

ACTS

32997

OF THE

SIXTIETH

GENERAL ASSEMBLY

OF THE

State of New-Jersey,

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

BEING THE FIRST SITTING.



TRENTON:

WILLIAM BOSWELL, PRINTER.

—
1836.



ACTS
OF THE
SIXTIETH
GENERAL ASSEMBLY
OF THE
STATE OF NEW-JERSEY.

AN ACT to authorise David Marvin of the county of Essex, to sell certain lands therein mentioned.

WHEREAS it hath been represented to the legislature, that David Marvin of the county of Essex, became the purchaser of a farm and plantation in the vilage of Bellville in said county, on which he now resides, and conveyed the same to his children, being five in number, three of whom are now minors under twenty-one years of age: **AND WHEREAS**, it hath been further represented, that an advantageous offer hath been made for the purchase of the said farm, and which all the persons interested in the same, believe would be greatly to their advantage to accept—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 Marvin of the said county of Essex, be, and he is hereby fully authorised to sell and convey the three-fifths of the farm or plantation aforesaid, on which the said David Marvin now resides in the village of Belleville, in the said county, belonging to Mary Marvin, Mary Ann N. Marvin and William H. Marvin, minor children of the said David Marvin, and to execute to the purshaser and purchasers thereof, a title in fee simple for the same.

D. Marvin authorised to sell certain lands.

SEC. 2. *And be it enacted,* That the said David Marvin

Proceeds of
sale to be se-
cured by bond
and mortgage.

shall secure the purchase money for the said three-fifths of the aforesaid land, for the benefit of the aforesaid minor children, by bond and mortgage, to be held in trust for the said minor children, in such form as shall be approved by the Orphans' Court of the county of Essex.

Passed, October 30, 1835.

AN ACT for the relief of Trinity Church, at Newark.

Preamble.

WHEREAS, by the charter of Trinity Church, at Newark, in the county of Essex, and state of New-Jersey, granted in the reign of George II. king of Great Britain, and recorded at Perth Amboy, the tenth February, A. D. seventeen hundred and forty-six, certain inhabitants of Newark, Second River, New Barbadoes Neck, and Acquackanonk, were incorporated by the name and style of "The Rector, Church Wardens and Vestrymen of Trinity Church, at Newark, elected and chosen according to the canons of the church of England, as by law established," and therein and thereby it was provided, among other things, that there should be two church wardens and ten Vestrymen annually elected, in manner and form as thereafter expressed; and that one of the church Wardens, and five of the Vestrymen of said corporation, should be elected and chosen, out of the congregation of said church, living and residing at New Barbadoes Neck, or to the northward of said river:—AND WHEREAS, certain real estate, and other property, has been held and enjoyed by the said corporation, at Newark and at Belleville; and a chapel to said Trinity Church has been erected on certain lands at the last mentioned place, which is regularly attended by the said inhabitants of Second River, New Barbadoes Neck, and Acquackanonk: AND WHEREAS, it was agreed between the respective congregations, to apply to the legislature of this state, for the separate incorporation of the said congregation at Belleville, with suitable provisions for the government and protection of title to their property; now therefore.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same,* That so much of the said charter of Trinity Church at Newark, as requires one of the said church Wardens and five of said Vestrymen to be elected from such of the congregation as may be living and residing at New Barbadoes Neck, Second River, and Acquackanonk, or to the northward of said brook or river, be, and the same is hereby repealed; and that the same be elected from the congregation at Newark, in the manner provided in said charter for the residue of the present term of office, and continue forever thereafter so to be elected from the said congregation at Newark, any thing in the said charter in any wise to the contrary notwithstanding.

Church wardens and vestrymen to be elected.

Sec. 2. *And be it enacted,* That the congregation now attending at Belleville chapel aforesaid, be authorised to become incorporated, under the existing laws of this state, for incorporating religious societies worshipping according to the customs and usages of the Protestant Episcopal Church; and thereupon the said congregations at Newark and Belleville, be deemed and declared to be, separate and distinct corporate bodies.

Congregation authorised to be incorporated.

Sec. 3. *And be it enacted,* That the title to all the property and estate belonging to said Trinity Church, situate, lying, and being in the village of Belleville, shall be vested in the said congregation at Belleville, that may be incorporated as aforesaid; and that the title to all other, the property of said Trinity Church, of whatever nature or kind soever, shall be and remain vested in the congregation of Trinity Church at Newark, the same to be held by, and under their respective charters or acts of incorporation.

Settlement of title to property.

Sec. 4. *And be it enacted,* That all and every matter, act, and thing required by the said charter of Trinity Church, inconsistent with the purview and intent of this act, be, and the same is hereby repealed.

Part of charter repealed.

Passed, November 4, 1835.

A SUPPLEMENT to an act, entitled "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," passed the twenty-sixth day of February, A. D. eighteen hundred and thirty-five.

Guardians of
P. Drummond
authorised to
sell timber.

Sec. I. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Edmund Throckmorton and Edmund T. Williams, guardians of said lunatic, be, and they are hereby authorised and empowered to make sale, at public vendue, to the highest bidder, of such, and so much of the wood and timber standing, lying, or being upon the said lands, belonging to the said lunatic, as in the opinion of the said guardians, may be necessary to pay off and satisfy the debts of said lunatic, giving the same notice of sales as is required in the first section of the act to which this is a supplement; and if at such sale or sales, any surplus moneys shall be raised, more than are sufficient to pay off and satisfy said debts of said lunatic, then such surplus moneys, after deducting the costs and charges incident to such sale or sales, shall be invested in some safe securities, drawing interest, under the direction of the Orphans' Court of said county of Monmouth, for the use and benefit of said lunatic and his estate: *Provided nevertheless*, that before said guardians make sale as aforesaid, they give bond to the governor of this state, and his successors in office, in such sum, and with such security, as the Orphans' Court of said county may direct and approve.

Proviso.

Passed, November 5, 1835.

AN ACT to appoint Commissioners to make partition of the Real Estate of Enos Ayres, late of Middlesex county, deceased.

WHEREAS, it has been represented to the legislature, by the petition of Jacob T. B. Skillman, and Rachel his wife,

and Reuben Ayres. and Maria his wife, that Enos Ayres, by his last will and testament, devised the whole of his real estate to the said Rachel and Maria, his two daughters, during their natural life, to be equally divided between them; and on the death of either of his said daughters, devised the one half of his said real estate, in fee simple, to such child or children, as his said daughter might leave: *Preamble.*
AND WHEREAS, it has been further represented, that no partition of said lands can be made between the said tenants for life, that will be permanent and binding upon the children of said tenants, who are all minors; but that upon the death of either of the said tenants for life, her children may require and obtain a new and different division of said lands; in consequence whereof, the said tenants for life will be restrained from making improvements on said lands: **AND WHEREAS**, it is considered equitable and just, and for the best interest of all persons concerned in said lands, that the said partition should be permanent and conclusive upon the devisees of the fee simple—Therefore, pursuant to the prayer of said petition,

Sec. 1. *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 Mercereau, Staats Van Deursen, and George Davison, be, and they hereby are, appointed commissioners, with full power and authority to make partition of the said real estate of the said Enos Ayres, deceased, into two equal shares or parts, having due regard to the situation, quantity, quality and advantages of each part or share, so that they may be equal in value, as nearly as may be; and the said commissioners shall make a true field-book, specifying the bounds of each part or share; and when the same shall be made and completed, shall proceed to assign, by ballot, the said parts or shares to the said tenants for life, respectively. *Commissioners appointed to divide real estate of E. Ayres. dec.*

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

Sec. 3. *And be it enacted,* That the said commissioners, before they proceed to the execution of the powers vested in

Commission-
ers to be sworn
or affirmed.

them by this act, shall be severally sworn or affirmed, before one of the Judges of the inferior court of Common Pleas of the county of Middlesex, that they will honestly, faithfully, and impartially make the partition intended by this act, to the best of their skill, knowledge and judgment.

Proceedings to
be recorded.

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

Passed, November 6, 1835.

AN ACT to incorporate the Reiglesville Delaware Bridge Company.

Preamble.

WHEREAS it is represented to the Legislature, by the petition of a number of the inhabitants of the counties of Hunterdon and Warren, that the erection of a bridge over the Delaware river at or near Reiglesville, would be a great convenience and accommodation to the public—Therefore,

Amount of
capital.

Sec. 1. 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 Reiglesville Delaware Bridge Company shall amount to twenty 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.

Sec. 2. *And be enacted*, That Philip Fine, Benjamin Reigel, Isaac N. Carpenter, Peter Tinsman and James Long, be,

and they are hereby appointed commissioners on the part of this state, who, with commissioners to be appointed by the commonwealth of Pennsylvania, shall be authorised 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 counties of Hunterdon and Warren, 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 authorised 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 for stock.

Stock forfeited on failure to pay instalments.

Proviso.

Sec. 3. *And be it enacted*, That when two 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 Reiglesville Delaware Bridge Company," and by that name shall have perpetual succession, and shall be capable of taking and holding their said capital stock, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement should be found necessary to fulfil the intent of this act; *Provided*, such increase does not, with the original subscription exceed the aforesaid capital of twenty thousand dollars, and the increase and profits, and of purchasing, taking and holding to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates real and personal as may be necessary and convenient to them, in the prosecution of their works, and the same to sell and dispose of at their pleasure, and of suing and being sued, pleading and being impleaded, in all courts of justice or any other place whatever.

Style of incorporation.

Real estate may be held.

Mode of organising the company.

Sec. 4. *And be it enacted*, That as soon as two 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, in the state of Pennsylvania, and in the counties of Hunterdon and Warren, 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, 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*, That no person shall have more than twenty votes at an election, or 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; and one vote for every two shares above ten, and not exceeding twenty, and one vote for every five shares above twenty until the number of votes amount to twenty.

Proviso.

Mode of voting

Annual meeting.

Sec. 5. *And be it enacted*, That the 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.

Certificate of stock to be issued.

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 of all the estates and emoluments of the company, and to vote as aforesaid, at the meetings thereof.

Powers and duties of president and directors.

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.

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 and perfecting the said bridge, and making and establishing all the necessary works and roads to and from the same, 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 authorised 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 making and establishing all necessary works and roads to and from the same, 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 said 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 said report having been confirmed by the said Supreme Court, shall be filed

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

in the clerk's office of the said court, with the map aforesaid; and the said 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 said business, and their necessary expenses, the said company shall be 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 to complete the erection of the said bridge.

Agents may
enter upon
lands.

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 damage 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.

Mode in which
damages are
ascertained

Accounts to be
submitted to
stockholders
annually.

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 prosecution of the said work; 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: Rates of tolls

For every coach, landau, chariot, phaeton, or other pleasurable carriages with four wheels, drawn by four horses, the sum of seventy-five cents.

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

For every wagon with four horses, the sum of sixty-three cents.

For every carriage of the same description drawn by two horses, the sum of fifty 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 and a fourth 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—That all persons going to and returning from funerals, persons going to or returning from meeting or church, children going to or returning from school, shall pass free of toll—*Provided also*, That in fixing the toll of all carriages drawn wholly by oxen or partly by horses and partly by oxen, two oxen shall be estimated equal to one horse. Proviso.

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.

Sec. 12. *And be it enacted*, That if any person or persons shall wilfully cut, destroy, break or remove, from off the said Penalty for injuring bridge.

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
demanding
unlawful toll.

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 rate or prices for the passing over the said bridge, than what are 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 townships of Greenwich, in the county of Warren, and Alexandria in the county of Hunterdon, and state of 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 sixty days after such offences shall be committed.

Proviso.

Power to con-
tract with
owners of fer-
ries and fishe-
ries.

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.

Dividends to
be made, and
amount pub-
lished annual-
ly.

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 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 amongst

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.

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. When act takes effect.

Sec. 17. *And be it enacted*, That nothing in this act contained shall be so construed as to authorise the said bridge company to exercise any banking privileges whatsoever, or to issue any notes in the nature of bank notes. The legislature reserve the right of altering, amending, or annulling this charter whenever they think proper. Restrictions.

Passed, November 6, 1835.

AN ACT relative to the last will and testament of Richard Eayre, late of the county of Burlington, deceased.

WHEREAS Thomas W. Eayre, Samuel B. Eayre, Isaac W. Eayre and Dr. Oakey H. Cortell, and Mary Ann his wife, late Mary Ann Eayre, (which said Thomas, Samuel, Isaac, and Mary Ann, are the only brothers and sisters of the said Richard Eayre) and Sarah W. Eayre, the widow of the testator, have, by their petition represented to the legislature, that at the time of the intermarriage of the said deceased, with the said Sarah W. Eayre, she was possessed of personal estate, to the amount of four thousand five hundred and fifty dollars; which, with the exception of one thousand dollars, he reduced into his possession in his life time, that they have issue living two children, a son aged about six years, and a daughter aged about four years; and that the deceased, at the time of his death, was Preamble.

seized and possessed of real estate, valued by him at seven thousand seven hundred and seventy-five dollars, much of which consists of pine and out lands, wholly unproductive, and possessed of personal estate, estimated by him after paying his debts, to amount to twelve thousand six hundred dollars, or thereabouts; that the said Richard Eayre, in his life time, made his last will and testament, in writing, bearing date the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and thirty-four and thereby appointed Benjamin Davis, executor, and Sarah W. Eayre, executrix, of the same, and guardians of his infant children, upon condition, that each for all their services, both as executors and guardians of his children, should each receive the sum of one hundred and seventy-five dollars, and no more, making no charge for their personal expenses and time; and "did give and bequeath unto my beloved and excellent wife, Sarah W. Eayre, in addition to her right of dower, such and so much of my household goods and kitchen furniture, as she may choose, intending that all obligations held in her name, against any person or persons, shall be paid into my estate; and that the testator meant and intended, by the word dower, used in the said clause, to give and bequeath to his said wife, not only the one third part of the yearly profits of his real estate, but the one third part of his personal estate, which bequest would fall short of the dowry which the said Sarah W. Eayre brought to the testator; *And whereas*, doubts have arisen as to the construction of the word dower, used in the bequest aforesaid, and it is the wish of all persons concerned, and would be for the benefit of the infant children of the testator, that the same should be removed, and the construction of the said clause settled, so as to carry into effect the known and unquestioned meaning, and intention of the testator; *And whereas*, from the tender infancy of the children of the testator, and the responsibility arising from the nature of the trust, the executors and guardians named in the said will, are unwilling to take upon themselves the executorship and guardianship by the said last will and testament committed to them, upon the condition limited by the said will; *And whereas*, the said petitioners have alleged that it would be conducive to the interests of the said infants, as well as in conformity to the true meaning and intention of the testator, to authorise the said executors to receive a just and reasonable compensation for their execution of the said trust: *And whereas*, the facts set forth in the said petition, have been fully ascertained and proved to the satisfaction of the Legislature—Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same, That the said second item or clause in the said last will and testament of the said Richard Eayre, herein before recited, shall be construed to mean to give and bequeath to the said Sarah W. Eayre, the one-third part of the yearly profits of the real, and one-third part of the clear personal estate of the testator, in addition to the specific articles therein mentioned; any doubt, usage or law, to the contrary notwithstanding.

Construction
of the will of
Richard Eayre

Sec. 2. And be it enacted, That if the said executors and guardians, named in the said will, shall take upon themselves the burthen of the execution of the said trusts, that such act shall not be construed to assent to the conditions imposed by the said will; but that they shall and may be entitled to compensation and commissions for their services, in the same manner as other executors and guardians, and as if no such condition was contained in the said will.

Compensation
of Executors
and guardians.

Passed, November 10, 1835.

AN ACT to empower certain trustees therein named, to sell the real estate of Cornelius Smith, late of the county of Somerset, deceased.

WHEREAS Sarah Smith, the widow of Cornelius Smith, late of the township of Warren, in the county of Somerset, deceased, and William D. Stewart, the guardian of the infant children of the said Cornelius Smith, deceased, have, by their petition, represented to the Legislature, that the said Cornelius Smith died seized of a farm, containing about one hundred and nineteen acres of land, lying in the township of Warren, in the said county, leaving a widow and four infant children; and that it would be greatly to the advantage of all concerned to have the land sold and the money placed at interest for the support of the widow and the children aforesaid—Therefore,

Preamble

Trustees au-
thorised 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 Squire Terrel and William D. Stewart, Esquires, of the county of Somerset, be, and they are hereby authorized and empowered to grant, sell, convey and dispose of all the real estate of which the said Cornelius Smith died seized, at public sale, by advertising the same in five or more public places in said county, at least thirty days before the day of sale, for the best price they can obtain for the same, and when sold, to execute in due form of law, in their own names, a good and sufficient deed or deeds to the purchaser and purchasers for the same.

To give bond
to the gover-
nor.

Sec. 2. *And be it enacted,* That the said Squire Terrel and William D. Stewart shall account to the Orphans' Court of the county of Somerset, for all the moneys arising from said sale, and after deducting all proper costs and charges, the said Squire Terrel and William D. Stewart shall place the remainder of the money at interest, upon good security, to be approved of by the said Orphans' Court; and the said Orphans' Court may from time to time order and direct the interest, and so much of the principal as shall be necessary for the support, education and maintenance of the said children, after deducting the one-third thereof and placing it at interest, and the interest thereof to be paid to the said widow; *Provided,* that in case the said children should die without lawful issue, and not leaving a will or wills, lawfully bequeathing the money arising from the sale hereby authorized, that then, and in that case, the money arising under the sale hereby authorized, shall descend in the same manner as if this act had not been passed.

Distribution of
proceeds.

Sec. 3. *And be it enacted,* That before the said Squire Terrell and William D. Stewart shall sell the said real estate, they shall enter into bond to the Governor of this State, with two or more sufficient securities, to be by him approved of in such amount as he shall direct, conditioned for the true and faithful performance of their duties under this act, which bond they shall deposit in the office of the Surrogate of the county of Somerset, to be there filed.

Passed, November 10, 1835.

AN ACT to authorize trustees therein named to sell certain real estate, of which James N. Joralemon died seized.

WHEREAS it is represented that James N. Joralemon, late of the county of Bergen, died intestate, leaving two minor children seized of certain lands, situate on the island of Secaucus, in the said county of Bergen; which lands were conveyed to the said James N. Joralemon, by deed from Garret Van Dien, late sheriff of the said county, bearing date the thirtieth day of April, A. D. eighteen hundred and thirty-four; *And whereas* it is further represented, that the said lands were conveyed to the said James N. Joralemon, to be by him held for the equal benefit of himself and one Gilbert Merritt, of the said county of Bergen; which satisfactorily appears by the admissions of the said James N. Joralemon, in his lifetime, duly proved; *And whereas* the widow, administrators and legal representatives of the said James N. Joralemon, have, by their petition, prayed that trustees may be appointed to sell the said lands, and pay the proceeds thereof, after deducting all the necessary and proper costs and expenses, in equal proportions to the widow and heirs at law of the said James N. Joralemon, and the said Gilbert Merritt; which appears reasonable and just—Therefore,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Nicholas N. Joralemon and Hartman Vreeland, or the survivor of them, are hereby appointed trustees, with full power and authority to sell, for the best price they can obtain for the same, all the lands contained and conveyed in the said deed from the said Garret Van Dien, late sheriff as aforesaid, to the said James N. Joralemon, which remained unsold at the time of the death of the said James N. Joralemon, and of which he died seized; and upon such sale to make and execute good and sufficient deed or deeds of conveyance in the law for the same, to the purchaser or purchasers thereof.

Trustees authorised to sell lands.

Sec. 2. *And be it enacted*, That the said trustees or the survivor of them, after making sale in manner aforesaid, and after deducting and paying any lawful incumbrance on the said lands, or any part thereof, together with all lawful and proper costs, charges and expenses attending such sale, to be

Distribution of proceeds of sale.

taxed by the Orphans' Court of the said county of Bergen, shall pay the one half of the balance of the proceeds of such sale to the said Gilbert Merritt, or his legal representatives, and shall hold the other half of the said balance, for the use and benefit of the widow and minor children of the said James N. Joralemon, deceased, to be had and received by them respectively as proceeds of real estate of the said intestate, and not to be distributed as personal property.

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 a bond to the Governor of this State, with sufficient security, to be approved by the Orphans' Court of the said county of Bergen, conditioned for the faithful performance of the trusts created by this act; which bond shall be filed in the Surrogate's office of said county, for the benefit of all persons lawfully interested in the said lands.

Passed, November 10, 1835.

AN ACT to authorize the sale of the real estate of Elias Morehouse, deceased.

Preamble.

WHEREAS Elias Morehouse, late of the township of Rahway, in the county of Essex, in this State, died siezed of certain real estate, situate in the said township, leaving a last will and testament, duly made and executed, by which he devised the use of said real estate to his sister, Susan Irons, during her natural life, and at her decease, ordered the same to be disposed of and divided equally, share and share alike, among all his brothers' and sisters' children that should then be living, and appointed the said Susan Irons sole executrix of his said last will and testament; *And whereas* the said Susan Irons hath since died intestate, and the Surrogate of the county of Essex hath granted administration *de bonis non* with the will of the said Elias Morehouse annexed, unto Enos L. Whitehead, of the county of Essex; *And whereas* the said will cannot be executed by a sale of said real estate without the aid of this Legislature—Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said Enos L. Whitehead be, and he is hereby authorized and empowered to sell all the real estate of the said Elias Morehouse, deceased, either at public or private sale, for the best price he can obtain for the same, and to make a good and sufficient deed of conveyance to the purchaser or purchasers thereof.

E. Whitehead
authorized to
sell lands.

Sec. 2. And be it enacted, That the said Enos L. Whitehead, before making such sale, shall enter into bond to the Governor of this State, with sufficient surety, to be approved by the Orphans' Court of the county of Essex, for the faithful performance of the trust reposed in him by this act, and after making sale, in manner aforesaid, shall account to the Orphans' Court for the proceeds of said sale, and after a fair and just allowance of all the costs, charges and expenses, of procuring this act, and of making such sale, to be made and allowed by the said court, shall distribute the balance of said proceeds, according to the provisions of the said last will and testament of the said Elias Morehouse, deceased.

Bond to be
given.

Passed, November 10, 1835.

A SUPPLEMENT to the Act entitled "An Act to protect certain real estate in the possession of the State of New-Jersey, in the county of Bergen, and late of John G. Leake, deceased."

WHEREAS, by the act to which this is a supplement, George Cassedy was appointed one of the trustees to do, perform, and execute, the duties and trust in the said act particularly specified; And whereas the said George Cassedy hath declined accepting his said appointment, or in any way acting in said trust—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

P. A. Kip, appointed trustee in place of G. Cassedy.

the same, That Peter A. Kip be, and he is hereby appointed trustee, in the place and stead of the said George Cassedy, and be clothed with the same power and authority as the said George Cassedy had or might have had under or by authority of the act, entitled "An act to protect certain real property in the possession of the State of New Jersey, in the county of Bergen, and late of John G. Leake," passed February twenty-seventh, one thousand eight hundred and thirty-four.

Passed, November 10, 1835.

AN ACT authorizing the sale of certain real estate whereof Cornelius D. Van Horn, late of the county of Bergen, died seized.

Preamble.

WHEREAS Cornelius D. Van Horn, late of Harington, in the county of Bergen, and State of New Jersey, departed this life in the spring of eighteen hundred and thirty-five intestate, leaving a widow and one child; *And whereas* the said intestate died siezed of a small real estate in the said county of Bergen, which consists chiefly of the improvements on the said real estate, the expense of keeping which said improvements in repair will amount to a considerable sum; *And whereas* all parties concerned have made application to the Legislature to pass an act authorizing the sale of the said real estate, and it appearing that the said application is just and ought to be granted—Therefore,

D. J. Haring authorized to sell lands.

SEC. I. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Daniel J. Haring be, and he is hereby authorized and empowered, to sell at public auction, all the real estate in the county of Bergen of which Cornelius D. Van Horn above named died seized, first giving notice of the time and place of sale in at least one of the newspapers circulating

in the neighbourhood of said property, for four weeks successively before the day of sale, and setting up advertisements in five or more public places in the said county for the space of two months before the said day of sale; 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 Cornelius D. Van Horn had in the said real estate at the time of his death.

Sec. 2. *And be it enacted*, That the said Daniel J. Haring shall exhibit to the Orphans' Court of the county of Bergen next after the said sale, under oath, an exact statement of the amount of said sale, to be filed in the office of the Surrogate of said county; and the said Orphans' Court, after confirming and approving said sale, and after allowing all just and reasonable costs and charges incurred in the said trust, shall order and direct the said Daniel J. Haring 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 court; and the said Daniel J. Haring shall pay over to Eliza Van Horn, the widow of the said Cornelius D. Van Horn, one-third of the interest of the said proceeds, and shall apply the remainder, or such part of the same, from time to time, to the use of the infant child of the said Cornelius D. Van Horn, as shall be necessary for her maintenance, education, and support; *Provided always*, that if the said minor child shall die before she attains full age, not leaving lawful issue, the said property shall descend in the same manner as though no sale of the said real estate had taken place.

Accounts to
be rendered.

Distribution
of proceeds.

Sec. 3. *And be it enacted*, That the said Daniel J. Haring, before he enters upon the trust reposed in him 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 Bergen; conditioned for the faithful performance of the trust reposed in him by this act; which bond shall be deposited in the office of the Surrogate of the said county.

Bond to be
given.

Passed, November 10, 1835.

AN ACT to repeal certain chartered rights therein specified, and for other purposes.

Preamble.

WHEREAS Philemon Dickerson, of Paterson, in the county of Essex, by his memorial hath represented, that he hath purchased of Daniel W. Coxe the wing-dam which connects Yard's island with the main land, and his mills situated at Bloomsbury, together with all his rights, privileges, and franchises connected with the same; and that by reason of the recent construction of the race-way and water-power of the Trenton Delaware Falls Company, "The Bloomsbury Wing-dam and Mill Company" will be able to supply their mills for manufacturing purposes with water from said race-way without the aid of their wing-dam, which was created for that purpose; and that he hath made an arrangement with the said "The Trenton Delaware Falls Company," whereby in consideration of receiving the benefit of their water-power, he hath covenanted that so much of the acts incorporating the said "Bloomsbury Wing-dam and Mill Company" as authorises them to keep up said wing-dam be repealed, *Provided* they can be authorised to supply their mills with water from the race-way of the said "The Trenton Delaware Falls Company;" and as such arrangement would be highly beneficial to the parties, and to the public, and the removal of said wing-dam would take away an existing obstruction to the navigation of the Delaware river—Therefore,

Former act repealed.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That so much of the act entitled "An act to enable Daniel W. Coxe, Samuel Wright, jr., and Peter T. Smith, and the survivors and survivor of them, his or their heirs or assigns, to erect a wing-dam in the river Delaware to connect Yard's island with the main land at Bloomsbury," passed February fourth, eighteen hundred and fifteen, and of the supplement thereto, passed February tenth, eighteen hundred and sixteen, as requires "The Bloomsbury Wing-dam and Mill Company" to keep up a wing-dam to connect Yard's island with the main land, be, and the same is hereby repealed; and that "The Bloomsbury Wing-dam and Mill Company" be hereafter known by the name of "The Bloomsbury Mill Company," and by that name, that they and their successors be, and they are hereby authorised to contract with the said "The Trenton Delaware Falls Company," and

to take, receive, and use, from their said race-way, such water-power as may be necessary for carrying on their manufacturing operations.

Sec. 2. *And be it enacted*, That all the privileges, powers, and franchises granted to "The Bloomsbury Wing-dam and Mill Company," except such as hereby repealed, be, and the same are hereby extended to "The Bloomsbury Mill Company," and continued for the further term of twenty years from and after the term limited in said supplement. Privileges of company extended.

Passed, November 10, 1835.

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.

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

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

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

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

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

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

Members of Council and Assembly. 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 Andrew Parsons, Thomas G. Haight, and William Marshall, Esquires, or any two of them, for the members of Assembly.

How 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.

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

signed by the President of Council or the Speaker of the House of Assembly.

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

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

Passed, November 11, 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, viz: Certain incidental charges directed to be paid.

To E. P. Rose, for twenty-one cords of hickory wood, one hundred and twenty-six dollars.

To William Hancock, for stoves and sundry repairs, thirty-eight dollars and thirty cents.

To John R. Smith, for bill of penknives and sundries, sixty-one dollars and forty-eight cents.

To ditto, for oil, emery, &c. two dollars and forty-nine cents.

To William Robinson, for cleaning guns, splitting wood, &c. one hundred and eighty dollars.

To Samuel Newbold, for twenty-three tons of coal, one hundred and twenty-six dollars.

To Thomas Combs, for overlooking state house, buying wood, &c. twenty-five dollars and twenty-five cents.

To Samuel Roberts, for cutting wood and breaking coal, thirty dollars.

To Joseph A. Yard, for oil, five dollars.

To Samuel B. Scattergood, for services as Sergeant-at-Arms, &c. eight dollars.

To Benjamin F. Vancleve, for printing laws passed by the legislature of eighteen hundred and thirty-four and five, fifteen dollars.

To Daniel Childs, for sundry repairs to state house, five dollars.

To Joseph Justice, for current printing during the present session of the legislature, one hundred and thirty-six dollars and thirty-two cents.

To Joseph Justice, for sundry printing from February twenty-one, eighteen hundred and thirty-five, to November sixth, eighteen hundred and thirty-five; also, for stationary, &c. supplied the legislature, two hundred and nine dollars and eighty-eight cents.

To Andrew Newton, for setting glass, painting, &c. at state house, twenty-one dollars and twenty-one cents.

To R. Sterling, for merchandize, twelve dollars and sixty-five cents.

Passed, November 11, 1835.

JOINT 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 : Printer of bills appointed.

For the bills and other current printing, 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, October 29, 1835.

RESOLVED by the Council and General Assembly, That Joseph C. Potts be appointed to engross the bills and resolutions of both Houses during the present sitting of the legislature. Engrossing clerk appointed.

Passed, November 3, 1835.

WHEREAS in all representative governments, the sovereignty of the people is an indisputable truth; they have a right, and it is their duty, upon all proper occasions, to instruct their representatives in the duties which they require them to perform—Therefore,

BE IT RESOLVED *by the Council and General Assembly of the State of New Jersey,* That our senators in Congress be, and they are hereby instructed, to vote for, and use their influence to have expunged from the Journal of the United Senators instructed to vote for expunging resolutions.

States Senate, the Resolution passed on the 28th day of March, 1834, 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," the same having passed that body without warrant of law.

To vote against a re-charter of the bank of the U. S.

Resolved, That our senators in Congress be, and they are hereby instructed, and our representatives in Congress requested, to vote against the recharter of the Bank of the United States, and against the chartering any other bank or similar institution.

Resolutions to be laid before congress.

Resolved, That the particular attention of our senators be called to the foregoing resolutions, and that they be respectfully requested to conform thereto, or resign their seats in the Senate of the United States.

Resolved, That our senators and representatives in Congress, be requested to lay before Congress the foregoing resolutions.

Governor to forward resolutions.

Resolved, That the Governor of this state be requested to forward a copy of the above resolutions to each of our senators and representatives in Congress, at the opening of their next session.

Passed, November 7, 1835.

Printer of minutes of Assembly.

1. *RESOLVED by the Council and General Assembly of this State*, That Bernard Connelly, 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.

Printer of Journal of Council.

2. *Resolved*, That Gore and 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-two dollars per sheet.

Printer of laws.

3. *Resolved*, That Samuel P. Hull, of Morristown, 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.

4. *Resolved*, That Joseph Pugh, of Mount Holly, be employed to print sixteen hundred copies of the law reports, at thirty-two dollars per sheet; and that Edward Sanderson be employed to print the chancery reports, the same number of copies, and at the same prices as the law reports; and that both reports shall be printed on as good paper, and with the large octavo pages heretofore used.

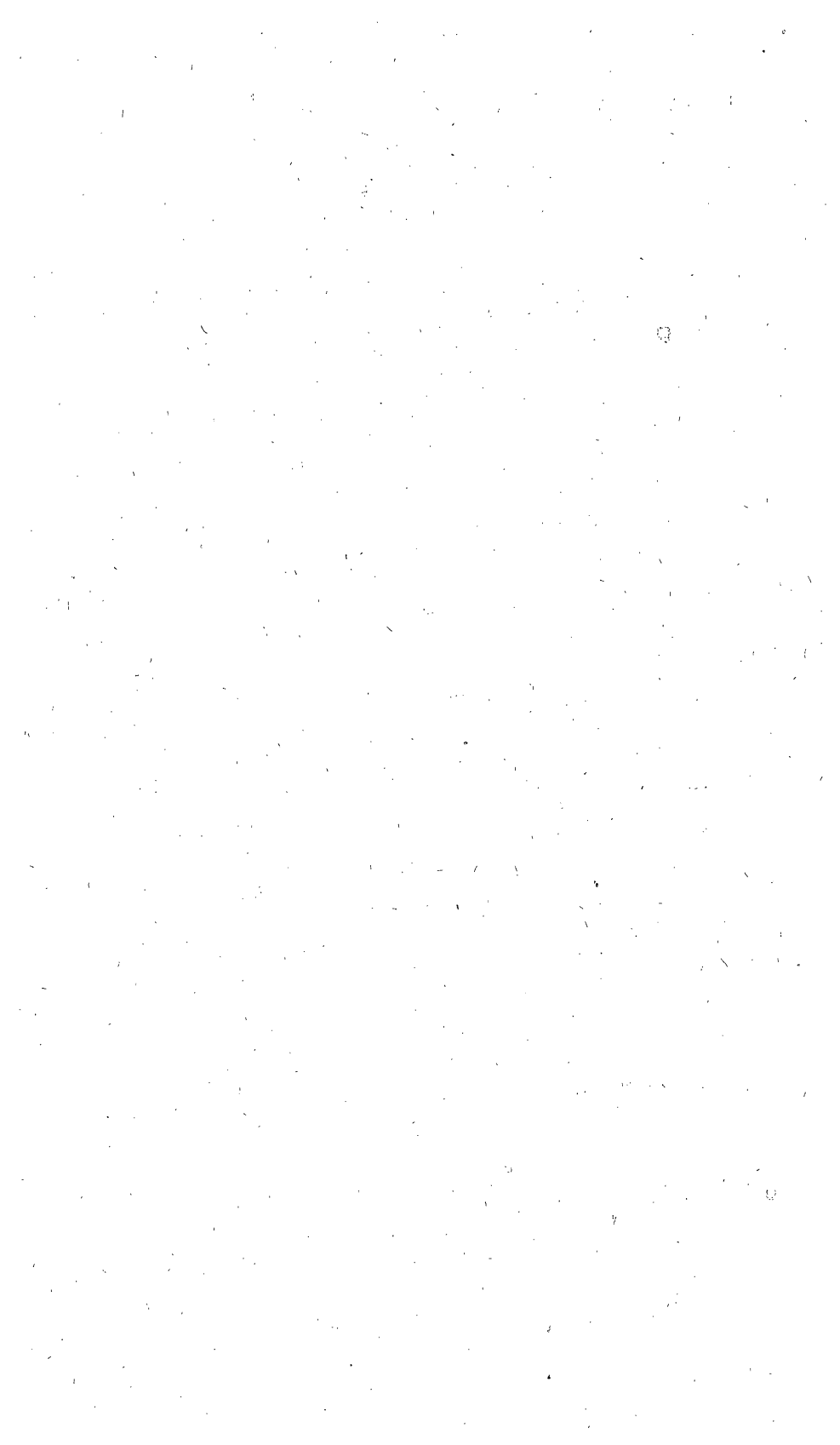
Printer of
Law Reports.

