or materials found and provided by any brick-maker, brick-layer, stone cutter, mason, lime-merchant, carpenter, painter and glazier, iron-monger, blacksmith, plasterer, and lumber-merchant, or any other person or persons employed, or furnishing materials for, or in the erection and constructing such house or other building: but

Buildings subject to payment of costs, for workmanship or materials furnished.

if such house or other building should not sell for a sum of money sufficient to pay all the demands, for work and materials, over and above any prior claim on mortgage or judgment against any land owner, on the land on which said building or buildings may be erected, and prior to the erection of said building or buildings, then, and in such case, the same shall be averaged, and each of the creditors paid a sum proportioned to their several demands; *provided always*, Proviso. that no such debt for work and materials shall remain a lien on the said houses or other buildings longer than two years from the commencement of the building thereof; unless the claim be filed within six months after performing the work or furnishing the materials, in the office of the clerk of the Inferior Court of Common Pleas of the County where such building may be erected, as the case may be, and an action for the recovery of the same be instituted within one year after such work done, or materials found; and all claims for work done, and materials furnished, shall be filed within six months from the time that the materials were furnished and the work done, or be forever barred and excluded from the provisions and benefits of this act; *and provided also*, Proviso. that each and every person having received satisfaction for his or their debt, for which a claim shall be filed as aforesaid, or action brought as aforesaid, shall thereupon execute a release and discharge for the same, expressing therein the date of the entry of said lien in the clerk's office, of the county where such building is erected, and the amount thereof, and acknowledge the same before a judge of the inferior court of common pleas of the county where the same may be filed, which shall be sufficient authority for the clerk to enter satisfaction to the same, upon payment of costs.

Sec. 2. *And be it enacted*, That in all cases of lien created by this act, the person having a claim filed agreeably to the provisions hereof, may, at his election, proceed to recover it by personal action, according to the nature of the demand, against the debtor, his executors or administrators, or by scire facias against the debtor and owner or owners of the building, or their executors or administrators; and where the proceeding is by scire facias, the writ shall be served in like manner as a summons; upon the person or persons named therein, if they can be found within any of the said counties where such building is erected, or are resident therein; or if they cannot be found, or are not resident in either of said counties, by fixing a copy of the writ on the door of the building against which the claim is filed, and upon the return of service and failure of the defendant or defendants to appear, the court shall render judgment, as in other cases upon writs of scire facias; but if they, or either of them appear, such person or persons may plead and make defence, and the like proceed-

Proceedings in cases of lien created by this act.

ings be had as in personal actions for the recovery of debts; and upon judgment being rendered thereupon, execution shall issue against the building or buildings and land upon which the same is erected, subject to all prior claims as aforesaid.

Remedy of journeyman or laborers, for nonpayment of wages.

Sec. 3. *And be it enacted*, That whenever any master or workman shall refuse to pay to any journeyman or laborer, employed by him, in the erection or constructing any house or other building, his wages, it shall be the duty of such journeyman or laborer, to give notice, in writing, to the owner or owners of such house or other building, of such refusal, and the amount due him or them, and so demanded, and the said owner or owners shall thereupon be authorized to retain the amount so due and claimed, by any such journeyman and laborer, out of the amount due by him or them to such master workman, and give notice to such master workman of such notice and demand, and if not liquidated and paid by such master workman, such owner or owners, on being satisfied of the correctness of such demand, shall pay the same; and the receipt of such journeyman and laborer for the same, shall be a sufficient offset in the settlement of the accounts between such owner or owners of any house or other building, and such master workman.

Claims filed to designate the building.

Sec. 4. *And be it enacted*, That every claim to be filed as aforesaid, shall particularly designate the building for which the work therein to be mentioned, was done, or the materials, therein to be mentioned were found; *And provided always*, that the provisions of this law shall not extend to include repairs done by any tenant on property rented by him, without the written consent of the owner thereof, that the same may be brought within the provisions of this act.

Buildings by contract exempted from lien

Sec. 5. *And be it enacted*, That whenever within any of the said townships, before named, any building shall be erected by contract, then, and in such case, payment according to such contract, by the owner or owners of the building, to the contractor or contractors, shall fully and entirely discharge such building from all lien, for work done and materials furnished; *Provided*, the said contract be in writing, and filed as aforesaid, within sixty days after the same shall have been made and executed.

Passed March 3, 1835.

AN ACT to prevent the issuing and circulation of Small Notes for the payment of Money.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the fourth day of July next, it shall not be lawful for any person or persons, or body corporate, to make, issue, or put in circulation, or to pay away, pass, exchange, or transfer any note, bill, ticket or paper, purporting to be a bank note, or of the nature, character, or appearance of a bank note, of a less denomination than two dollars; and that from and after the first day of January, eighteen hundred and thirty-six, it shall not be lawful for any person or persons, or body corporate, to make, issue or put in circulation, or to pay away, pass, exchange, or transfer any note, bill, ticket or paper, purporting to be a bank note, or of the nature, character, or appearance of a bank note of a less denomination than three dollars; and that from and after the fourth day of July, eighteen hundred and thirty-six, it shall not be lawful for any person or persons, or body corporate, to make, issue, or put in circulation, or to pay away, pass, exchange, or transfer any note, bill, ticket, or paper, purporting to be a bank note, or of the nature, character, or appearance of a bank note, of a less denomination than five dollars.

Prohibition of issuing bank notes under five dollars.

Sec. 2. *And be it enacted,* That any, and every person and persons, and body corporate, their officers, agents, or servants, offending against any of the provisions of the first section of this act, shall forfeit and pay, for every such offence, the sum of five dollars, to be recovered by any person suing for the same, as debts of like amount are by law recoverable.

Penalty for violating this act.

Sec. 3. *And be it enacted,* That no such note, bill, ticket, or paper, mentioned in the first section of this act, shall be held or taken to be void, or of no effect, by reason thereof; but all suits and actions may be brought and sustained on such note, bill, ticket, or paper, any thing herein contained to the contrary notwithstanding; and in such suits or actions, if the same shall be determined in favor of the plaintiff, judgment shall be rendered for the principal sum due on such note, bill, ticket, or paper, together with interest and cost.

Notes under five dollars not void.

Sec. 4. *And be it enacted,* That any, and every person or persons, and body corporate, their officers, agents, or servants, offending against the provisions of the first section of this act, by putting in circulation, paying away, passing, exchanging, or transferring any such note, bill, ticket, or paper, as is mentioned in said section, issued, or purporting to be

Penalty for offences.

issued, by any banking company, or other institution, body corporate, or politic, or individual, of any other state, shall for every offence, forfeit and pay the sum of fifty dollars, to be recovered in manner aforesaid.

Former act repealed.

Act to be published in every county.

Sec. 5. *And be it enacted*, That the act, entitled "An act concerning small notes for the payment of money," passed the nineteenth day of February, eighteen hundred and thirty, be, and the same is hereby repealed; and that it shall be the duty of the secretary of this state, to cause this act to be published immediately after its passage, in at least one newspaper in each county in which a newspaper may be published, and continue therein four weeks, successively, once in each week; and four weeks, successively, once in each week next preceding the fourth day of July next; and also, to forward a copy of this act to each of the clerks of the respective courts of Common Pleas, in the several counties in this state, to be by him put up in his office.

Passed March 4, 1835.

REPEALED

A SUPPLEMENT to an act, entitled "An act abolishing Imprisonment for Debt in certain cases," passed February nineteenth, one thousand eight hundred and thirty.

Provisions of former act's extended to all cases of commitment

Sec. 1. *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 privileges of the act to which this is a supplement, shall be construed, as extending to all cases of commitment into the custody of a sheriff, or other officer, upon surrender in discharge of bail or otherwise, in any civil action, whether before or after judgment, any law, usage, or custom, to the contrary notwithstanding.

Passed March 4, 1835.

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

Sec. 1. 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.

Two hundred dollars appropriated annually for increase of library.

Sec. 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 the Governor of the state, for the time being.

Money expended under the direction of the Governor.

Passed March 4, 1835.

AN ACT to repeal an act, entitled "An act to enable the owners of a certain swamp and low lands, near Abraham P. Bogart's, at Maucapin, township of Pompton, in the county of Bergen, to open the outlet, and drain the same."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the act entitled "An act to enable the owners of a certain swamp and low lands near Abraham P. Bogart's, at Maucapin, township of Pompton, in the county of Bergen, to open the outlet and drain the same," passed the eleventh day of February, in the year of our Lord one thousand eight hundred and thirty-four, be, and the same is hereby repealed.