Printer of
Chancery Re-
ports.

5. *Resolved*, That the printers named in the above resolutions, and each and every of them, shall, before they enter upon the duties of printing, as aforesaid, enter into bond to the treasurer of this state, in such sums as he shall require, and with such security as he shall approve of, for the true and faithful performance of their respective duties.

Printers to
give bond.

Passed, November 10, 1835.



ACTS
OF THE
SIXTIETH
GENERAL ASSEMBLY

OF THE
State of New-Jersey,

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

BEING THE SECONDSITTING.



TRENTON:
WILLIAM BOSWELL, PRINTER.

1836.



ACTS
OF THE
SIXTIETH
GENERAL ASSEMBLY
OF THE
STATE OF NEW-JERSEY.

AN ACT to authorize trustees therein named to sell the
real estate of John P. Ackerman, deceased.

WHEREAS it is represented that John P. Ackerman, late of the county of Bergen, in the state of New Jersey, died intestate, seized of two certain tracts or parcels of land, situate in the township of Franklin, in the county aforesaid, containing forty-five acres, more or less, and leaving a widow and four children, one of which children is since deceased; *And whereas* it is farther represented that said estate is depreciating in value, and will probably continue to depreciate; and that it may be sold at this time for a sum, the interest of which will far exceed the yearly value of said real estate; and, consequently, that it is greatly to the interest and advantage of the said heirs at law, that the same should be sold; *And whereas* it is farther represented, that the yearly profits of said estate are entirely inadequate to the decent maintenance and education of said children; and that, by reason of their minority, they are unable to join in the execution of a deed for the premises;—And for these reasons, Rachel Ackerman, the widow of the said John P. Ackerman, deceased, having made application on behalf of said minor children, praying a law appointing a trustee or trustees to sell said real estate; which application appears reasonable and just, and greatly for the interest and advantage of said heirs at law—Therefore,

Preamble.

Trustees au-
thorized 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 Cornelius A. Hopper and Rachel Ackerman be, and they are hereby appointed trustees, with full power and authority to sell, at public sale, giving notice of the time and place of such sale in a newspaper circulating in the neighborhood of said lands; and also by advertisements put up in five or more public places in said county, at least four weeks before the day of sale, for the best price they can obtain, all the right, title and interest which Eliza Ackerman, Peter Ackerman, and Margaret Ackerman, heirs at law of John P. Ackerman, deceased, late of the county of Bergen, have in the real estate of the said John P. Ackerman, deceased; and after such sale thereof, the same having been approved by the Orphans' Court of the county of Bergen, to make and execute good and sufficient deeds of conveyance for the same to the purchaser or purchasers.

Trustees to
account to
Orphans'
Court.

Distribution
of proceeds

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 Bergen, at the term next succeeding such sale, for the proceeds of such sale; and after a fair and just allowance of all costs, charges and expenses attending such sale, being made by the court, shall invest the balance of said proceeds at interest, on bond and mortgage, or other good and sufficient security, under the direction of the Orphans' Court of the county of Bergen; and the said trustees shall pay to the widow of the said John P. Ackerman, deceased, during her natural life, the one-third of the interest of the net proceeds of the sale of the said real estate; and the interest on the remaining two-thirds of the said net proceeds shall be paid by the said trustees to the guardian or guardians of the said minor children during their minority, for their maintenance, education, and support; and after the said child or children shall arrive at full age, then the said two-thirds of the said money shall be paid to them or their legal representatives, share and share alike; but if the said widow shall have deceased at the time the said children shall have arrived at full age, then and in that case the whole of the said net proceeds of said sale shall be divided between the said children or their legal representatives, share and share alike; and after the decease of the said widow the said one-third of the said net proceeds shall be divided between the said children or their legal representatives, share and share alike; *Provided* they shall be of lawful age; *And provided also*, that in case the said minor children shall die before attaining their full age, not leaving lawful issue or having made a will or wills disposing of the same, the descent of

the proceeds of the said real estate shall be the same as if no sales of the real estate had taken place.

Sec. 3. *And be it enacted*, That the said trustees shall, before they enter upon the duties prescribed by this act, enter into bond to the governor of this state, with sufficient security, to be approved by the Orphans' Court of the county of Bergen, conditioned for the faithful performance of said trust; which bond shall be filed in the surrogate's office of said county, for the benefit of said heirs.

Trustees to
give bond.

Passed, January 12, 1836.

AN ACT to incorporate The "Salem, Delaware, and Philadelphia Steamboat Company."

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same, That Jacob Ridgway, Isaac Reeves, Philip Reybold, Robert Polk, Matthew Keasby, John Hall, and all such persons as now are, or shall hereafter become stockholders in a company now forming, and building a steamboat to run from Salem to the city of Philadelphia, touching at Delaware City, and other points on the river Delaware, and their successors and assigns, be, and they hereby are, made and declared to be a corporation and body politic, by the name, title, and designation of "The Salem, Delaware, and Philadelphia, Steamboat Company," and by that name may have continual succession, may make and have a common seal, and shall be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere; and shall have full right, power, and legal authority to purchase, build, hold, occupy, and convey any steamboats, lands, tenements, hereditaments, and real and personal estate whatsoever, which shall be necessary to carry into effect the objects of the said corporation.

Style of incorporation.

Sec. 3. *And be it enacted*, That the capital stock of the said corporation, shall not exceed the sum of one hundred

Amount of
capital.

How to be employed.

thousand dollars, which shall be divided into shares of one hundred dollars each; and shall be employed and vested in the purchase, or the building of one or more steamboats, with steam engines, boilers, and machinery, and all their rigging, furniture, tackle, and apparatus; and in the repairs necessary thereto, from time to time, and in the purchase of real estate, and the construction thereon of suitable storehouses, and other buildings, for the safe keeping and preservation of goods, wares, and merchandize, transported or owned by said corporation; and in the construction of wharves, docks, and landing places, for the boats of said corporation, and for such other purposes, as may be necessary and convenient for steamboat navigation; and that the said capital stock shall be deemed personal estate, and shall be assignable and transferrable upon the books of said corporation, agreeably to the by-laws for that purpose to be made and adopted.

Books of subscription to be opened.

Sec. 3. *And be it enacted*, That the board of directors, named in the fifth section of this act, shall have power to open books of subscription to said stock, at such time or times, and place or places as they, or a majority of them, shall think proper, giving at least thirty days notice of the time and place of their meeting, and at the time of subscription to said stock, ten dollars on each share subscribed shall be paid to the said directors, in gold or silver coin, or current bank notes, and whenever ten thousand dollars shall be subscribed and paid in, or expended on said boat, the said company shall be considered fully organized, and may proceed to elect their officers, and the board of directors shall and may call in the residue of said stock, at such times as they shall deem expedient, giving thirty days notice before the same shall be payable, in one newspaper printed in Salem, and one in Philadelphia, but not more than ten dollars on each share shall be called for at any one time; and the said corporation shall have power to make, ordain, and establish such by-laws, rules, and regulations, for the said company, as to them shall seem expedient, and not inconsistent with the laws of this state, or the United States.

Manner in which stock is to be paid in.

Mode of electing directors.

Sec. 4. *And be it enacted*, That the affairs, property, and concerns of the said corporation, shall be conducted by six directors, to be chosen annually, by ballot, by the stockholders, either in person or by proxy; and in the choice of directors, each share shall be entitled to one vote; should a vacancy at any time occur in the board of directors, the place to be supplied by an appointment by the remaining directors until the next annual election; the first election for directors, under this charter, shall be held at Salem, on the fifteenth day of December next ensuing the passage of this act, twen-

ty days notice being first given thereof in a newspaper published at Philadelphia, and also the like notice in a newspaper published at Salem; and the stockholders when met, to choose three disinterested persons as judges of election; and all future elections of directors for said corporation, shall be held annually, at such time and place as the by-laws shall direct.

Sec. 5. *And be it enacted*, That Jacob Ridgway, Isaac Reeves, Philip Reybold, Robert Polk, Matthew Keasby, and John Hall, shall be, and they are hereby declared to be the directors of the said corporation, from the passage of this act until the election is held, as is provided for in the foregoing section; that the board of directors for the time being, shall have power to elect a president, who shall be a director, a treasurer and all such other officers and agents, and to employ such workmen, artificers, and laborers, as shall be necessary to carry into effect, and execute all the powers by this act granted to the said corporation, and to allow such compensation as shall be agreed upon, and if they judge it necessary, to exact and take from their officers and agents, bonds for the proper execution of their several duties and trusts, and for the faithful performance of their several contracts.

First directors.

Powers of directors.

Sec. 6. *And be it enacted*, That the president shall preside at all meetings of the said corporation, and if absent, his place may be supplied for the time he is absent, by the election of any one of the directors; that the directors of the said corporation shall have power by their by-laws to fix, determine, and regulate, the prices of transportation of passengers, goods, wares, and merchandize, wagons, carriages, horses, cattle, stock of every description, or other articles that shall be transported in the boat, or boats of said corporation; and that the said board of directors shall, from time to time, declare dividends of so much of the profits of the said corporation, as they may deem advisable, and pay the same over to the persons entitled thereto, but no part of the capital stock shall be divided during the continuance of this charter.

Powers and duties of directors.

Dividends to be made.

Sec. 7. *And be it enacted*, That if any subscriber or subscribers to the capital stock of this company, neglects or refuses to pay any instalment or instalments on the number of shares which he or they may have subscribed, or holders thereof, for the space of thirty days after the same may have been called for and appointed for the payment thereof, by the president and directors, by an advertisement in one newspaper in Salem, and one in Philadelphia, for the space of thirty days previous thereto, that in such case the president and directors, may either declare such share or shares forfeited,

Stock forfeited on failure to pay instalments.

and shall have full power and authority to sell and dispose of the same, for the use, benefit, and advantage of the said company; or they may, in the name of the said corporation, sue for and recover the sum or sums so remaining unpaid, with costs and interest thereon; and that such delinquents shall not, during the time that any of the instalments aforesaid, being due and remaining unpaid, be entitled to vote at any meeting of the stockholders, or to receive any dividends thereon.

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

Sec. 8. *And be it enacted*, That if an election of directors shall not be made during the day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any time thereafter, upon notice as aforesaid, and the directors for the time being shall continue in all cases to hold their offices until new ones shall have been chosen in their stead; and in all elections for directors of said corporation, stockholders may vote either in person or by proxy.

Capital not to
be employed
for banking
purposes.

Sec. 9. *And be it enacted*, That the said corporation shall not use or employ any part of the capital stock, or other funds, for banking or other purposes, not clearly indicated in this act, under the penalty of an immediate forfeiture of their charter.

Act may be
altered or
repealed.

Sec. 10. *And be it enacted*, That it shall be lawful for the legislature, at any time hereafter, to alter, amend, modify, or repeal this act; and this act shall continue in operation thirty years, and no longer.

Passed, January 19, 1836.

AN ACT TO PROVIDE FOR A SUCCESSION OF TRUSTEES FOR THE

AN ACT to provide for a succession of trustees for the Cooper town meeting house and burial ground, and for other purposes.

WHEREAS it has been represented to this legislature that a certain deed of trust made and executed by Charles W.

Fetters and Lydia his wife, dated the tenth day of August, in the year of our Lord one thousand eight hundred and two, for one acre and three roods of land, in the township of Willingborough, in the county of Burlington, to certain trustees therein named, twelve in number, for the purpose of building a house thereon for Divine worship, and also for a place for the burial of the dead, does not provide for a succession of trustees in the event of the death, resignation or removal of those so appointed; and for want of such provision it might hereafter occur that the original object of the grant would be defeated, for remedy whereof and that a succession of trustees may be continued and forever perpetuated—Therefore,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall be lawful for George Wiegand, Daniel Newton, Richard Heaton, Isaac Perkins, William Adams, and John Hamell, the surviving trustees in the said deed of trust, to meet at the Coopertown meeting house, in the township of Willingborough, in the county of Burlington, on the first seventh day of April next, at two o'clock, P. M., and when so met, or the majority of those who may thus meet, to proceed to elect and choose six or more reputable freeholders, residents of said township of Willingborough, as trustees, to supply the vacancy of those who have deceased; which said election or choice shall be entered in a book to be provided for that purpose, together with fair minutes of the proceedings of this and all subsequent proceedings of the said trustees and their successors: And in case of death, resignation, or removal out of the county of Burlington, of either one or more of the aforesaid trustees, or trustees authorized to be chosen or elected by this act, then it shall be the duty of the majority of the surviving trustees, at their annual meeting, which they are hereby authorized and required to hold on each and every first seventh day of April as aforesaid, to elect or choose one or more fit person or persons, residents of said township of Willingborough, and being a freeholder or freeholders, to fill such vacancy or vacancies.

Mode of electing trustees.

Sec. 2. And be it enacted, That the trustees thus appointed, and all such as may be appointed hereafter, and their successors, shall and may have continual and perpetual succession, and be a body corporate, invested with full power and authority to hold, have and retain the said meeting house and burial ground, with all and singular the appurtenances, in trust nevertheless for the free use of all persons professing a belief in the divinity of Jesus Christ and desirous of peaceably and orderly assembling there for religious devotion and

Powers and duties of trustees.

edification, and also for a place for the free and common burial of the dead: And they shall be, and hereby are invested with all the rights, powers and privileges which are created, or were meant and intended to be created by the deed of trust aforesaid.

Passed January 21, 1836.

AN ACT to divorce Abraham C. Schenck from his wife,
Ann W. Schenck.

A. C. Schenck
and Ann W.
Schenck di-
vorced.

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 C. Schenck, of the county of Somerset, be, and he is hereby divorced from his wife, Ann W. Schenck, and that the marriage contract heretofore existing between them be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed, January 23, 1835.

AN ACT concerning a body of Meadow, on the westerly side of Oldman's creek, in the county of Salem.

Name of com-
pany.

Sec. 1. 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 meadow and marsh, lying and being on the westerly side of Oldman's creek, in the township of Upper Penn's Neck, in the county of Salem, beginning at the fast land of Joseph Borden, near the old ship

yard, on Oldman's creek, and to run from thence up said creek the several courses thereof, to the cross bank, near the line of lands of James Wiser and William H. Pedrick, thence along said cross bank the courses thereof, to the fast land of James Wiser, and from thence along the edge of the fast land, the several courses and distances thereof, to the beginning, to be, and they are hereby formed into a company, to be known by the name of "The Borden Meadow Company, on Oldman's Creek."

Sec. 2. *And be it enacted*, That a meeting of the said company shall be held on the first Monday in April of each and every year: the first meeting to be held at the inn of William R. Pedrick, in Pedricktown, in the county of Salem, between the hours of two and five o'clock in the afternoon; and afterwards at such place as the said company shall, at their annual meetings, from time to time, order and direct; and then and there, by a plurality of the votes of the owners or possessors present, shall choose two persons for managers of the said company for the ensuing year, each to be an owner or possessor of at least two acres of meadow, in said company; and that Samuel Linch and David Shoemaker shall be, and they are hereby appointed managers of the said company, until the next annual meeting of said company after the passing of this act, or until others shall be chosen in their stead; and also at the same time and in like manner, shall choose three disinterested men for commissioners to continue in office until others are chosen; but in case the said company shall neglect or omit, at any time, to hold an annual meeting, or in case at an annual meeting, they shall neglect to choose the said officers, or any of them, or in case of death, refusal to serve, or inability of any person or persons chosen, it shall then be lawful for either of the managers, for the time being, or any three of the said company, to call a special meeting of said company, by giving at least ten days notice thereof, by advertisements set up in three of the most public places in the neighborhood of the said company, setting forth the time and place of meeting, and when met to choose, by plurality of votes of those present, a manager or managers, a commissioner or commissioners, as the case may require, who shall have the same powers, and receive the same fees, and be subject to the same penalties, as if chosen at an annual meeting of the said company; and the said company, at any of their meetings, may order and direct, from time to time, what sums of money shall be raised, by the said company, for the purpose of defraying the expense of repairing, and keeping in repair, the banks of the said meadow, and for erecting wharves for the preservation of the said banks, and for the

Time and
place of meet-
ing of compa-
ny.

Managers
and commis-
sioners to be
elected.

laying of new sluices, erecting sluice dams, and other necessary water works, and for the purpose of paying the fees of the officers, and for other expenses of the said company; which shall be assessed upon the owners or possessors of the said meadow, according to the quantity of the meadow by them respectively owned or possessed.

Duties of commissioners.

Sec. 3. *And be it enacted*, That it shall be the duty of the commissioners, within thirty days after the first annual meeting of the said company, to cause an accurate survey and map of the said meadow to be made, designating the lots and quantities of the respective owners, and lay off and allot to each owner or possessor, the part or share of the creek bank which he, she or they are to keep up and maintain, and report the same, in writing, under their hands, to the manager, who is hereby required to enter the same at large in the company's book; and further, it shall be the duty of the commissioners to hear and determine all disputes that shall arise between the managers, or between the managers and any of the owners or possessors of the said meadow, concerning the laying of new sluices, or opening of new water courses, or the maintenance or removal of any bank, or concerning assessments, or any other matters touching the interest of any of the said owners or possessors, who, after hearing the parties and viewing the premises, shall give judgment in writing, and the managers are directed to act according thereto: but if either party shall think himself or herself aggrieved by the said judgment, they may choose three other commissioners, that is, the disputing parties, each may choose one, and the managers one, who, together with the original commissioners, shall give them a re-hearing, and the judgment of any four of them, in writing, shall be conclusive to the parties, as well with respect to costs, as the matter in dispute, and the present and future managers shall be bound to act accordingly.

Parties aggrieved may choose other commissioners.

Banks to be maintained by owners as allotted to them.

Sec. 4. *And be it enacted*, That each and every owner or possessor of meadow lying within the bounds of the said company, shall make, repair, maintain and keep in good order, all the bank which may be laid off and allotted to them respectively, by the commissioners, as directed in the third section of this act; and that all sluices already laid, or which shall hereafter be laid by virtue of this act, with two rods of bank or dam over each sluice, shall be laid and maintained at the expense of all the owners or possessors of meadow within the bounds of the said company, according to the quantity of meadow so held by them.

Sec. 5. *And be it enacted*, That it shall be the duty of the managers of the said company, for the time being, to provide

a book, at the expense of the company, and to enter therein the minutes of the proceedings of their meetings, and in which shall be recorded all such judgments or decisions as may be rendered by the commissioners under the third section of this act, and that they shall assess upon all the owners or possessors of the said meadow, all moneys that the said company shall, from time to time, order and direct to be raised, in manner as is herein before directed, and shall collect the same; and when any of the said owners or possessors shall neglect or refuse to pay his, her or their ratable proportion of the said assessment for the space of ten days after notice given thereof, in writing, by one of the managers, it shall then be the duty of the managers for the time being, to advertise the meadow of such owner or owners, possessor or possessors, by advertisements set up in five of the most public places in the neighborhood of the said meadow, for the space of thirty days, and to sell at public vendue; and to execute a lease or leases for the said meadow, for as long a time and no longer, as will be sufficient to discharge his, her or their ratable proportion of the said assessment, and also the cost and expenses of advertising and making the sale or sales, and executing the said lease or leases for the same, which sale or or sales, lease or leases, so made and executed, shall be as good and as effectual in law, as if made and executed by the owners or possessors themselves: but in all cases when the managers shall find upon the meadow of such delinquent owner or owners, possessor or possessors, any hay, grass or grain; to him, her or them belonging, sufficient to make the amount of such demand as aforesaid, it shall be the duty of the managers to make sale of as much thereof, at public vendue, in the same manner as is herein before directed, as will satisfy and discharge his, her or their ratable proportion of the said assessment, and also the expenses of advertising and making the sale or sales, and return the surplus money, if any, to the said delinquent owner or owners, possessor or possessors; and it shall be the duty of the managers, for the time being, to view the banks and water works once every three months; and in case any owner or possessor shall neglect or refuse to keep up and maintain the part or parts of the creek bank, as is assigned him, her or them as aforesaid for maintenance, it shall be the duty of the managers to give the said owner or owners, possessor or possessors, notice in writing, to repair the same, and if the said owner or owners, possessor or possessors, shall still neglect or refuse to mend or repair the said bank for the space of ten days (but in case of a breach or breaches immediately) after such notice from the managers as aforesaid, it shall then be the duty of the said managers to mend or repair the same, and charge the

Minutes of proceedings to be kept.

Meadows may be leased for payment of assessments.

How banks sluices to be maintained.

Duty of managers when company agree to admit the tide on meadows.

cost thereof to the owner or owners, possessor or possessors of the meadow to which the maintenance of the said bank belongs, and shall collect the same in the manner as is above prescribed for the collection of taxes; and if the said company shall agree to admit the tide upon the said meadow, for the purpose of improving the same, it shall be the duty of the managers to cut as many breaches in the bank for that purpose, as the said company shall order and direct; and it shall be the duty of the managers for the time being, to stop the said breaches, to put in sluices, and erect other necessary water works sufficient to keep out the tide, and keep the said meadow dry, whenever the said company shall agree to re-embank the said meadow; and it shall also be the duty of the managers for the time being, and they are hereby required, at each and every annual meeting of the said company, to produce the duplicate of the assessments of the preceding year, and then and there render a just and true account of all moneys by them received and expended for the use of said company, and of the services they shall have rendered the company during the preceding year, and pay over the balance in their hands, if any there be, to their successors in office: but if they, or either of them, shall neglect or refuse so to account, or pay, then it shall be the duty of their successors in office, and they are hereby authorized to sue and recover of such delinquent manager or managers, all moneys due from them or either or them, to the said company, together with costs of suit, in an action of debt, in any court having cognizance of the same.

Assent of two-thirds of owners required to admit the tide on meadows.

Sec. 6. *And be it enacted*, That for the purpose of improving the said meadow, it shall be lawful for the owners or possessors of two-thirds thereof, to let the tide water on the said meadow by cutting the bank in as many places, and at any time by them agreed upon, at an annual meeting of the said company, and to continue the same thereon until the owners of two-thirds of the said meadow shall agree to re-embank the same; and the said company, at any of their meetings, after having thus agreed to let in the tide water upon the said meadow, or to re-embank the same, shall by a plurality of votes of the owners or possessors of the meadow present, order and direct what sums of money shall be raised for those purposes.

Owners may cut extra breaches in the bank.

Sec. 7. *And be it enacted*, That when the said meadow shall be inundated by the tide for the purpose of improving the same, the owners shall have the privilege to cut as many extra breaches in the bank, in front of his or their meadow, as he, she, or they may think proper, upon the condition that they respectively shall stop the same at their own expense,

when the managers of the said company, shall be ordered to re-embank the said meadow; but if the owners or possessors of the meadow for which the said extra breaches were cut to benefit, or any of them shall neglect or refuse to stop the same, for the space of ten days after notice given him, her, or them in writing, or left at his, her or their usual place or places of abode, by one of the managers, it shall then be the duty of the managers for the time being, to stop the said extra breaches, and charge the cost thereof to such of the owners or possessors of the meadow for which the said extra breaches were cut to benefit, and shall collect the same in the manner prescribed in the fifth section of this act for the collection of taxes.

Sec. 8. *And be it enacted*, That all ditches and water courses in the said meadow shall be opened and kept open by the owners or possessors, respectively, through whose meadow they may run; and where there are line ditches or water courses, running between any two or more owners or possessors of meadow, it shall be the duty of such owner or owners, possessor or possessors, to open, and keep the same open, by throwing the mud and earth out of the said ditches and water courses, as equally as may be on each side thereof, each owner or possessor to keep open one half of each line ditch, or water course bounding on his, her or their meadow; and it shall be the duty of each owner or possessor through whose meadow any private road or roads are laid, or may hereafter be laid, to throw the mud or earth out of the ditches by the side or sides of the said road or roads into the said road or roads; and further, it shall be the duty of each and every owner or possessor of meadow in the said company adjoining the creek, to mow or trim all the bank fronting his, her or their meadow, and clear the same of all kinds of rubbish, once between the first day of June and the fourth day of July, and once between the first day of September and the first day of October, in each and every year, and in case any of the said owners or possessors shall neglect or refuse to perform any of the duties herein before specified, after ten days notice given by one of the managers in writing, setting forth the duties required of him, her, or them, it shall then be the duty of the managers, for the time being, or either of them, to have the said work done, and to present his or their account for the same, to such delinquent owner or owners, possessor or possessors, and upon he, she, or they, neglecting or refusing to pay the same, then either of the managers, for the time being, are required to collect the same, in the same manner as they are in the fifth section of this act authorized to collect taxes.

Manner in which ditches and water courses are to be kept open.

Penalty for
manager ne-
glecting duty.

Proviso.

Sec. 9. *And be it enacted*, That if any person duly appointed a manager or commissioner of, or in the said company, shall neglect or refuse to perform any of the duties required of him or them by this act shall, for every such refusal or neglect, forfeit and pay the sum of five dollars, to be recovered in an action of debt by any owner or possessor who shall sue for the same, with cost of suit; and the said owner or possessor shall pay over all such forfeitures, which he, she, or they shall so recover to the next succeeding managers, for the use of the said company; *Provided always*, that no manager shall be liable to be prosecuted until he, or they, shall have had ten days notice given him, or them, in writing, by one of the owners or possessors of the case requiring his or their attention; and if it be for work ordered to be done by the company, not without he or they shall have funds of the said company in his or their hands sufficient to defray the expense of his or their required duty; *and provided also*, that no commissioner shall be liable to any forfeiture for neglect of hearing and determining any disputes as mentioned in the third section of this act, until he or they shall have had ten days notice given him or them in writing, or left at his or their usual place or places of abode, by one of the parties in dispute, of the case requiring his or their attention.

Pay of man-
agers.

Sec. 10. *And be it enacted*, That each of the managers and commissioners, shall be entitled to one dollar for each day they shall be attending to the business of the said company.

What line
ditches are as
lawful fence.

Sec. 11. *And be it enacted*, That all line or division ditches, or water courses in the said meadow, between any of the owners or possessors, that are nine feet wide at the top, five feet wide at the bottom, and three feet deep, from the surface of the meadow, and lying on a mud or miry bottom, shall be taken and considered to be lawful ditches: and for all trespasses, done over or through them, damages shall be recoverable as if done over or through any lawful fence.

Managers to
drain the mea-
dows.

Sec. 12. *And be it enacted*, That it shall be the further duty of the managers, chosen agreeable to this act, to lay as many sluices in the bank, and open drains thereto, as shall be sufficient to drain every part of the said meadow, and to see that the said drains are kept clear so as to effect the draining of the said meadow, charging the expense of the sluices to the company, and the expense of the water courses to the owners or possessors of the meadow through which the same may pass, and the expense thereof shall be recovered as directed in the fifth section of this act; and if any ditch or water course directed by the said managers to be kept open, shall become stopped, or any obstruction placed therein,

with design to stop the water, then it shall be the duty of the managers, or either of them, to give notice thereof to the owner or possessor, and if such obstruction be suffered to remain for the space of five days after notice, the owner, possessor, or person offending, shall forfeit and pay the sum of five dollars for each day the said obstruction may remain, to be recovered by either of the managers in the manner directed by the fifth section of this act, and the money applied to the removing the said obstructions, and the overplus, if any, to repairing sluices or any other expenses of the said company.

Sec. 13. *And be it enacted*, That the cross bank at the upper end of the said company, shall be put up and maintained at the joint expense of the said company, and the owner or owners, possessor or possessors of the meadow, between the said cross bank, and the lower road over Beaver Creek, in proportion to the number of acres in each company, by a tax on all the meadows in the said companies, to be recoverable agreeable to the directions of the fifth section of this act; and the managers are authorized to take mud or earth for the use of the said cross bank, where it shall be most convenient and least injurious to the owners.

Manner in which cross bank is to be maintained.

Sec. 14. *And be it enacted*, That all the meadow, which is included in the said company, shall be held liable for all the expenses of any repairs which may be done on the banks belonging to the same, or work done on the water courses by the managers, agreeable to the directions of this act, any judgment or execution, or any sale or alienation of the property, in any wise notwithstanding.

Meadow to be liable for expenses.

Sec. 15. *And be it enacted*, That in putting up and repairing the creek bank, the managers or any owner or possessor having bank laid off to him, her, or them, for to keep up and maintain, are authorized to take mud or earth for the use of the said bank, where it shall be most convenient and least injurious to the owners of the meadow.

Privilege in repairing creek bank.

Sec. 16. *And be it enacted*, That in all cases of an election of officers, or for other purposes, the mode of voting shall be in person, or by proxy, in writing duly executed, in the following ratio: any person owning or possessing any quantity of meadow in said company, under ten acres, shall be entitled to one vote; ten acres and under twenty, two votes; twenty acres and under forty, three votes; forty acres and under eighty, four votes; eighty acres and upwards, five votes.

Mode of voting for officers.

Sec. 17. *And be it enacted*, That the act entitled "an act to enable the owners and possessors of the marshes and meadow, lying on Oldman's Creek, known by the name of Bea-

Former act repealed.

Proviso.

ver Creek Meadows, in the township of Upper Penn's Neck, in the county of Salem, to repair, keep up and maintain the banks, dams, and water works enclosing the same" passed the thirty-first day of May, seventeen hundred and eighty-seven, be and the same is hereby repealed: *provided*, that the repeal shall not affect any interest or suits vested or pending under the act hereby repealed.

Passed, January 26, 1836.

AN ACT to provide for the establishment of Public Schools, in the township of Paterson, in the county of Essex.

Election of trustees.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of of the same*, That from and after the passage of this act, it shall be lawful for the inhabitants of the township of Paterson, at their annual town meetings, to elect not more than nine, nor less than five, persons to serve as trustees of the public school or schools of the said township.

Duties of trustees.

Sec. 2. *And be it enacted*, That it shall be the duty of the said trustees to establish one or more public schools within the township of Paterson, and to provide as far as their means may extend for the education of all children in the said township not otherwise provided for, whether such children be or be not the proper objects of gratuitous education.

Application of moneys received.

Sec. 3. *And be it enacted*, That the portion of the money appropriated by the State for the support of common schools, which may become due to the township of Paterson, and also such other sum or sums of money as the inhabitants of the said township may raise by tax for the use of the public schools, shall be paid over by the township collector to the said trustees; and that it shall also be lawful for the said trustees to require of the pupils received into the schools under their charge, a moderate compensation adapted to the ability of the parents of such children; all of which moneys

shall be applied to the erection, purchase or rent of school houses, the payment of teachers' salaries, and to the defraying of such other expenses as may be incident to the education of children; *Provided*, that such compensation may be remitted by the trustees, in all cases in which they shall deem it proper to do so; *And provided further*, that no child shall be denied the benefit of the said public school on the ground of inability to pay for the same, but shall at all times be freely received and educated by the said trustees.

Proviso.

Proviso.

Sec. 4. *And be it enacted*, That it shall be lawful for the said trustees, or a majority of them, to make all such by-laws, rules and regulations, for the government and administration of said schools, as they may deem requisite, and also to nominate and appoint one or more teachers or instructors to take charge of the said school or schools, under the care and direction of the said trustees, and also to appoint such other officers or servants as they may think necessary; and to allow and fix their respective compensations; and such teachers, instructors, officers and servants, or any of them, at their pleasure, to dismiss and discharge, and to appoint another or others in their stead.

Trustees may make by-laws and appoint teachers.

Sec. 5. *And be it enacted*, That it shall be the duty of the said trustees to report annually to the town meeting, a particular account of the said school or schools under their care, and of the moneys received and expended by them during the year, so as to exhibit a full and perfect statement of the condition of the said schools; and a copy of which report shall be transmitted to the board of chosen freeholders of the county of Essex, and also to the trustees of the school fund.

Trustees to report the state of the schools annually.

Sec. 6. *And be it enacted*, That whenever, in the opinion of the said trustees, it may be expedient to accept, purchase, erect, or sell any lot or building, or both, for the use of the said public schools, they shall call a meeting of the town committee; and if the said committee agree to the same, the requisite contract or conveyance shall be made by or to the town committee, in the name and on behalf of the township of Paterson, for the use of the trustees of the public schools.

Mode of acquiring or selling lands.

Sec. 7. *And be it enacted*, That so much of the act entitled "An act relating to common schools," passed the sixteenth of February, eighteen hundred and thirty-one, as interferes with, or is repugnant to the provision of this act, be, and the same is hereby repealed, as far as the township of Paterson is concerned, and no further.

Part of former act repealed.

Sec. 8. *And be it enacted*, That this act shall be, and hereby is declared a public act.

Public act.

Passed, January 26, 1836.

AN ACT to incorporate the Hackettstown Fire Engine Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That William McCracken, John Bird, George Colclough, John Vandoren, A. E. Guild, Mark Fleming, William Everitt, Benjamin Dickerson, John Rusling, James F. Compton, Robert Rusling, Henry H. Henderson, Peter Werts, William Bounting, Edward Bird, Ephraim D. Cramer, John H. Crane, Reading Bell, and all such other persons not exceeding fifty, as are, or shall become associates of the Hackettstown Fire Engine Company, be, and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Hackettstown Fire Engine Company."

Style of incorporation.

Powers of corporation.

Sec. 2. *And be it enacted,* That the said corporation, by such name, shall have perpetual succession, and be a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of judicature, whatsoever; and that they and their successors, respectively, may have and use a common seal, and have power to make, change, and alter the same at pleasure; and by their common seal, may make, enter into, and execute any contracts or agreements touching and concerning the objects of said corporation, and shall have full power and authority to make, form and adopt such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state, or of the United States, as they shall think proper.

Amount of capital and its application.

Sec. 3. *And be it enacted,* That the capital stock of said company shall not exceed the sum of one thousand dollars, which shall be solely and exclusively applied to the procuring, repairing, and maintaining the engine, hose, reservoirs of water, ladders, buckets, fire-hooks, and other implements and machines, and to such other incidental expenses as shall, to the said company, appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.

Election of officers.

Sec. 4. *And be it enacted,* That the said company shall have power to elect, annually, a president, vice president, secretary and treasurer, from their own body, 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.

Sec. 5. *And be it enacted*, That all persons who now are, or hereafter shall become and continue actual members of the said Hackettstown Fire Engine Company, as long as they are possessed of a fire engine, be, and they are hereby exempted from militia duty in time of peace: *Provided*, such person shall reside within two miles of the usual place of keeping their engine.

Members ex-
empted from
militia duty.

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 alter, amend, modify or repeal this act, as they shall think proper.

Act may be
altered or re-
pealed.

Passed, January 28, 1836.

AN ACT to authorize Elijah Blackwell, jr., to execute a certain contract for the partition of certain real estate, in the county of Warren, made between John M. Young, and Elisha Blackwell, deceased, on the part of the said Blackwell.

WHEREAS it appearing to the legislature, that Elisha Blackwell, deceased, late of the township of Independence, in the county of Warren, who died intestate, did, in his life time, make a parol agreement with the said John M. Young, of the same place, for the partition of a certain lot of land, containing fifteen and one-quarter acres, adjoining lands of James Egbert, Abraham Larew, and others, situate in the township and county aforesaid, and that immediately after said agreement, each party took possession of their respective shares; *And whereas* the said Elisha Blackwell departed this life previous to a deed of partition having been executed between them, and a number of the heirs at law of the said Elisha Blackwell, deceased, being incompetent, by reason of their minority, to fulfil said contract; *And whereas* the said John M. Young has, by his petition, re-

Preamble.

quested that Elijah Blackwell, jr., one of the children and heirs at law of the said Elisha Blackwell, deceased, be empowered to fulfil said contract—Therefore,

E. Blackwell
jr. authorised
to execute
deed of par-
tition.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Elijah Blackwell, jr., one of the children and heirs at law of the said Elisha Blackwell, deceased, be, and he is hereby authorized and empowered to execute a deed of partition, pursuant to said agreement between the said John M. Young and said deceased, which deed shall have the same force and effect as if a deed of partition had been made and entered into between the parties in the life time of the said Elisha Blackwell.

Passed, January 28, 1836.

AN ACT for the relief of John Kesler, sen., of the county of Gloucester.

Pension grant-
ed J. Kesler.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the treasurer of this state, for the time being, shall, and he is hereby authorized and required to pay to John Kesler, sen., of the aforesaid county, a soldier in the service of the United States, in the revolutionary war, or to his order, the sum of one hundred dollars, to be paid to the said Kesler, sen., annually, in quarterly payments, from the passing of this act, during the life time of the said John Kesler, sen., and the receipt of the said Kesler, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid by virtue of this act, in the settlement of his accounts.

Passed, January 28, 1836.

AN ACT to authorize the sale of certain wood and timber belonging to Martha Ann Coles, of the county of Salem.

WHEREAS it hath been represented to the legislature by the guardian of Martha Ann Coles, a minor of the county of Salem, that the said minor is the owner of about thirteen acres of woodland, in the township of Pilesgrove, in said county; that the wood and timber thereon is ripe and much decayed and gradually diminishing in value, and that it would greatly benefit the estate of the said minor if the said wood and timber was sold, and the proceeds thereof placed at interest for her use; and the said application appearing reasonable, therefore—

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Margaret Coles be, and is hereby appointed trustee, with full power and authority to sell and dispose of at public sale, (first giving thirty days notice by advertisements in five of the most public places in the township of Pilesgrove, aforesaid) all the wood and timber standing upon the said real estate of the said minor, being a certain tract of thirteen acres, more or less, situate in the township of Pilesgrove, and county of Salem, and which was allotted to the said minor, as her portion of the real estate of her late father, Joseph Coles.

Trustee authorised to sell wood and timber.

Sec. 2. And be it enacted, That before the said trustee shall enter upon any of the duties by this act authorized, she shall enter into bond to the governor of this state, his successors or assigns, with such freehold security, and in such sum as the Orphans' Court of the county of Salem shall direct and approve, for the true and faithful performance and execution of the said trust, in the manner authorized and required by this act; which bond shall be filed by the Surrogate of the county of Salem, and remain of record in his office, for the benefit of those whom it may concern.

Trustee to give bond.

Sec. 3. And be it enacted, That the said trustee shall make and exhibit to the Orphans' Court of the county of Salem, at the next term after such sale, under oath or affirmation, a true statement in writing of the said sales, together with the names of the purchasers and the quantity bought by each, with the price thereof, which statement shall be filed by the surrogate of said county, and remain of record in his office.

Trustee to account to Orphans' Court.

Sec. 4. And be it enacted, That the said trustee, after deducting from the amount of the sales, when received, such sum as shall be allowed by the said Orphans' Court for commissions

Proceeds of sale to be placed at interest.

Proviso.

and expenses, shall place the balance thereof, at interest, upon bond and mortgage, payable to the said minor, and shall hold the obligation and securities so taken, as the guardian or legal representative of the said mission, for her use and benefit: *provided*, that if the said minor should die before she attain the age of twenty-one years then the proceeds of such sale shall belong to and be paid over to the heirs of the said Martha Ann Coles, in the same manner as if this act had not been passed.

Passed, January 28, 1836.

AN ACT authorizing the sale of the real estate whereof
Elizabeth Holcombe died seized.

Preamble.

WHEREAS Elizabeth Holcombe, widow of Doctor George Holcombe, late of the county of Monmouth, deceased, died intestate, seized in her own right, in fee simple, of and in three several lots, or parcels of land, situate in the counties of Monmouth, Middlesex, and Burlington, in this state, leaving Emily Holcombe, Johnston Holcombe, Helena Fidler the wife of Thomas B. Fidler, Edward Holcombe, and Elizabeth Holcombe, her children and heirs at law, who thereupon inherited the said premises: *And whereas* the guardian of the said Johnston Holcombe, Edward Holcombe, and Elizabeth Holcombe, three of the said heirs, being infants, under the age of twenty-one years, hath represented to the legislature that a sale of the interest of the said minors in the said real estate, is necessary for their education and maintenance, and that their interests would be promoted by a sale thereof, and hath prayed that a sale of the said real estate may be authorized in such manner as shall best promote the interests of the said minors; *And whereas* Thomas B. Fidler and Helena his wife have, by their petition, prayed that authority may also be granted to sell and convey the interest of the said Helena Fidler in the said real estate; *And whereas* Emily Holcombe, the

remaining child and heir at law of the said Elizabeth Holcombe, and joint owner of the said real estate, hath concurred in the petition of the said guardian, and hath represented that a sale of the whole of the said real estate would be for the interest of all parties concerned therein, and the prayer of the said petition appearing to be reasonable and proper—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Cornelius Vanderbeek, of the county of Monmouth, be, and he is hereby appointed trustee, with full power and authority to make sale of all the right, title and interest of Johnston Holcombe, Thomas B. Fidler and Helena his wife, Edward Holcombe, and Elizabeth Holcombe, of, in and to the real estate whereof Elizabeth Holcombe, the widow of Doctor George Holcombe, late of the county of Monmouth, died seized, situate in the counties of Monmouth, Middlesex, and Burlington in this state, and which descended to the said Johnston Holcombe, Helena Fidler, Edward Holcombe, and Elizabeth Holcombe, as the children and heirs at law of the said Elizabeth Holcombe, deceased, in such manner, and upon giving such notice of the said sale or sales, as is required by law in case of sales of real estate made by executors or administrators by virtue of an order of the Orphans' Court, and good, legal and sufficient deed or deeds therefor, to make 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 Johnston Holcombe, Thomas B. Fidler and Helena his wife, Edward Holcombe, and Elizabeth Holcombe, of, in and to the said real estate, at the time of the passing of this act.

Trustee appointed to sell lands of heirs of G. Holcombe, dec.

Sec. 2. *And be it enacted,* That the said Cornelius Vanderbeek shall keep a full, fair and just account of the sale or sales by him made, by virtue of this act, and of the costs and expenses thereof, and shall exhibit the said account, under oath or affirmation, to the Orphans' Court of the county of Monmouth, within six months after such sale or sales shall be made, to be approved by the said court, and filed in the surrogate's office of the said county; and the said Cornelius Vanderbeek, after deducting from the proceeds of the said sale or sales, all necessary costs and expenses, and such reasonable commissions as shall be allowed by the said court, and after satisfying all legal liens upon the said real estate, shall invest the residue thereof, under the direction of the Orphan's Court of the said county of Monmouth, and shall

Trustee to account to Orphans' Court of Monmouth.

Distribution of
the proceeds of
sale.

from time to time pay unto the heirs of the said Elizabeth Holcombe, as they severally attain the age of twenty-one years, such part, share and portion of the net proceeds of the said sale or sales, as the said heirs are respectively entitled to in the said lands, under the laws of this state directing the descent of real estate; and in case either of the said heirs should die before attaining the age of twenty-one years, then the share or portion of the person so dying shall be paid to his, her or their heirs, designated by the act directing the descent of real estate, in the same manner as if this act had not been passed.

Trustee to give
bond to the
Governor.

Sec. 3. *And be it enacted*, That the said Cornelius Vanderbeek shall, before entering upon the execution of the trust reposed in him by this act, enter into bond to the ordinary or surrogate general of this state, in such sum, and with such security, being at least two freeholders and such as the said ordinary shall approve, conditioned for the faithful performance of the said trust, which bond shall be deposited in the register's office of this state, and shall be good to all intents and purposes: and in case the said bond shall become forfeited, it shall and may be lawful for the governor of this state, for the time being, to cause the same to be prosecuted in any court of record, at the request, and for the benefit, and at the proper costs and charges of any person or persons aggrieved by such forfeiture.

Rights of third
persons not to
be affected.

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

Passed, January 28, 1836.

AN ACT to authorize a trustee therein named, to sell and convey certain real estate of Silvanus Bonnel, deceased.

WHEREAS, it is represented that Silvanus Bonnel late of the county of Essex, died intestate, seized of a certain dwelling house, wagon maker's and blacksmith's shops, and about eighteen acres and a half of land, situate on the southwesterly side of the Morris turnpike road, in the township of Chatham, and county of Morris in this state, adjoining lands now, or late of William Spencer, William Bonnel, James Robeson and others: AND WHEREAS, the widow and children of the said intestate have by their petition shown, that the said buildings and fences on the said lands are much out of repair; and that being at a considerable distance from their residence, cannot conveniently be superintended, and yield but a trifling rent; and that by reason of the minority of some of the children of the said intestate, the said land and premises cannot be sold, although a full and fair price could now be obtained for the same, if an act to authorize such sale should be passed in pursuance of the prayer of the said petition—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 Nancy Bonnel, the widow and administratrix of the said Silvanus Bonnel, deceased, be and she is hereby appointed trustee, with full power and authority to sell for the best price she can obtain for the same, all the said lands, buildings and premises, with the appurtenances; and upon such sale to make and execute good and sufficient deed or deeds of conveyance in the law for the same, to the purchaser or purchasers thereof.

Trustee appointed to sell lands of heirs of S. Bonnel, dec.

Sec. 2. And be it enacted, That the proceeds of the sale of the said land and premises shall be divided among the heirs at law of the said Silvanus Bonnel, deceased, or their legal representatives, according to the provisions of the law governing the descent of real estate, and not distributed as personal property.

Distribution of proceeds of sale.

Sec. 3. And be it enacted, That the said trustee before she enters on the duties prescribed by this act, shall execute a bond to the Governor of this state, his successor and assigns, with at least two sufficient freehold securities, to be approved by the Orphans' Court of the said county of Morris, conditioned for the faithful performance of the trusts created by this act; which bond shall be filed in the surrogate's office of the said county of Morris, for the benefit of all persons lawfully interested in the said land and premises.

Trustee to give bond to Governor.

Passed, January 28, 1836.

AN ACT to divorce Sarah Martin, from her husband, Joseph F. Martin.

J. F. Martin
and S. Martin,
divorced.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same, That Sarah Martin, of the county of Monmouth, be, and she is hereby divorced from her husband, Joseph F. Martin, and the marriage contract heretofore existing between them, the said Sarah Martin and her husband, Joseph F. Martin, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed, February 9, 1836.

AN ACT to incorporate the Belvidere and Port Colden Rail Road and Transportation Company.

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 William C. Duesenbery, Daniel Axford, William B. McCullough, William Henry, and William P. Robeson, and such other persons as may hereafter be associated for the purpose, shall be, and hereby are made, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Belvidere and Port Colden Rail Road and Transportation Company," and by that name they, their successors and assigns shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient to the objects of this incorporation.

Sec. 2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with liberty for the company to increase the same to two hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property and transferable in such manner as the said corporation shall by their by-laws direct; *Provided always* that no part of the said capital stock of the said company shall be employed for banking or other purposes incompatible with the objects for which this act is passed.

Amount of capital stock.

Proviso.

Sec. 3. *And be it enacted*, That the above named persons, or a majority of them, may open books to receive subscriptions to the capital stock of said company, at such time or times and place or places as they or a majority of them may think proper; and after two-thirds or more of the stock shall be subscribed, shall give notice for a meeting of the stockholders to choose nine directors, which election shall be made at the time and place appointed, by such stockholders as shall attend for that purpose, in person or by lawful proxy, each share entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall be inspectors of the said election, and shall certify under their hands the names of the persons duly elected, and deliver over the subscription books to the said directors; and the directors chosen at such meeting, or at the annual elections, shall as soon as may be after every election, choose out of their own number a president, and in case of the death, resignation or removal of the president or any director, the vacancy or vacancies may be supplied by the board of directors, or a majority of them, and in case of the absence of the president, they or a majority of them may appoint a president pro-tempore.

Books of subscription for stock to be opened.

Time and mode of election of first directors.

President to be chosen.

How vacancies supplied.

Sec. 4. *And be it enacted*, That an annual election for directors shall be held at such time and place in the county of Warren as may be fixed by the by-laws of the company or the board of directors for the time being, who shall advertise the same for twenty days in some newspaper published in said county, at which the stockholders shall vote in the same manner as at the first election; *Provided always* that in case no election shall be made at the time fixed, the said corporation shall not for that cause be dissolved, but such election may be held at any other time, upon giving the proper notice; and the directors for the time being shall continue in office until new ones shall be chosen in their place.

Time and mode of annual election of directors.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 5. *And be it enacted*, That five directors of said corporation shall be a quorum competent to transact all business of the same, with power to call in the capital stock of

Powers and duties of directors.

Stock forfeited
on failure
to pay instal-
ments.

Powers and
duties of di-
rectors.

Location of
rail road.

Survey of
route to be fi-
led in clerk's
office of War-
ren.

Powers of cor-
poration.

Proviso.

the same at such times and by such instalments as they may think proper, first giving notice of the time and place when and where such instalment is required to be paid, by publishing the same in one or more of the public newspapers printed in the county of Warren, at least thirty days previous; which instalment required to be paid shall not exceed the sum of five dollars at any one time; and in case of the non-payment of any of such instalments to forfeit the share or shares upon which such default shall arise, if not paid within twenty days thereafter; and to make such by-laws, rules and regulations, not inconsistent with the laws of the United States or of this state, as to them shall appear needful and proper, touching the management and regulation of the stock, property and estate of the said corporation; and also, to have power to appoint a secretary and such other officers and agents as to them may seem meet; to fix the salaries and compensation of their president and other officers and agents, and to require from them proper securities for the performance of their several duties and trusts.

Sec. 6. *And be it enacted*, That the president and directors of the company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient, to survey, lay out and construct a rail road from some point or place in the village of Belvidere, to some point or place on the Morris Canal, at or near Port Colden, not exceeding sixty-six feet in width, with as many tracks or rails as they may deem proper; and for the said president and directors, their agents, engineers, and others in their employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, levelling, or laying out said road and of locating the same, and to do and erect all necessary works, buildings and appendages thereof (doing no unnecessary injury to private or other property); and when the route shall have been determined on and a survey thereof filed in the clerk's office of the county of Warren, then it shall be lawful for the said company, by its officers, agents, engineers, contractors, workmen, and others in their employ, to enter upon and take possession, hold, have, use, occupy, and excavate such lands, and to erect and lay rails, embankments, bridges, and all other works and things which shall be necessary or proper for the completion or repair of said road, subject to such compensation as is hereinafter provided: *Provided always*, that payment or tender of the payment of all damages for the occupancy of lands through which the said road may be laid out, be made before the said company or any person under their direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of the land be first obtained.

Sec. 7. *And be it enacted*, That if the owners of the land on which said 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 said county of Warren who is disinterested in the premises, upon the application of either party, and after giving ten days notice in writing to the opposite party of such application; and after hearing the parties, to appoint three disinterested commissioners, residents of said county, to assess the price or value of said land, who shall be sworn or affirmed before said judge faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of said land, and the quantity taken, by whom owned, and how situate, bounded and described, in writing under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of said county, there to be kept as a public record, and copies taken by either party if required; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the inferior court of common pleas of the county, at the 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 full right and power to hear and adjudge the same, and if required, they shall award a venire in proper form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands, and all damages sustained, and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given with costs against the said company, and execution issue if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same, or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs if any, the said corporation shall be deemed to be seized and possessed, in fee

Mode of proceeding when the owners of lands and the company cannot agree.

simple, of all such lands and real estate appraised as aforesaid.

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

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

Rates for passage or transportation.

Sec. 9. *And be it enacted*, That the president and directors of the said company shall have power to construct or purchase and place upon their said road, all machines, engines, wagons, carriages or vehicles, for the transportation of passengers or any species of property thereon, as they may think proper, *provided* they shall not charge more than at the rate of six cents per mile per ton for the transportation of property, or six cents per mile for carrying each passenger on said road in the carriages of said company; or three cents per mile per each ton of property, or three cents per mile for each passenger carried on said rail road in the carriages of others; and three cents per mile for each empty carriage. And that the said rail road and appendages, and the land over which the same shall pass, and all the works, improvements, engines, carriages, and all other property whatsoever, belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns during the continuance of this act.

Other roads not to be obstructed.

Sec. 10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages over, across, or under the said road where any public or other road shall cross the same, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over, under, or across said rail road so that he may pass the same.

Rail road a public highway.

Sec. 11. *And be it enacted*, That the road authorized by this act shall be, and is hereby declared a public highway, and free for the passage of any 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 regulated as to the times of starting and rates of travelling by the company in the same manner as the carriages of the company are.

Sec. 12. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said roads, not exceeding two acres at each place, and may erect and build thereon, houses, warehouses, machine shops, and other buildings and improvements as they deem expedient for the safety of property and construction of carriages and other necessary uses, and take and receive the rents, issues, and profits thereof.

What real estate may be held.

Sec. 13. *And be it enacted*, That if any person shall willfully impair, injure, destroy, or obstruct the use of any rail road constructed under the provisions of this act, or of any of their necessary works, bridges, carriages, or machines, such person or persons shall forfeit and pay to the said company, the sum of fifty dollars to be by them recovered in any court of competent jurisdiction in an action of debt, and further, shall be liable for all damages.

Penalty for injuring or obstructing the road.

Sec. 14. *And be it enacted*, That the president and directors shall, within one year after the said rail road shall be completed, declare and make such dividend as they may deem prudent and proper of the net profits thereof, if any, and shall, in like manner, semi-annually thereafter, declare such dividends and pay the same to the stockholders in proportion to the amount of stock held by them respectively.

Dividends to be made semi-annually.

Sec. 15. *And be it enacted*, That when the said 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 cost of said road, including all expenses, in the office of the Secretary of State; and annually thereafter, the president and treasurer of said company shall, under oath or affirmation, make a statement to the legislature of this state, of the expenses of all additions and alterations in the structure of their road, and of the proceeds of the same, and after the net income of said road shall amount to six per centum upon its costs; and and as soon as it shall do so, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January in each year; *Provided* that no other tax or impost for the support of the government of this state shall be levied or assessed upon the said company.

Cost of road to be filed with Secretary of State.

Annual return of proceeds of road to be made to legislature.

Tax to be paid.

Sec. 16. *And be it enacted*, That at any time after the expiration of fifty years from the completion of the said road, the legislature of this state may take the same for the state,

When State may take the road on paying cost.

paying therefor the original costs of the same; and if the said road shall not be completed within five years from the passage of this act, then and in that case this act shall be void.

Law may be
altered or re-
pealed.

Sec. 17. *And be it enacted*, That the legislature may at any time hereafter, alter, modify, or amend this act whenever the public good shall require it.

Passed, February 9, 1836.

AN ACT to dissolve the marriage contract between Joseph Owen of the county of Gloucester, and Milicent R. Owen, his wife.

J. Owen and
M. R. Owen
divorced.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same*, That the marriage contract now existing between Joseph Owen, of the county of Gloucester, and Milicent R. Owen, his wife, be, and the same is, from the passage of this act, forever dissolved and annulled, as fully to all intents and purposes, as if the said parties had never been joined in wedlock.

Passed, February 9, 1836.

AN ACT to incorporate the "Franklin Fire Engine Company of Middletown Point."

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

of the same, That Garret P. Conover, Samuel Stillwell, Francis P. Simpson, John C. Whitlock, John C. Schanck, Jonas Clark, Asbury Fountain, William Little, Garret S. Smock, and such other persons not exceeding thirty in number, as now are, or hereafter shall become associates of the Franklin Fire Engine Company of Middletown Point, 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 Franklin Fire Engine Company of Middletown Point," 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, whatsoever, and that they and their successors may have a common seal, and shall have power to make, change, and alter the same at their pleasure, and by their name as aforesaid, and under their common seal, may make, enter into, and execute any contracts or agreements touching, or concerning the objects of said corporation, and shall have full power and authority to make, form, adopt, and enforce such by-laws and regulations for their government, not inconsistent with the laws of this state, or of the United States, as they shall think proper.

Names of incorporators.

Style of incorporation.

Powers of company.

Sec. 2. *And be it enacted*, That the capital stock of the said company, shall not exceed the sum of two thousand dollars, which shall be solely and exclusively applied to the procuring, maintaining and repairing such engines, hose, reservoirs of water, ladders, buckets, fire hooks, engine houses, and other implements and machines, and to such other incidental expenses, as shall to the said company appear best calculated to secure the property of themselves, and of the inhabitants of the village of Middletown Point, and its vicinity, from loss or injury by fire.

Amount of capital.

Sec. 3. *And be it enacted*, That the said company shall have power to elect annually, a president, 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 president shall keep in his custody, the common seal of the said company (if any) and at the expiration of his term of office, shall deliver it, together with any and all other effects, property, books and papers of the said company, which may be in his charge or keeping, over to his successor.

Election of officers.

Sec. 4. *And be it enacted*, That all the privileges and exemptions, contained in an act entitled "An Act for the encouragement of Fire Companies," passed December fourteenth, eighteen hundred and twenty-six, be, and the same are hereby extended to all persons who now are, or hereafter shall become and continue actual members of the said company: *provided*, that the members attached to the said fire engine or hose com-

Privileges of members.

pany shall live within two miles of the usual place of keeping their engine.

Act may be altered or repealed.

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

Passed, February 10, 1836.

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

Boundaries authorised 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 it shall and may be lawful for the owners and possessors of all that tract of woodland situated near New Success, on the west side of the Hohokus brook, and is bounded as follows; northerly, by lands of William Dixon, easterly, by lands of Stephen Lawrence and Harman Smith, southerly, by lands of Joseph Crouter and Jacob May, and westerly, by lands of Jacob May, Samuel Banta and Peter Berdan, 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 horse, 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 said tract.

Penalty for driving in cattle.

Sec. 2. *And be it enacted*, That if any person whatever, shall drive or let in any horse, 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 same, or any of the swing gates thereon, he shall be liable to a penalty of

fifty 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 trespassing.

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 Franklin, leaving with the keeper of such pound an affidavit that such horses, cattle or sheep, were found running in said tract, and it shall be the duty of such pound keeper to receive and keep the horses, cattle and sheep, so delivered to him, until the owner thereof shall pay to him the cost and fees of impounding the same, together with damages, if any incurred; and such pound keeper shall collect and receive 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 the twenty-third, seventeen hundred and ninety-nine.

Times and mode of electing trustees.

Sec. 4. *And be it enacted*, That a majority of the owners of said tract shall meet on the first Tuesday of April next, at the house of William Dixon, in the township of Franklin, and on the first Tuesday in April of each year thereafter, at such place as a majority of them shall direct, and shall proceed to choose, from among themselves, three persons, to be trustees of said lands, who shall hold their office for one year, or until their successors shall be appointed.

Trustees to assign proportion of fence.

Sec. 5. *And be it enacted*, That the trustees elected shall designate the line of the fence to be erected around the said tract, and shall assign, by marks and measurement, to each of the owners of said tract, to make and maintain, as they formerly did make, and the said owners of said tract shall make and maintain the vacant part to the proportion to the number of acres owned by him or her therein, and if after such assignment and notice thereof, any of the owners shall neglect to make and maintain the fence so assigned him or her, for the space of two months after a written notice having been served upon him or her or left at their usual place of residence by the said trustees or any one of them, the said trustees shall make or repair the same, and shall be entitled to sue for and recover the expense 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.

Pay of trustees.

Sec. 6. *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 said tract, in proportion to their interest, and shall be assessed by the said trustees according to the number of acres held by each owner of said, and shall make out a duplicate list of the amount assessed upon the property of each individual, who, upon refusal 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 a prosecution before any court having competent jurisdiction of the same, in an action of debt, with costs of suit.

Passed, February 10, 1836.

AN ACT relative to a bequest, in the last will and testament of Uzal Sayres, late of the township of Newark, in the county of Essex, for schooling poor children.

Preamble.

WHEREAS the said Uzal Sayres, in and by his last will and testament, did, amongst other things, make the following bequest and provision, that is to say, "and it is my will, and I do order my executors to sell the whole of my estate, both real and personal, so as to reduce the whole into money; and after paying all my just debts and funeral expenses, and the legacies heretofore given, in this my will, all the residue, more or less, I do order and direct my said executors to put out at interest, on good bond and mortgage, and my two sons to have the interest arising therefrom, during their life time; and the principal is to be kept entire and unexpended, and after the death of both my sons, Stephen and Isaac, I do give the said residue to the township committee, of the township of Newark, and their successors in office, in trust; the interest and income

thereof to be expended in schooling such poor children as they, in their wisdom, shall think proper to school, but the principal sum is to be kept good and unexpended, as a fund for that purpose," and thereby constituted and appointed his said sons, Stephen Sayres and Isaac Sayres, executors thereof; who, after the death of the said Uzal Sayres, on the sixth day of February, eighteen hundred and thirty-four, proved the said last will and testament according to law: *And whereas* by an instrument in writing, bearing date the eleventh day of August, eighteen hundred and thirty-five, made between the township committee, of the township of Newark, aforesaid, in behalf of said township of the one part, and the said Stephen Sayres and Isaac Sayres, executors as aforesaid, of the other part, it is agreed to compromise the said bequest, for the sum of four thousand dollars, and that the said township committee shall receive, as payment of the said sum of money, an assignment from said executors, to the inhabitants of the township of Newark, in the county of Essex, of a certain bond and mortgage given by Joseph B. Jackson, to Enoch Bolles, and by said Bolles assigned to said Stephen Sayres and Isaac Sayres, dated the first day of July, eighteen hundred and thirty-five, to secure the payment of four thousand dollars, with interest, together with the policy of insurance of the building on the mortgaged premises, as by reference to the said agreement, amongst other things, will more fully and at large appear: *And whereas* legislative aid is necessary, to confirm and make effectual the said agreement, and to secure the application of the said sum of money, agreed to be accepted in lieu of said bequest, as near as may be, in the manner intended by the testator—
—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 agreement, made between the said township committee and the said Stephen Sayres and Isaac Sayres, executors aforesaid, be, and the same is hereby confirmed, and made valid and effectual, in law and equity.

Agreement
with township
committee
confirmed.

Sec. 2. *And be it enacted,* That the legal title and possession of the aforesaid sum of four thousand dollars, and the execution of the said trust, shall be vested in the said "The Inhabitants of the Township of Newark, in the County of Essex," in their corporate capacity, who are hereby authorized and made capable in law from time to time, through the agency, and under the direction of the township committee of said township, to cause the same to be invested at in-

Money and
execution of
trust vested in
the township.

terest, on bond and mortgage of real estate, and to prosecute and maintain all actions at law and equity necessary and proper, for the recovery thereof.

How money
to be applied.

Sec. 3. *And be it enacted*, That it shall be the duty of the said township committee to cause the said sum of money to be invested and kept at interest, as aforesaid, and to collect and receive the interest and income thereof, and expend the same in schooling such poor children as they in their wisdom shall think proper to school, and the principal sum to keep entire and unexpended, as a fund for that purpose.

To release es-
tate from li-
abilities.

Sec. 4. *And be it enacted*, That the individuals who, for the time being, compose the said township committee, or a majority of them, shall be, and are hereby authorized and fully empowered, upon receipt of the aforesaid bond and mortgage, and policy of insurance duly assigned to the said "The Inhabitants of the Township of Newark, in the County of Essex," to discharge and release by writing, under their hands and seals, the estate of the said Uzal Sayres, deceased, and the said Stephen Sayres and Isaac Sayres, as well in their capacity of executors of said Uzal Sayres, as in their individual capacities respectively, and their heirs, executors and administrators, from all liability or obligation under said last will and testament, and also the said devise or bequest to the township committee of the township of Newark, for schooling poor children, as aforesaid; and the payment of the said four thousand dollars and release, as aforesaid, are hereby declared to be a full and absolute bar to all suits or actions, claims and demands, at law and in equity, by the said township or township committee, for, or by reason of the said devise or bequest for schooling poor children, against the said Stephen Sayres and Isaac Sayres, as executors, as aforesaid, and individually, and their heirs, executors and administrators, and the estate of the said Uzal Sayres, deceased.

Passed, February 11, 1836.

A FURTHER SUPPLEMENT to the act entitled "An Act relative to the Supreme and Circuit Courts," passed the sixth day of June, A. D. seventeen hundred and ninety-nine.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That if the justice of the supreme court, by whom any circuit court, or courts of oyer and terminer, and general gaol delivery, is to be held in any county of this state, shall be prevented by sickness, or from any other cause, from attending on the day and at the place, when and where any such court is to be commenced and held, no process returnable to such court, nor any recognizance entered into for the appearance of any person at such court, nor any indictment, suit, or other proceeding depending therein, shall be thereby abated, discontinued or avoided, but the same shall remain and be in full force, the same as if such justice had attended and opened such court; and it shall be the duty of the clerk of the said court, to cause the same to be opened, by proclamation, in the usual form; and in case one of the justices of the supreme court shall not attend during the day, then the clerk shall in like manner adjourn the court to the usual hour of the next day, and so from day to day, until one of the said justices shall be present, or until such court shall be adjourned for the term, as hereinafter is directed; which proceedings shall be regularly entered by the clerk in the minutes of the court.

Proceedings
not affected
by absence of
judge.

Clerk may ad-
journ the court

SEC. 2. *And be it enacted*, That if one of the justices of the supreme court shall not be present at the usual hour of opening the courts of oyer and terminer, and general gaol delivery, in any county in this state, on the day appointed by law for holding such courts, then the court of general quarter sessions of the peace in and for such county, may proceed to organize the grand jury, for such county, in the same manner as the court of oyer and terminer might do if that court were in session; and all process returnable to, and all recognizances for the appearance of persons before the said courts of oyer and terminer and of general gaol delivery, shall be as valid and effectual as if the said courts had been opened and in session, and may be proceeded on according to law, in the said court of general quarter sessions of the peace; and all indictments pending in such county, and all indictments that may be found and presented by such grand jury, shall be as good and effectual as if the grand jury had been organized

Quarter ses-
sions may or-
ganize grand
jury.

and sworn or affirmed before the court of oyer and terminer, and shall be tried or otherwise determined either in the court of general quarter sessions of the peace, the court of oyer and terminer or of general gaol delivery, as by law the same ought to be tried and determined.