Former act repealed.

Passed March 4, 1835.

A SUPPLEMENT to an act, entitled "An act to incorporate the Alexandria Bridge Company."

Commissioners
to take subscrip-
tion for stock.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Hart Johnson, John E. Forman, John Thompson, John Bloom and William Vanderbilt, of the county of Hunterdon, in this state, be, and they are hereby appointed commissioners on the part of this state, in the room and stead of the commissioners named and appointed in and by the first section of the act to which this is a supplement, and that the said commissioners in conjunction with the commissioners appointed, or that may be appointed by the legislature of the Commonwealth of Pennsylvania, for the same purpose, be, and they are hereby authorized to open books and receive subscriptions to the capital stock of the said "The Alexandria Bridge Company," and to do all other acts authorized and required by the said act, to which this is a supplement, by the said commissioners therein named, in such manner and form as is directed by the said act.

Time for com-
pletion of bridge
extended.

Sec. 2. *And be it enacted,* That the said act entitled "An act to incorporate The Alexandria Bridge Company," passed the third day of February, one thousand eight hundred and twelve, be and the same is hereby revived; and that the time therein limited for the completion of the said bridge thereby authorized to be erected over the river Delaware, be, and the same is hereby extended to the term of ten years from the passing of this act; *provided nevertheless,* that this act shall not take effect until the legislature of the Commonwealth of Pennsylvania shall have passed an act to the like effect.

Restrictions on
power of the
company.

Sec. 3. *And be it enacted,* That nothing in this act or in the act to which this is a supplement, shall be construed as authorizing the company to exercise any banking, insurance or trust privilege, or to do any other thing than to erect, complete and maintain a bridge at the place designated in the second section of the act to which this is a supplement; and collect the tolls arising therefrom, and distribute the same among the stockholders and such things as may be necessary for the purpose of carrying these powers into effect.

Passed March 4, 1835.

AN ACT to defray Incidental Charges.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall be lawful for the Treasurer of this state, to pay the several persons, hereinafter named, the following sums :

Certain incidental charges directed to be paid

To John R. Smith, for nails, glass, putty, and tacks, for the state, eleven dollars and thirty cents.

To John R. Smith, for nails and paints for state, nine dollars and two cents.

To Henry Parker, for making lever sealing press for clerk of Supreme Court, and fixing on new door-locks and repairing old locks at the government house, twenty-eight dollars and thirty-one cents.

To Charles C. Yard, for pencils, brushes, and needles, for the state, three dollars and ninety-eight cents.

To Daniel H. Combs, for cleaning Supreme Court room, repairing windows, five dollars and twelve and a half cents.

To R. H. Shreve & Co., for two empty hogsheads, and carpet binding, three dollars and fifty cents.

To John Voorhees, for soap, linen, muslin and binding, three dollars and ninety-two cents.

To Thomas J. Combs, for work on state-house, fourteen dollars and seventy-five cents.

To the President and Directors of the State Bank at Trenton, for one year's rent of banking house for the use of state arms, one hundred dollars.

To William Hancock, for stoves and pipe, for Secretary's Office and Supreme Court Room, one hundred and twenty-nine dollars and five cents.

To William Currey, for sand, brooms, and vinegar, one dollar and eighty cents.

To George Miller, for candles and brooms, twenty-three dollars and twenty-seven cents.

To Joshua S. Anderson, for eight cords of hickory wood for state-house and arsenal, forty-eight dollars.

To Enoch W. Green, for repairing fence on government lot and work on ice house, five dollars and twenty-five cents.

To John R. Smith, for sixteen penknives and oil stone, for members of council, eight dollars and twenty-five cents.

To Thomas Combs, for cleaning Assembly Room, and making and putting down the new carpet fifty-five dollars.

To Charles Cain, for furnishing and putting in glass in the government house, sixty-seven cents,

To D. Fitz Randolph, for printing three hundred copies of Col. J. W. Scotts' revision of the Orphans' Court system, authorized by a resolution of the House of Assembly, of

twenty-first February, eighteen hundred and thirty-four, two hundred and ninety-four collars.

To E. A. Douglass, engineer, in making an examination of the Delaware river, by direction of the commissioners, and Ashbel Welch, his assistant, and expenses, one hundred and one dollars.

To John M. Sherrard, for seventeen days services as one of the commissioners appointed under the authority of the legislature of New-Jersey, to meet commissioners of Pennsylvania, on the subject of the waters of the Delaware river, mileage and expenses included, one hundred and thirty dollars.

To Garret D. Wall, for fifteen days services, as one of the commissioners as aforesaid, one hundred and six dollars and fifty cents.

To P. I. Stryker, for seventeen days services, as one of the commissioners as aforesaid, one hundred and thirty dollars,

To Blackfan & Wilkinson, for five cords of hickory wood, furnished the State-house and Arsenal, thirty dollars.

To J. & B. Orne, for carpeting and binding for Assembly room, two hundred and ninety-nine dollars.

To William McKee, for sundries, for state, five dollars and fifty cents.

To Governor P. D. Vroom, for postage on letters concerning the state, up to this time, twenty-four dollars and eighty-six cents.

To Richard Reding, for sawing and splitting seven cords of wood for state-house, seven dollars.

To Joseph Scott, for mason work on Government House, ten dollars and fifty-six cents.

To Benjamin F. Vancleve, for grate, soap stone and fire brick, bought for Government House, nine dollars.

To Sires Smith, for cleaning and carting water to state-house, seven dollars.

To George Miller, for ten pounds of sperm candles, three dollars and fifty cents.

To Thomas Combs, for purchasing and putting up coal, one dollar and seventy-five cents.

To Andrew Allison, for brick, soap-stone, and block of polished marble, eight dollars and seven cents.

To Daniel Childs, for carpenter work, repairing desks and making spit-boxes for state-house, fourteen dollars and one cent.

To William Kerwood, for making three framed window blinds with circular heads, fifty four dollars, repairing five window blinds, five dollars; covering tables and speaker's desk with cloth, including brass nails, two dollars; making aggregate amount sixty-one dollars.

To William Robinson, for repairing and cleaning state arms, one hundred and thirty-one dollars and seventy-one cents.

To C. B. Howell, for bill for sundries, three dollars and ninety-six cents.

To R. Sterling, for sperm candles, rattinet, manilla rug and other articles for state, twenty-three dollars and twenty-five cents.

To James D. Westcott, for cash paid sundry individuals for carting gravel, furnishing lime, and other services rendered, for which no compensation is fixed by law, thirty-four dollars and nineteen cents.

To Hammitt, Hutchinson & Weart, for hire of horses and wagon, to move gun-boxes from state-house to state bank, and hack and horses, by prison committee, five dollars.

To the committee appointed by the legislature, to examine the state prison of the state of Pennsylvania, fifty-three dollars and sixty-three cents.

To Blackfan & Wilkinson, for bill of boards, furnished for state house, thirty three dollars and fifty-four cents.

To John Wilson, for glass and setting, in state house, one dollar and seventy-six cents.

To John Noble, for hack hire, going to and returning with members of council to view prisoners, two dollars.

To Andrew Newton, for window glass and setting, for state house, three dollars and forty-nine cents.

To Sutphin Garrison, for one of the committee, to investigate the affairs of the Farmers' and Merchants' Bank of New-Brunswick, nineteen dollars and fifty cents.

To Charles Parker, treasurer, for postage, twenty-three dollars and twenty-two cents; expenses going to, while at, and returning from Philadelphia, six times, and to Newark once, on business for the state and school fund, thirty-eight dollars; horse hire and expenses going twice to Bordentown, on business with the rail road company, three dollars; tow cloth and twine for bales to put up votes and proceedings for the several counties, four dollars and fifty cents; for taking Harrison's Compilation to the state-house, fifty cents; also paid William Crossley, for Lehigh coal, per bill, fifty-five dollars; Samuel Scattergood, per bill, for work at state-house, six dollars; John Wilson, for painting fence, &c. per bill, sixty-six dollars and twenty-one cents; Ezekiel Howell, for white-washing at state-house, six dollars and eighty-seven cents; John Red, for cleaning state-house, three dollars and eighty-seven cents; Charles B. Howell, for tinning fence at state-house, nine dollars; Liscomb R. Titus, for green cloth to cover tables, three dollars and seventy-five cents; Ralph Green, for carpenter work, eighty-four dollars and sixty-three cents; James Close, for fringe, two dollars and ninety-five cents; Richard P. Thompson, for book for record of votes and proceedings, seventeen dollars and fifty cents; sundry persons for charcoal, twenty-one dollars and twelve cents; Ferth & Hele, for stationary, twenty nine dollars and fifty

cents; making an aggregate of three hundred and seventy-five dollars and sixty-two cents.