When court
to be adjourn-
ed, and pro-
ceedings con-
tinued

Sec. 3. *And be it enacted*, That if it shall happen that no justice of the supreme court shall attend before twelve o'clock on the third day of the term as fixed by law, then the clerk of the said courts of oyer and terminer, and general gaol delivery, and circuit court, shall cause the same by proclamation in the usual manner to be adjourned over, to meet according to law, and in such case all suits, actions, indictments, rules, and other proceedings pending in the said courts respectively, except such as may be tried in the courts of common pleas and general quarter sessions of the peace, shall be continued and stand over to the next ensuing term of the said courts without prejudice to any of the parties.

Court may be
adjourned to
any day in
term,

Sec. 4. *And be it enacted*, That the circuit court, or courts of oyer and terminer, and general gaol delivery, when sitting in and for any county in this state, may be adjourned over from any one day in term to any subsequent day in the same term, whenever the public convenience, and that of the members of the court, may require or justify such adjournment, and in every case of such adjournment, all suits, indictments, process, orders, rules, recognizances and other proceedings pending in such courts shall be continued to the time to which said adjournment shall be made, without prejudice to any of the parties therein, and may then be proceeded in according to law, in the same manner as might have been done if such court or courts had been adjourned from day to day.

Court may
be continued
by another
judge.

Sec. 5. *And be it enacted*, That in case the justice of the supreme court, holding any circuit court or court of oyer and terminer, or of general gaol delivery, shall be prevented by sickness or other cause requiring his absence from continuing to preside at such court until the business thereof shall be finished, then it shall and may be lawful for any other justice of the supreme court to take his place and to proceed with the business of the said courts, in the same manner as he might have done if he had been present and presiding at the commencement of the term.

Supreme
Court may
appoint spe-
cial terms.

Sec. 6. *And be it enacted*, That it shall and may be lawful for the justices of the supreme court, either in term time or at chambers, to appoint a special term or terms, not exceeding two, in any one year, of the said supreme court, to be held at such time or times, place or places, and for the transaction of such business, and under such rules and regulations as they may order and appoint.

Sec. 7. *And be it enacted*, That such of the justices who have attended, or who shall hereafter attend any special term of the supreme court, shall be entitled to receive, as a compensation therefor, the sum of thirty dollars, for each term, to be paid to him by the treasurer of this state, in the same manner as the circuit fees, now allowed by law, are directed to be paid. Compensation.

Sec. 8. *And be it enacted*, That whenever any person shall stand indicted for any offence or crime, before the trial of which, the person indicted is entitled by law, to have a copy of the indictment, and a list of the jury, if a copy of the indictment, and a list of the jury, summoned by the proper officer, for the trial thereof, shall be served on the prisoner or defendant, two entire days before the first day of the term at which such trial is to take place, it shall be as good and effectual as if such list of jurors and copy of the indictment had been delivered to such prisoner or defendant, after the term had commenced, and the panel of jurors had been duly returned to the court. List of Jurors &c. may be served on person indicted two days before term.

Sec. 9. *And be it enacted*, That the same fees shall be allowed to the courts of oyer and terminer and general gaol delivery, as are by law allowed to the court of general quarter sessions, which fees shall be divided among the judges attending said courts, other than the justice of the supreme court, who may be present and presiding; but such justice shall be entitled to receive one dollar for the trial or argument of every cause in said courts. Fees.

Sec. 10. *And be it enacted*, That the act entitled "An act to authorize the holding of special terms of the supreme court," passed the fourth day of March, A. D. eighteen hundred and thirty-five, be, and the same is hereby repealed. Former act repealed.

Passed, February 11, 1836.

AN ACT relative to the property of the unincorporated Society of Friends in this State.

Rights of Friends not to be effected by separation.

Sec. 1. 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 rights, estates, property and privileges of the members of the unincorporated society of Friends, in this state, shall not be hurt, endamaged, or in any way affected, by the division, secession, or separation, which has occurred in the said society, and that the rights, estate, property and privileges of the members of the unincorporated society of Friends, in this state, shall be held and enjoyed according to the constitution and laws of this state.

Mode of division of personal estate.

Sec. 2. *And be it enacted,* That the division, secession or separation, now existing in the said unincorporated society of Friends, in this state, on conscientious grounds, where both parties profess to adhere to the faith, system of discipline, constitution and government of the said society, when in unity, the personal estate of whatever kind, of the said society, held or possessed by said society, when in unity, or by any other person or persons, body politic or corporate, for or to its use, or in any way in trust for them, shall be divided between the parties, in such division, secession or separation, equally and ratably, in proportion to the number of members of the said society who have joined or attached themselves to either of the said parties, in such division, secession, or separation, in the same manner as if they had been equal partners in the said personal estate; and in case the said members of the said society cannot, in such division, secession, or separation, agree on the division of the said personal estate of the said society, by them possessed when in unity, that then, and in such case, it shall and may be lawful for any member or members of either party, for and in behalf of himself and themselves, and his and their associates in such division, secession, or separation, to exhibit a bill in chancery against any member or members of the other party in such division, secession, or separation, and their associates, for a division of such personal estate so held or possessed by the said society, when in unity, in the same manner as if they were partners; and thereupon the same proceedings may be had, and relief given, and decree made, as in justice and equity, and according to the course and practice of the court of chancery, ought to be made; always having regard to the relative number of the members belonging to the said parties in such division, secession, or separation, and the continuance and preservation of the same trusts, uses, and purposes, upon

and for which such personal estate was theretofore held and possessed; and that the members of the said party in such division, secession, or separation, to whom the same, or any part thereof, shall be decreed, shall hold the same upon the same trusts, and for the same uses and purposes, so far as regards the members of the said society, connected with them in the said division, secession, or separation, as the same was held by the said society when in unity.

Property to be held on same trusts as formerly.

Sec. 3. *And be it enacted*, That in case of any division, secession, or separation, now existing in the said unincorporated society of Friends in this state, on conscientious grounds, where both parties profess to adhere to the faith, system of discipline, constitution and government of the said society when in unity, that then and in such case, the real estate, of whatsoever kind (except burial grounds) of the said society, held, possessed or owned by the said society when in unity, or by any other person or persons, body politic or corporate, for or to its use, or in trust for them, shall be divided between the parties in such division, secession, or separation, equally and ratably, in proportion to the number of members of the said society, who have joined or attached themselves to either of the said parties, in such division, secession, or separation, in the same manner as if they were tenants in common, of the said real estate; and in case the said members of the said society cannot on such division, secession or separation, agree on the division or partition of the said real estate, so as aforesaid held, possessed, or owned by them when in unity, that then and in such case, it shall and may be lawful for any member or members of either party, for and in behalf of himself and themselves, and their associates, in such division, secession, or separation, to exhibit his or their bill in the court of chancery, against any member or members of the other party, in such division, secession, or separation, and their associates, for a division or partition of such real estate, so held, possessed or owned by the said society when in unity, in the same manner as if the members of the said society were tenants in common of the said real estate; or in case that the said real estate is so circumstanced, that division or partition thereof cannot be made, without great prejudice to the owners, for a sale thereof or a decree, that the same may be held and owned by the one party, on their paying to the other, their proportion of the value thereof, to be ascertained according to the course and practice of the said court, as to the said court shall appear equitable and just; and thereupon, the same proceedings may be had and relief given and decree made, as in justice and equity, and according to the course and practice of the court of chancery ought to be

Disposition of real estate.

made, always having regard to the relative number of members belonging to said parties in such division, and the continuance and preservation of the same trusts, uses, and purposes upon, or for which such real estate was theretofore held, possessed or owned; and the members of the party in such division, secession, or separation, to whom the said real estate, or any part thereof, or the proceeds of the sale thereof, shall be decreed, shall hold, possess and enjoy the same, upon the same trusts and the same uses and purposes, so far as regards the members of the said society, connected with them in such division, secession, or separation, as the same was held, possessed, or owned by the said society when in unity.

Burial grounds
to be held in
common.

Sec. 4. *And be it enacted*, That the burial ground or grounds of the said society when in unity, shall forever remain free and common for the burial of the members of either party, and their descendants, the same as if no such division, secession, or separation had been made.

All the persons
associated as
complainants
or defendants
need not be
named.

Sec. 5. *And be it enacted*, That the said complainant or complainants in any such bill of complaint, shall make his or their affirmation, to be annexed to the said bill of complaint that the division, secession, or separation stated in the said bill, so far as respects the said complainant or complainants was made on conscientious grounds, and not for the purpose of appropriating the real or personal estate of the said society of Friends to any other trusts, uses or purposes than those originally intended in its creation, or to destroy the faith, constitution, system of discipline, and government of such association, but in truth and good faith, for the causes set forth in such bill of complaint, and that it shall not be necessary to name all the parties associated with the complainant or defendants in the said bill, but that it shall be sufficient to designate them as the associates of the said respective parties, and that a copy of the subpoena issued in the said cause shall be served upon the clerk of the said society or meeting with whom the defendant or defendants in said cause may be connected or acting, together with a copy of the said bill, at least ten days before the returning thereof, or left at his residence; and that any of the members of the said society may appear and defend the said suit; and if in the course of the said proceedings, it should become expedient to ascertain the number of members of the said society, connected with the said parties respectively, any member thereof shall be under the age of twenty-one years, such infant shall be counted with the party to which his or her father belongs, if he is living, and if not, to that which his or her mother, if living, belongs, and if she also be dead, with the party to which his or her guardian belongs.

How infants
are to be count-
ed in case of
division.

Passed, February 11, 1836.

AN ACT to incorporate the Lumberville Delaware Bridge Company.

WHEREAS it hath been represented to this legislature, that the legislature of Pennsylvania have passed an act to incorporate the Lumberville Delaware Bridge Company, which act cannot go into operation until a concurrent act is passed by the legislature of the state of New Jersey, and it appearing that the passage of such an act, and the erection of a bridge at Lumberville, would be conducive to the public benefit, 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 capital stock of the Lumberville Delaware Bridge Company, for the purpose of erecting a bridge over the Delaware river at Lumberville, in the state of Pennsylvania, with suitable toll houses, shall amount to twenty 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 by this act is hereinafter provided.

Amount of capital stock.

Sec. 2. And be it enacted, That John Runk, Thomas Loquere, John Burket, James Snyder, Francis Tomlinson, John Aller, William Bonham, Thomas Cherry, James Scott, Richard Opdycke, Jacob Kuglar, Samuel Woolverton, Peter H. Dilts, George Johnson, Daniel B. Rittenhouse, and Wilson Bray, be, and they are hereby appointed commissioners, on the part of this state, who, with the commissioner already appointed by the legislature 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 Hunterdon, in this state, and also in two newspapers, printed in the county of Bucks, in the state of Pennsylvania, for at least twenty days, of the times and places, when and where the said subscriptions shall be received, and at the time of subscription for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some of them, and shall be by them paid over to the treasurer of said company, when he shall be appointed, and that the residue of such subscriptions shall be paid in such instalments, and at such times and places, and to such person or 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

Commissioners to receive subscriptions.

Stock forfeited
on failure to
pay instal-
ments.

Proviso.

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 said company, *provided*, that if the number of shares subscribed, shall exceed the amount or number of shares authorized by this act to be subscribed, that then the said commissioners shall apportion the said stock among such stockholders, in proportion to the amount or number of shares by them subscribed, as aforesaid.

Style of incor-
poration.

Sec. 3. *And be it enacted*, That whenever three hundred shares of the said stock shall be subscribed for, the persons holding the same shall be, and they are hereby declared to be a body politic and corporate in law, by the name of "The Lumberville Delaware Bridge Company," and by that name shall have perpetual succession, and all the privileges and franchises of a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement should be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as may be necessary and convenient to them, in the prosecution of their works, and the same to sell and dispose of, at their pleasure, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Powers and
privileges.

Time and
manner of
electing offi-
cers.

Sec. 4. *And be it enacted*, That as soon as the said three hundred shares of stock shall have been subscribed, as aforesaid, it shall be the duty of the said commissioners to give public notice in the newspapers mentioned in the second section of this bill, 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 others shall be appointed; and such president and directors may make and adopt such by-laws and regulations, not inconsistent with the laws and constitution of this state or the United States, as to them shall seem necessary for the proper management of the concerns of said company; *Provided*, that no person shall have more than twenty votes at an election, or in determining any question arising at such meetings; and that each person shall be entitled to one vote for every share by him held not exceeding ten.

Sec. 5. *And be it enacted*, That the said stockholders, their successors and assigns, shall meet on the first Monday in November, in every succeeding year, at such time and place as the by-laws of the said company shall direct, and elect their officers for the ensuing year.

Annual meeting of stockholders.

Sec. 6. *And be it enacted*, That the president and directors of said company first chosen, as aforesaid, shall issue to each stockholder, a certificate of stock for the number of shares by him or her held in such company; which certificate shall be signed by the president, and countersigned by the treasurer; and shall be transferable at the pleasure of such stockholder, in person or by legal attorney; subject, however, to all the payments due or to become due thereon to said company; and the assignee holding such stock by such transfer, after having first caused the assignment and transfer to be entered in a book of the company for that purpose to be kept, shall, for every share of stock by him or her held, be entitled to his or her equal proportion of the said capital stock, and of all the estates, real, personal, and emoluments of the said company, and to vote as hereinbefore directed, at the meetings thereof.

Stock to be issued and transferable.

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 upon; and 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 proceedings 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 complete the same; and to fix their salaries and wages, to draw orders on the treasurer for all money that may be required, the same to be signed by the president and countersigned by the clerk or treasurer of the board; and to do and transact all matters or things which the by-laws of said company authorize and require.

Five directors to be a quorum.

Duties of directors.

Sec. 8. *And be it enacted*, That the said president and directors shall and may fix upon and determine the place at which the said bridge shall be located at the village of Lumberville; on the river Delaware; after which, the said president and directors shall and may agree with any owners of the lands necessary for the erection of said bridge, for the purchase of so much thereof as shall be necessary for erecting such bridge and perfecting the same; if they cannot agree with the said owner or owners of such lands, then it shall be lawful for the said company to apply to one of the justices of the Supreme Court of this state, not being a stockholder or inter-

Location of bridge.

Proceedings when company and owners of land cannot agree.

ested in the said bridge; 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 of said state, faithfully and impartially to perform the duties enjoined upon them herein, shall proceed to view and examine said ground and premises, and the lands and property so needed by said company for the purposes aforesaid, 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 of such lands, or other property, so necessary to be taken as aforesaid, and shall fix and determine the value thereof, and report what sum shall be paid by such company therefor; 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 be accompanied with a map describing the metes and bounds of said land, and a minute description of the property so taken and valued; which report and map shall be filed in the clerk's office of the Supreme Court of this state; and if confirmed by the said Supreme Court, shall be and remain of record and conclusive upon the said parties respectively, their heirs, successors and assigns forever; and the said company having paid the said sum or sums of money so awarded by the said report, together with the fees of said commissioners, at the rate of two dollars each for every day employed in the said business, and their necessary expenses, shall be entitled to have and to hold to them and their successors and assigns forever, the said lands, tenements, and estate, 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 corporation to enter upon said lands and real estate, and use, occupy, possess and enjoy the same, as fully and entirely as may be necessary for the erection and completion of their said bridge, and all the appurtenances thereto properly belonging.

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, agents, artists and workmen, to enter upon all lands and enclosures, near to the place where 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 said bridge; and it shall and may be lawful for the said company, their superintendents, agents, or any other person in their employ, to enter on said ground with wagons, carts, sleds or sleighs, or beasts of burden, or draught of any kind whatsoever, first giving notice to the owner or owners of said land, so to be entered upon, doing as little damage as possible, and repairing any breaches of fences they may make, and first making amends for any damages that

Mode of appraising damages.

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 the said company, their superintendents, engineers, or artists, shall, after due notice, neglect or refuse to join in the choice, then the said freeholders shall be appointed, upon the application of either party, by some justice of the peace, of the county of Hunterdon, not interested, in any manner, in the said premises, or related to the parties, and such freeholders so appointed, shall make appraisement, as aforesaid, and make report thereof in writing, to each party, and the said company, by themselves or agents, after payment or tender of the said sum, so reported or appraised, shall and may enter upon, dig, take, and carry away from said premises, any stone, gravel, sand, or earth, most conveniently situated for making and perfecting said bridge, and for necessary repairs to the same.

Sec. 10. *And be it enacted*, That the said company shall keep fair and just accounts of all money received by them from the said commissioners, and stockholders, and of the amount of all profits derived to said company from the forfeiture of the stock, and also of all money by them expended in the erection of said bridge, and other appurtenances, and shall, at least once in each year, submit such accounts to a general meeting of the stockholders, until the said bridge shall be fully completed, and all the costs, charges and expenses incurred in its erection shall be fully paid and discharged, and the aggregate amount of all such expenditures shall be fully ascertained.

Annual statement of accounts to be submitted.

Sec. 11. *And be it enacted*, That when a good and complete bridge is built over the said river Delaware, at Lumberville, as aforesaid, the property of the said bridge, with all and singular, the toll houses and appurtenances thereunto belonging, or in any wise appertaining, shall be, and hereby is, fully and absolutely vested in the said company, and their successors and assigns, forever; and the said company may have, demand, take and receive, and if need be, sue for and recover, from travellers and others, passing over and upon said bridge, the rates of toll here inserted.

Property of bridge vested in company.

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

Rates of tolls.

For the same kind of 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 fifty 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 and a fourth 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 one cent.

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

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

Proviso.

Provided, that 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

Proviso.

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 construct 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.

Penalty for injuring bridge.

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 of competent jurisdiction.

Penalty for exacting unlawful tolls.

Sec. 13. And be it enacted, That if the said company, their successors or assigns, or any person or persons who shall have at any time the possession, ownership, or management of the said bridge, shall demand or collect any greater rates or prices, for toll, for passing over said bridge, than those which are hereinbefore fixed and specified, or shall neglect at any time 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 township of Kingwood, in the county of Hunterdon, one third thereof for the use of the poor of the county of Bucks, in the state of Pennsylvania, and one third thereof, to the person who shall sue for the same; *provided*, that no suit or action shall be

brought, unless within thirty days after such offence or offences shall be committed.

Sec. 14. *And be it enacted*, That the said corporation 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 sustain thereby; 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 manner 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.

Compensation to owners of ferries or fisheries injured.

Sec. 15. *And be it enacted*, That the said company shall also keep a just and true account of all, and every, the money received by their 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 rebuilding and repairing the said bridge; and shall on the first Monday in May and November in each and every year, publish the dividend to be made of the said clear profits thereof, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly.

Dividends to be made.

Sec. 16. *And be it enacted*, That nothing in this act contained, shall be so construed, as to authorize the said corporation, to exercise any banking privileges, or to issue any notes in the form of bank notes, or to do any other act or thing than to erect a bridge over the river Delaware, with suitable toll houses at the place designated in this act.

Exclusive privileges.

Sec. 17. *And be it enacted*, That the Legislature of this state, may for proper cause, at any time hereafter, alter, modify, amend or repeal this charter.

Act may be altered or repealed.

Passed, February 12, 1836.

AN ACT to incorporate the Medford Rail Road and Transportation Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Edward Hilyard, Edward Thomas, Benjamin Shreve, jr., Samuel B. Finch, Jesse Richards, Nicholas Sooy, and David Cole, and such other persons as may hereafter be associated for the purpose, shall be, and hereby are made, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Medford Rail Road and Transportation Company," and by that name they, their successors and assigns shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient to the objects of this incorporation.

Style of incorporation.

Powers.

Amount of capital stock.

Proviso.

Sec. 2. *And be it enacted,* That the capital stock of said company shall be seventy-five thousand dollars, with liberty for the company to increase the same to one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property and transferable in such manner as the said corporation shall by their by-laws direct; *Provided always* that no part of the said capital stock of the said company shall be employed for banking or other purposes incompatible with the objects for which this act is passed.

Books of subscription for stock to be opened.

Time and mode of election of first directors.

Sec. 3. *And be it enacted,* That the above named persons, or a majority of them, may open books to receive subscriptions to the capital stock of said company, at such time or times and place or places as they or a majority of them may think proper; and after one-half or more of the stock shall be subscribed, and five dollars paid on each share, shall give notice for a meeting of the stockholders to choose nine directors, which election shall be made at the time and place appointed, by such stockholders as shall attend for that purpose, in person or by lawful proxy, each share shall entitle the holder thereof to one vote for every share not exceeding twenty, and one vote for every five shares above twenty and not exceeding one hundred, and one vote for every twenty

shares above one hundred; and the above named persons, or a majority of them, shall appoint three stockholders to be inspectors of the said election, who shall certify under their hands the names of the persons duly elected, and deliver over the subscription books to the said directors; and the directors chosen at such meeting, or at the annual elections, shall as soon as may be after every election, choose out of their own number a president, and in case of the death, resignation or removal of the president or any director, the vacancy or vacancies may be supplied by the board of directors, or a majority of them, and in case of the absence of the president, they or a majority of them may appoint a president pro tempore.

President to be chosen.

Sec. 4. *And be it enacted*, That an annual election for directors shall be held at such time and place in the county of Burlington as may be fixed by the by-laws of the company or the board of directors for the time being, who shall advertise the same for twenty days in some newspaper published in said county, at which the stockholders shall vote in the same manner as at the first election; *Provided always* that in case no election shall be made at the time fixed, the said corporation shall not for that cause be dissolved, but such election may be held at any other time, upon giving the proper notice; and the directors for the time being shall continue in office until new ones shall be chosen in their place.

Time and mode of annual election of directors.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 5. *And be it enacted*, That five directors of said corporation shall be a quorum competent to transact all business of the same, with power to call in the capital stock of the same at such times and by such instalments as they may think proper, first giving notice of the time and place where and when such instalment is required to be paid, by publishing the same in one or more of the public newspapers printed in the county of Burlington, at least thirty days previous, which instalments required to be paid shall not exceed the sum of five dollars at any one time; and in case of the non-payment of any such instalments to forfeit the share or shares upon which such default shall arise, if not paid within twenty days thereafter; and to make such by-laws, rules and regulations, not inconsistent with the constitution and laws of the United States or of this state, as to them shall appear needful and proper, touching the management and regulation of the stock, property and estate of the said corporation; and also, to have power to appoint a secretary and such other officers and agents as to them may seem meet; to fix the salaries and compensation of their president and other officers and agents, and to require from them proper securities for the performance of their several duties and trusts.

Powers and duties of directors.

Stock forfeited on failure to pay instalments.

Location of
rail road.

Sec. 6. *And be it enacted*, That the president and directors of the company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient, to survey, lay out and construct a rail road in the county of Burlington, not exceeding sixty-six feet in width, with as many sets of tracks and turn outs as they may deem necessary; to begin at such convenient point or place at the tide waters of the Rancocus creek, in or near Lumberton, in said county, and within half a mile of the bridge in Lumberton, over said creek, to be fixed upon by the president and directors; thence through Medford along the main street, if in the opinion of the president and directors it can be constructed there without materially interrupting the common travel, or increasing the cost of constructing the road, or lessening its general usefulness, but if in their opinion it cannot, then to be located as near the said main street as the ground and other circumstances will admit of, but in no case to be located more than one and an half miles from said main street; thence to or near Atsion Furnace, thence to or near Batsto Furnace, thence to a suitable point or place on the Mullica's river, between the forks thereof below Batsto and what is called the upper Bank, as may be fixed on by the president and directors; and it shall be lawful for the said company to make a branch rail road to some other point or place on the said Rancocus creek, on either side, for a landing place, within one mile of the aforesaid bridge, which said branch shall intersect the main line within half a mile of said bridge; and in order to give all the owners of landings on both sides of the said creek, within one mile of the said bridge, as nearly equal advantages of the main line of the said road, it shall be lawful for any person or persons owning landings, or the representatives of the owners, to construct branch rail roads to their said landings, and to charge toll thereon in the same manner and at the same rates as this corporation is authorized to charge; and for the purpose of constructing said branches he or they are invested with the same privileges and subject to the same liabilities, and reservations, as this corporation are entitled and subject to; and it is further provided, that if the main line of the said rail road, or any branch thereof authorized by this act, shall be located, over or across the said creek, the said corporation or the owner or owners of any of the aforesaid landings, are hereby authorized and empowered to build a bridge over the same, suitable for rail road carriages to pass over thereon; but if it is built more than thirty yards below the present bridge, they shall put a draw in it, at least twenty feet wide in the clear, and place it over the best channel of the creek in a line with the course of the stream, and in such position as to do the least injury

Branches may
be constructed.

to the navigation thereof, which said bridge shall be built, kept up and maintained at the expense of the said company; and the owners of the landings on the Mullicas river, between the forks thereof below Batsto aforesaid and the said upper bank, shall have the like powers and authority to construct branch rail roads from their landings, and connect them with the main line of said road within one mile of the said river, and to charge toll thereon in the same manner and at the same rates, and be invested with the same privileges, and subject to the same liabilities and reservations as the owners of the landings at Lumberton aforesaid are entitled and subject to; and it shall be lawful for the owner or owners of land through which the said main line of the rail road may pass, to construct branch or spur rail roads on their own lands, and connect them with the said main line; and it shall be lawful for the said president and directors, their agents, engineers, and others in their employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, levelling, or laying out said road and of locating the same, and to do and erect all necessary works, buildings and appendages thereof (doing no unnecessary injury to private or other property); and when the route shall have been determined on and a survey thereof filed in the clerk's office of the county of Burlington, then it shall be lawful for the said company, by its officers, agents, engineers, contractors, workmen, and others in their employ, to enter upon and take possession, hold, have, use, occupy, and excavate such lands, and to erect and lay rails, embankments, bridges, and all other works and things which shall be necessary or proper for the completion or repair of said road, subject to such compensation as is hereinafter provided: *Provided always*, that payment or tender of the payment of all damages for the occupancy of lands through which the said road may be laid out, be made before the said company or any person under their direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of the land be first obtained.

Owners of
land authori-
sed to con-
struct branches

Survey of
route to be fi-
led in clerk's
office of Bur-
lington.

Proviso.

Sec. 7. *And be it enacted*, That when a particular description of the land required for the use of the said company in the construction of said road shall be given in writing under the oath or affirmation of some engineer, or proper agent of said company, and also the name or names of the occupant or occupants and of the owner or owners, and their residence, if the same can be ascertained, then if the owners of the land on which said rail road shall be made, shall not be willing to give the same for such purpose, and the said com-

Proceedings
when the
company and
owners of land
cannot agree.

pany and owner cannot agree as to the price of the same, it shall be the duty of any judge of the inferior court of common pleas of the said county of Burlington who is disinterested in the premises, upon the application of either party, and after giving ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, residents of said county, to assess the price or value of said land, who shall be sworn or affirmed before said judge faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet and view the premises, and hear the parties and evidence if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of said land, and the quantity taken, by whom owned, and how situate, bounded and described, in writing under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all the papers relating thereto, in the clerk's office of said county, there to be kept as a public record, and copies taken by either party if required; and if either party shall feel aggrieved by the decision of the said commissioners, the said 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 full right and power to hear and adjudge the same, and if required, they shall order a jury to be struck and a view of the premises had and the said issue to be tried 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 said company, and they shall find a greater sum than the said commissioners, then judgment shall be given with costs against the said company, and execution issue if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same, or a less sum than the commissioners awarded, then the costs shall be deducted out of the said sum so awarded, or execution issue therefor, as the said 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; *Provided always*, that such application or petition of appeal shall not prevent the company from taking the land upon filing the aforesaid award and decision, or invalidate the rights given by this act upon so doing.

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 legal disability which would prevent their agreement with said company, then it shall be the duty of said corporation to pay the amount of any award or report so made, in behalf of any such person, into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of said owner or owners, all of which said proceedings, as well under this as the preceding section of this act, shall be at the proper costs and charges of said corporation.

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

Sec. 9. *And be it enacted*, That the president and directors of the said company shall have power to construct or purchase and place upon their said road, wagons, carriages, or vehicles, steam engines and carriages propelled by steam excepted, for the transportation of passengers or any species of property thereon, as they may think proper, provided they shall not charge more than at the rate of six cents per mile per ton for the transportation of property, or six cents per mile for carrying each passenger on said road in the carriages of the said company; or three cents per mile per each ton of property, or three cents per mile for each passenger carried on said rail road in the carriages of others; and three cents per mile for each empty carriage. And that the said rail road and appendages, and the land over which the same shall pass, and all the works, improvements, 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 for passage or transportation.

Sec. 10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages over, across, or under the said road where any public or other road shall cross the same, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over, under, or across said rail road so that he may easily pass the same.

Other roads not to be obstructed.

Sec. 11. *And be it enacted*, That the road authorized by this act shall be, and is hereby declared a public highway, and free for the passage of any 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 regulated as to the times of starting

Rail road a public highway.

and rates of travelling by the company in the same manner as the carriages of the company are.

What real estate may be held. Sec. 12. *And be it enacted,* That the said company may have and hold real estate at the commencement and termination of said road, not exceeding two acres at each place, and may erect and build thereon, houses, warehouses, shops, and 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, issues, and profits thereof.

Penalty for injuring road or works. Sec. 13. *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, or of any of their necessary works, bridges, carriages, or machines, such person or persons shall forfeit and pay to the said company, the sum of fifty dollars to be by them recovered in any court of competent jurisdiction in an action of debt, and further shall be liable for all damages, or may be proceeded against by indictment, and on conviction thereof, may be sentenced to imprisonment for any term not exceeding twelve months.

Dividends to be made semi-annually. Sec. 14. *And be it enacted,* That the president and directors shall, within one year after ten miles of the said rail road shall be completed, so as to be fit for use, declare and make such dividend as they may deem prudent and proper of the net profits thereof, if any, and shall in like manner semi-annually thereafter, declare such dividends and pay the same to the stockholders in proportion to the amount of stock held by them respectively.

Cost of road to be filed with secretary of state. Sec. 15. *And be it enacted,* That when the said 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 cost of said road, including all expenses, in the office of the Secretary of State; and annually thereafter, the president and treasurer of said company shall, under oath or affirmation, make a statement to the legislature of this state, of the expenses of all additions and alterations in the structure of their road, and of the proceeds of the same, and after the net income of said road shall amount to six per centum upon its costs, and and as soon as it shall do so, the said corporation shall pay to the treasurer of the state a tax of one-half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January in each year; *Provided* that no other tax or impost except for township and county purposes shall be levied or assessed upon the said company.

Annual statement to the legislature.

May be taxed.

Sec. 16. *And be it enacted,* That at any time after the ex

piration of fifty years from the completion of the said road, When state the legislature of this state may take the same for the state, may take the paying therefor its value not exceeding the original costs of the road.

Sec. 17. *And be it enacted*, That if ten miles of the said road shall not be made fit for use in six years from the passage of this act, and the whole distance not completed in ten years; then the right of the company to that part which shall then be unfinished, shall wholly cease and be void, and the land of that part of the road unfinished, shall revert in the original owners, their heirs and assigns; *Provided*, that nothing herein shall prevent the said corporation from the use and enjoyment of such part of the said road as is finished within the said ten years. Time limited for completion of road.

Sec. 18. *And be it enacted*, That it shall be lawful for the legislature at any time hereafter, to alter, modify, or amend this charter whenever in their opinion the public good shall require it. Act may be altered or repealed.

Passed, February 12, 1836.

AN ACT to authorize John G. Bartholf, guardian of the heirs of Isaac Herbert, deceased; Annaniah Gifford, guardian of Hannah Herbert, infant daughter of Jacob Herbert, deceased, and Lydia Hays, administratrix of Jonathan Hays, deceased, to sell and convey certain real estate, in the county of Monmouth.

WHEREAS it appearing to the legislature that James P. Alaire is desirous of making a short canal to the Howell Works, in the township of Howell, in the county of Mon- Preamble.

mouth, for the purpose of increasing the water power at said works, through his own lands, with the exception of the tracts belonging to the heirs of Isaac Herbert, deceased, and Hannah Herbert, infant daughter of Jacob Herbert, deceased, and the lands of Jonathan Hays, deceased; *And whereas* it appears that only about sixty-six feet in width, for the purposes of said canal, are necessary across said lands, and that John G. Bartholf, guardian of the said heirs of Isaac Herbert, deceased, Annaniah Gifford, guardian of Hannah Herbert, infant daughter of Jacob Herbert, deceased, and Lydia Hays, administratrix of Jonathan Hays, deceased, have, by their petition, requested that they be respectively authorized to sell so much of the tracts aforesaid, to the said James P. Allaire, as will enable him to make said canal, not exceeding sixty-six feet in width, across said tracts, they, by their petition, representing such sale to be for the benefit of their respective wards and estates, and it appearing to be reasonable and just—
Therefore,

Guardians authorized to sell certain lands to J. P. Allaire.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said John G. Bartholf, guardian, as aforesaid, Annaniah Gifford, guardian, as aforesaid, and Lydia Hays, administratrix, as aforesaid, be, and they are hereby respectively authorized to sell to the said James P. Allaire, so much of the respective lands, before referred to, not exceeding sixty-six feet in width, across said lands, for the purpose aforesaid, and to make, respectively, good and sufficient deeds therefor, and which deeds shall have the same force and effect, as if made and executed by the said Isaac Herbert, Jacob Herbert, and Jonathan Hays, respectively, in their life time.

Distribution of proceeds of sale.

Sec. 2. *And be it enacted,* That the consideration moneys respectively received by the said guardians and administratrix, shall be assets in their respective hands for the sole use and benefit of the respective persons who may be entitled to the same, as if the same had been continued vested in the said lands so sold, and that the said guardians and administratrix, respectively, account for the proceeds of said sales, respectively, to the orphans' court of the said county of Monmouth; and the said guardians and administratrix, respectively, shall give such security by bond to the governor of this state for the performance of their duties under this act, as shall be required by the orphans' court of the county of Monmouth.

Trustees to give bond to the governor and account to orphans' court.

Passed, February 12, 1836.

A SUPPLEMENT to an Act entitled "An Act incorporating the inhabitants of townships, designating their power and regulating their meetings," passed the twenty-first of February, one thousand seven 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 the town clerk, in addition to the duties prescribed by the act to which this is a supplement, shall, within twenty days after every election for the surveyors of the highways, transmit to the clerk of the court of common pleas of the county, to be by him filed, the oath or affirmation of such surveyor or surveyors, as may have been presented to him within the time prescribed by law, a copy of which oath or affirmation shall be first filed by the said town clerk, and remain of record in his office.

Oath of surveyors of highways to be filed in clerk's office.

Sec. 2. *And be it enacted,* That so much of the twentieth section of the said act as requires the clerk of the township to file the original oath or affirmation of a surveyor of the highways be, and the same is hereby repealed.

Part of former act repealed.

Passed, February 12, 1836.

AN ACT to divorce Nicholas D. Van Buskirk from his wife, Nancy Van Buskirk.

BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Nicholas D. Van Buskirk, of the county of Essex, be, and he is hereby divorced from his wife Nancy Van Buskirk; and that the marriage contract heretofore existing between them be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony.

N. D. Van Buskirk and Nancy Van Buskirk divorced.

Passed, February 12, 1836.

AN ACT to authorize trustees, therein named, to sell certain real estate whereof Meribah Fowler, late of the county of Burlington, died seized.

Preamble.

WHEREAS Meribah Fowler, late of the township of Chesterfield, county of Burlington, and state of New Jersey, departed this life on or about the ninth day of December last past, intestate, leaving the following heirs at law, her surviving, to wit: Abraham T. Ellis, Charles R. Ellis, John B. Ellis, and Amos Ellis, children of John Ellis, deceased, who was son to Elizabeth Ellis, deceased, who was a sister, of the whole blood, of the said intestate, the said Charles R., John B., and Amos, being minors, under the guardianship of their mother, Elizabeth T. Harris; also, Meribah Ellis, Barzillai Ellis, David Ellis, Elizabeth Gibbs, wife of Joseph N. Gibbs, formerly Elizabeth Ellis, and Peter Ellis, all children of the aforesaid Elizabeth Ellis, deceased; also, George W. Ridgway, Maria L. Ridgway, Elizabeth L. Ridgway, Rebecca L. Ridgway, and Charles H. Ridgway, children of Joseph Ridgway, deceased, who was the son of Mary Ridgway, deceased, who was a sister, of the whole blood, of the said intestate, which said George W., Maria L., Elizabeth L., Rebecca L., and Charles H., are minors, under the guardianship of Sansom Perott; also, Sarah Dugdale, late Sarah Ridgway, daughter of the aforesaid Mary Ridgway, deceased; also, Charles Ridgway, son of the said Mary Ridgway, deceased; also, Eliza Bishop, wife of William Bishop, late Eliza Ridgway, and daughter of the said Mary Ridgway, deceased; *And whereas* the said Meribah Fowler was, at the time of her death, seized in fee of certain lands and tenements, in and near the village of Crosswicks, in the township and county aforesaid; and the heirs of said Meribah Fowler have petitioned the legislature, setting forth, from the peculiar situation of the said real estate, and the great number of heirs of the said intestate, that it is impossible to make a fair division among them, and that the necessary repairs, and difficulty of procuring suitable tenants, render the said real estate, as at present situated, of little or no profit to any of them, the said heirs, and praying the legislature to appoint trustees to sell the said real estate, with power to make deeds of conveyance to the purchasers thereof; and the petition of the said heirs appearing reasonable and just—Therefore,

SEC. 1. 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 Ellis and Peter Ellis be, and they are hereby appointed, trustees, with full power and authority to sell and convey all the real estate, belonging to the heirs of the said Meribah Fowler, of which she was in the possession at the time of her death, for the highest sum or sums of money the same will bring, at public sale, at least thirty days notice being first given, of the day of sale, by advertising in one or more newspapers published in the county of Burlington, and by hand bills 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 Meribah Fowler, deceased, had of, in and to the said premises, with the appurtenances, at the time of her death.

Trustees authorized to sell lands of heirs of M. Fowler.

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

Bond to be given to the governor.

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

Trustees to account to orphans' court of Burlington.

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

Distribution of proceeds of sale.

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

Proceeds to descend as lands.

Passed, February 13, 1836.

A FURTHER SUPPLEMENT to "An Act to incorporate the New Jersey, Hudson and Delaware Rail Road Company," passed the eighth day of March, A. D. eighteen hundred and thirty-two.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the New Jersey, Hudson and Delaware Rail Road Company, to construct, or cause to be constructed, a lateral rail road, to commence at the Delaware river, within six miles above, or at the junction of the Paulins Kill, with said Delaware river, and to run from thence through the counties of Warren and Sussex, to the New York state line, somewhere between the Warwick and Blue Mountains, within five miles of where the Waln Kill crosses the said line, with power to build a bridge across the Delaware river, by and with the consent of the state of Pennsylvania, so as not to cause any obstruction or impediment, to the free navigation of said river; also, with power to join upon any rail road already chartered, or to be chartered, leading to the Hudson river, at or near Newburgh.

Location of
branch road.

Books of sub-
scription to be
opened.

Sec. 2. *And be it enacted,* That for the purpose of authorizing the said company to make, or cause to be made, the said lateral road, subscriptions may be raised to the amount of five hundred thousand dollars, and the privilege of increasing it to eight hundred thousand dollars, and that Samuel Fowler, John Bell, Joseph Chandler, William Hyberger, Enos Goble, Daniel Haines, Samuel Price, John I. Blair, and Joseph E. Edsall, be, and they are hereby appointed commissioners to open books for subscription to such stock, whose duty it shall be to open books for receiving subscriptions for such stock, and proceed therein in the same manner prescribed by the act to which this is a supplement, for receiving subscriptions to the stock for the main road; and the said commissioners shall cause certificates to be issued to the subscribers for such stock.

Election of
first directors.

Sec. 3. *And be it enacted,* That when the said stock shall have been subscribed, the commissioners shall proceed to give notice of a meeting of the holders of said stock, to choose eleven directors in the same manner as is prescribed in the act to which this is a supplement, and they shall be authorized to construct the said lateral road of the same width and dimensions as the road authorized in the original act; and the said directors, and the stockholders aforesaid, shall have respectively, the same rights, powers, and privileges given and granted by the said act, to the directors and stockholders of the said New

Jersey, Hudson and Delaware Rail Road Company, and be subject to all the restrictions, limitations, taxes, conditions, and provisions in the said act contained, in the same manner, and to the same extent and effect, as if the same were herein again repeated, and be entitled to raise and take the same rates of toll for transportation and travelling on said lateral road, hereby authorized to be erected, as are specified and allowed by the said original act, to be raised and taken on the road in said act mentioned.

Powers and privileges of directors and stockholders.

Sec. 4. *And be it enacted*, That the said capital stock of the said lateral road, so subscribed for as aforesaid, and the dividends and profits thereof, shall be held and enjoyed separate, apart, and distinct from the stock of the main road, and not be subject to any contracts or liabilities for the same; *provided*, that in the event of there being any other land or lands taken or used by authority of this act, over and above the land necessary for this rail road which shall not exceed two acres in any one township through which said road shall run, then, in that case, it shall be liable to the same taxation that other lands are liable to, in the counties where said land shall be used or taken; *Provided also*, that if any part of said lateral road, authorized to be constructed by virtue of this supplement, should be abandoned, or not made within the time limited by the act to which this is a supplement, then, in that case, this supplement shall be null and void.

Stock held separate from main road.

Proviso.

Proviso.

Sec. 5. *And be it enacted*, That the Legislature may alter, amend, and modify this further supplement whenever in their opinion the public good shall require.

Act may be altered or repealed.

Passed, February 13, 1836.

AN ACT to authorize John T. Hutchinson, and Runey R. Forman, to sell certain real estate, in the county of Monmouth.

Preamble.

WHEREAS John Vaughan, late of the township of Upper Freehold, of the county of Monmouth, deceased, in and by his testament and last will, devised certain real estate there situate, of about one hundred and seventy acres, to be equally enjoyed by his two daughters, Rebecca Ward and Elizabeth Downes, and to the descendants of Rebecca, except her son John, in the event of the death of Elizabeth Downes without issue: *And whereas* it hath been represented to the Legislature, that the said Rebecca Ward hath departed this life, leaving descendants her surviving; and that the said Elizabeth Downes hath attained an advanced age without having issue; and that the interest of the parties would be greatly promoted by a sale of the said premises; and the parties interested therein, having, by petition, prayed for legislative aid in the premises, and the prayer of the said petitioners appearing to be reasonable—therefore,

J. T. Hutchinson and R. R. Forman authorised 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 the said John T. Hutchinson and Runey R. Forman, be, and they are hereby empowered to make sale of all and singular the said real estate whereof the said John Vaughan died seized, for the best price that can be obtained for the same at public vendue, first giving notice thereof as executors and administrators are required by law to do, and which, by his last will and testament, were devised "to be equally enjoyed by his said two daughters, Rebecca Ward and Elizabeth Downes, and to the descendants of Rebecca, except her son John, in the event of the death of the said Elizabeth Downes without issue:" and to execute and deliver good, legal, and sufficient deed or deeds, in their names, 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, interest and estate whatsoever, of the said devisees and their descendants, in and to the same.

Investment and distribution of proceeds.

Sec. 2. *And be it enacted*, That the said John T. Hutchinson and Runey R. Forman, shall invest the nett proceeds of the sale of the said real estate in some safe securities, drawing interest for the use of the parties, under the direction of the Orphans' Court of the county of Monmouth, until the decease of the said Elizabeth Downes, and until William Ward, one of the

descendants of the said Rebecca Ward, shall be of full age, if he shall so long live: *Provided*, that the one moiety of the said proceeds shall be secured by bond and mortgage upon the said premises, conditioned for the payment of the interest thereof, annually, unto the order of the said Elizabeth Downes, for and during her natural life; and, at her decease, without issue, the principal to be paid to the descendants of the said Rebecca Ward, except the said John Ward; and in accordance with the provisions of the said Rebecca Ward, except the said John Ward; and in accordance with the provisions of the said last will and testament of the said John Vaughan; *Provided also*, that this act shall not be construed to the prejudice of the just and lawful claims of other persons not named and embraced herein.

Proviso.

Passed, February 15, 1836.

AN ACT to revive the Act entitled "An Act to Incorporate the Passaic Turnpike Company," passed February second, eighteen hundred and thirty-three.

WHEREAS it appears that the act incorporating the Passaic Turnpike Company has expired by its own limitation, and it is represented that the construction of said turnpike can now be effected, and that it would afford great convenience to the inhabitants of that part of the state, as well as to travellers in general—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 act passed on the second day of February, one thousand eight hundred and thirty-three, entitled "An act to Incorporate the Passaic Turnpike Company," be, and the same is hereby revived, and made of the same force and effect, as if the said company had commenced their operations within the time limited in the ninth section of their charter.

Former act revived.

Commission-
ers to receive
subscriptions
for stock.

Sec. 2. *And be it enacted*, That John B. Roe, Andrew Parsons, Evert H. Van Ness, Peter G. Speer, John Colt, Peregrine Sandford and Elias B. D. Ogden, be the commissioners in the place of those named in the first section of said act of incorporation.

Limitation
for comple-
tion of road.

Sec. 3. *And be it enacted*, That the said company shall commence the said road within three years from the date of this act, and finish the same within five years, according to the true intent and meaning of the act of incorporation; and that such parts of the original act as come within the purview of this act, and interfere with the same, be, and the same are hereby repealed.

Passed, February 15, 1836.

AN ACT to incorporate the Belleville Rail Road and Transportation Company.

Style of incor-
poration.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That James S. Morris, William Stephens, John C. Lloyd, Jacob K. Mead, Richard R. Lansing, John Kennedy, Ralph Pomeroy, Smith W. Anderson, David Marvin, Elihu Townsend, and John Rutherford, jun., and their associates, shall be, and are hereby constituted a body politic and corporate, by the name of "The Belleville Rail Road and Transportation Company;" and by that name they and their successors shall be known in law, and have power to sue and be sued, and to defend and be defended, in all courts, whether in law or equity; and by that name shall be capable of purchasing, or of otherwise receiving and becoming possessed of, and holding or conveying any real or personal estate; shall have perpetual succession, and may also have a common seal, and alter or renew the same at pleasure; and shall have, en-

Powers

joy, and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act.

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

Amount of capital.

Sec. 3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in two of the newspapers printed in the town of Newark and city of New York; and that the said books shall be kept open at least two days, and as much longer as the said persons, or a majority of them, shall think proper; and if more subscriptions be taken than the amount of the capital stock, it shall be in the power of the said persons, or a majority of them, to apportion the stock to the subscribers, as they may deem expedient and conducive to the object of the incorporation.

Books of subscription to be opened.

Sec. 4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid to the above named persons, or some one of them, upon each share subscribed for; which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and when the said capital stock shall be subscribed for, and the books closed, and the apportionment made, if the same become necessary, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose seven directors; and such election shall be made by ballot, at the said time and place, by such stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation; and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter, upon like notice being given by the directors, for the time being, the stockholders shall, in the same manner, elect the same number of directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons named

Time and mode of electing directors.

President to
be chosen.

Vacancies sup-
plied.

Corporation
not dissolved
on failure to
elect on day
prescribed

Stock forfeited
on failure to
pay instalment

Location

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

Sec. 5. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but such election may be held at any other time on notice as aforesaid; and the directors, for the time being, shall continue to hold their office until new ones shall have been chosen in their places.

Sec. 6. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of said corporation; and they shall have power to call in the remainder of the capital stock of said company by such instalments, not exceeding five dollars on each share, at any one time, and at such times as they may direct, giving at least thirty days notice in two newspapers printed in the town of Newark and city of New York; 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 shall, also, have power to appoint a secretary, treasurer, engineer, agents, superintendents, and such servants, as may be required to transact the business of the corporation, with such compensation to them, and the president, as to the board shall seem proper; and that they shall exact from the treasurer sufficient security for the due performance of his trust; *Provided* said by-laws be in no respect repugnant to the laws of this state or of the United States.

Sec. 7. *And be it enacted*, That the president and directors 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 Belleville, and

from thence, joining the road of the New Jersey Rail Road and Transportation Company, at any suitable place or places, between the Passaic and Hackensack rivers, not exceeding sixty-six feet wide, with as many sets of tracks and rails as they may deem necessary; crossing the Passaic river upon, or adjoining the present Belleville bridge belonging to the Belleville Bridge Company, with their consent; but if such consent cannot be obtained, then at some point, not exceeding one hundred feet, either north or south of said bridge, with a draw in a line and corresponding with the present one, and of equal or greater width, and not less than twenty-eight feet; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, and others in their employ, to enter, at all times, upon all lands and waters, for the purpose of exploring, surveying, levelling, and laying out the route or routes of such 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, and the location of such road or lateral roads, shall have been determined upon, and a survey of such route or routes, or location, deposited in the office of the secretary of state, then it shall be lawful for 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 and necessary for the completion or repair of the said road or roads, and to carry into full effect the object of this incorporation; and may, also, take and use any stone, gravel, sand, clay, or other earth, on or near the said route, which may be required for the construction of, repairing, altering, or extending the said road or roads, or any of the works or appendages, subject to such compensation to be made therefor, as is hereinafter provided, and repairing any breaches they may make in enclosures; *Provided always*, that the payment, or the tender of 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; *And provided also*, that it shall be lawful for any person or persons, owning any landing or manufactory, to which said rail road shall not be laid by this com-

Purposes for
which compa-
ny may enter
on lands, &c.

Proviso.

Proviso.

pany, to erect and build a branch rail road to intersect said rail road, at such point or points, within two miles of the main line of said rail road; and to charge tolls thereon in the same manner, and at the same rates, as this corporation is authorized to charge; and for the purpose of constructing said branch rail road, he or they shall be invested with the same privileges, and be subject to the same liabilities and reservations, as this corporation are entitled and subject to; *And provided also*, that the said road shall not be located, so as to interfere with, or prevent the travelling on, the Belleville turnpike road.

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

Sec. 8. *And be it enacted*, That when said company, or its agents, cannot agree with the owner or owners of any such required lands, or materials, for the use or purchase thereof; or in case any such owner or owners thereof, shall be feme covert, or under age, non compos mentis, or reside out of the state, then it shall and may be lawful to and for the said directors, to apply to any justice of the supreme court of this state, who, upon such application, is hereby authorized and empowered, enjoined and requested, to frame and issue one or more writ or writs, as occasion shall require, in the nature of a writ ad quod damnum, to be directed to the sheriff of the county in which such lands and tenements, shall be, commanding him, that by the oaths or affirmations of twelve good and lawful men, of his bailiwick, who shall be indifferent to the parties; he shall enquire whether the person or persons owning any lands, tenements, or hereditaments, necessary to be used by the said directors, or which may be injured, in establishing such rail road or roads, which person or persons shall be named, if known, and which lands and tenements shall be described in such writ or writs, will suffer and sustain any, and what damages by reason or means of taking such lands, tenements, or other real hereditaments, gravel or materials, necessary or expedient for the use of such rail road or roads, or the repair thereof, or the works thereto belonging; and to return the said writ, together with the finding of such jury, to the next supreme court of this state, after the finding thereof, on or before the first day of said term; and upon such writ being delivered to the sheriff, he shall give at least twenty days notice, in writing, to all and every owner or owners of the land and tenements in the said writ described, or to so many of them as can be found, or to the agent or agents of such owners, if known, and if not known, such notice to be published in some newspaper, printed in the county in which such lands lie, for the same length of time before executing said writ, of the time of executing the same; and he shall cause to come upon the premises,

at the time appointed, twelve good and lawful men of his bailiwick, not residing in any township through which said rail road runs, who shall be selected in such manner, and upon like notice to the parties, as such struck juries usually are, to whom he shall administer an oath or affirmation, that they will diligently enquire concerning the matter and things in the said writ specified, and a true inquisition make, according to the best of their skill and judgment, without favor or partiality; and thereupon, the said sheriff and inquest shall proceed to view all and every lands and tenements, in such writ specified; and having considered the quantity of lands, materials, or other matters and things necessary or requisite to be vested in the said company, for the purposes aforesaid; they shall cause the same to be minutely and accurately described, by metes and bounds, or other particular descriptions; and shall value or appraise the value of the land, and the injury or damages, if any, which the owner or owners of said lands, tenements, or improvements, or materials, will, according to their best judgment and skill, sustain and suffer by means of so much of the said lands and tenements being vested in the said company, or by means of such improvements being destroyed or rendered useless, or of less value, defining and ascertaining, as well as all such lands, tenements, and privileges, so to be vested in said company, as the several sums at which the said injuries and damages shall be so assessed; and in making such valuation and appraisement, it shall be the duty of the jury or juries, to allow compensation for the lands, tenements and hereditaments to be taken for the use aforesaid, at the fair value they would have come to before the location of the said road or roads; and a full value for all gravel, and other materials that may be used by the said company, for the purposes aforesaid; and the said sheriff and jury shall make an inquisition, under their hands and seals, distinctly and plainly setting forth all the matters and things aforesaid; and the sheriff shall return the same, together with the said writ, to the office of the clerk of the supreme court, according to the command of the court; and the justices of the said court shall examine the same, at the term to which it is returned; and if the said writ shall appear to have been duly executed, and the return thereof sufficiently certain to ascertain the lands and tenements, rights and privileges intended to be vested in said company, paying the said inquisition assessed, or bringing the same into the said court, over and besides the costs of such writ, and executing and returning the same to be taxed by the justice who issued it, shall be entitled to have and to hold, to them and their successors and assigns forever, all and every the lands,

tenements, rights, and privileges in the said inquisition described, as fully and effectually, as if the same had been granted to them by the respective owners thereof; and if any return so to be made, shall not be sufficiently certain for the purposes aforesaid, the said court shall award an inquisition de novo; and upon payment, or bringing into court, all such moneys as by such judgment shall be required to be paid or brought into court; all such lands, tenements, rights and privileges, shall be fully and absolutely vested in the said corporation, who shall become seized, and possessed thereof, as the then late owner or owners was or were seized or possessed thereof.

Other roads
not to be ob-
structed.

Sec. 9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages, over and under the said 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 prevented thereby; and also, where the said road shall intersect any farms or lands of any individual, to provide, and keep in repair, suitable wagon-ways over or under said rail road, so that they may conveniently pass the same.

Rates for pas-
sage and trans-
portation.

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, and vehicles for the transportation of persons, or any species of property thereon, that they may think reasonable, expedient or right; *Provided*, they shall not charge more than at the rate of six cents per mile per ton, for the transportation of property on the said road or roads; six cents per mile for carrying each passenger on said rail ways, in carriages of the company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said rail ways, in carriages of other, and three cents per mile for each empty carriage; and that the said company are hereby authorized to demand and receive money for toll, and the transportation of persons, and every species of property at the aforesaid, or such less rates as they, from time to time, shall think reasonable and proper; and that the 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 incorporated by this act, and their successors and assigns, during the continuance of this act.

Sec. 11. *And be it enacted*, That the president and direc-

ters of the said company, as soon as the affairs of the company will allow, shall declare and make such dividend, as they may deem prudent and proper, of the net profits thereof; and shall in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them, respectively, as they may deem prudent and proper; and in case they fail so to do, they shall assign their reasons, in writing, to the stockholders for such failure.

Dividends to be made and semi-annually.

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, any sum not exceeding one hundred dollars, at the discretion of the court or jury, to be by them recovered in an action of debt, in any court having competent jurisdiction; and also, shall be liable to pay to said company, double the amount of damages sustained thereby, to be sued for in an action of trespass.

Penalty for injuring or obstructing the road.

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, warehouses, stables, machine shops, and other buildings, as they may deem expedient for the safety of property, and construction of carriages, and other necessary uses; and take and receive the rents, profits, and emoluments thereof; and shall have the privilege and authority to erect, build, and maintain on the Passaic river, such wharves, piers, bridges, and other facilities, as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act, subject to the aforesaid restrictions; and for the safety of navigators, one or more lamps shall be placed at one side of the draw of said bridge; which lamp or lamps shall be lighted every evening thereafter, as long as said bridge shall stand, before it grows dark, and continue lighted until day-light, at the expense of said company; and shall keep, or cause to be kept, at the said bridge, a careful person to open the draws for the free passage of vessels with standing masts; and for each and every neglect in opening the draws, and each and every nights neglect to light the lamp or lamps, the directors of said company shall pay the sum of ten dollars, to be recovered in an action of debt, by any person suing for the same, in addition to all damages that may arise thereon; *Provided*, that nothing herein contained shall be so construed as to give the company hereby incorporated, the right to es-

What real estate may be held.

Lamps to be lighted on draw bridge.

tablish or carry on a ferry for the carrying of passengers or freight.

Rail road a public highway.

Sec. 14. *And be it enacted*, That the road or roads authorized by this act, be, and the same are hereby declared a public highway, 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 as those used by the company, in the formation of the wheels and length of axle, and shall be so regulated as to the rates of travelling, and rates of tonnage, as not to interfere with the carriages of the company, nor injure the said road.

Limitation when road is to be finished.

Sec. 15. *And be it enacted*, That if the said rail road shall not be commenced in one year, from the fourth day of July next, and completed at the expiration of five years from the same time, that then, and in that case, this act shall be void and of no effect.

Exclusive objects of incorporation.

Sec. 16. *And be it enacted*, That no part of the capital stock or moneys of the company, incorporated by this act, shall be used or employed by said company for banking or any other purposes not plainly indicated in this bill, under the penalty of forfeiting this charter.

Cost of road to be filed with secretary of state.

Sec. 17. *And be it enacted*, That when the said 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 said company shall under oath or affirmation make a statement to the legislature of this state of the expense of all additions and alterations in the structure of their road, and of the proceeds of the same, and after the net income of said road shall amount to six per cent. on its cost, shall pay to the treasurer of this state a tax of one half of one per centum on the cost from time to time of the said rail road, to be paid annually thereafter on the first Monday of January in each year; *Provided*, that no other tax or impost except for township and county purposes, shall be levied or assessed upon said company, except the common tax now levied and assessed on other property in this state.

Tax to be paid.

When state may take the road.

Sec. 18. *And be it enacted*, That at any time after the expiration of fifty years from the completion of the said rail road, the legislature of this state may take the same for the state, paying therefor the original costs of the same.

Act may be altered or repealed.

Sec. 19. *And be it enacted*, That this act shall be and continue in force for fifty years and no longer, and that the legis-

lature may at any time hereafter alter, modify, or amend this act, whenever the public good shall require it.

Passed, February 15, 1836.

A SUPPLEMENT to the act entitled "An Act to incorporate the Salem, Delaware and Philadelphia Steam Boat Company," passed, January 19, 1836.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same,* That the first election of directors for "The Salem, Delaware and Philadelphia Steam Boat Company," shall be holden on the second Tuesday of April, next ensuing, and at such meeting the stockholders are hereby authorised to elect seven directors, instead of six, as provided for in the original act: *Provided*, that so much of the fourth section of said original act as is repugnant to, or inconsistent with this supplement, be, and the same is hereby repealed.

Time of election of directors.

Proviso.

Passed, February 15, 1836.

A FURTHER SUPPLEMENT to an Act entitled, "An Act to incorporate the Elizabeth-Town and Somerville 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*

What real estate may be held by company.

the same, That it shall be lawful for the Elizabeth Town and Somerville Rail Road Company, incorporated by an act entitled "An Act to incorporate the Elizabeth Town and Somerville Rail Road Company," passed the ninth day of February, in the year of our Lord one thousand eight hundred and thirty-one, to have and to hold real estate, at such convenient places along the line or lines as may be sufficient and necessary for the use of said company, and at the commencement and termination or terminations of the road or roads authorized to be constructed by the said act, or by the act entitled "A Supplement to an act entitled an act to incorporate the Elizabeth Town and Somerville Rail Road Company," passed the eighth day of February, in the year of our Lord one thousand eight hundred and thirty-three, as the said company may deem expedient and necessary for the uses and purposes mentioned in the thirteenth section of the said original act; *Provided*, that the real estate authorized by this act to be held by the said company, shall not exceed four acres, in any one county through which the said rail road or rail roads shall pass, shall be subject to the same taxes as other freehold estate, and that the proviso to the thirteenth section of the said original act be, and the same is hereby repealed.

Proviso.

Passed, February 16, 1836.

AN ACT for the relief of the heirs of John Tillman, deceased.

Preamble.

WHEREAS, John Tillman, late of the township of Hardwick, in the county of Warren, in the state of New Jersey, died seized of certain real estate, situate in the counties of Sussex and Warren; and by his last will and testament, bearing date the ninth day of February, in the year of our Lord, one thousand eight hundred and twenty-four, devised said real estate, as follows, to wit: the rents of said real estate to his wife Elizabeth Tillman, so long as she should remain his widow, in lieu of her dower, the incomes of which to be applied to her own use and the education and bringing up of his children not of age; but if she should marry, then the rents and produce of said real estate, to be appropriated to the use of his children.

not of age, or if they should be of age, then to be equally divided among them; and at the decease of said Elizabeth, or in case she should marry, that the said real estate, should be equally divided among his children "or their heirs"; *And whereas*, at the time of the death of the said John Tillman, there were living, his wife, the said Elizabeth Tillman; his children, Joseph Tillman, William Tillman, David Tillman, Andrew Watson Tillman, Sarah intermarried with Charles Crane, and Charlotte Tillman, and grand children, John T. Vought, son of Elizabeth Vought, deceased, a daughter of said John Tillman, and John T. Hart, and Mary M. Hart, children of Mary Hart, deceased, daughter of said John Tillman: *And whereas*, the said Elizabeth Tillman, widow of said John Tillman, William Tillman, David Tillman, Andrew Watson Tillman, Charles Crane, and Sarah his wife, John T. Hart, and Mary M. Hart and William Hart, guardian of said John T. and Mary M. Hart; John T. Vought, and Andrew Vought, jr. father of said John T. Vought, have memorialized this legislature, setting forth that said Charlotte Tillman, has since died intestate without heirs of her body; and that "the buildings and fences upon said real estate, are very much out of repair, and are daily becoming more so, and that the interest of said heirs, would be greatly promoted by an immediate sale of said real estate," but that no sale or division of said estate can be made by reason of the minority of some of the said heirs, to wit: the said Andrew Watson Tillman, John T. Vought, John T. Hart, and Mary M. Hart; and have petitioned this legislature to authorise a sale of said real estate, and to divide the proceeds thereof among the said heirs, after appropriating the interest of one third of the same, to be paid to the said Elizabeth Tillman, during her natural life or her widowhood—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 Joseph Tillman, one of the executors of the last will and testament, aforesaid, be, and he is hereby authorized and empowered to grant, sell, convey, and dispose of all the said real estate, as to him may seem most expedient and advantageous, for the best price he can obtain for the same, by public sale at Johnsonburgh, in the county of Warren; first giving previous notice of said sale, by advertisement for four weeks successively, in a newspaper printed in the county of Warren, and by handbills in five or more public places in the township of Hardwick, in the county of Warren, and township of Green, in the county of Sussex; and when sold to execute in due form of law in his own name, good and sufficient deed or deeds of conveyance for the same.

Executors authorised to sell real estate.

To give bond. Sec. 2. *And be it enacted*, That before the said Joseph Tillman shall sell the said real estate as aforesaid, he shall enter into bond to the Governor of this state, with two or more sufficient sureties, to be approved of by the surrogate of the county of Warren, in the sum of ten thousand dollars, and deposited in the office of said surrogate, conditioned for the security, distribution and payment of said purchase money, as follows, to wit: one third thereof to be secured by bond and mortgage on said land, the interest thereof to be paid to said Elizabeth Tillman, yearly, during her natural life or her widowhood, and the principal sum to be paid to said petitioners according to their proportionate shares, their heirs or assigns, from the day of the death of said widow, and the remainder to be distributed among said heirs according to the direction of said last will and testament, and that the shares which may be due to said minors, shall be secured upon real estate by bond and mortgage, to be approved by the Orphans' Court of said county of Warren, the interest thereof to be paid to the guardian of said minors annually, according to their respective shares, and the principal to be paid to said minors as they respectively arrive at the age of twenty-one years.

Distribution of proceeds.

Passed, February 15, 1836.

AN ACT to authorize George Vliet, and Elizabeth K. Vliet, his wife, of the county of Warren, to sell and convey certain lands therein mentioned.

Preamble. WHEREAS, it hath been represented to the Legislature, that William Vliet, senior, of said county, conveyed to his son, George Vliet, and Elizabeth K. his wife, and to the heirs of the said George Vliet, seventy-five acres of land, bounded by the Pagest Creek, on the West, and lands of James Fleming on the east, situate, lying and being in the township of Independence, in said county, by deed bearing date the twenty-

fifth of February, A. D. eighteen hundred and thirty-one :—
And whereas, the said William Vliet, senior, and George Vliet, and Elizabeth K., his wife, have petitioned the Legislature for a law to authorize the said George and Elizabeth, to sell and convey the said lands—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 George Vliet, and Elizabeth K. Vliet, his wife, of the county of Warren, be, and they are hereby fully authorized to sell and convey, the seventy-five acres of land, as mentioned and as described in the deed recited in the preamble of this act, and to execute to the purchaser and purchasers thereof, a deed of conveyance in fee simple for the same; which deed and deeds shall vest in the purchaser and purchasers, and his and their heirs and assigns, as good, perfect, and absolute an estate of inheritance, as was vested in the said William Vliet, senior, at the time of his deeding the same to the said George Vliet, and Elizabeth K., his wife, as aforesaid; subject nevertheless to such incumbrance and incumbrances as may have been put upon the same, by the said George Vliet, and Elizabeth K., his wife, or either of them.

G. Vliet and wife authorised to sell certain lands.

Passed, February 16, 1836.

AN ACT to regulate the fishing, at certain times of the year, in 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, in or across said river, between the great falls at Paterson, to the line of the counties of Morris and Somerset, on said river, at any other time or season, except, only, between the first day of October 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

Fishing with seines at certain seasons prohibited.

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 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.

Former act
repealed.

Sec. 2. *And be it enacted*, That the act entitled "An Act to regulate the fishing at certain times of the year, in the Passaic river, in the counties of Morris and Essex," passed the second day of March, in the year of our Lord, one thousand eight hundred and thirty-five, be, and the same is hereby repealed.

Passed, February 17, 1836.

AN ACT to incorporate the New Brunswick Manufacturing Company.

Style of incor-
poration.

SEC. 1. 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 C. Van Dyke, James Neilson, Littleton Kirkpatrick, James S. Nevius, A. S. Neilson, Edward S. Carroll, George P. Molleson, 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 New Brunswick Manufacturing Company," for the purpose of manufacturing cotton, wool, flax, and hemp, silk, iron, copper, and machinery, at the city of New Brunswick, in the county of Somerset, in this state, and dyeing, printing and bleaching the same, or any part thereof, and carrying on the business incident to the same, and shall have power to raise, by subscription, in shares of one hundred dollars each, a capital of five hundred thousand dollars, and as soon as five hundred shares shall be subscribed, the individuals above named, or any four of them, may, by public notice of thirty days, given in one or more of the public newspapers printed in the city of New Brunswick, call a meeting of

the stockholders of the said company, for an election of five directors, each of whom shall be a stockholder, to be voted for by the said stockholders, according to their respective shares, in person or by proxy; the said individuals above named, or any three of them, to be inspectors and judges of such first election; and the said directors, when elected, shall choose out of their number a president; and the directors of the said company shall, annually thereafter, by public notices as aforesaid, call meetings of the stockholders, for electing directors of the said company, and shall appoint three of the stockholders, not being directors, as inspectors of such election; said directors, shall continue in office until such election be complete, and shall, at all times, have power to make by-laws for the government of said company, not repugnant to the constitution and laws of this state and the United States; and also shall have power to call in said stock, from time to time, in such instalments as they shall think necessary, not exceeding ten dollars on each share, by giving public notice as aforesaid; and to declare forfeited to the said company, the stock with all previous payment 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.