To Richard Reading, for splitting wood which remained on hand of last year, one dollar.

To A. S. Vandeursen, for recording the report of the keeper of the state-prison, twenty-two dollars.

To Robert E. Hornor, for furnishing newspapers up to this date, twenty-nine dollars and sixty-two cents.

To George Sherman, for printing, as per account rendered up to this time, fifty one dollars and thirty seven cents.

To John McCready and Lewis R. Stelle, for printing votes and proceedings, of eighteen hundred and thirty-three and eighteen hundred and thirty-four, one hundred and eighty nine dollars, as per resolution, which passed the lower house this day.

To Benjamin Hamilton, for one of the committee to investigate the affairs of the Farmers' and Mechanics' Bank of New Brunswick, thirty-five dollars and forty cents.

To C. L. Hardenburgh, for one of the committee to investigate the affairs of Farmers' and Mechanics' Bank of New Brunswick, nine dollars.

To Abraham Lydecker, for one of the committee to investigate the affairs of the Bank aforesaid, twenty-four dollars.

To Joseph Justice, for printing public acts of last session, three hundred and thirty dollars and seventy-five cents; for his printing first sitting and vacation, and articles furnished the state, one hundred and twenty-three dollars and fifty cents; for his printing account of the present sitting, and articles of stationary, including all his printing, up to the time of presenting his bill, three hundred and sixteen dollars and twenty-five cents; aggregate amount, seven hundred and seventy dollars and fifty cents.

To A. Parsons, for one of the committee to investigate the affairs of the Farmers' and Mechanics' Bank of New Brunswick, twenty-seven dollars.

To Isaac Combs, junr. for services as constable, in serving subpoenas in the case of the New-Hope Delaware Bridge Company's charter, three dollars.

To Joseph Sailor, for printing votes and proceedings of Provincial Congress, and authority of Joint Resolutions of the Legislature, when delivered to the treasurer, three hundred and forty-eight dollars seventy-five cents.

Passed March 4, 1835.

AN ACT to ratify and confirm a certain Arrangement therein named.

WHEREAS, the Delaware and Raritan Canal Company, in compliance with the desire of the city of Trenton, as expressed by a town meeting of its citizens, on the ninth day of February, A. D. one thousand eight hundred and thirty-three, and by a vote of the Common Council thereof, on the eighteenth day of March, A. D. one thousand eight hundred and thirty-three, consented to construct moving bridges over their feeder, where it crosses the streets of said city; AND WHEREAS, in consequence of the manner in which said feeder crosses Spring, Willow, and Chancery streets in said city, (occasioning a great inconvenience in the construction of bridges of the above description, over said streets as they now run,) the Canal Company presented to the Common Council of said city, a proposition in relation to said streets and bridges, as follows, to wit: to excuse the company from building a bridge over Chancery street, and to authorize them to alter the course of said street, so as to lay it along the south-east side of the feeder, from its junction therewith to Willow street; and likewise, to allow them so to construct the bridge at the junction of Spring and Willow streets, as that one bridge may serve for both streets, and to alter the course of Spring street, by laying it along the north-west side of the feeder, from its junction therewith to Willow street; which proposition, the said Common Council did approve, and so far as their authority went, did consent to, by resolution, passed the fifteenth day of April, A. D. one thousand eight hundred and thirty-three; AND WHEREAS, in execution of said proposition, streets have been laid by due course of law, one along the south-east side of the feeder, from Chancery street to Willow street, and the other along the north-west side of the feeder, from Spring street to Willow street, by which the plan, so far as was in the power of the company, has been carried out; AND WHEREAS, no other authority than the legislature can release the company from the obligation under the sixteenth section of the act of incorporation, to construct bridges over public roads; Therefore,

Preamble.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the Delaware and Raritan Canal Company be, and they are hereby excused, released, and exempted from constructing, and keeping up a bridge over their feeder, where it crosses Chancery street, in the city of Trenton; and that a single bridge at the junction of Spring and Willow

Agreement between Trenton city and Delaware and Raritan Canal Company confirmed.

streets, in the said city, to answer for both Spring and Willow streets, crossing from said Willow street, to the street connecting the said Spring and Willow streets, shall be considered a full compliance with the obligation of said company, under the said sixteenth section, in relation to the said Spring street, and the said Willow street; *provided*, that the said company shall always keep said bridge, and the said streets leading from Chancery street to Willow street, and from Spring street to Willow street, in good condition and repair; and said streets are hereby declared to be henceforth incapable of vacation.

AND WHEREAS, although that part of the western end of Chancery street, which is cut off by said feeder, is only a few feet in length, and entirely useless as a public road, yet it is doubtful whether the same can be vacated by the surveyors of the highways, in consequence of the twenty-eighth section of the act concerning roads, passed the ninth day of February, A. D. one thousand eight hundred and eighteen; Therefore,

Part of Chancery street vacated

Sec. 2. *And be it enacted*, That that part of Chancery street, lying to the westward of the feeder of the Delaware and Raritan Canal, be, and the same is hereby declared vacated.

Passed March 4, 1834.

A FURTHER SUPPLEMENT to the act, entitled "An act concerning Landlord and Tenants."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That if any goods and chattels, lying or being, or which shall lie, or be in, or upon any messuages, lands, or tenements which are, or shall be leased for term of life or lives, year or years, at will or otherwise, shall be taken by virtue of any execution, and removed off said premises, the same shall not be sold by the constable or officer so taking and removing the same, until ten days after such removal, and then not unless the plaintiff or party, at whose suit such goods or chattels are taken on execution, shall, before the sale thereof, by virtue of said execution, pay to the landlord of

Goods removed by execution not to be sold till rent is paid.

the said premises, or his, or her bailiff, all and every such sum or sums of money, as are, or shall be due for rent, for the said premises, at the time of said sale; *provided*, the same do not exceed one year's rent; and in case the said arrears shall exceed one year's rent, then the said party, at whose suit execution is sued out, paying the said landlord, or his or her bailiff, one year's rent, may proceed to execute his judgment as he might have done before the passing of this act; *pro- Provide.*
vided, the landlord or his bailiff, shall, before the expiration of the said ten days, from the time of said removal, give notice to the constable or officer holding such execution, of the amount of the rent in arrear, and claim the same; which notice may be served by delivering the same to said officer, or leaving a copy thereof at his usual place of abode.

Sec. 2. *And be it enacted*, That no such goods and chattels shall be removed off said premises by said constable or officer, but openly and in the day time, and then not unless the constable or officer, shall, at the time of removing the said goods and chattels, give notice thereof, to the defendant, or in his absence, to some person of his family, residing on said premises, of the removal of said goods and chattels. Goods not to be removed by officer in night time.

Passed March 4, 1835.

AN ACT to raise the sum of forty thousand dollars for the year one thousand eight hundred and thirty five.

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

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

The county of Bergen, shall pay the sum of two thousand five hundred and ninety-nine dollars and eighty-four cents.

The county of Essex, shall pay the sum of three thousand eight hundred and twenty-two dollars and four-cents.

The county of Middlesex shall pay the sum of three thousand two hundred and fifty-three dollars and thirty-six cents.

The county of Somerset, shall pay the sum of two thousand six hundred and forty-two dollars and eighty-six cents.

The county of Sussex, shall pay the sum of two thousand and twenty-five dollars and seventy cents.

The county of Morris, shall pay the sum of three thousand one hundred and thirty-six dollars and two cents,

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

The county of Monmouth, shall pay the sum of three thousand seven hundred and twenty-three dollars and sixty-eight cents.

The county of Hunterdon, shall pay the sum of four thousand five hundred and thirty-five dollars and eighty-four cents.

The county of Burlington, shall pay the sum of four thousand three hundred and seven dollars and twelve cents.

The county of Gloucester, shall pay the sum of three thousand three hundred and seventy-nine dollars and twenty six cents.

The county of Cumberland, shall pay the sum of one thousand five hundred and eighty-six dollars and eighteen cents.

The county of Salem, shall pay the sum of two thousand one hundred and fifty-six dollars and sixty cents.

The county of Cape May, shall pay the sum of six hundred and forty-six dollars.