Powers and duties of directors.

Stock forfeited on failure to pay instalments.

Sec. 2. *And be it enacted*, That all elections for directors of said company shall be by ballot; and if the directors, for the time being, of the said company, shall at any time neglect or refuse to give notice, as in the first section of this act is directed, for the election of directors, 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 meetings, and elect directors, in like manner as if said directors had given notice as by this act is required; and if at any election for directors, two or more persons voted for, shall receive an equal number 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 completed.

Election to be by ballot.

How vacancies to be supplied.

Sec. 3. *And be it enacted*, That the said directors may appoint a secretary, treasurer, and such other officers and agents as they may from time to time deem necessary or useful, with such compensation as they may think adequate; and require from such officers or agents, such bonds and security for their good conduct as may to them appear reasonable and proper.

Directors to appoint other officers.

What real estate may be held.

Proviso.

Semi annual dividends to be made.

Stock personal estate.

President and directors individually liable for debts of company

Sec. 4. *And be it enacted*, That the said company may, for the purpose of promoting the manufactures of such articles, which are not prohibited by the laws of the state, buy, rent, take, and hold, or otherwise become seized and possessed of, and hold all such lands, tenements, water power, and other real and personal estate in the city of New Brunswick, and within two and a half miles of said city, in the county of Somerset, as may be necessary and useful for 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.

Sec. 5. *And be it enacted*, That a dividend of the profits of the said company, except so much thereof as may be set apart for a surplus fund, shall be semi-annually made by the 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 be made except from the actual profits of said company.

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

Sec. 7. *And be it enacted*, That the president and directors of said company shall, in their individual capacities, and jointly and severally, be, and continue liable to every creditor of the said company, for the payment of all bills obligatory, or of credit, note or notes, or other legal liabilities that they or any of them may issue and circulate, or in any way be liable for and upon demand of payment being made at the usual place of doing business, and refusal thereof, an action may be brought against the president and directors of said company, in their individual capacities, and jointly and severally; and it shall be lawful for the plaintiff or plaintiffs to declare therein generally, for money had and received, with a specification of the dates, sum, payees, and numbers of the said bills or notes, or other evidences of debt, or other legal liabilities so demanded, and payment whereof hath been neglected or refused, and upon judgment being rendered, execution shall issue against the proper goods and chattles, lands and tenements of said directors so

sued as aforesaid: *provided*, that nothing in this section shall prevent any person or persons from suing or prosecuting the said corporation in their corporate capacity.

Sec. 8. *And be it enacted*, That this charter shall continue in force until the first day of March, in the year one thousand eight hundred and sixty-six, and no longer; and the Legislature may repeal, alter, or modify the same, as in their opinion the public good may require.

Act may be altered or repealed.

Passed, February 17, 1836.

AN ACT to incorporate the Bergen County Rail Road and Transportation Company.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Joshua R. Sands, Samuel Swartwout, John C. Kayser, John Rosencrantz, James A. Stevens, Edward Curtis, James B. Murray, Edwin B. V. Wright, Martin R. Zabriskie, and such other person or 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 President and Directors of the Bergen County Rail Road and Transportation 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, necessary to the objects of this corporation, and shall be clothed with

Style of incorporation.

all the rights, powers and privileges pertaining to corporate bodies, and requisite for the purposes aforesaid.

Amount of capital.

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

Books of subscription for stock to be opened.

Sec. 3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation, at Hoboken, on the first, and at Hackensack, on the second day of April next, at the hour of twelve on each day, and continue open throughout said days, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in all the newspapers printed in the county of Bergen, and in a paper printed in the city of New York; and that the said books shall be kept open, at either of the above named places, as long as the said persons, or a majority of them, shall think proper, not less than one day at each place as aforesaid; and if more subscriptions be taken than the amount of the capital stock, it shall be in the power of the said persons, or a majority of them, to apportion the stock to the subscribers, as they may deem expedient and conducive to the object of the incorporation.

Time and mode of election of first directors.

Sec. 4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid to the above named persons, upon each share subscribed for; which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and when the said capital stock shall be subscribed for, and the books closed, and the apportionment made, if the same become necessary, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice, as above, to choose nine directors; and such election shall be made by ballot, at the said time and place, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation; and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors; and the time and place of holding the first meet-

Election by ballot.

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

President to be chosen.

Vacancies supplied.

Sec. 5. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but such election may be held at any other time on notice as aforesaid; and the directors, for the time being, shall continue to hold their office until new ones shall have been chosen in their places.

Corporation not dissolved on failure to elect on day prescribed

Sec. 6. *And be it enacted*, That a majority of the directors of said corporation shall be competent to transact all business of the said corporation; and they shall have power to call in the remainder of the capital stock of said company, by such instalments, not exceeding twenty dollars on each share, at any one time, and at such times as they may direct; *provided* the said instalments shall not be called for at less intervals than thirty days, and giving notice thereof by setting up advertisements in five of the most public places in the county through which the road runs, or by causing the said notice to be inserted in two or more of the public newspapers printed in said county at least twenty days previous; 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; they shall decide upon the description of carriages used on said road, the weight to be carried in a carriage, the times of starting, and rates of travelling, so that no injury may be done to the said road, or impediments offered to persons or property travelling thereon; and shall, also, have power to appoint a secretary, treasurer, engineer, agents, superintendents, and such other servants as to them shall be deemed needful and proper, to transact the business of the corporation, with such

Provide.

Stock forfeited on failure to pay instalments.

compensation to them and the president, as to the board shall seem proper; *Provided* said by-laws be in no respect repugnant to the laws of this state or of the United States.

Location

Proviso.

Survey of
route to be
filed in Secre-
tary's office.

Sec. 7. *And be it enacted*, That the president and directors be, and they are hereby authorized and invested, with all the rights and powers necessary to survey, lay out, and construct a rail road, commencing at the village of Hackensack, in the county of Bergen, through Weehawken, to a suitable place on the island of Hoboken, not to approach in any part of the route or termination thereof, nearer than one hundred feet from high water mark on the Hudson river; with as many sets of tracks and rails as they may deem necessary; *Provided*, the said road shall not exceed one hundred feet in width; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, and others in their employ, to enter, at all times, upon all lands and waters, for the purpose of exploring, surveying, levelling, and laying out the route or routes of such rail road, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes and the location of such road shall have been determined upon, and a survey of such route or routes or location deposited in the office of the secretary of state, then it shall be lawful for 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 and necessary for the completion or repair of the said road, and to carry into full effect the object of this incorporation; and may also take and use any stone, gravel, sand, clay, or other earth, on or near the said route, which may be required for the construction of, repairing, altering or extending the said road or any of the works or appendages, subject to such compensation to be made therefor, as is hereinafter provided, and repairing any breaches they may make in enclosures; *Provided always*, that the payment, or the tender of payment, of all damages for the occupancy of lands through which the said rail road may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands be first had and obtained in writing.

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

its agents, cannot agree with the owner or owners of any such required lands, or materials, for the use or purchase thereof; or in case any such owner or owners thereof, shall be feme covert, or under age, non compos mentis, or reside out of the state, then it shall and may be lawful to and for the said directors, to apply to any justice of the supreme court of this state, who, upon such application, is hereby authorized and empowered, enjoined and requested, to frame and issue one or more writ or writs, as occasion shall require, in the nature of a writ ad quod damnum, to be directed to the sheriff of the county in which such lands and tenements shall be, commanding him, that by the oaths or affirmations of twelve good and lawful men, of his bailiwick, who shall be indifferent to the parties, he shall enquire whether the person or persons owning any lands, tenements, or hereditaments, necessary to be used by the said directors, or which may be injured in establishing such rail road which person or persons shall be named, if known, and which lands and tenements shall be described in such writ or writs, will suffer and sustain any, and what damages by reason or means of taking such lands, tenements, or other real hereditaments, gravel or materials, necessary for the use of such rail road, or the repair thereof, or the works thereto belonging; and to return the said writ, together with the finding of such jury, to the next supreme court of this state, after the finding thereof, on or before the first day of said term; and upon such writ being delivered to the sheriff, he shall give at least twenty days notice, in writing, to all and every owner or owners of the lands and tenements in the said writ described, or to so many of them as can be found, or to the agent or agents of such owners, if known, and if not known, such notice to be published in some newspaper, printed in the county in which such lands lie, for the same length of time before executing said writ, of the time of executing the same; and he shall cause to come upon the premises, at the time appointed, twelve good and lawful men of his bailiwick, who shall not be residents of the township through which said road passed, and shall be selected in such manner, and upon like notice to the parties, as struck juries usually are, to whom he shall administer an oath or affirmation, that they will diligently enquire concerning the matter and things in the said writ specified, and a true inquisition make, according to the best of their skill and judgment, without favor or partiality; and thereupon, the said sheriff and inquest shall proceed to view all and every the lands and tenements, in such writ specified; and having considered the quantity of lands, materials, or other matters and things necessary to be vested in the said company, for the purposes aforesaid,

Proceedings
when company and owners of land
cannot agree.

they shall cause the same to be minutely and accurately described, by metes and bounds, or other particular descriptions, and shall value or appraise the value of the land, and the injury or damages, if any, which the owner or owners of said lands, tenements, or improvements, or materials, will, according to their best judgment and skill, sustain and suffer by means of so much of the said lands and tenements being vested in the said company, or by means of such improvements being destroyed or rendered useless, or of less value, defining and ascertaining, as well all such lands and tenements, and privileges, so to be vested in said company, as the several sums at which the said injuries and damages shall be so assessed; and in making such valuation and appraisement, it shall be the duty of the jury or juries, to allow compensation for the lands, tenements and hereditaments to be taken for the use aforesaid, at the fair value they would have come to before the location of the said road, and a full value for all gravel and other materials that may be used by the said company, for the purposes aforesaid; and the said sheriff and jury shall make an inquisition, under their hands and seals, distinctly and plainly setting forth all the matters and things aforesaid; and the sheriff shall return the same, together with the said writ, to the office of the clerk of the supreme court, according to the command of the court; and the justices of the said court shall examine the same, at the term to which it is returned; and if the said writ shall appear to have been duly executed, and the return thereof sufficiently certain to ascertain the lands and tenements, rights and privileges intended to be vested in the said company, and the several compensations awarded to the owners thereof, then the said court shall enter judgment; and the said company paying the said inquisition assessed, or bringing the same into the said court, over and besides the costs of such writ, and executing and returning the same to be taxed by the justice who issued it, shall be entitled to have and to hold, to them and their successors and assigns forever, all and every the lands, tenements, rights, and privileges in the said inquisition described, as fully and effectually, as if the same had been granted to them by the respective owners thereof; and if any return so to be made, shall not be sufficiently certain for the purposes aforesaid, the said court shall award an inquisition *de novo*; and upon payment, or bringing into court, all such moneys as by such judgment shall be required to be paid or brought into court; all such lands, tenements, rights and privileges, shall be fully and absolutely vested in the said corporation, who shall become seized, and possessed thereof, in like manner as the then late owner or owners was or were seized or possessed thereof.

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

Other roads
not to be ob-
structed,

Sec. 10. *And be it enacted*, That the president and directors of the said company, shall have power to have constructed, or to purchase with the funds of the company, and to place on the rail road authorized by this act, all machines, engines, wagons, carriages, and vehicles for the transportation of persons, or any species of property thereon, that they may think proper; *Provided*, they shall not charge more than at the rate of six cents per mile per ton for the transportation of property on the said road, 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 carriages of others, and three cents per mile for each empty carriage; and that the said company are hereby authorized to demand and receive money for toll, and for the transportation of persons and every species of property, at the aforesaid, or such less rates as they, from time to time, shall think reasonable and proper; and that the rail road, 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 for pass-
age or trans-
portation,

Sec. 11. *And be it enacted*, That the president and directors of the said company, as soon as the affairs of the company will allow, shall declare and make such dividend, as they may deem prudent and proper, of the net profits thereof; and shall in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of said company, in proportion to the amount of shares held by them, respectively, as they may deem prudent and proper.

Dividends to
be made semi-
annually.

Sec. 12. *And be it enacted*, That if any person shall willfully 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, bridges, carriages, or machines, such person or persons, so offending,

Penalty for
injuring road
or works.

shall forfeit and pay to the said company, any sum not exceeding two hundred dollars, at the discretion of the court or jury, to be by them recovered in an action of debt, in any court having competent jurisdiction; and also, shall be liable to pay the said company the amount of damages sustained thereby, to be sued for in an action of trespass.

What real estate may be held by company.

Sec. 13. *And be it enacted*, That the said company may have and hold real estate, at the commencement and termination of said road, not exceeding two acres at each place, and that said real estate shall not be nearer than one hundred feet of high water mark, at the Hudson river, on the island of Hoboken, without the consent in writing, of the owners of Hoboken ferry, and may erect and build thereon, houses, warehouses, stables, machine shops and other buildings and improvements as they may deem necessary for the safety of property, and construction of carriages, and shall have the privilege and authority to erect, build and maintain on the river Hackensack, and such other streams as said road may cross, such piers, bridges and other facilities as they may think necessary for the full enjoyment of all the benefits conferred by this act, subject to the aforesaid restrictions; and for the safety of navigators, one or more lamps shall be placed at one side of the draw of the bridge over the Hackensack river, which lamp or lamps shall be lighted every evening thereafter, as long as said bridge shall stand, before it grows dark, and continue lighted until day-light, at the expense of the said company, and shall keep, or cause to be kept, at the said bridge, a careful person to open the draws for the free passage of vessels with standing masts; and for each and every neglect in opening the draws, and each and every night's neglect to light the lamp or lamps, the directors of the said company shall pay the sum of ten dollars, to be recovered in an action of debt, by any person suing for the same.

Lamps to be lighted on draw bridge.

Restrictions on the operations of the company.

Sec. 14. *And be it enacted*, That it shall not be lawful for the said company to establish, carry on, or be concerned in, directly or indirectly, any ferry for the carrying of passengers or freight; and that no part of the capital stock, or moneys of the said company, shall be used or employed by them for banking purposes, under the penalty of forfeiting this charter.

Time limited for completion of road.

Sec. 15. *And be it enacted*, That if the said rail road shall not be commenced in five years, from the fourth day of July next, and completed at the expiration of ten years from the same time, that then, and in that case, this act shall be void.

Rail road a public highway.

Sec. 16. *And be it enacted*, That the said rail road shall, and hereby is declared to be a public highway, subject to

the regulations of the said company as contained in the preceding sections of this act.

Sec. 17. *And be it enacted*, That as soon as the said rail road or roads, with its appendages, shall be finished, so as to be used, the president and treasurer of said company shall file in the office of the secretary of this state, a statement, under oath or affirmation, of the amount of the cost of said road and appendages, including all expenses; and annually thereafter the president and treasurer shall, under oath or affirmation, make a statement to the legislature of this state, of the proceeds of said road, and when the net income of said road shall amount to six per centum per annum upon its cost, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January in each year; *Provided*, that no other state tax or impost shall be levied or assessed upon the property of the said company; and that at any time within two years after the expiration of fifty years from the completion of the said road, the legislature of this state may take the same for the state, paying therefor the value of said road, not exceeding the original costs of the same.

Cost of road
to be filed with
Secretary of
State.

Sec. 18. *And be it enacted*, That this act shall be deemed and taken as a public act, and as such, taken notice of by all courts of justice in this state, without the necessity of pleading the same.

Public act.

Sec. 19. *And be it enacted*, That the legislature of this state may, at any time hereafter, alter, modify, or amend this act, whenever in their opinion the public good shall require it.

Act may be
altered or re-
pealed.

Passed, February 17, 1836.

AN ACT to incorporate the Elizabeth Port Manufacturing Company.

Style of incorporation. **Powers.** **Restrictions on employment of capital.**

Sec. 1. *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 R. Wood, John B. Augur, Joseph D. Price, and Jacob G. Crane, and such other persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, by the name of the "Elizabeth Port Manufacturing Company," for the purpose of manufacturing malleable iron, steel and castings, in the township of Elizabeth, and by that name, they and their successors shall be and are hereby made capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns in their corporate name shall be and are hereby made capable in law, to have, purchase, receive, hold, and enjoy any lands, tenements, hereditaments, goods and chattels, necessary and proper, to carry on the manufacturing operations aforesaid; and the same to grant, demise, pledge, convey and dispose of; and to have, enjoy, and exercise all the rights, powers, and privileges, pertaining to corporate bodies, and necessary for the purposes of this act; *Provided always,* that the funds of the said corporation, or any part thereof, shall not be applied, used or employed at any time in banking operations, or for any other purposes inconsistent with the provisions of this act; and that the said Thomas R. Wood, John B. Augur, Joseph D. Price, and Jacob G. Crane, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company.

Time and mode of electing directors.

Sec. 2. *And be it enacted,* That the stock, property, and concerns of said company shall be managed and conducted by five directors, being stockholders, one of whom to be president, who shall hold their offices for one year, and until others are elected in their place; and that the said directors shall be chosen at such place and time as shall be directed by the by-laws of 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 such election shall be held by such of the stockholders as shall attend for that purpose in person or by proxy; and each stockholder shall be entitled to

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

Directors to
appoint officers and make
by-law

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

Amount of
capital stock.

Stock forfeited
on failure to
pay instalments.

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

Stock personal
estate.

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

Corporation
not dissolved
for failure to
elect on day
prescribed.

Sec. 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 transactions of the said corporation, which books shall at all times during business

Books open
to inspection
of stockholders.

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.

Mode in
which compa-
ny may be dis-
solved.

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

Limitation

Act may be
altered or re-
pealed.

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

Passed, February 17, 1836.

AN ACT to incorporate "The Newark Malleable Iron 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 William Stevens, Pruden Alling, Jacob Alyea, William Garthwaite, Abraham W. Kinney, Calvin Baldwin, and Otis Boyden, with their associates, their successors and assigns, be, and they are hereby incorporated by the name of "The Newark Malleable Iron Manufacturing Company;" for the purpose of manufacturing malleable iron, at Newark, in the county of Essex, and carrying on the business incident to such manufactory; and by that name, they, and their successors shall be, and hereby are, made capable in law, to have and purchase, receive and possess, enjoy and retain, to them and to their successors, any real estate necessary to carry on such business, or personal estate, goods, chattels, and effects, of what nature and kind soever; and the same to grant, demise, pledge, alien, convey, and dispose of; and also, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in all courts and places whatsoever; and shall have, and enjoy, and exercise, all the rights, powers, and privileges pertaining to corporate bodies, and necessary for the purposes of this act; and also, to make, have, and use a common seal, and the same to alter, and renew at their pleasure.

Style of incorporation.

Sec. 2. *And be it enacted,* That William Stevens, Pruden Alling, Jacob Alyea, William Garthwaite, Abraham W. Kinney, Calvin Baldwin, and Otis Boyden, be, and they are hereby appointed commissioners, to open books of subscription, at Newark aforesaid, to raise the sum of one hundred thousand dollars, in shares of one hundred dollars each; the said commissioners, shall give notice of the time and place of opening books of subscription, by advertising the same, in one or more of the newspapers printed in Newark, for at least four weeks next previous to such time, and to continue open for four days in succession; and if the commissioners judge it necessary, may be opened again, by giving four weeks notice as above mentioned.

Books of subscription for stock to be opened.

Sec. 3. *And be it enacted,* That the capital stock of the said corporation, shall be one hundred thousand dollars, with liberty to increase the same to three hundred thousand dollars, to be divided in shares of one hundred dollars, by giving notice as is required by the second section of this act.

Amount of capital stock

Sec. 4. *And be it enacted,* That the stock, property and affairs of the said corporation shall be managed by nine directors, one of whom they shall appoint their president, who shall hold

Time and manner of electing officers.

their offices for one year, and until others shall be chosen, and no longer, which directors shall, at all times, during their continuance in office, be stockholders in the said company, in their own right, to the amount of at least five shares, and shall be citizens of New Jersey, and shall be elected at the annual meeting of the stockholders, which shall be held on the first Tuesday in October in each and every year, at such hour as the regulations of the company may prescribe; and the said president shall cause a notice to be inserted in one or more of the newspapers printed in the county where the corporation is established or carried on (and continued therein for at least four weeks) stating the names of the persons chosen and appointed directors for the ensuing year; a majority of the directors shall, on all occasions, when assembled at such place as the by-laws direct, constitute a board competent to the transaction of business, and all questions before them, shall be decided by a majority of voices; and a majority of the stockholders, or their proxies present, at any legal meeting of such stockholders, shall be capable of transacting the business of such meeting, each share entitling the holder thereof, or his proxy, to one vote; but no share shall entitle the holder thereof to a vote, unless the same shall have been held by him, one month next preceding such election; and the transfer books of said company, shall be conclusive evidence as to the ownership of such stock.

Vacancies supplied.

Duties of directors.

Proviso.

Sec. 5. *And be it enacted*, That the said president and directors, for the time being, or a major part of them, shall have power to fill any vacancy, which may happen in their board, by death, resignation, or otherwise; and to appoint and employ, from time to time, a secretary, treasurer, and such other officers, mechanics and laborers, as they may think proper, for the transaction of the business and concerns of the said company; and also, to make and establish, such by-laws, rules, and regulations, as they shall think expedient, for the management of the concerns of the said company, and the same to alter and repeal: *provided always*, that such by-laws, rules, and regulations, be not inconsistent with the laws of this state, or the United States; and the said directors, shall and may, whenever they shall deem it expedient, at such time and place, and with such notice, as they shall think proper, and as often as the interests of the company require, and their affairs permit, declare a dividend of profit, on each share, which shall be paid by the treasurer of the said company.

What lands company may hold.

Sec. 6. *And be it enacted*, That the directors and officers of said corporation shall have power to purchase any lands, workshops, and other necessary buildings, in the town of Newark, which may be required to carry into effect the object of this act; and also to purchase such real estate in the county of

Morris, or Bergen, as may be most convenient for erecting a smelting furnace to be connected with the above mentioned manufactory, and to erect such fixtures, buildings and furnaces, as may be necessary to carry on all the branches of business, incident to the objects of this charter.

Sec. 7. *And be it enacted*, That the capital stock of said company, shall be deemed personal estate, and transferable in such manner as the said corporation shall by their by-laws direct, and that the books and accounts of the said company, shall be open to the inspection of the stockholders, at all times during the business hours of the said company.

Stock personal estate.

Sec. 8. *And be it enacted*, That the directors may call in the subscriptions to the capital stock, by instalments not exceeding ten dollars on each instalment, and no more than one instalment to be called in for a period of thirty days, giving at least twenty days notice thereof, in one or more newspapers published in Newark aforesaid; and in case any stockholder shall neglect or refuse payment of such instalment or instalments for the term of thirty days after the same shall become due and payable, and after he, she, or they, shall have been notified thereof, such stockholder or stockholders so refusing to pay, shall, at the election of the directors, forfeit to the said company, all his, her, or their previous instalments, together with all interest and right whatever in said stock.

Stock forfeited on failure to pay instalments.

Sec. 9. *And be it enacted*, That the charter shall continue in force, until the expiration of thirty years from the passage of this act, and no longer.

Limitation

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

Mode of employment of capital

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 17, 1836.

AN ACT to dissolve the marriage contract between Joseph Willson and Elizabeth B. Willson, his wife.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of of the same,* That the marriage contract between Joseph Willson and Elizabeth B. Willson his wife, of the county of Warren, be, and the same is hereby declared to be dissolved to all intents and purposes whatever; and the said Joseph Willson and Elizabeth B. his wife are hereby declared to be set free from their matrimonial contract, as fully as if they had never been joined in matrimony; *Provided nevertheless,* that the issue of their marriage shall not, in consequence thereof, be illegitimate.

J. Wilson and
E. B. Wilson
divorced

Passed, February 17, 1836.

AN ACT to authorize a trustee therein named to sell the real estate of Enoch A. Vankirk, deceased.

WHEREAS it is represented to the legislature that Enoch A. Vankirk, late of the township of Hopewell, in the county of Hunterdon, died intestate, siezed of a small farm or plantation, situate in the township and county aforesaid, containing about seventy-eight acres, more or less, and leaving a widow and two children, minors; *And whereas* it is further represented that said estate will depreciate in value in consequence of the decayed state of the buildings and improvements thereon, but that it may now be sold for a fair and valuable consideration, and greatly to the interest and advantage of the said heirs at law; *And whereas* it is further represented, that by reason of the minority of the said children, they are unable to join in the execution of a deed for the premises, and for these reasons, Joanna Vankirk, the widow of the said Enoch A. Vankirk, deceased, having made application on behalf of said minor children,

Preamble.

praying a law appointing a trustee or trustees to sell the said real estate, which application appears reasonable and just, and for the interest and advantage of said heirs at law—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 Marshall be, and he is hereby appointed a trustee, with full power and authority to sell, for the best price he can obtain, at public sale, by first giving notice thereof, by publishing the same in one of the public newspapers printed in the city of Trenton, at least thirty days previous to the day of sale, and also by setting up copies of the same in five of the most public places in the township where the lands lie, for a like space of time, all the right, title and interest which Benjamin Vankirk and Rachel Vankirk, heirs at law of Enoch A. Vankirk, deceased, late of the county of Hunterdon, have in the real estate of the said Enoch A. Vankirk, deceased; and after such sale thereof, to make and execute good and sufficient deeds of conveyance for the same to the purchaser or purchasers.

Trustees authorized to sell real estate of E A Vankirk dec.

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 Hunterdon, at the term next succeeding such sale, for the proceeds of said sale, and after a fair and just allowance of all cost, charges and expenses attending such sale being made by the court, shall invest the balance of said proceeds at interest, on bond and mortgage, or other good and sufficient security, to be approved of by said orphans' court, the one-third of which interest shall be paid to the said widow during her natural life in lieu of her dower in the same; and in case of the death of both of the said children, then his or her share to go to his or her heir, in the same manner as if this act had not passed; but during the minority of said children, the said trustee shall pay over annually to their guardians, or other person authorized by law to receive the same, two-thirds of the interest of said money so invested, to be appropriated to their support, maintenance and education, and may pay over to their lawful guardian their share of the principal so invested at any time after the said children arrive at an age sufficient to choose their own guardians, if so ordered and directed by the orphans' court of the county of Hunterdon.

Trustees to account to orphans' court of Hunterdon.

Appropriation of proceeds of sale.

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 or more sufficient securities, to be approved of by the said orphans' court

Bond to be given to the governor.

of the county of Hunterdon, conditioned for the faithful performance of said trust, which bond shall be filed in the surrogate's office of said county, for the benefit of said heirs.

Passed, February 17, 1836.

AN ACT to authorize the sale of real estate late of William Rogers, senior, in the county of Burlington.

Preamble.

WHEREAS Henry Rogers and Abner Rogers, of the county of Burlington, have, by their memorial, represented to the Legislature, that William Rogers, senior, formerly of the township of New Hanover, in the county of Burlington, was, in his life time, seized in his demense as of fee, of and in divers tracts, surveys, pieces and parcels of pine land and cedar swamp, situate in the township of Little Egg Harbor, and elsewhere, in the said county of Burlington; and being so seized thereof, died, having first duly made and published his last will and testament in the presence of three credible witnesses, and appointed his sons, Abner Rogers and William Rogers, executors thereof; and therein and thereby did order and empower his said executors to sell all his lands and cedar swamp whatsoever and wheresoever to be found; that the said Abner Rogers and William Rogers, the said executors, afterwards died without selling the lands and cedar swamp, whereof the said William Rogers, senior, so died seized, and that the same lands and cedar swamp still remain unsold; that the said memorialists are descendants of the said William Rogers, senior, and entitled, under the said will and the laws of the state of New Jersey, to a part of the proceeds of the sales of the said lands and cedar swamp; and therefore praying that they may be authorized, by law, to make sale of the said tracts, surveys, pieces and parcels of pine land and cedar swamp, whereof the said William Rogers, senior, died seized, in fee simple, in the county of Burlington, and to pay the nett proceeds of the said sale to the several persons who, under the said will and the laws of the state of New Jersey, shall be entitled to receive the same; *And whereas,*

the matters set forth in the said memorial appear to be true, and the prayer of the memorialists to be reasonable 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 the said Henry Rogers, and Abner Rogers, be fully authorized and empowered to sell and dispose of, in fee simple, all tracts, surveys, pieces and parcels of pine land and cedar swamp whereof the said William Rogers, senior, died siezed, in fee-simple, in the county of Burlington, and which have not heretofore been sold or conveyed, or any part thereof, for the best price or prices that can be obtained for the same, and to make, seal, execute, and deliver good and sufficient conveyances and assurances in the law for the same, to the purchaser and purchasers, in fee-simple; and they are hereby directed to pay over the nett proceeds of such sale or sales to the several persons, who, under the said will, and the laws of the state of New Jersey, shall be entitled to receive the same, and in the proportions to which they shall be respectively entitled.

Trustees to
sell real estate

Sec. 2. *And be it enacted*, That the said Abner Rogers and Henry Rogers shall, within six months after the sale of the said land is completed, make and exhibit, under oath or affirmation, to the surrogate of the county of Burlington, a true statement of the amount of the said sale or sales, to be by him filed in his office, and that the said Henry Rogers and Abner Rogers shall be accountable for all moneys received by them, or either of them, by virtue of this act, deducting their necessary expenses, and a reasonable compensation for their services, to be allowed by the Orphans' Court of the county of Burlington, before which court they shall account for the same.

Amount of
sale to be ren-
dered to clerk
of Burlington.

Sec. 3. *And be it enacted*, That before the said Henry Rogers and Abner Rogers shall enter upon the execution of the trust reposed in them by this act, they shall enter into bond to the Governor of this state, with such security and in such amount as shall be approved of by the surrogate of the county of Burlington, conditioned for the faithful performance of the duties required of them by this act, which bond shall be deposited in the said surrogate's office.

Bond given to
governor.

Passed, February 17, 1836.

AN ACT to set off a new township in the county of Gloucester, to be called "The Township of Washington."

Boundaries
of the town-
ship of Wash-
ington.

Sec. 1. *BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all that part of the township of Deptford, in the county of Gloucester, lying within the following boundaries, to wit: beginning at the line in Gloucester township, at the mouth of Bull run, near Newkirk's Factory and Mills; thence up Bull run the several courses thereof, until it intersects the middle of the public road leading from said factory and mills, past the Burnt House, to Blunder Bridge on Mantua Creek; thence along said road south sixty-five degrees west, until that course will intersect the line of lands belonging to Thomas Bee; thence along said line of Thomas Bee, south twenty-five and a half degrees west, to a certain noted gum tree, standing in Bee's Branch, and corner to lands of Thomas Bee and J. Leonard; thence down said Branch the several courses of the water course, running through said Branch, to Mantua Creek; thence passing up said Mantua Creek along the line of the township of Greenwich; thence along the line of Franklin township, till it intersects the line of Hamilton township; thence by the line of Hamilton township to Gloucester township; thence by the line of Gloucester township to the place of beginning, shall be, and the same is hereby set off from the said township of Deptford, and declared and established a separate township, to be called "The Township of Washington."

Time of town
meetings.

Sec. 2. *And be it enacted,* That the first town meeting of the inhabitants of such township of Washington, after the passage of this act, shall be held on the second Wednesday of March next, at eleven o'clock in the forenoon, at the Cross Keys tavern, in the county of Gloucester, now kept by Joseph Nicholson; and that all town meetings thereafter shall be held on the second Wednesday of March, annually, at such place as the electors of said township shall, at their town meetings, from time to time, direct and appoint.

Division of
property.

Sec. 3. *And be it enacted,* That the town committees of the townships of Deptford and Washington, shall meet on the second Saturday next after the annual town meeting first to be held as aforesaid, at the Creasville tavern, now kept by Ephraim Beckett, in the said township of Washington, at ten o'clock in the forenoon, and shall then and there proceed, by writing signed by a majority of those present, to allot and divide between the said townships, all property and money on hand or due, in proportion to the taxable property and ratables, as taxed by

the assessor, within the respective limits of the said two townships, at the last assessment; and the inhabitants of the township of Washington, shall be liable to pay their just proportion of the debts, if any there should be; and if any of the persons comprising either of the town committees, should neglect or refuse to meet as aforesaid, those who do meet, shall and may proceed to make the said division, and the decision of a majority of those present, shall be final and conclusive.

Sec. 4. *And be it enacted*, That the inhabitants of the said township of Washington, shall be, and hereby are constituted a body politic and corporate, in law, and shall be styled and known by the name of "The Inhabitants of the township of Washington, in the county of Gloucester," and shall be entitled to all rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities, as the inhabitants of the other townships in the said county of Gloucester are or may be entitled or subject to by the laws of this state.

Township of
Washington
incorporated.

Passed, February 17, 1836.

AN ACT to authorize William Shotwell and Isaac Prall, Administrators of David M. Shotwell, deceased, to execute a certain contract made by said deceased, with one James Jones.