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

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

Enumeration of articles taxed at discretion of assessor. Sec. 4. *And be it enacted*, That in assessing the aforesaid sum of forty thousand dollars, the following articles, persons, and things, shall be valued and rated at the discretion of the assessor, to wit :

All tracts of land, any sum not exceeding one hundred dollars by the hundred acres; *provided always*, that houses and lots of ten acres and under, shall not be included in the above valuation, but shall be valued by the respective assessors at their discretion, having regard to the yearly rent and value thereof, proportioning the same, as nearly as may be, to the valuation of the land aforesaid.

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

All merchants, shop-keepers and traders, any sum not exceeding ten dollars,

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

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

All clover mills, any sum not exceeding thirty dollars.

All cotton manufactories, any sum not exceeding thirty dollars.

All sail duck manufactories, any sum not exceeding ten dollars.

All woollen manufactories, any sum not exceeding ten dollars.

All carding machines, propelled by water or steam, and not connected with any cotton or woollen manufactory, any sum not exceeding three dollars.

All cupola furnaces, any sum not exceeding fifteen dollars.

All blast furnaces, other than cupola furnaces, any sum not exceeding thirty dollars.

All saw mills, for each saw, not exceeding eight dollars.

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

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

All paper mills, not exceeding ten dollars.

All snuff mills, any sum not exceeding nine dollars.

All powder mills, any sum not exceeding fifteen dollars.

All oil mills, any sum not exceeding nine dollars.

All fulling mills, not connected with any woollen manufactory, any sum not exceeding four dollars.

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

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

Every single man, whether he lives with his parents or not, any sum not exceeding two dollars; *provided*, that 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, under the age of sixty years, any sum not exceeding one dollar; *provided*, no slave shall be taxed who is unable to labor.

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

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

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

Every phaeton, coachee or four wheel chaise, with steel or iron springs, any sum not exceeding four dollars.

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

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

Every covered wagon, with a frame or fixed top, any sum not exceeding one dollar.

Every two horse chair or curricule, with steel or iron springs, any sum not exceeding one dollar and fifty cents.

Every riding chair, gig, sulkey or pleasure wagon, any sum not exceeding seventy-five cents.

Every dearborn wagon with steel, iron or wooden springs, any sum not exceeding seventy-five cents,

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

Every glass factory, where glass is manufactured for sale, any sum not exceeding ten dollars.

Every tobacco manufactory, other than snuff mills, conducted by steam, horse or water power, having due regard to the extent and capacity of the same, any sum not exceeding ten dollars.

Duty of assessor Sec. 5. *And be it enacted*, That it shall be the duty of every assessor, to make and carry out in his tax book, and the duplicate thereof, a fair valuation of all the real estate made liable by law; having regard to the yearly rent and value thereof; and that the amount of tax assessed in each township, above what is raised from the certainties, shall be levied by a per centage upon such valuation.

Manner of assessing and penalty for neglect.

Sec. 6. *And be it enacted*, That the said sum of forty thousand dollars, shall be assessed, levied and collected, in the same manner prescribed in the act, entitled "an act concerning taxes," passed the tenth day of June, in the year

one thousand seven hundred and ninety-nine, and the several supplements thereto; and the several officers therein mentioned, are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duties, imposed by said act; 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.

Passed March 4, 1835.



AN ACT to authorize Josiah Brick, to sell Real Estate, in the County of Gloucester.

WHEREAS, it is represented to the legislature, that John Borden, late of the county of Gloucester, died intestate, and without issue, leaving certain real estate, in said county, which was, after his death, divided by commissioners, among the brothers and sisters of said deceased, his heirs at law; **AND WHEREAS**, in the said division, fifteen acres and a quarter of said real estate, was assigned and set off to the heirs of James Borden, a brother of said intestate, to wit: Clement, John, and Mary Borden, who are all minors; **AND WHEREAS**, it is represented that the said real estate, so allotted to the said minors, in its present state, is almost useless and unproductive, without fences and untenable, and that if sold, and the money invested upon safe security, would be greatly advantageous to the interests of the said minors; Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Josiah Brick, be, and he is hereby authorized to sell, at public vendue, the said real estate, above mentioned and set forth, first giving three months notice of the time and place of sale, by advertisements, in five of the most public places of the said county of Gloucester, and to make, execute and deliver to the purchaser or purchasers thereof, a good and sufficient deed or deeds, for the same, which shall vest in the said purchaser, all the estate of the said minors, in and to the said real estate.

Lands of the heirs of John Borden authorized to be sold.

Bond to be given
to the Governor.

Sec. 2. *And be it enacted*, That the said Josiah Brick, before he makes sale of the said land, or any part thereof, shall enter into bond, to the Governor of this state, in such sum and with such security, as the Orphans' Court of the county of Gloucester, shall direct and require, with condition faithfully to perform the duties enjoined by this act, and truly account for the amount of the sales of said real estate.

Investments of
proceeds of
sales.

Sec. 3. *And be it enacted*, That the said Josiah Brick, shall invest the proceeds of such sale at interest, upon bond and with mortgaged security, there to remain until the children shall arrive of age, and to be paid to them as they do severally attain the age of twenty-one, in equal shares of one third each.

Passed March 4, 1835.

A FURTHER SUPPLEMENT to an act, entitled, "A supplement to an act to authorize John Den, of the county of Salem, to shorten the navigation of Salem Creek, by cutting a Canal.

Operation of for-
mer act sus-
pended.

Sec. 1. *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 operation of the fifth section of the act, entitled "An act to authorize John Den, of the county of Salem, to shorten the navigation of Salem Creek, by cutting a canal," shall be suspended for the term of five years, from and after the passing of this act.

Time of comple-
tion of Canal
extended.

Sec. 2. *And be it enacted*, That if the representatives of the said John Den, or any other person or persons, legally interested in the premises, shall, at any time within the said period of five years, so widen, deepen and enlarge the canal dug by the said John Den, in his life time, by virtue of the act aforesaid, so as to give as full vent to the waters of the said Salem Creek, (or Fenwick River,) as the said Creek formerly had, before the building of the bridge by the said John Den, over said Creek, and obstructions made therein; and that when the said representatives, or other persons, legally interested, shall have deepened, widened and enlarged the said canal, and shall have obtained a certificate from the cho-

sen freeholders of the townships of Mannington and Lower Penns-Neck, or a majority of them, that the same is completed, and sufficient for the purposes aforesaid, (due notice being given in three of the most public places of said townships, and published in a newspaper in said county, if any, and if not any, then in a newspaper published in the nearest county, for the space of four weeks, of the meeting of the said chosen freeholders, for the purpose aforesaid: and which certificates shall be first filed in the clerk's office, of the county of Salem) it shall and may be lawful for the representatives of the said John Den, their heirs, assigns, or any other person or persons, legally interested in the premises, to stop the said creek at the place where the bridge has been erected, as heretofore authorized by the fifth section of the act aforesaid, passed November sixth, eighteen hundred and eighteen.

Passed March 4, 1835.

AN ACT TO AUTHORIZE THE HOLDING SPECIAL TERMS OF THE

AN ACT to authorize the holding Special Terms of the Supreme Court.

Sec. 1. 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 Judges of the Supreme Court of this state, to hold a special term of said Court, for the despatch of business, at least once in every year, to be held at such place, and upon such notice, and under such regulation, as the said Court shall direct.

Supreme Court
authorized to
hold special
terms.

Passed March 4, 1835.

AN ACT to authorize Abraham P. Atkinson, Guardian of Margaret D. Corlies, Lydia Corlies, Joseph B. Corlies, Elizabeth Corlies, and Ann-Aliza Corlies, to sell certain Real Estate, in the county of Monmouth.

Preamble.

WHEREAS, Margaret D. Corlies, Lydia Corlies, Joseph B. Corlies, Elizabeth Corlies, and Ann-Eliza Corlies, infant children of Timothy Corlies, late of the city of Trenton, deceased, are the owners, in fee, of three several tracts or parcels of land, in the county of Monmouth, in this state; which descended to them from their grand father, Richard Davis, formerly of the township of Shrewsbury, in said county; AND WHEREAS, it hath been represented to the legislature, that the interest of the said infants would be greatly promoted by a sale of the said real estate, and the investment of the proceeds thereof, for the benefit of said infants, until they severally attain the age of twenty-one years; AND WHEREAS, Abraham P. Atkinson, the guardian of the said infants, hath, by his petition, prayed for legislative aid in the premises; and the prayer of the said petitioner appearing to be reasonable and proper; Therefore,

A. P. Atkinson
authorized to sell
certain lands of
Wards.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Abraham P. Atkinson, guardian of the said Margaret D. Corlies, Lydia Corlies, Joseph B. Corlies, Elizabeth Corlies, and Ann-Eliza Corlies, be, and he is hereby empowered to make sale of all and singular, the real estate, of the said Margaret D. Corlies, Lydia Corlies, Joseph B. Corlies, Elizabeth Corlies, and Ann-Eliza Corlies, in the county of Monmouth, which descended to them from their grandfather, the said Richard Davis, deceased, in the manner, and upon giving such notice of the said sale or sales, as is required by law, in case of sales of real estate, by executors or administrators, by virtue of an order of the Orphans' Court; and good, legal and sufficient deed or deeds therefor, to make in his name, as guardian as aforesaid, to any purchaser or purchasers thereof, which said deed or deeds shall convey to, and vest in the purchaser or purchasers of the said real estate, all the right, title and interest, whatsoever, of the said infants, in, and to the same.