WHEREAS, David M. Shotwell, deceased, late of the Township of Woodbridge in the county of Middlesex in this state, on the seventeenth day of June, eighteen hundred and thirty-five, entered into a contract in writing with one James Jones, for the sale and conveyance of a certain farm of him, the said David, adjoining the sound commonly called the Point of the Neck, containing one hundred acres of upland, and fifteen acres of salt meadow, for the consideration of the sum of six thousand dollars to be paid as in the said written contract is provided: and whereas the said David M. Shotwell

Preamble.

bath departed this life since the making of the said contract, after having received two thousand dollars of the consideration money, without having executed or delivered any deed for the same. And whereas, also, William Shotwell and Isaac Prall, administrators, &c. of the said David M. Shotwell, deceased, have by their petition requested that a law may be passed authorizing them to execute the said contract—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 Shotwell and Isaac Prall, administrators, &c. of David M. Shotwell, late of the township of Woodbridge in the county of Middlesex, deceased, or the survivor of them be and they are hereby authorized and empowered upon receiving the balance of the consideration money, mentioned in the said contract, from the said James Jones, his heirs or assigns, together with the interest that may be due thereon, to grant, bargain, sell, and convey by deed, to the said James Jones, his heirs or assigns in fee simple, the said farm and land in the said contract mentioned and described; and the said deed when executed and delivered as aforesaid, by the said administrators or the survivor of them, shall convey and vest in the said James Jones, his heirs or assigns, as good and perfect an estate in the said farm and land, as the said David M. Shotwell had therein, at the time of his decease.

Administrators authorized to convey certain lands

Sec. 2. And be it enacted, That all such sum or sums of money, as the said administrators or either of them shall or ought, by virtue of this act to receive, shall be assets in their hands, the same as other personal property, which may come to their hands as such administrators as aforesaid; and be distributed and accounted for as such.

Distribution of monies received.

Passed, February 18, 1836.

**AN ACT to incorporate the Burlington and Mount Holly
Rail Road and Transportation Company.**

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That John Larzelere, Samuel W. Earl, Michael Hays, Caleb R. Smith, Geo. Gaskill, Geo. Haywood, John R. Slack, James Langstaff, and Samuel Bullock, 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 Burlington and Mount Holly Rail Road and Transportation Company;" and by that name they and their successors shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered 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 real or personal estate necessary or expedient to the objects of this incorporation.

Style of incorporation.

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

Amount of capital.

Sec. 3. *And be it enacted,* That the above named persons shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places, within the county of Burlington, as they or a majority of them may think proper, giving twenty days notice of the same in two of the newspapers published in the county of Burlington, and that, at the time of subscribing, ten per cent. shall be paid upon each share subscribed for, to the commissioners or some one of them, and as soon as two-thirds of the capital stock shall be subscribed, such commissioners shall give like publication 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 any three of them, shall be inspectors of the first election

Books of subscription to be opened.

Time of election of directors.

President to
be chosen.

Vacancies sup-
plied.

Corporation
not dissolved
on failure to
elect on day
prescribed

Stock forfeited
on failure to
pay instal-
ments.

of directors of the said incorporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting a reasonable compensation for their own services, to the said directors, and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting or at 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 have been made, the said corporation shall not, for this cause, be deemed to be dissolved, but such election may be held at any other time on notice as aforesaid; and the directors, for the time being, shall continue to hold their office until new ones shall have been chosen in their places.

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 remaining capital stock of said company, by such instalments, and at such times as they may direct, by giving thirty days previous notice in two of the newspapers of the county of Burlington; *Provided* that no such instalment shall exceed five dollars upon each share, and that no two instalments shall be required within thirty days of each other; and in case of the non-payment of said instalments, or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of the said company; and to make and prescribe such by-laws, rules and regulations, not inconsistent with the constitution or laws of this state or of the United States, as to them shall appear needful and proper for the management and regulation of the stock, property, estate and effects of the said corporation; and also shall have power to appoint a secretary, a treasurer, and so many clerks and servants as to them shall seem meet, and the same at pleasure to remove, and to establish and fix such salaries to them, and also to the president, as to the said directors shall seem 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, from some suitable point on the river Delaware within the city of Burlington to some point in the town of Mount Holly, not exceeding sixty feet wide, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter, at all times, upon all lands or water, for the purpose of exploring, surveying, levelling or laying out the route of such rail road, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate, any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, 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 may be laid out, be made before the said company, or any person under their direction or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying or laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

Location of
rail road.

Survey of
route to be
filed in Secre-
tary's office.

Purposes for
which compa-
ny may enter
on lands, &c.

Sec. 7. *And be it enacted*, That if the said company, or its agents, cannot agree with the owner or owners of such required lands for the use or purchase thereof, or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said company, in the construction of the said road, shall be given in writing under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the said county, who shall cause the said company to give notice thereof to the persons interested, if known and in this state,

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

or if unknown, or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, resident in the county of Burlington, commissioners to examine and appraise the said land, and to assess the damages, upon such notice, not less than twenty days, to be given to the persons interested, as shall be directed by the justice making such appointment, and it shall be the duty of the said commissioners, (having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said lands, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, which shall be paid by the company, for such land, and damages aforesaid; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing, making and maintaining the fencing on the line of the route of said road through any improved lands over which the same may run; which report shall be made in writing under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land and the appointment and oaths or affirmations aforesaid, in the clerk's office of the said county, to remain of record therein, which report, or a copy thereof, certified by the clerk of the said county, shall, at all times, be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land, or of the said owner or owners, to recover the amount of said valuation with interest and costs in action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and either of the judges of the said court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses, to the judges of said court, commissioners, clerks, and other persons, performing any of the duties prescribed in this section of the act, as he shall think equitable and right, and to order

and direct by whom the same shall be paid, under the circumstances of the case.

Sec. 8. *And be it enacted*, That in case the said company, or owner or owners of the said land, shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the judges of the inferior court of common pleas of the county, at the first or second term after the filing of the said report, by proceeding in the form of petition to the said court, which proceeding shall vest in the said court of common pleas full right and power to hear and adjudge the same, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried, and it shall be the duty of the said jury to assess the value of the said land and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon with costs shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find the same, or a less sum than the company shall have offered, or the said commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land upon the filing of the aforesaid report.

Appeal may
be had.

Jury to be
summoned.

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, 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 and convenient wagon ways over or under said rail road, so that they may be passable.

Other roads
not to be ob-
structed.

Sec. 10. *And be it enacted*, That the president and directors of the said company, shall have power to have constructed, or to purchase with the funds of the company, and to place on the said rail road, all machines, engines, wagons, carriages, or vehicles for the transportation of persons, or any species of property, as they may think reasonable, expedient

Power

Rates for pas-
sage and trans-
portation.

or right; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *Provided*, that they shall not charge more than at the rate of five cents per mile for carrying each passenger, nor more than ten cents per ton per mile for the transportation of every species of property on said road in the carriages of the said company, or three cents per mile per ton for property, or three cents per mile for each passenger carried on said road in the carriages of others, and three cents per mile for each empty carriage; and that the road authorized by this act shall be, and is hereby declared a public highway, 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 regulated as to the times of starting and rates of travelling by the company, in the same manner as the carriages of the company are; and the said rail road and its appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors, for and during the continuance of the charter; *Provided always*, that in case the said company, after the same is completed, shall abandon the said road, or cease to use and keep the same in repair, at any time for three successive years, that then and in that case, this charter shall be annulled, and the title to the lands over which the said road shall pass shall be re-vested in the person or persons from whom the lands were taken by concession or by inquisition, as aforesaid.

Lands to re-
vert to owners
in certain ca-
ses.

Semi annual
dividends 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 of the net profits thereof, and shall in like manner semi-annually thereafter declare such dividends, and pay the same to the stockholders of the said company, or to their legal representatives, in proportion to the number of shares held by them respectively, as they may deem prudent and proper.

What real es-
tate may be
held.

Sec. 12. *And be it enacted*, That the said company may have and hold real estate, at or near the commencement and termination of the said road, not exceeding two acres at each place, and may erect and build thereon houses, warehouses, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business.

Sec. 13. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the said rail road or any buildings, machinery or works of the said corporation, such person or persons shall forfeit and pay therefor, to the corporation, three times the amount of damages sustained by means of such injury, to be recovered in the name of the said corporation, with costs of suit, in any court having cognizance of the same.

Penalty for injuring or obstructing the road.

Sec. 14. *And be it enacted*, That as soon as the said rail road, with its appendages, shall be finished, so as to be used, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the secretary of state, and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state, of the proceeds of said road, and when after the net proceeds of said road shall amount to six per centum per annum 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 on the first Monday in January in each year; *Provided*, that no other tax or impost for the use of this state shall be levied or assessed upon the said company.

Cost of road to be filed with Secretary of State.

Tax to be paid.

Sec. 15. *And be it enacted*, That at any time after the expiration of thirty-five years from the passage of this act, the legislature of this state may cause an appraisement of the same and the appendages thereof to be made by six persons, three of whom shall be appointed by the chief justice of the state for the time being, and the remaining three by the said company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment, or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report, as aforesaid, or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after their said appointment by the said chief justice, then the said three persons so appointed by him shall proceed to make such appraisement, which shall be binding upon the said company, or in case the said six commissioners shall be appointed as aforesaid, and 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, and thereupon the state shall have the privilege for two years of taking said road upon the payment to the company of the amount of said appraisement within one year after electing to take said road, which report shall be filed in the office of the secretary of state, and the whole property and interest of said road and the appendages thereof shall be vested in the

When state may take the road.

state of New Jersey upon the payment to the said company of the amount so reported; *Provided* that the said valuation shall in no case exceed the first cost of said road with the appendages thereof.

Limitation

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

Public act.

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

**Restrictions
on the use of
capital.**

Sec. 18. *And be it enacted*, That no part of the capital stock or monies of the company shall be used for banking or other purposes not plainly indicated in this act, under penalty of forfeiting this charter; and that it may be lawful for the legislature at any time hereafter to alter, modify or amend the same, whenever the public good shall require it.

Passed, February 23, 1836.

AN ACT to empower Hugh H. Abernethy, Guardian of Louisa Maxwell, and Enoch Green, to sell certain real estate.

Preamble.

WHEREAS Louisa Maxwell, a minor, under the age of twenty-one years, one of the children of John S. Maxwell, late of the township of Greenwich, in the county of Warren, and state of New Jersey, deceased, is seized in fee simple of a certain tract of land of eighty-one acres and twenty-two hundredths of an acre, and of a certain wood lot of twenty acres, all in the said township of Greenwich; *And whereas* it is represented that the rents, issues and profits of the said lands are insufficient to keep the same in suitable repair, and make suitable improvements as they require; *And whereas* it is represented that the said lands are suitably situated to cut up into lots, and that it would

be greatly to the interest of the said Louisa Maxwell, the minor, to sell and convey the said lands in fee simple; but that the same cannot be done without the aid of a special law for that purpose; *And whereas* the other heirs at law of the said John S. Maxwell, deceased, have, by their petitions, asked for a law to empower the said Hugh H. Abernethy and Enoch Green, to sell the same; and that an advantageous sale thereof can be made, if power therefor be given—Therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Hugh H. Abernethy and Enoch Green be, and they are hereby authorized and empowered to grant, bargain, sell at public auction, and convey the said lands, tenements, hereditaments and real estate aforesaid, of the said Louisa Maxwell, in fee simple, and execute a deed or deeds thereof and therefor, which shall be as good and effectual to grant, sell, convey and assure the said lands, tenements, hereditaments, real estate, and appurtenances to the same belonging, to the purchaser or purchasers thereof, as if the said deed or deeds was or were made by the said Louisa Maxwell, the ward herself, after she had attained her full age of twenty-one years.

Guardians authorized to sell lands.

Sec. 2. *And be it enacted,* That the said trustees, before they enter on the duties assigned them by this act, shall enter into bond to the governor of this state, his successor and assigns, with two good securities, being freeholders, resident in the said county of Warren, to be approved by the orphans' court of the said county, conditioned for the faithful performance of the duties imposed by this act, which bond shall be filed in the surrogate's office of the said county, for the benefit of all persons who may be interested in the said lands; *Provided always* that the proceeds of such sales and every part thereof shall be deemed and taken as real estate, and descend to the heir or heirs as such.

To give bond.

Proceeds to descend as real estate.

Passed, February 23, 1836.

AN ACT to confirm a certain contract made by William
Tinsman, deceased.

Preamble.

WHEREAS it is represented that William Tinsman, of the county of Warren, and Mary his wife, did, in the month of August, in the year of our Lord one thousand eight hundred and thirty-three, by verbal contract, bargain and sell all the undivided share of the said Mary, in the real estate which descended to said William Tinsman, and Mary his wife, in right of said Mary, from her father John Fine, situate in the township of Alexandria, in the county of Hunterdon, to Andrew M. Fine, of the township of Alexandria, aforesaid, and his heirs, for the sum of eight hundred and forty dollars; and in accordance with said sale, possession of said premises was given to said Andrew M. Fine, and the interest of said purchase money paid by said Andrew M. Fine to the said William Tinsman and Mary his wife; *And whereas* said Mary hath since died, without having joined in the execution of a conveyance of said land, agreeably to said contract, leaving eight children, lawful heirs, to wit: John F., William, Sarah, Catharine, Margaret, Elizabeth, Mary, and Emily, all in their minority, except John F., William, and Sarah—Therefore,

William Tinsman authorized to execute deed of conveyance.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the said William Tinsman be, and he is hereby authorized to execute a deed of conveyance of said land, to said Andrew M. Fine, according to the stipulations of said contract.

To give bond.

Sec. 2. *And be it enacted*, That before the execution of said conveyance, the said William Tinsman shall enter into bond, with sufficient security, to be approved by the orphans' court of the county of Warren, and to be filed in the office of the surrogate of said county, in the sum of two thousand dollars, conditioned for the distribution of said purchase money among the children aforesaid, share and share alike, to wit: to pay to said John F., William, and Sarah, their distributive shares, and to secure the shares of said minors, on bond and mortgage, to be approved by said court, and to be paid to them as they respectively arrive at the age of twenty-one years.

Act shall not affect distribution of purchase money.

Sec. 3. *And be it enacted*, That nothing in this act contained, shall in any wise affect the distribution of said purchase money, in the case of the death of any of said heirs, but

the same in such case shall descend and be distributed as if this act had not been passed.

Passed, February 23, 1836.

AN ACT to authorize Peter V. Pool and John A. Pool, trustees, to sell certain real estate.

WHEREAS it appears that John Pool, deceased, by his last will and testament, did, among other things, devise to Mary Pool his wife, and his two sons, Peter V. Pool and John A. Pool, "as trustees for his daughter Mary, the wife of Rutsen Hardenbergh, during her life and his life, and to and for the use of their children, their heirs and assigns forever, certain real estate;" *Preamble.* *And whereas* Rutsen Hardenbergh hath departed this life, leaving the said Mary, his widow, and two children, minors, and the said Mary Pool, one of the trustees above named, hath also departed this life; *And whereas* the said real estate consists of a dwelling house and store houses, and now requires considerable repairs, and that the proceeds thereof are insufficient to effect 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 Peter V. Pool and John A. Pool, trustees of Mary Hardenbergh, or the survivor of them, are hereby invested with full power and authority to sell at public sale, for the best price they can obtain, giving four weeks notice by advertising the same in five of the most public places in the neighbourhood where the said real estate lies, and also causing the same to be published in one or more of the newspapers printed in the city of New Brunswick for the like space of time, all the real estate which was devised by John Pool, deceased, to the said Mary Pool, deceased, Peter V. Pool and John A. Pool, as trustees for Mary Hardenbergh, during her life, and the life of Rutsen Hardenbergh, and to and for the use of their children, their heirs and assigns for—

Trustees authorized to sell real estate of J. Pool dec.

ever, and upon such sale to make and execute good and sufficient conveyances for the same to the purchaser or purchasers thereof.

Investment of
proceeds of
sale.

Sec. 2. *And be it enacted*, That the said trustees, or the survivor of them, are hereby invested with full power and authority to invest the proceeds of such sale or sales, as aforesaid, in either real estate, or on bond and mortgage, and shall hold the same as they now hold the said real estate, hereby authorized to be sold, under and by virtue of the said last will and testament.

Bond to be given to the governor.

Sec. 3. *And be it enacted*, That the said trustees, before they enter upon the duties prescribed by this act, shall execute a bond to the governor of this state, his successors and assigns, with sufficient security, to be approved by the orphans' court of the county of Somerset, conditioned for the faithful performance of the trusts created by this act, which bond shall be filed in the surrogate's office of the said county of Somerset, for the benefit of all persons concerned; *And provided also*, that the sale of the said property shall not alter the descent of the real estate.

Passed, February 23, 1836.

AN ACT to divorce Julia Ann Scudder from her husband John Scudder.

To divorce Julia Ann Scudder from her husband.

BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the marriage contract heretofore existing between Julia Ann Scudder, formerly Julia Ann Crane, and her husband, John Scudder, be, and the same is hereby dissolved, as fully, to all intents and purposes, as if they had never been joined in matrimony; *Provided nevertheless*, that the issue of such marriage shall not be deemed illegitimate in consequence of the passage of this act.

Passed, February 24, 1836.

AN ACT to incorporate the Morris County Bank.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Henry A. Ford, Dayton I. Canfield, George H. Ludlow, Joseph Jackson, Richard S. Wood, James Wood, Henry Hillard, Jephtha B. Munn, Silas Condit, Timothy S. Johnes, Jonathan C. Bonnell, George Vail and William Brittin, and their associates, shall be, and they are hereby created a body corporate and politic, in name and in fact, by the name and style of "The Morris County Bank," and by that name they and their successors may have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, answer and being answered unto, defend and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and may have a common seal, and may change, alter and renew the same at pleasure; and by the same name shall be, and are hereby made capable in law of purchasing, holding and conveying any estate, real or personal, for the use of said corporation; *provided*, that the said corporation shall in no case be owner of any ships or vessels, or directly deal or trade in any thing except bills of exchange, promissory notes, gold and silver bullion, stock of the United States, and such ships and vessels, goods, wares and merchandize, as shall be truly pledged to them by way of security for debts due, owing, or growing due to said corporation, or purchased to secure such debts, or on the sale of goods which shall be the produce of its land; *Provided also*, that the real estate which it shall be lawful for the said corporation to hold, shall be only such as may be necessary for its immediate accommodation for the convenient transaction of its business, or such as shall have been bona fide mortgaged to it, by way of security for loans for contracts made, or conveyed to it, in full or in part satisfaction of debts previously contracted in the course of its dealings, or purchased upon judgments, for the purpose of bona fide securing any debt, or debts due to the said corporation.

Style of incorporation.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation, shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, with the privilege of increasing the same to two hundred thousand dollars, at any time during the continuance of this charter; and that the said company shall have liberty to commence business as soon as four instalments of five dollars each, or fifty thousand dollars, shall have been paid in; and that the subscription to the said capital stock

Amount of capital

be received by Henry A. Ford, Joseph Jackson, Dayton I. Canfield, James Wood, and Jephtha B. Munn; which said commissioners or a majority of them, shall open books of subscription at Morristown; and the said books shall be kept open for the space of five days, giving twenty days previous notice in the newspapers published at Morristown, and upon closing of the said books of subscription or within five days thereafter, the said commissioner shall pay over to the directors hereinafter appointed, the whole amount of money which they or any of them may have received upon the said subscriptions.

Time and
mode of annu-
al election of
directors.

Sec. 3. *And be it enacted,* That all the affairs, property, and concerns of the said corporation, shall be managed and conducted by thirteen directors, all of whom, together with the president, shall be stockholders and citizens of the United States, and of this state; which directors shall hold their offices for one year, and shall be elected on the first Tuesday of June in every year, after the first Tuesday of June in eighteen hundred and thirty-seven, in the banking house at such time of the day as the board of directors for the time being shall appoint; and notice shall be given by the said directors, not less than fourteen days previous to the time of holding the said election, by an advertisement to be inserted in one of the newspapers printed in the town of Morris; for the well ordering of which election the directors shall previously thereto appoint three stockholders not being directors, to be judges of elections, who shall conduct and regulate the same; they shall determine, whether the persons voted for are qualified to be elected directors, and after the conclusion of the ballot, shall decide and declare who are elected directors; and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled to one vote for each share of stock not exceeding ten, and one vote for every five over and above that number, which he, she, or they, shall have held, in his, her, or their names, at least three months before the time of voting, and all such elections shall be by ballot; and the persons who shall have the greatest number of votes shall be directors, who shall take an oath of office, and if it shall so happen at any election, that two or more persons shall have an equal number of votes, then the said directors in office, at the time of such election, or a majority of them, shall proceed by ballot and plurality of votes, to determine which of the persons so having an equal number, shall be a director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall proceed in like manner, to elect by ballot, one of their number, a president, who shall be an inhabitant of the county of Morris; and whenever a vacancy or vacancies shall happen among the directors, by death,

President to be
chosen.

resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year by such person or persons as the remainder of the directors for the time being, or a majority of them shall appoint, and that Henry A. Ford, Dayton I. Canfield, George H. Ludlow, Joseph Jackson, Richard S. Wood, James Wood, Henry Hillard, Jeptha B. Munn, Silas Condit, Timothy S. Johnes, Jonathan C. Bonnell, George Vail, and William Brittin, shall be directors, and shall hold their offices respectively, until the first Tuesday in June, in the year of our Lord, one thousand eight hundred and thirty-seven, and until others shall be chosen by the stockholders: *Provided*, that all persons voting by proxy shall enclose their ballot or ticket, containing the names of the persons intended by them to be voted for as directors, and sign their names thereto, and seal up and send the same directed to the president of the bank for the time being; who shall deliver the same to the stockholders appointed to be judges of elections, who shall open the same, and declare the number of votes each director shall so have obtained.

First directors.

Proviso.

Sec. 4. *And be it enacted*, That seven directors, shall constitute a quorum for the transaction of business, except in cases of discount, which shall be regulated by the by-laws of the corporation: *Provided*, that no discount shall be made, on any note or notes, bill or bills, without at least one good endorser.

Quorum.

Sec. 5. *And be it enacted*, That the directors, for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the government of said corporation, the management and disposition of the stock, business and effects thereof: the time, manner, and terms at, and upon which, discounts and deposits shall be made and received by the said corporation; *and provided further*, that the cashier of the said bank shall be annually appointed; and that upon the appointment or re-appointment of said cashier, he shall take an oath or affirmation, faithfully to perform the duties of his office; and shall give bond with good and sufficient security, in the penal sum of twenty thousand dollars, conditioned for the faithful performance of the duties of cashier of said bank, the duties and conduct of the officers, clerks and servants employed therein, the election of directors, and all such other matters as may appertain to the concerns of the said corporation; and shall have power to appoint as many officers, clerks, and servants for carrying on said business, and with salaries or allowances as to them shall seem meet; *provided always*, that such by-laws, rules, and regulations shall not be repugnant to the provisions or requirements of this charter, or to the constitution and laws of the United States or of this state.

Powers and duties of directors.

Stock forfeited
on failure to
pay instal-
ments.

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

Stock a lien.

Sec. 7. And be it enacted, That no transfer of stock of the said corporation, shall be valid and effectual, until any debt or debts which may be due to said company from the person transferring, shall have been fully discharged, and such transfer shall have been registered in a book or books to be kept for that purpose by the directors; and that the total amount of the debts which the said corporation shall, at any time, owe, over and above the actual deposits in said bank, shall not exceed twice the sum of the capital stock subscribed, and actually paid into the said bank.

Bills under
seal assigna-
ble by endorse-
ment

Sec. 8. And be it enacted, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable, by endorsement thereon, under the hand of such person or persons, his, her, or their assignee or assignees successively, and so as to enable such assignee to bring and maintain an action thereupon, in his, her, or their name or names; and the bills or notes which may be issued by order of said corporation, signed by the president, and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her, or their order, or bearer, though not under the seal of the said corporation, shall be binding and obligatory on the same, and with like power and effect as upon any private person or per-

sons, if sued by him or them in their private and natural capacity or capacities, and shall be assignable and negotiable in like manner, as if they were issued by such private person or persons, and shall be received in payment for all debts due to said corporation: *Provided*, that every bill or note issued by said corporation, payable to bearer, or to any person or persons, his, her, or their order or bearer, shall be deemed and taken to be payable and demandable at the office of the said banking company.

Proviso.

Sec. 9. *And be it enacted*, That it shall be the duty of the directors of the said corporation, to make semi-annual dividends of so much of the profits of said bank, as to them, or a majority of them, shall seem advisable, but they shall make no dividend of any part of the capital stock.

Dividends to be made.

Sec. 10. *And be it enacted*, That the rate of discount, at which loans may be made by the said corporation, shall not exceed the legal rate of interest of this state, for the time being: *Provided*, that nothing herein contained, shall be construed to prohibit the company from dealing in bills of exchange, and the purchase and sale thereof.

Rate of discount.

Sec. 11. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths or affirmations, and under the seal of the corporation, annually to lay before the Legislature of this state, a statement of its capital stock paid in, and of its notes, debts and specie on hand.

Statement.

Sec. 12. *And be it enacted*, That if at any time after the passing of this act, the said president, directors and company shall neglect on demand being made at their banking-house, during the regular hours of doing business, to redeem in specie or lawful money of the United States, their said bills, notes, or other evidences of debt issued by the said corporation, the said president, directors and company shall forfeit their charter forever, and wholly discontinue and close their banking operations, either by way of discount or otherwise; and the said bank shall be liable to pay the holder or holders of such notes or bills, the payment whereof has been refused or delayed, upon demand as aforesaid, damages for the non-payment thereof, at and after the rate of ten per centum per annum, from the time of such demand, until the same shall be paid as aforesaid, or otherwise satisfied.

Charter forfeited on refusal to pay specie for notes.

Sec. 13. *And be it enacted*, That the president and directors of said corporation shall, individually and jointly, and severally, be, and continue liable to every creditor for the payment of any bills obligatory or of credit, note or notes, that they or any of them may issue and circulate; and upon demand of payment

President and directors responsible.

being made at the bank, during the usual hours of business, and refusal thereof, an action may be brought against the said persons, then acting as president and directors of said company, jointly or severally; and it shall be lawful for the plaintiff or plaintiffs to declare therein generally, for money had received, with a specification of the dates, sums, payees and numbers of the said bills or notes so demanded, and payment whereof hath been neglected or refused, and upon judgment being rendered, execution shall issue thereon.

When notes
may be issued.

Sec. 14. *And be it enacted*, That it shall not be lawful for the said bank to issue any notes or bills, until an affidavit, by the president and cashier, shall have been made and filed in the office of the secretary of state, stating that fifty thousand dollars of the capital stock of the said corporation shall have been subscribed and paid in, conformably to the provisions of this act.

Limitation

Act may be
altered or re-
pealed.

Sec. 15. *And be it enacted*, That this act shall be and continue in force until the first day of January, one thousand eight hundred and fifty-seven, 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.

Passed, February 24, 1836.

AN ACT to incorporate the Monmouth and Middlesex Agricultural Rail Road and Transportation Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Joseph F. Randolph, Thomas G. Haight, John J. Conover, Peter Vredenbrough, junior, Isaac K. Lippincott, John M. Perrine, John H. Smock, George C. Herren, Abraham Cruser, Joseph McChesney, Simon Arrowsmith, William Little, Garret Hiers, Garret P. Conover, James Cook, Rescarrick M. Smith, Charles G. McChesney, and such other persons as may hereafter be associated for the purpose, shall be and hereby are made, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The

Monmouth and Middlesex Agricultural Rail Road and Transportation Company," and by that name they, their successors and assigns, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient to the objects of this incorporation.

Style of incorporation.

Sec. 2. *And be it enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars, with liberty to increase the same to five hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property and transferrable in such manner as the corporation shall by their by-laws direct; *Provided always*, that no part of the said capital stock of the said company shall be employed for banking or other purposes incompatible with the objects contemplated in this act.

Amount of capital stock

Sec. 3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books for receiving subscriptions to the capital stock of said corporation; the said books shall be opened by the said commissioners, or a majority of them, four days in succession, the first day at Middletown Point, the next day at Freehold, and the third day at Freehold, and the fourth day at Princeton, and twenty days notice shall be given by the said commissioners or a majority of them of such times and places in two newspapers printed in Freehold, and one printed in Princeton; and if more subscriptions be taken than the amount of the capital stock, it shall be the duty of the said commissioners or a majority of them to make a fair and just apportionment of the stock among the subscribers, giving a preference to the citizens of New Jersey, and if less than seventeen hundred shares shall be taken, the said commissioners or a majority of them may open said books for receiving subscriptions at such times and place or places as they or a majority of them may think proper, until seventeen hundred shares or more shall have been subscribed; and at the time of subscribing for said stock, five per centum shall be paid upon each share subscribed for to the commissioners or some one of them; *Provided*, that if the said commissioners shall fail to meet at the times and places as aforesaid, this corporation shall not for that cause be dissolved.

Books of subscription for stock to be opened.

Proviso.

Sec. 4. *And be it enacted*, That after seventeen hundred or more shares of the said capital stock shall be subscribed, the said commissioners or a majority of them shall give a like notice

First election
of directors.

as above, for a meeting of stockholders to choose nine directors, which election shall be made at the time and place appointed by such stockholders as shall attend for that purpose, in person or by lawful proxy, each share entitling the holder thereof to one vote, and the said commissioners or a majority of them shall be inspectors of the said election, and shall certify under their hands the names of the persons duly elected, and deliver over the subscription books to the said directors, and such moneys paid to them for subscriptions to said capital stock as shall remain in their hands after defraying the expenses of subscription and incidental expenses; and the directors or a majority of them chosen at such meeting, or at the annual elections, shall, as soon as may be after every election, choose, out of their own number, a president, and in case of the death, resignation or removal of the president or any director, the vacancy or vacancies may be supplied by the board of directors, or a majority of them, and in case of the absence of the president, they, or a majority of them may appoint a president pro tempore.

Time and
mode of elect-
ing directors.

Sec. 5. *And be it enacted*, That an annual election for directors shall be held at such time and place in the counties of Monmouth or Middlesex, as may be fixed by the by-laws of the company or the board of directors for the time being, who shall advertise the same for twenty days in two newspapers, one published in the county of Monmouth and the other in the county of Middlesex, or borough of Princeton, at which the stockholders shall vote in the same manner as at the first election; *provided always*, that in case no election shall be made at the time fixed, the said corporation shall not for that cause be dissolved, but such election may be held at any other time upon giving the proper notice, and the directors for the time being shall continue in office until new ones shall be chosen in their places.

Stock forfeited
on failure to
pay instal-
ments.

Sec. 6. *And be it enacted*, That five directors of said corporation shall be a quorum competent to transact all business of said corporation, with power to call in the capital stock of the same at such times and by such instalments as they may think proper, not exceeding five dollars on each share at any one time and not less than thirty days apart; and in case of the non-payment of any such instalments, to forfeit the share or shares upon which said default shall arise; and to make such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property and estate of the said corporation; and also, to appoint a secretary and such other officers and agents as to them may seem meet; to fix the salaries and compensation of their president and other officers and agents, and to require from them proper securities for the performance of their several du-

ties and trusts, and generally to do all other acts and things they may deem expedient for the purpose of carrying into effect the objects contemplated by this incorporation.

Sec. 7. *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 the Delaware and Raritan Canal at or near Scudder's Mills, in the county of Middlesex, to the Middletown Point Creek, at the village of Middletown Point, in the county of Monmouth, passing through the village of Freehold in said county of Monmouth, with a branch not exceeding two miles in length to such marl beds as they may deem proper: *And also*, with a branch from the village of Freehold, aforesaid, to any such marl bed on Manasquan river, as the said company elect; *Provided*, that the said company shall not hold any marl beds on but one side of said river, and the said company may extend branches of said road, not exceeding half a mile in length, as they may deem proper; *Provided also*, that no land necessary for such branches of half a mile in length shall be taken without the consent of the owner or owners first had and obtained; not to exceed eighty feet wide, with as many sets of tracks and rails, as the said president and directors may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendants, and others in their employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, levelling, and laying out the route or routes of such rail road or rail 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 rail road or rail roads, or any part or parts thereof shall have been determined upon and a survey of such route or routes or any part or parts thereof deposited in the office of the secretary of state, then it shall be lawful for the said company by its officers, agents, engineers, superintendants, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails and to do all other things which shall be suitable or necessary for the completion or repair of the said road or roads, and may take and use any stone, gravel, sand, or other earth, on or near the said route or routes, which may be required for the construction of, repairing, altering, or extending the said road or roads, or of any of the works or appendages, subject to such compensation as is hereinafter provided; *Provided always*, that the payment or tender of the pay-

Location of
rail road.

Purposes for
which compa-
ny may enter
on lands, &c.

Survey of
route to be
filed in Secre-
tary's office.

ment 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 other 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 if known and in this state, be first had and obtained.

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

Sec. 8. *And be it enacted*, That if the owner or owners of the land on which the said 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 lands may be, who is disinterested in the premises upon the application of either party, and after giving ten days notice in writing to the opposite party, if known, and in this state, of such application and after hearing the parties, to appoint three disinterested commissioners residents of said county, to assess the price or value of said land or materials, and also the damages arising from the removing, making and maintaining the fences on the line of the said road, who shall be sworn or affirmed before the said judge, faithfully to execute the duties of such appointment, and after like notice to both parties, of the time and place, shall meet, view the premises and hear the parties and evidence, if desired, and thereupon make such decision, and award as to them shall appear just and proper, and transmit such award and decision, together with a description of said land and the quantity taken, by whom owned and how situate, bounded and described, and also the amount of assessment for making and maintaining the fencing, 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 in which said lands may be, there to be kept as a public record, and copies taken by either party if required, and if either party shall feel aggrieved by the decision of said commissioners, the party so aggrieved may appeal to the Inferior Court of Common Pleas of the county in which said lands may be, 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, 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 judg-

ment shall be given with costs, against the said company and execution issue if need be, but if said jury shall be demanded by the owner or owners and shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct, and upon payment, or tender of the sum so found by the commissioners, or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed in fee simple, of all such lands and real estate appraised as aforesaid: *Provided always*, that in case the said company after the same is completed, shall abandon the said road or cease to keep the same in repair at any time for three successive years, that then and in that case, this charter shall be annulled as to such parts of said road so abandoned, not kept in repair, and the title to the lands over which the part of said road so forfeited shall pass, shall be re-vested in the person or persons from whom the lands were taken by concession or by inquisition as aforesaid.