Investment of
proceeds of
sales.

Sec. 2. And be it enacted, That the said guardian, shall invest the nett proceeds of the sales of the said real estate, in some safe securities, drawing interest, under the direction of the Orphans' Court, of the county of Hunterdon.

Bond to be
given to the
Governor.

Sec. 3. And be it enacted, That the said guardian, shall, before making sale as aforesaid, enter into bond, to the Ordi-

nary or Surrogate-general of this state, in such sum and with such security, as the said Ordinary shall direct and approve, for the faithful performance of his duties, as guardian under this act.

Passed March 4, 1835.

A SUPPLEMENT to an act, entitled "An act to incorporate the Mechanics' and Manufacturers' Bank, at Trenton," passed February nineteen, eighteen hundred and thirty-four.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the affairs, property and concerns of the said corporation, shall be managed and conducted by thirteen directors, all of whom, together with the president, shall be stockholders and citizens of the United States, and of this state, (with the exception of two, who may be citizens of the state of Pennsylvania) and eight of whom, including the president, shall be residents within the townships of Trenton or Nottingham.

Two citizens of
Pennsylvania
may be directors

Sec. 2. *And be it enacted,* That so much of the third section of the act to which this is a supplement, as is repugnant and contradictory to this act, be, and the same is hereby repealed,

Part of former
act repealed.

Passed March 4, 1835.

A SUPPLEMENT to the act, entitled "An act to prevent Horse Racing," passed the fifteenth February, eighteen hundred and eleven, &c.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the first, second, fifth, sixth, seventh, eighth, ninth, and eleventh sections of the act to which this is a supplement, be, and the same is hereby repealed.

Parts of former
act repealed.

Passed March 5, 1835.

AN ACT to abolish Public Executions.

Sec. 1. *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 punishment of death, under and by virtue of the criminal laws of this state, shall be inflicted, either in the prison where the convict shall be confined, or within an enclosed yard of such prison, if there be one, or within an enclosure erected for the purpose, adjoining such prison, at the discretion of the sheriff, whose duty it shall be to inflict the same.

Public executions abolished.

Sec. 2. *And be it enacted,* That the necessary expense attending an execution, shall be ascertained by the board of chosen freeholders, of the county in which the same shall take place, and be paid upon their order, by the county collector.

County to defray expense of execution.

Sec. 3. *And be it enacted,* That all acts and parts of acts, coming within the purview of this act, be, and the same are hereby repealed.

Former acts repealed.

Passed March 5, 1835.

JOINT RESOLUTIONS.

RESOLVED, by the Council and General Assembly of this State, That five hundred copies of the following pamphlets be reprinted for the use of this State :

Certain proceedings of the Provincial Congress and Committee of Safety, of 1775 & 1776, directed to be re-printed.

1. A pamphlet, entitled " Extracts from the Journal of Proceedings of the Provincial Congress of New-Jersey, held at Trenton, in the months of May, June, and August, seventeen hundred and seventy-five."

2. A pamphlet, entitled " Journal of the Votes and Proceedings of the Provincial Congress of New-Jersey, held at Trenton, in the month of October, seventeen hundred and seventy-five."

3. A pamphlet, entitled " An Ordinance for regulating the Militia of New-Jersey, passed at a sitting of the Provincial Congress, held at Trenton, in the month of October, seventeen hundred and seventy-five; to which is annexed the Continental Articles of War."

4. A pamphlet, entitled " A Journal of the Votes and Proceedings, as well of the committee of safety, at a sitting in January, seventeen hundred and seventy-six, as the Provincial Congress of New-Jersey, at a sitting at New-Brunswick, began January the thirty-first, and continued to the second day of March following."

Passed January 8, 1835.

RESOLVED, by the Council and General Assembly of this State, That the Librarian be authorized and directed to deliver one copy of the history of New-Jersey, by Thomas F. Gordon, now deposited in the state library, as follows : one to the Governor, one to the Secretary of State, one to Rutgers's College, one to the College of New-Jersey, one to each member of the present Legislature, one to the Clerk of Assembly, one to the Librarian of the Supreme Court, and one to each of the incorporated library companies of this state.

Distribution of Gordon's history of N. Jersey.

Passed February 17, 1835.

RESOLVED, by the Council and General Assembly of this State, That Bernard Connolly, of Freehold, be employed to print the Votes and Proceedings of the Assembly of the present session; that he print thirteen hundred copies thereof, and be paid therefor, the sum of twenty-two dollars per sheet.

Resolved, That Gore & Allison, of Somerville, be employed to print the Journal of the proceedings of the Legislative Council and of Joint-Meeting of the present session; that they print thirteen hundred copies thereof, and be paid therefor, the sum of twenty-one dollars and fifty cents per sheet.

Resolved, That Joseph Justice, of Trenton, be employed to print sixteen hundred copies of the Laws of the present session of the Legislature, on the large octavo pages heretofore used, and that he be paid therefor, the sum of thirty-two dollars per sheet.

Resolved, That James M. Newell, of Morristown, be employed to print sixteen hundred copies of the Law Reports, at thirty-two dollars per sheet; and that Edward Sanderson, of Elizabethtown, be employed to print the Chancery Reports, the same number of copies, and at the same price as the Law Reports; and that both Reports shall be printed on as good paper, and with the large octavo pages heretofore used.

Passed March 2, 1835.

State arms
loaned to Col.
Zabriskie.

RESOLVED, by the Legislative Council and General Assembly of the State of New-Jersey, That the Quarter-Master General of the State of New-Jersey, be, and he is hereby authorized and empowered to deliver to Col. James C. Zabriskie, Colonel of the independent battalion of New-Brunswick, for the use of the officers and soldiers of the said battalion, twelve marquees, forty tents, and three gun-tents, with their equipments; upon condition that the said Colonel James C. Zabriskie, procure and deliver to him a bond, signed by all the officers of the said battalion, in the penalty of one thousand dollars, conditioned for the safe keeping of the said marquees, tents and equipments, and that they shall be safely returned to the said Quarter-Master General, of the State of New-Jersey, when thereunto required by the resolution of the Council and General Assembly of this State, or by the Quarter-Master General, or by the commander-in-chief of the militia and other military force of the same.

Passed March 3, 1835.

WHEREAS, it has been made appear to the Legislature of this State, that Abram Vanduyn and William Trelease, of the county of Morris, entered into recognizance for the appearance of Thomas Vanduyn, at the Court of General Quarter Sessions of said county, for an alleged assault and battery, in the sum of two hundred dollars each, and that the said Thomas Vanduyn afterwards absconded, and has not been heard from, and the said Abram Vanduyn and William Trelease, have not been able to procure his appearance, although they have been at great expense in following and trying to arrest the said Thomas; Therefore,

RESOLVED, by the Council and General Assembly of this State, That the said Abram Vanduyn and William Trelease, be released from the payment of the said recognizance.

A. Vanduyn &
W. Trelease,
released from
recognizance.

Passed March 3, 1835.

RESOLVED by the Council and General Assembly of this State, That the Treasurer of this State deliver to each member of the Council and General Assembly of this present Legislature, and to the Secretary of Council and Clerk of the Assembly, five copies for distribution, of the Proceedings of the Provincial Congress, and other documents, ordered to be printed by a resolution of the present Legislature; and one copy to each incorporated Library Company of this State.

Distribution of
Proceedings of
Provincial Congress.

Passed March 4, 1835.

A RESOLUTION having passed the House of Assembly on the fourth day of March, A. D. eighteen hundred and thirty-five, requesting the Secretary of State to cause an accurate copy of the original deed from the widow and trustees of Sir George Carteret, to William Penn and others, the proprietors of East Jersey, to be "prepared and printed in connexion with the acts of the present Legislature," the following is printed with the Laws; and also, a subsequent agreement among the proprietors, which was attached to said deed; in conformity with said resolution of the House of Assembly:—

THIS INDENTURE made the second day of february in the ffour and thirtieth yeare of the raigne of our Sovereigne Lord Charles the Second By the grace of God of England, Scotland ffrance and Ireland King, Defender of the ffaith &c Annoq Domi 1681: Betweene the right Honble Dame Elizabeth Carteret widdow the relic and sole Executrix of the Last Will and Testament of the right Honble Sr. George Carteret Knight and Barronet Decd, the right Honble John Earle of Bath, The right Honble Thomas Lord Crew Baron Crew of Steane, the Honble Barnard Greenville Esquire Brother of the said Earle of Bath, the Honble Sr. Robert Atkins Knight of the Bath, the Honble Sr. Edward Atkins Knight one of the Barons of his Majesties Court of Exchequer, Thomas Pocke of the parrish of St Andrews Holborne in the County of Middx Gentleman, and Thomas Cremer of the same Gentleman of the one part, And William Penn of Worminghurst in the County of Sussex Esquire, Robert West of the Middle Temple London Esquire, Thomas Rudyard of London Gentleman, Samuell Groome of the Parrish of Stepney in the County of Middx Marriner, Thomas Hart of Enfeilds in the said County of Middx Merchant, Richard Mew of Stepney aforesaid Merchant, Thomas Wilcox of London Goldsmith, Ambrose Rigg of Gatton place in the County of Surrey Gentleman, John Heywood Cittizen and Skinner of London, Hugh Hartshorne Cittizen and Skinner of London, Clement Plumsted Cittizen and Draper of London, and Thomas Cooper Cittizen and Merchant taylor of London of the other part. WHEREAS our said Sovereigne Lord the King's Majestie in and by his Letters pattent under the great seale of Englande bearing date the twelveth day of March in the sixteenth yeare of his Majties Raigne, ffor the considerac'ons therein menc'oned

Did give and grannt unto his Royall Highnesse James Duke of Yorke his heires and assignes All that part of the Mayn Land of New England beginning att a certaine place called or knowne by the name of St. Croix next adjoyning to New Scotland in America and from thence extending along the Sea Coast to a certaine place called Pemaquie or Pemaquid, and soe upp the River to the furthest head of the same as it tendeth Northwards, and extendeth from thence to the River of Kimbequin and soe upwards to the River Cannada Northwards, And also all that Island or Islands com'only called by the severall name or names of Matowacks or Long Island scittuate and being towards the West of Cape Codd and the Narrow-Higansetts abutting uppon the mayn land betweene the two Rivers there com'only called or knowne by the severall names of Connectecute and Hudson's Rivers together also with the said River called Hudsons River, and all the lands from the West side of Connectecute River to the East side of Delaware Bay, And Also all those severall Islands called or knowne by the names of Martins Vineyard or Nantucks otherwise Nantuckett together with all the lands, Islands, Soyles, Rivers, harbors, mines, Minerals, Quarries, woods, Marshes, Waters, Lakes, ffishings, Hawkings, Huntings, fflowings and all other Royalties profits comodities and hereditaments to the said severall Islands, Lands and premisses belonging and appearayning with their and every of their appurtenances. And all his Majesties Estate, right, title, Interest, benefit, advantage, claime and demand of in or to the said Lands and premisses or any part thereof, And the Rever'con and Rever'cons, Remainder and Remainders together with the yearely and other rents, revenues, and profits of all and singular the said premisses and every part and parcell thereof To HAVE AND TO HOLD unto his said Royall Highnesse James Duke of Yorke his heires and assignes forever, To bee holden of the Kings Majestie his heires and Successors as of his Maj'ties Manor of East Greenwich in his Majesties County of Kent in free and com'on Soccage and not in Capite or by Knight service, under the yearely rent of fforty Beaver's skinn's to bee paid unto his said Majestie his heires and successors when they shal bee demanded or within ninety daies after, as by the said Letters pattent relation being thereto had it may appeare, In and by which said Letters pattents his said Majestie did likewise give and grannt unto his said Royall Highnesse James Duke of Yorke, his heirse, Deputies, Agents, Commissioners and Assignes full and absolute power and authority for the correcting, punishing, pardoning, governing and Ruling such of the subjects of his said Maj'ty and of his heires and successors as shall att any time adventure themselves into any the said parts or places or inhabite there according to such laws, orders, ordinances, di-

recons and Instruccions as by his said Royall highnesse James Duke of Yorke or his assignes shal bee established, and in defect thereof in cases of necessity, according to the good Directions of his deputies Commissioners, officers or assignes respectively as well in all causes and matters Capitall and Criminall as Civill both marine and others in such manner and under such restrictions as are therein specified, and to doe, exercise and execute all and every other the powers and authorities therein menconed as by the same Letters pattent and by the severall powers and authorities thereby given and grannted and therein specified it doth and may appeare. AND WHEREAS his said Royall Highnesse James Duke of Yorke by two severall Indentures of Lease and Release bearing date the three and twentieth, and ffouer and twentieth dayes of June in the yeare of our Lord One thousand six hundred sixty and ffouer, Made betweene his said Royall Highnesse James Duke of York of th^e one part, and John Lord Berkly, Baron of Stratton and the said Sr. George Carteret by the name of Sr. George Carteret of Saltram in the County of Devon Knight and Barronett of the other part, and by other good and sufficient conveyances and assurances in the Law executed (reciting the said Letters pattent herein before recited and the severall and respective premisses thereby grannted to his said Royall Highnesse) Did Grannt, Convey and Assure unto the said John Lord Berkley and Sr. George Carteret their heires and assignes forever ALL that tract of land adjacent to New England and lying and being to the Westward of Long Island and Manhattas Island part of the said Main Land of New England beginning att St. Croix men'coned to bee granted to his said Royall highnesse by the said therein and herein before recited Letters pattennts Bounded on the East part by the maine sea and part by Hudsons River, and hath uppon the West Delaware Bay or River and extendeth Southward to the maine ocean as farr as Cape May att the Mouth of Delaware bay, and to the Northward as farr as the nothermost Branch of the said Bay or River of Delaware which is in fforty one Degrees and fforty Minutes of Latitude, and crosseth over thence in a straight lyne to Hudsons River in fforty one Degrees of Latitude, Which said tract of land was then after to bee called by the name or names of NEW CÆSARIA or NEW JERSEY, And all Rivers, Mines, Mineralls, Woods, ffishings, Hawkings, Huntings, ffowlings and all other Royalties, profits commodities and heireditaments whatsoever to the said lands and premises belonging or in any wise appertayning with their and every of their appurten'ce in as full and ample manner as the same was or were grannted to his said Royall Highnesse the Duke of Yorke in and by the said therein and herein before recited Letters pattent, And all the estate, right,

title, interest, benefitt, advantage, clayme and demand of his said Royall Highnesse James Duke of Yorke of in and to the said lands and premisses or in any part or parcell thereof and the reversion and rever'cons, remainder and and remainders thereof TO HAVE AND TO HOLD unto the said John Lord Berkeley and the said Sr. George Carteret their heires and assignes forever, under the yearely rent su'me of Twenty Nobles payable unto his said Royall Highnesse the said James Duke of Yorke in manner as the same is reserved therein to bee paid, As in and by the said recited Indenture relacon being thereunto had it may appeare. AND WHEREAS a parti'con was afterwards made and executed of the said premisses called NEW JERSEY Between the said Sr. George Carteret and the said William Penn by the name of William Penn of Kirkmansworth in the County of Hertford Esq. Gawen Lawry of London Merchant, Nicholas Lucas of Hertford in the County of Hertford Maulster and Edward Bylinge of Westminster in the County of Mddx Gent: (in whome the Inheritance and fee simple of the said Lord Berkleys undivided moiety of all the said premisses called NEW JERSEY was by good and sufficient convayances then vested) UPON which parti'con there was and were allotted to the said Sr. George Carteret and convayed and released to him and his heires by the said William Penn, Garven Lawry, Nicholas Lucas and Edward Byllynage to hold in severalty ALL that Easternly part, share and por'con, and all those Easternly parts, shares and por'cons of the said whole and entire tract of land and premisses herein before men'coned and called NEW CÆSAREA or NEW JERSEY extending Eastward and Northward along the sea coaste, And the said River called Hudsons River from the East side of a certain place or harbor lying on the Southern part of the same tract of Land, and com'only called or knowne in a Mapp of the said tract of land by the name of little Egg-harbor to that part of the said River called Hudsons River which is in forty one degrees of Latitude being the furthestmost part of the said tract of land and premisses which is bounded by the said River and crossing over from thence in a straight line extending from that part of Hudsons River aforesaid to the Nothernmost Branch of th' aforemen'coned River called Delaware River, and to the most northerly part or boundary of the said intire tract of land and premisses, now called the north parti'con point and from the said North parti'con point extending Southward unto the more Southernly point by a straight and direct line drawn through the said tract of land from the said North parti'con point unto the said South parti'con point by the consent and agreement of all the said parties to the said Deed of parti'con now called the lyne of parti'con and by them intended for dividing and making a parti'con of the said Easternly part

share and por'con from the Westernly part share and por'con of the said tract of land. And all and every the Isles, Islands, Rivers, Mines, Mineralls, Woods, fishings, Hawkings, Huntings fowlings and all other Royalties, Governments, powers, florts, franchises, harbors, profitts, com'odites and heireditaments whatsoever unto the said Easternly part share and portion of the said tract of land and premisses belonging or in any wise appertayning with their and every of their appurten'ces. And the rever'con and rever'cons, remainder and remainders, rents, issues and profitts of the same and of every part and parcell thereof. ALL which said Easternly part share and por'con parts, shares and por'cons was and were then and now, is and are by the consent of all the said parties to the said parti'con called by the name of EAST NEW JERSEY as in and by a certain Indenture Quinquupartite bearing date the first day of July in the yeare of our Lord 1676, and made between the said Sr. George Carteret of the first part, the said William Penn of the second part, the said Gawen Lawry of the third part, the said Nicholas Lucas of the fourth part and the said Edward Byllynage of the fifth part, and inrolled in the High Court of Chancery in England rela'con being thereunto had it doth more fully and att large appeare. **AND WHEREAS** the said Sr. George Carteret being by virtue of the said Assurances and parti'con aforesaid become sole seized to him and his heires of the said Premisses called EAST NEW JERSEY by his last Will and Testament in writing bearing date on or about the fifth day of December in the yeare of our Lord One thousand six hundred seventy and eight Did devise the same and all his Estate therein amongst other things to the right Honble. Edward Earle of Sandwich, the said John Earle of Bath, Thomas Lord Crew, Bernard Greenville, Sr. Robert Atkins and Sr. Edward Atkins and their heirs **IN TRUST** to sell the same for the payment of his debts and Legacies, as in and by the said will rela'con being thereunto had may appear. **AND WHEREAS** the said John Earle of Bath, Thomas Lord Crew, Bernard Greenville, Sr. Robert Atkins and Sr. Edward Atkins have by indenture of Lease and Release bearing date the fifth day and sixth day of March in the two and thirtieth yeare of his now Maj'ties Raigne convayed the saide premisses amongst other things to the said Thomas Cremer and Thomas Pocock as by the said Indenture rela'con being thereunto had may appeare, **AND WHEREAS** the said Earle of Sandwich by his Indenture bearing date the twentieth day of february last past hath released all his estate, interest and trust in the said premisses to the said Earle of Bath, Lord Crew, Bernard Greenville, Sr. Robert Atkins and Sr. Edward Atkins and their heires as by the saide Indenture, rela'con being thereunto

had may appeare. **NOW WITNESSETH THIS INDENTURE** that in performance of the trust reposed in them, and for and in consideration of the su'ms of Three thousand four hundred Pounds of good and lawfull money of England to the saide Earle of Bath, Lord Crew, Bernard Greenville, Sr. Roberth Atkins, Sr. Edward Atkins, Thomas Pocock and Thomas Cremer some or one of them well and truely in hand paid by the said William Penn, Robert West, Thomas Rudyard, Samuell Groom, Thomas Hart, Richard Mew, Thomas Willcox, Ambrose Riggs, John Heywood, Hugh Hartshorne, Clement Plumsteed and Thomas Cooper att and before th'ensealing and delivery of these presents, the receipt of which said su'me of Three thousand fouer hundred Pounds they doe hereby acknowledge and thereof and of every part thereof doe acquitt, release and discharge the saide William Penn, Robert West, Thomas Rudyard, Samuell Groome, Thomas Hart, Richard Mew, Thomas Willcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumsteed and Thomas Cooper and every of them, their and every of their heires, executors administrato's and assignes, The saide John Earle of Bath, Thomas Lord Crew, Bernard Greenville, Sr. Robert Atkins and Sr. Edward Atkins by the consent and direc'con of the saide Dame Elizabeth Carteret testified by her being a party to these presents and signing and sealing the same, and the said Thomas Pocock and Thomas Cremer by the direc'con and appointment of the said Dame Elizabeth Carteret, John Earle of Bath, Thomas Lord Crew, Bernard Greenville, Sr. Robert Atkins and Sr. Edward Atkins, testified as aforesd, **HAVE** Grannted, bargained, sold, aliened, enfeoffed, released and confirmed and by these pr'sents doe and every one of them doth grannt bargain, sell, aliene, enfeoffe, release and confirme to the s'd William Penn, Robert West, Thomas Rudyard, Samuell Groome, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumsteed and Thomas Cooper their heires and assignes in their actuall possession now being by virtue of a Bargaine and Sale for one yeare to them thereof made by the said John Earle of Bath, Thomas Lord Crew, Bernard Greenville, Sr. Robert Atkins, Sr. Edward Atkins, Thomas Pocock, and Thomas Cremer, by Indenture bearing date the day before the date hereof, and of the Statute for transferring uses into possession, **ALL** that, their said Easternly part, share and por'con, and all those said Easternly parts, shares and por'cons of the said whole and intire tract of land heretofore called **NEW CÆSAREA** or **NEW JERSEY** which are now called and knowne by the name of **EAST NEW JERSEY** as the same is and are herein before, and in and by the said Indenture of Bargaine and Sale particularly bounded

and described, and all and every the Isles, Islands, Rivers, Mines, Mineralls, Woods fishings, Hawkings, Huntings, fowlings, and all other Royalties priviledges, franchises, Governments, powers, fforts, harbors, profits, Co'modities and heireditaments whatsoever unto the said Easternly part, share and portion, parts, shares and por'cons of the said tract of land and premisses belonging or in anywise appertayning with their and every of their appurten'ce, and the rever'con and rever'cons, remainder and remainders, rents, issues and profits of the same, and of every part and parcell thereof, And all the arrears of rents, issues and profits incurred and growne due since the death of the said Sr. George Carteret, And all the estate, right, title, interest, clayme and demand whatsoever in law and equity of them the said Earle of Bath, Lord Crew, Bernard Greenville, Sr. Robert Atkins and Sr. Edward Atkins, Thomas Pocock and Thomas Cremer, and of every of them of, in and to the said premisses and of, in and to every part and parcell thereof **TO HAVE AND TO HOLD** the said Easternly part, share and por'con Easternly parts, shares and por'cons of the said tract of land and premisses now called **EAST NEW JERSEY** and all and singular other the premisses herein men'coned or intended to be hereby granted and released with their and every of their appurten'ce unto the said William Penn, Robert West, Thomas Rudyard, Samuell Groome, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumsted and Thomas Cooper their heires and assigns forever to the only use and behoofe of the said William Penn, Robert West, Thomas Rudyard, Samuell Groom, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumsted and Thomas Cooper their heires and assigns forever. And the said Earle of Bath, Lord Crew, Bernard Greenville, Sr. Robert Atkins and Sr. Edward Atkins doe for themselves severally and respectively and not the one of them for the other of them, nor for the acts and deeds of the other of them, and for their severall and respective heires, Executo's and administrators covenant, promise and agree to and with the Said William Penn, Robert West, Thomas Rudyard, Samuell Groom, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumsted and Thomas Cooper their heires executors and administrators by these presents, That they the said Earle of Bath, Lord Crew, Bernard Greenville, Sr. Robert Atkins and Sr. Edward Atkins respectively have not made, done, committed, suffered or executed any act matter or thing, acts matters or things whatsoever whereby or by reason, cause or occasion wereof the said premisses hereby granted and released or intended to bee granted and released to the sd. William

Penn, Robert West, Thomas Rudyard, Samuëll Groom, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumsted and Thomas Cooper their heires or assignes or any part thereof are shall or may be charged, impeached or incumbered in title, charge, estate, or otherwise howsoever other then the said conveyance herein before men'oned to bee made to the said Thomas Cremer and Thomas Pocock, AND other their such lawful Estates and Grants of Lands and planta'cons parcell of the said premisses as have bin att any time since the death of the said Sr. George Carteret, by them or by authority lawfully derived from them made or granted to any planter or planters now in actuall possession of the same lands and plantations, and which have bin made and granted according to the Rules and Laws of planta'cons now in fforce in the said Country under the usuall and accustomed rents, duties and services by the said rules and lawes appointed and directed to bee reserved uppon Grants of Lands and planta'cons made and granted to planters seating themselves there. AND the said Thomas Pocock and Thomas Cremer for themselves severally and not jointly, nor the one for the other or for the act or acts of the other and for their severall and respective heires, executors and administrators and for every of them doe covenant, grannt and agree to and with the said Wm. Penn, Robert West, Thomas Rudyard, Samuëll Groom, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumsted and Thomas Cooper, that they the said Thomas Pocock and Thomas Cremer have not att any time before th' ensealing and delivery of these presents com'itted, made, done or willingly or wittingly suffered any act, matter or thing whatsoever whereby or by reason or meanes whereof the said premisses by these presents grannted and convayed as aforesaid or any part or parcell of the same are shall or may bee charged or incumbered in estate, title, charge or otherwise howsoever. And further the said John Earle of Bath, Thomas Lord Crew, Bernard Greenville, Sr. Robert Atkins, Sr. Edward Atkins, Thomas Pocock, and Thomas Cremer for themselves severally and not jointly doe covenant promise and agree to and with the said William Penn, Robert West, Thomas Rudyard, Samaell Groom, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumsted and Thomas Cooper their heires and assignes, that they the said Earle of Bath, Lord Crew, Bernard Greenville, Sr. Robert Atkins and Sr. Edward Atkins the survivors and survivor of them and the hieres of such survivor and the said Thomas Pocock and Thomas Cremer and the heires of the survivor of them, shall and will from time to time and att all times hereafter within the space

of seaven yeares now next ensuing upon the request and att the costs and charges in the law of the said William Penn, Robert West, Thomas Rudyard, Samuell Groom, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumstead and Thomas Cooper their heires and assignes make doe and execute, or cause and procure to bee made done and executed all and every such further and other act and acts, thing and things, assurances and convayances in the law whatsoever for the better and more absolute assuring and confirming the said premisses and every part thereof, with their and every of their appurten'ce unto the said William Penn, Robert West, Thomas Rudyard, Samuell Groom, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumstead and Thomas Cooper their heires and assignes as by the said William Penn, Robert West, Thomas Rudyard, Samuell Groom, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumstead and Thomas Cooper their heires and assigns or their Council learned in the law shal bee reasonably devised, advised or required. IN WITNESSE whereof the said parties to these presents have to these present Indentures Interchangeably sett their hands and seales, Dated the day and yeare first above written.

Eliz: Carteret [L. s.] Bath [L. s.] Crewe [L. s.] B. Grenville [L. s.] Robert Atkyns [L. s.] Edw: Atkyns [L. s.] Tho: Pocock [L. s.] Tho: Cremer [L. s.]

Sealed and Deliverd by the within named Dame Elizabeth Carteret, the Right Honble. the Earle of Bath, the Right Honble. the Lord Crew, the Honble, Bernard Greenville Esqr. the Honble. Sr. Edward Atkynes Knt. Thomas Pocock and Thomas Cremer, and the sum'e of Three thousand and ffour hundred Pounds the consider'acon moneys within men'coned paid and acknowledged to be reced in the pr'sence of

Geo Macy

Ste: Mellichap

Harbt. Springett Junr.

Ben: Wetton

Sealed and Delivered by the wihin named the Honble. Sr. Robert Atkyns in the presence of

Anna Dawson

Ja: Whetham

John Reynolds

John Dangerfeld

THIS INDENTURE made the first day of June in the four and thirtieth year of the Raigne of our Sov'aigne Lord Charles the Second by the Grace of God of England, Scotland, France and Ireland King, Defender of the faith &c. Anno: Dom 1682. **BETWEEN** William Penn of Warminghurst in the County of Sussex Esq. of the first part, Robert West of the Middle Temple London Esq. of the second part, Thomas Rudyard of London Gentleman of the third part, Samuell Groom of the parish of Stepney in the County of Middsx mariner of the fourth part, Thomas Hart of Engeld in the saide County of Middsx Mercht. of the fifth part Richard Mew of Stepney aforesaid Merchant of the sixth part, Thos. Willcox of London Goldsmith of the seaventh part, Ambrose Rigg of Gatton place in the County of Surrey Gent: of the eighth part, John Heywood Cittizen and Skinner of London of the ninth part, Hugh Hartshorne Cittizen and Skinner of London of the tenth part, Clement Plumsteed Citizen and Draper of London of the eleaventh part and Thomas Cooper Citizen and Merchant-taylor of London of the twelfth part, **WHEREAS** the said William Penn, Robert West, Thomas Rudyard, Samuell Groom, Thomas Hart, Richard Mew, Thomas Willcox, Ambrose Rigg, John Heywood, Hugh Hartshorn, Clement Plumsteed and Thomas Cooper have lately purchased of and from John Earle of Bath, Thomas Lord Crew, Bernard Greenville Esqr. Sr. Robert Atkyns Knt. of the Bath, and Sr. Edward Atkyns Knt. one of the Barrons of his Ma'ties Court of Excheqr. appointed Trustees by the last Will of Sr. George Carteret late of Saltram in the County of Devon knt. and Barrt. deceased for the sale of lands for the payment of his Debts and Legacies, and of and from Thomas Pocock of the parish of St. Andrews Holborn in the County of Midd'x Gentleman, and Thomas Cremer of the same place Gent. a certain tract of land in America, now called **EAST NEW-JERSEY** and all Isles, Islands, Rivers, Mines, Minerals, Woods, fishings, Hawkings, Huntings, fowlings and all other Royalties, Governments, powers, fforts, franchises, harbrs, profits, commodities and hereditaments whatsoever, to the said tract of land belonging with their and ev'y of their appurtenances, together with all arrears of Rent incurred since the death of the said Sr. George Carteret, And likewise have purchased from Dame Elizabeth Carteret the relict and Executrix of the said Sr. George Carteret, **ALL** arrears of rents incurred and grown due in the life time of the saide Sr. George Carteret as in and by the sevel'all Grants from the said Earl of Bath, Lord Crew, Bernard Greenville, Sr. Robert Atkyns, Sr. Edward Atkyns, Thomas Pocock, and Thomas Cremer and from the said Lady Carteret relation being thereunto had it doth and may appeare, **NOW WITNESSETH THIS INDENTURE** that it is hereby declared and agreed

by all and every the said parties to these pr'sents that the moneys paid for the said purchase of the said tract of land and also the arrears of rent were paid by the said William Penn, Robert West, Thomas Rudyard, Samuell Groom, Thomas Hart, Richard Mew, Thomas Willcox, Ambrose Rigg, John Heywood, Hugh Hartshorn, Clement Plumsted and Thomas Cooper equally and in equall por'cons and that the said purchase was made and intended for the equall benefitt and advantage of them their sev'rall heires and assignes in twelve equall parts AND therefore it is Coven'ted, Granted, Concluded and agreed by and between all and ev'y of the said parties that there shall not be any benefitt of surviv'shipp amongst the said parties for or concerning all or any of the said premises for or by reason of the death of any one or more of them but that the heires or assignes of all and ev'ry of the said parties soe dyeinge shall enjoy the share and portion thereof which the said sev'all parties have therein. IN WITNESS whereof the parties to these pr'sents interchangeably have sett their hands and seales the day and year first above written.

Wm. Penn [L. s.] Robt. West [L. s.] Tho. Rudyard [L. s.]
Samll. Groom [L. s.] Rich. Mew [L. s.] Tho: Hart [L. s.] Am-
brose Rigg [L. s.] Tho. Willcox [L. s.] Hugh Hartshorn [L. s.]
John Heywood [L. s.] Clemt. Plumsted [L. s.] Tho: Cooper
[L. s.]

Sealed and delivered by the within named William Penn
and Ambrose Riggs in the presence of

HARBT. SPINGETT,
J. S. SWINTON,
WM. GIBSON.

Sealed and delivered by the within named Robert West,
Tho. Rudyard, Sam'l Groom, Richard Mew, Tho. Hart, Tho.
Willcox, Hugh Hartshorn, John Heywood, Clement Plum-
sted and Tho: Cooper in the presence of

WM. GIBSON,
EDMUND BANNISTER,
HARBT. SPRINGETT.



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