Sec. 9. *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 mentis, out of this state or under any other legal disability, which would prevent their agreement with the said company, then it shall be the duty of said corporation to pay the amount of any award or report so made in behalf of any such person, into the Court of Chancery, to the clerk thereof, subject to the order of the said court, for the use of said owner or owners, all of which said proceedings, as well under this, as the preceding section of this act, shall be at the proper costs and charges of the said corporation.

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

Sec. 10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said rail road or roads where any public or other road shall cross the same, so that the passage of carriages, horses and cattle, on the said road shall not be impeded thereby; and also where the said rail 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 easily pass the same.

Other roads not to be obstructed.

Sec. 11. *And be it enacted*, That the president and directors of said company, shall have power to construct or purchase and place upon their said road or roads, all machines, engines, wagons, carriages or vehicles, for the transportation of passengers or any species of property thereon as they may think proper, and to charge for the passage or transportation of any vehicles, engines, passengers or property on their said road or roads as they may think proper; *provided*, they shall not charge

Rates for passage and transportation.

for the transportation of property on said road or roads in their own carriages or the carriages of others, more than the following rates, viz.: for marl, lime, or ashes, for any distance not exceeding ten miles, eight cents per mile per ton, for any greater distance not exceeding six cents per mile per ton, or more than ten cents per ton per mile, or three cents per barrel, or one cent per bushel per mile, for produce or other articles, or more than six cents per mile for carrying each passenger on said road or roads; and that the said 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.

Dividends to be made semi-annually.

Sec. 12. *And be it enacted*, That the president and directors shall, within one year after the said road or roads shall have been completed, declare and make such dividend as they may deem prudent and proper, of the nett profits thereof, and shall in like manner semi-annually thereafter, declare such dividends and pay the same to the stockholders of the said company in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

Penalty for injuring road or works.

Sec. 13. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of any rail road or roads 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 by company.

Sec. 14. *And be it enacted*, That the said company may have and hold real estate along the line of said road or roads not exceeding two acres at any one place; and also, that said company may have and hold by lease or purchase, such and so many marl beds, marl banks, marl and real estate as may be necessary and convenient to enable the said company to obtain, dig, and transport any such quantity of marl as they may deem proper; and may erect and build on any of their real estate, houses, warehouses, machine shops, and 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.

Rail road a public highway.

Sec. 15. *And be it enacted*, That the road or roads authorized by this act be, and the same are hereby declared a public

highway, 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 be so regulated as to the time of starting and rates of travelling, as not to interfere with the carriages of the company, and subject as to the amount of tonnage to the rules and regulations of the company. Proviso.

Sec. 16. *And be it enacted*, That as soon as the rail road and roads with its and their 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 or roads, including all expenses in the office of the Secretary of State; and annually thereafter, the president and treasurer of said company, shall, under oath or affirmation, make a statement to the Legislature of this state, of the proceeds of said road, and as soon as the nett proceeds of the said rail road or roads shall amount to six per centum upon its costs, the said corporation shall pay to the treasurer of this state, a tax of one half of one per cent. on the costs of said road or roads, to be paid annually thereafter on the first Monday in January of each year, as long as the said nett proceeds shall amount to said six per centum: *Provided*, that no other tax or impost shall be levied or assessed upon the said company for the use of the state. Cost of road to be filed with Secretary of State.
May be taxed.

Sec. 17. *And be it enacted*, That after the expiration of fifty years from the completion of the said road, the Legislature of this state may take the same for the state, paying therefor the original costs of the same. When state may take the road.

Sec. 18. *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 as to such part and parts of said road as shall not then be completed and in use. Limitation

Sec. 19. *And be it enacted*, That the Legislature of this state may, at any time hereafter, alter, amend, or modify this act, whenever in their opinion, the public good requires it. Act may be altered or repealed.

Sec. 20. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever. Public act.

Passed, February 25, 1836.

AN ACT to authorize a Trustee to convey certain real estate, in the township and county of Bergen, of which Daniel Dedrix died seized.

WHEREAS Daniel Dedrix, late of the township of Bergen, in the county of Bergen, and state of New Jersey, died seized and possessed of certain lands, situated in said township of Bergen, leaving a last will and testament, by which will he gave and devised to his daughter Jane, and after her death to her heirs, a part of his real estate; *And whereas* the said Jane having married with one Stephen Simonson, by which marriage they had the following children, viz. Abraham Simonson, Jacob Simonson, Isaac Simonson, Daniel Simonson, Effy Simonson, who married with one George H. Slingerland, Elizabeth Simonson, who married with one Garret J. Van Riper, deceased, and Ann Simonson, who married with one Samuel Smith, both deceased, leaving the following children and heirs at law, viz. Elizabeth Smith, now the wife of John Van Waggoner, aged twenty years, David Smith, aged eighteen years, and Charles Smith, aged seventeen years, who are infants; *And whereas* all the aforesaid parties in interest have sold and conveyed seven acres of said lands to one John M. Cornelison, of the said township and county of Bergen, for the sum of two thousand three hundred dollars, and have made and executed to him a deed for the same of all their right and interest to said land, except the said infant heirs, who have agreed with the said John M. Cornelison, that he might hold in his hands for their use, the amount due them, out of the said sum of two thousand three hundred dollars, which they are entitled to receive from the aforesaid money, by reason of the rights of their mother, Ann Simonson, late Ann Smith, deceased, until they should make him a deed, or cause one to be made to him, for their right and interest in the same; *And whereas* all the parties except the said infants are paid and satisfied, and the said infants being desirous that their proportion should be applied to their use and benefit, have petitioned the legislature that a trustee might be appointed, authorizing him to convey the said lot of land, according to their agreement with the said John M. Cornelison, and to receive the money due them, and to apply the same for their benefit; *And whereas* it appears that the property heretofore, was of but little value, and entirely unproductive, and a sale having been made, upon advantageous terms to them, and the prayer of the memorialist appearing to be reasonable and proper—Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Cornelius Van Riper be and is hereby appointed a trustee, with full power and authority to make and execute a good and sufficient deed of conveyance to John M. Cornelison, his heirs and assigns, of all right, title, and interest, that the said infants may have in and to the said seven acres of land, situate in the said township of Bergen, in the county of Bergen, and which was devised and bequeathed by the said David Dedrix to his daughter Jane, and after her death to her heirs, and in said will is called the "Cedars;" and to receive and pay over the moneys belonging to the petitioners, according to their legal and respective rights and interests therein.

Trustees authorised to convey certain lands

Sec. 2. *And be it enacted,* That the said trustee shall, before he enters into the trust reposed in him by virtue of this act, enter into bond to the governor of this state, with such securities and in such amount as shall be approved of by the orphans' court of the county of Bergen, conditioned for the faithful performance of the duties required of him by this act, which shall be deposited in the office of the said surrogate.

Bond to be given to the governor.

Sec. 3. *And be it enacted,* That the said trustee shall, within six months after the sale of the said lands is completed, make and exhibit, under oath or affirmation, to the orphans' court, of the county of Bergen, a true statement of his proceedings, and to be by the surrogate recorded and filed in his office; and that the said trustee shall be accountable for all moneys received by him by virtue of this act, deducting his reasonable expenses, and a reasonable compensation for his services, to be allowed by the said orphans' court, and shall account for the same to the said orphans' court accordingly.

Trustee to account to orphans' court

Passed, February 24, 1836.

AN ACT to authorize Trustees to sell certain real estate
in the township and county of Bergen, late the property
of Walter Clendenny.

Preamble.

WHEREAS Walter Clendenny, late of the township and county of Bergen and state of New Jersey, died seized and possessed of certain lands, situate in the township and county of Bergen, and state of New Jersey, in fee simple, having first duly made and published, in writing, his last will and testament, bearing date the fourteenth day of April, A. D. one thousand eight hundred and twenty-two, whereby the said Walter Clendenny did give and devise all the farm and improvements thereon where he then lived, containing about one hundred acres, to his daughter, Nelly, the wife of Hartman Brinkerhoff, now deceased, to her use, for and during and until her youngest child should arrive at the age of twenty-one years; and when the youngest child of the said Nelly should arrive at the age of twenty-one years, the said land should be divided equally between the heirs of the said Nelly, late the wife of Hartman Brinkerhoff, deceased, and the heirs of his daughter, Jane, late the wife of Peter Garrabrants, deceased; *And whereas* the said Nelly Brinkerhoff and Hartman Brinkerhoff are both deceased, leaving Henry Brinkerhoff, Cornelius Brinkerhoff, John Brinkerhoff, and Leah Ann Brinkerhoff, children and surviving heirs at law; and the said Jane Garrabrants and Peter Garrabrants are also both deceased, leaving Cornelius P. Garrabrants, and Eleanor Garrabrants, now the wife of Nicholas Prior, children and surviving heirs at law; *And whereas*, all the heirs of the said Nelly and Jane are above the age of twenty-one years, except the said Leah Ann Brinkerhoff, who is a minor, and the youngest child of the said Nelly Brinkerhoff; *And whereas* a division of the said lands cannot be made before the said Leah Ann Brinkerhoff shall have arrived to the age of twenty-one years, among the said heirs, and they having petitioned the legislature that trustees might be appointed to sell the same for their benefit, and the prayer of the memorialist appearing to be reasonable 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 John M. Cornelison and Cornelius Van Winkle, in the township of Bergen, and county aforesaid, be and they are hereby appointed trustees, with full power and

Trustees authorized to sell lands

authority to sell and dispose of the said lot, piece, or parcel of land, and premises, situate in the township and county of Bergen, bounded south easterly by the highway leading to Bergen Point, south westerly by lands of John Zabriskie and others, north westerly by the Hackensack river, and northerly and north easterly by meadow and upland of John Outwater and John Duryea; containing about one hundred acres, belonging to the heirs at law of the said Nelly Brinkerhoff and Jane Garrabrants, deceased, which were devised to the said heirs, by Walter Clendenny, deceased, or any part thereof, at public sale, giving thirty days notice of the time and place of such sale, 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 petitioners, according to their legal and respective rights and interests therein.

Sec. 2. *And be it enacted*, That before the said John M. Cornelison and Cornelius Van Winkle, 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 security and in such amount as shall be approved of by the orphans' court 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 surrogate of said county.

Bond to be
given.

Sec. 3. *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 orphans' court of the county of Bergen, and shall account for the same to the said orphans' court accordingly.

Trustees to
account to or-
phans court.

Passed, February 24, 1836.

AN ACT to divorce Elizabeth Wyckoff from her husband
John Wyckoff.

John and Elizabeth Wyckoff divorced

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Elizabeth Wyckoff, of the county of Warren, be, and she is hereby divorced from her husband, John Wyckoff; and the marriage contract heretofore existing between them, the said Elizabeth Wyckoff and John Wyckoff, be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony.

Passed, February 24, 1836.

AN ACT to divorce Ann Frost from her husband Franklin B. Frost.

Franklin B. and Ann Frost divorced

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the marriage contract heretofore existing between Ann Frost and her husband Franklin B. Frost be, and the same is hereby dissolved, as fully to all intents and purposes, as if they had never been joined in matrimony; *Provided nevertheless,* that the issue of such marriage shall not be deemed illegitimate in consequence of this act.

Passed, February 24, 1836.

A SUPPLEMENT to the Act entitled "An Act to erect and establish a Banking and Insurance Company, in the town of Newark and county of Essex," passed the seventeenth day of February, eighteen hundred and four, and to extend the charter thereof.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of of the same,* That the act entitled "An act to erect and establish a banking and insurance company in the town of Newark and county of Essex," passed the seventeenth day of February, in the year of our Lord, one thousand eight hundred and four, be, and the same is hereby extended and limited to the seventeenth day of February, which shall be in the year our Lord one thousand eight hundred and fifty-nine.

Charter extended

Sec. 2. *And be it enacted,* That it shall and may be lawful for the said company, from time to time, to increase their capital stock, by the addition of as many whole shares as shall be judged expedient by the said company, or a majority of them, voting in the manner prescribed in the said act which established the said company, at any general meeting of the company for that purpose, notified in the manner in the fourth section of the said act prescribed; *Provided,* that the whole number of additional shares shall not exceed six thousand; and the members of said company, for the time being, to the extent and amount of one-third of the said increased capital stock, are hereby declared to have the preference of all other persons, for the space of thirty days after the determination to increase their capital as aforesaid; and as it respects the remaining two-thirds of the said increased capital stock, books of subscription therefor shall be opened, and the same shall be taken, under the regulation and direction of the board of directors of said company; and the said two-thirds shall be subject to such reasonable and equitable allowance for any surplus profits that may exist in the said company, when such increase of capital stock may be determined on, as may be fixed and agreed by the said company at that time; and all proprietors of such additional shares shall, and are hereby declared to be thenceforward, incorporated into the said company, and entitled to the benefits and privileges of the original subscribers.

Capital increased.

Proviso.

Mode of distributing stock

Sec. 3. *And be it enacted,* That if at any time after the passing of this act, the said president, directors and company

Charter forfeited on refusal to pay specie for notes

shall neglect or refuse, on demand being made at their banking house, at any time during the regular hours of doing business, to redeem, in specie, any of the bills, notes, or other evidences of debt, issued by the said corporation, and which shall be due and payable, the said president, directors and company shall wholly discontinue and close their banking operations, either by way of discount or otherwise, unless the said president, directors and company shall resume the redemption of their said bills, notes, and other evidences of debts, in specie, or other lawful money of the United States, within thirty days after such demand shall have been made; and the said company shall be liable to pay to the holder or holders of such bills, the payment whereof has been refused or delayed, upon demand as aforesaid, damages for the non-payment thereof, at and after the rate of ten per centum per annum, from the time of such demand, until the same shall be paid, as aforesaid, or otherwise satisfied.

President and directors personally responsible.

Sec. 4. *And be it enacted*, That whenever any holder of any bill, note, or other evidence of debt, issued by the said bank, shall present the same to the bank for payment, and payment thereof shall be neglected or refused, during the regular business hours of said bank, on the day of such presentment, that then, and in that case, such holder of any such bill, promissory note, or other evidence of debt, may commence an action in any court of competent jurisdiction, in this state, against the president and directors of the said bank, or any or either of them, and recover, by the judgment of the court before whom such action shall be commenced, the full amount of such bill, promissory note, or other evidence of debt, with full costs of suit; upon which, execution shall immediately issue against the proper goods and chattels, lands and tenements of the said president and directors, or any or either of them, in the same manner as if the bill, promissory note, or other evidence of debt, had been given or issued by them, or either of them, in their individual capacity; *Provided*, that nothing in this section shall prevent any holder of any bill, promissory note, or other evidence of debt, from commencing an action against the said Newark Banking and Insurance Company.

Proviso.

Annual statement to the legislature.

Sec. 5. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths or affirmations, and under the seal of the corporation, annually to lay before the legislature of this state, a statement of its capital stock paid in, and of its notes, debts, and specie on hand.

Sec. 6. *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 amend this act, or the act to which this is a supplement, whenever, in their opinion, the public good requires it.

Act may be altered or modified.

Sec. 7. *And be it enacted*, That this supplement shall not go into operation until the said company shall signify their assent and acceptance of this supplement, in writing, to the governor of this state.

When act to go into operation.

Passed, February 24, 1836.

AN ACT to dissolve the marriage contract between John Williams and his wife Rachel.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the marriage contract between John Williams, of the county of Morris, and Rachel, his wife, be, and the same is hereby dissolved, as fully, as if they had never been joined in matrimony.

John and Rachel Williams divorced

Passed, February 25, 1836.

A SUPPLEMENT to the Act entitled "An Act to incorporate the Farmers and Mechanics' Bank of Rahway," passed the seventh day of February, eighteen hundred and twenty-eight.

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

Capital increased.

Mechanics' Bank of Rahway, in the county of Middlesex is hereby increased to the sum of two hundred thousand dollars; and the additional capital hereby created shall be divided into shares of fifty dollars each, in the same manner as provided in relation to the original capital in the act to which this is a supplement.

Mode of receiving subscription to new stock.

Sec. 2. *And be it enacted*, That it shall and may be lawful for the directors of the said bank to appoint three of their own number as commissioners to open books of subscription at their banking house for the said additional capital; and said books shall be kept open for three entire days during the regular hours of business; and due notice thereof shall be published in a newspaper printed in Rahway, for the space of twenty days previous to the opening the books of subscription as aforesaid, and five dollars on each share shall be paid at the time of subscribing therefor: provided that the stockholders of the original stock shall be entitled to a preference in subscribing to one-half of the said additional capital, and provided also that if more than the required amount shall be subscribed, the said commissioners shall distribute the one-half of the stock to and among the said original stockholders (if they shall subscribe for the one-half thereof) and the other half of the said additional stock shall be distributed among the subscribers not being stockholders, in proportion to their several subscriptions.

Distribution of stock

Value of new and old stock to be equalized

Sec. 3. *And be it enacted*, That the directors of the said bank shall equalize the value of the new stock to the old, by requiring payment on the new stock of the rateable proportion of the expenses of said bank in its organization and establishment, and an amount equal to the surplus profits on hand.

Stock forfeited on non payment of instalments

Sec. 4. *And be it enacted*, That the said directors may require payment on the said subscriptions, by instalments not exceeding five dollars on each share, at such times and manner as they, or a majority of them, shall deem proper, under the penalty of the forfeiture of all previous payments thereon, and that thirty days previous notice of the time and place of payment of each instalment shall be published in a newspaper printed in the town of Rahway.

Privilege of new stockholders

Sec. 5. *And be it enacted*, That all the proprietors and owners of the said additional stock under and by virtue of this act, shall be a part of the corporation created by the said act to which this is a supplement, and entitled to all the privileges and benefits of the original subscribers, and subject to all the provisions of the said act.

Passed, February 25, 1836.

AN ACT to authorize Isaac Collins and Susan R. Smith
to sell a certain tenement and lot of land in the county
of Burlington.

WHEREAS Richard M. Smith, late of the county of Burlington, having departed this life intestate, leaving Susan R. Smith, his widow, and Maria, Rachel and Dillwyn Smith, his children and heirs, him surviving, and Rowland Jones, Thomas Collins, and John J. Smith, junior, having duly administered upon the estate of said intestate, and made a final settlement thereof, before the orphans' court of the county of Burlington, at the term of May, A. D. eighteen hundred and twenty-seven, and thereupon the said Isaac Collins and Susan R. Smith were duly appointed guardians of the persons and estate of the said children, being minors; and the said Maria Smith having since intermarried with one Josiah R. Reeve; *And whereas* it hath been represented to the legislature that a part of the estate of the said intestate consists of a certain tenement and lot of land, containing ninety-eight hundredths of an acre, situate in the township of Nottingham, in said county, remote from the said petitioners, and disconnected with any other part of the estate of said intestate; that the same needs considerable repair, and that it would be more beneficial to sell the same than appropriate other funds towards its repair; and the parties interested therein having by petition prayed for legislative aid in the premises, and the same appearing to be 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 Isaac Collins and Susan R. Smith, be, and they hereby are empowered to make sale of all and singular the said certain tenement and lot of land, with its appurtenances so as aforesaid, situate in the township of Nottingham, county of Burlington, containing ninety-eight hundredths of an acre, being part of the estate of Richard M. Smith, deceased, first giving notice thereof, as guardians are by law required to do, and to execute and deliver a good, legal and sufficient deed, in their names, to the purchaser thereof, which said deed shall convey to and vest in the purchaser of the said tenement and lot of land, with the appurtenances, all the right, title, interest and estate whereof the said intestate died seized.

Guardians authorized to sell lands.

SEC. 2. *And be it enacted*, That the said Isaac Collins and Susan R. Smith shall account for the net proceeds arising

from the said sale, in the same manner as in case a sale thereof were made as guardians, under and by virtue of an order of the orphans' court; *Provided*, that this act shall not be construed to the prejudice of the just and lawful claims of other persons not named and embraced herein.

Passed, February 26, 1836.

AN ACT to incorporate the Totowa Manufacturing Company.

Style of incorporation.

Powers 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 Russel Stebbins, Obadiah Holmes, Abraham Godwin, John Clark, jun. Charles Danforth, 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 Totowa Manufacturing Company," for the purpose of manufacturing in the town of Paterson, in the county of Essex, cotton, iron, and brass castings, mill gearing, wool, flax, silk, and cotton machinery, and such iron, brass, and copper work, as appertains to rail roads, and by the same name they and their successors and assigns shall have power and continue a body politic and corporate, and capable in law, of suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts of justice or any other place whatever; to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be able and capable to acquire, purchase, receive, have, hold, and enjoy any lands, tenements, hereditaments, goods and chattels, of whatever kind and quality soever, necessary or useful for the said corporation to carry on their manufacturing operations, above mentioned, and all other real estate, which shall have been bona fide mortgaged to the said corporation, by way of security or conveyed to them in satisfaction of debts previously contracted in the course of business, or purchased at sales upon judgments, which shall have been obtained for such debts; *Provided always*, that the funds of

the said corporation, or any part thereof, shall not be applied, used, or employed, at any time in banking operations; or for any other purposes not clearly indicated in this bill; and the said Russel Stebbins, Obadiah Holmes, Abraham Godwin, John Clark, jun. and Charles Danforth, 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 said company, shall be managed and conducted by five directors, being stockholders, and one of whom to be president, who shall hold their offices for one year; and that the said directors shall be chosen at such place and time as shall be directed by the by-laws of the said corporation; and public notice shall be given of the time and place of holding every such election, not less than twenty days previous, in one or more newspapers printed nearest the place where such 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 the 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 a 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.

Time and
mode of elect-
ing directors.

Duties of di-
rectors.

Sec. 3. *And be it enacted*, That the capital stock of the said company, shall not exceed two hundred and fifty thousand dollars, which shall be divided into shares of fifty dollars each; but as soon as the sum of thirty 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 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

Amount of
capital.

them subscribed, at such times and in such proportions, not exceeding five dollars on each share at any one time, as they shall deem proper, giving at least thirty days previous notice, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if the payments shall not be made within thirty days after such notice as aforesaid shall have been published in or near the place where such payments 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 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 on day
prescribed.

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

Powers and
duties of di-
rectors.

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 open
to inspection
of stockhold-
ers.

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

How compa-
ny 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, and disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interest in the stock, unless the stockholders at such general meeting, shall appoint other persons, not less than three nor more than five in number, for such purpose; in which case the persons so appointed, and the survivors and survivor of them, shall be 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

Act may be altered or repealed.

Passed, February 26, 1836.

A SUPPLEMENT to an Act entitled "An Act to incorporate the stockholders of the Bridges over the Rivers Passaic and Hackensack."

WHEREAS the construction of the bridge of the New-Jersey Rail Road and Transportation Company, over the Hackensack river, in the immediate vicinity of "the Proprietors of the Bridges over the Rivers Passaic and Hackensack," renders it necessary in order to preserve the navigation of said

Preamble.

river, with as little obstruction as possible, to construct the two bridges along side of each other, with a continuous draw, accommodated to both bridges, and an arrangement having been made between the two companies for that purpose—Now therefore,

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the proprietors of the bridges over the rivers Passaic and Hackensack, to construct a new bridge over the river Hackensack, along side of the present bridge over said river, built by the New-Jersey Rail Road and Transportation Company, according to the modern plan of constructing bridges over navigable waters, of a width of not less than twenty-five feet, with a draw in a continuous line with the draw of the present rail road bridge; *Provided*, the old bridge shall not be taken up, removed, or otherwise rendered impassable for carriages, horses, or foot passengers, at any time before the new, or contemplated, bridge is finished and fit for use; and that the said company shall, before the new or contemplated bridge shall be completed and fit for travelling, make and construct a good and permanent turnpike road from the present turnpike road to the abutments of the new or contemplated bridge; *Provided also*, that a pier be constructed on the north side of the rail road bridge, extending northwardly in a line with the westerly line of the draw of the said rail road bridge, until the said pier meets the low water mark on the westerly bank of the said Hackensack river; and from said point to be extended further northwardly, along said low water mark, so far that the whole distance of said pier be at least three hundred feet; and that it be the duty of said bridge companies, at all times, to keep the channel along said pier in such a condition as to enable vessels drawing eight feet water to float along side thereof at low water; and also to keep a man stationed at the aforesaid bridge, to aid and assist navigators in passing through the draws of the rail road bridge and the proposed new bridge; and likewise to construct the draw of the said proposed new bridge, on the westerly side thereof, in a line with the westerly side of the draw of the present rail road bridge, and on the easterly side to incline easterly, in the line of the present wing of the draw of the said rail road bridge; *And provided further*, that nothing in this act shall be so construed as to impair or diminish the liabilities of the New-Jersey Rail Road and Transportation Company, towards "The Proprietors of the Bridges over the rivers Passaic and Hackensack," as secured by the act incorporating the former company.

Bridge to be
constructed
over the
Hackensack.

Proviso.

Proviso.

Proviso.

Passed, February 29, 1836.

A SUPPLEMENT to an Act entitled "An Act to incorporate the Franklin Manufacturing Company, in the county of Sussex," passed the fourth day of March, A. D. eighteen hundred and twenty-eight.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That after the word *Sussex*, in the third line of the fourth section of the act to which this is a supplement, the words "*or elsewhere*" be inserted.

Passed, February 29, 1836.

AN ACT to incorporate the Neshanic Mining Company of
the County of Hunterdon.

WHEREAS Hugh Capner, John Capner, James Capner, William H. Sloan, Samuel Hill, Joseph Case, and others, have, by their petition, set forth that there are a number of copper and other valuable ores and minerals in the county of Hunterdon, and other parts of the state of New Jersey, and that much expense and labor have been bestowed in examining their extent and value, and have requested the legislature to pass an act to incorporate the said Hugh Capner, John Capner, James Capner, William H. Sloan, Samuel Hill, Joseph Case, and their future associates, for the purpose of enabling them to work such ores and minerals, in such places as they now, or may hereafter hold in the said state, and to smelt and manufacture such ores as they may thus obtain—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 Hugh Capner, and such persons as may hereafter be associated with him for the purposes aforesaid, shall be, and are hereby ordained, constituted and declared to be a body

Style of Incorporation.

corporate and politic, in fact and in name, by the name of the "Neshanic Mining Company," and by that name they and their successors and assigns shall and may have continual succession, and shall be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and change and alter the same at pleasure, and that they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, goods and chattels, wares and merchandise whatsoever, necessary to the objects of this incorporation.

Time and mode of election of first directors.

Sec. 2. *And be it enacted*, That the stock, property, concerns and affairs of the said corporation shall be managed and conducted by seven directors, who shall be elected annually, on the first Monday of March, in each year, at such time of the day, and at such place in the village of Flemington, as the by-laws and orders of the said corporation shall direct; and public notice of the time and place of holding such election shall be given, not less than thirty days previous thereto, in one of the newspapers printed in the village of Flemington, and one printed in the city of Philadelphia, and the election shall then and there be made by such of the stockholders as shall attend for that purpose, in person or by proxy; and all elections shall be by ballot, each stockholder having one share, being entitled to one vote; a stockholder having five shares, shall be entitled to two votes; a stockholder having ten shares shall be entitled to four votes; a stockholder having fifteen or more shares shall be entitled to five votes; and the persons having the greatest number of votes shall be directors; and the said directors, as soon as they are elected, shall proceed to elect, by ballot, one of their number to be their president; and if any vacancy or vacancies shall happen at any time among the directors, by death, removal, resignation or otherwise, such vacancy shall be filled, for the remainder of the year in which the same shall happen, by such person or persons as the remainder of the directors, for the time being, or a majority of them, shall appoint; *Provided*, the persons so to be elected and appointed directors, shall be stockholders in this company, and shall be citizens of the United States.

Proviso.

Treasurer and his duty.

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

the funds of the incorporation, and to pay them out in such manner as the directors, at their meetings, may direct.

Sec. 4. *And be it enacted*, That in case it shall at any time happen, that an election of directors shall not be made on the day that, pursuant to this act, it ought to be made, the corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in manner aforesaid, as shall be provided for by the by-laws and ordinances of said incorporation, and the directors, for the time being, shall hold their offices until others are chosen in their stead; and the first meeting for the election of directors shall be held, pursuant to ten days' written notice to be given by the said Hugh Capner to each of the subscribers to the stock of this incorporation, of the time and place of holding such election, at which time and place the subscribers so assembled, shall, in manner aforesaid, proceed to elect seven directors, who shall hold their offices until the first Monday of March next thereafter, or until others are chosen in their stead, and the directors thus chosen shall proceed immediately to the election of a president, in manner aforesaid.

Corporation
not dissolved
on failure to
elect on day
prescribed.

President to
be chosen.

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

Amount of
capital stock

Stock forfeited
on failure to
pay instal-
ments.

Sec. 6. *And be it enacted*, That a majority of the directors, for the time being, shall form a board or quorum for the transaction of the business of the corporation, and shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the constitution and laws of the United States or of this state, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said incorporation, the duties and conduct of the officers, clerks, artificers, servants, and laborers employed by them, and all such other matters as appertain to the concerns of the said incorporation; and shall have power to employ so many officers, clerks and servants, for carrying on said business, with such salaries and allowances, as to them shall seem meet and proper.

Powers and
duties of di-
rectors.

Restrictions

Sec. 7. *And be it enacted*, That nothing in this act contained, shall authorize said company to use its funds for banking operations, or the loan of moneys, or for any other purposes than those herein before mentioned.

Stock personal estate.

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

What real estate may be held

Sec. 9. *And be it enacted*, That the said corporation shall have power to hold, as mortgagee, any real estate, bona fide mortgaged to secure any debt that may become due to the said corporation, in the course of their lawful business, and the said corporation shall have also power to proceed on the said mortgages for the recovery of the money thereby secured, either at law or equity, as any other mortgagee is, or shall be authorized to do, and it shall be lawful for the said corporation to purchase, on sales made at the suit of the said corporation, by virtue of a judgment at law, or decree of a court of equity, real estate, at the suit of the said company, and to hold the same until they can conveniently sell and dispose thereof; *provided nevertheless*, that the said company shall in no case purchase or hold any other lands or real estate than is heretofore authorized, or that may be purchased or taken by the said company as security as aforesaid.

Act may be altered or repealed.

Sec. 10. *And be it enacted*, That the said corporation shall be subject to the several provisions of an act entitled "An act to prevent fraudulent elections by incorporated companies, and to facilitate proceedings against them," passed the eighth day of December, in the year of our Lord, eighteen hundred and twenty-five; and that this act shall continue in force for the space of thirty years and no longer, and the Legislature may alter, modify or repeal this act whenever, in their opinion, the public good requires it.

Passed February 29, 1836.

AN ACT to incorporate the City of Newark.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all that district of country in the county of Essex, contained within the boundary lines of the township of Newark, as now established by law, and all the freemen of this state, inhabitants within the limits aforesaid, be, and hereby are ordained, constituted and declared to be from time to time and forever hereafter, one body corporate and politic in fact and in name, by the name of "The Mayor and Common Council of the City of Newark," and that by that name, they and their successors forever shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal and alter the same at their pleasure, and also by their corporate name aforesaid, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation, and that the said "The Mayor and Common Council of the City of Newark," and their successors, shall, by virtue of this act, become, and be absolutely and completely vested with, possess and enjoy, all the lands, tenements, hereditaments, property, rights, causes of action and estate whatsoever, both in law and equity, in possession, reversion or remainder, which at the time of the passing of this act are vested in or belong to the inhabitants of the said township of Newark, in their corporate capacity, as now incorporated by the name of "The Inhabitants of the Township of Newark, in the County of Essex," according to such estate and interest as the said "The Inhabitants of the Township of Newark, in the County of Essex," at the time of the passage of this act have, or of right ought to have in the same; *Provided*, that nothing in this act contained, shall affect any suit or suits now pending in the name of "The Inhabitants of the Township of Newark, in the County of Essex."

City of Newark incorporated.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted,* That the said city shall be divided into four wards in the manner following, to wit: all that part of the said city lying north of a line beginning at the Passaic river, at a point opposite the middle of the street now called Centre street, and which leads from the east corner of the Military Commons to the new wharf called Centre Wharf, and from such point or place of beginning running up

City divided

Boundaries of wards

and along the middle of said street, until it intersects the eastern branch of Broad street, which runs along the east side of the Military Commons, and thence running in a straight line across the said Commons to the middle of New street, where the same intersects Broad street, thence along the middle of New street to Washington street, and from thence continuing the same course or line last aforesaid until it intersects the division line between the township of Newark and the township of Orange, shall constitute the North Ward of the city of Newark aforesaid; and all that part of the said city lying south of a line commencing at the point in the division line between the townships of Newark and Orange, at which the continuation of a line running along the middle of William street to the said division line would intersect the same and form such point running in a straight line to the middle of William street where the same intersects the Springfield turnpike, and from thence through the middle of William street the several courses thereof to Broad street, thence in a direct line to the middle of Fair street where it intersects Broad street, thence along the middle of Fair street to Mulberry street, and from thence continuing the same course or line last aforesaid until it intersects the Passaic river or Newark bay, shall constitute the South Ward of the city of Newark; and all that part of said city lying west of a line running along the middle of Broad street and extending from the line which constitutes the north boundary of the South Ward where it crosses Broad street to the Liberty pole, standing on the south point of the Military Commons, and from thence running up the middle of said Commons until it intersects the line which constitutes the south boundary of the North Ward where it crosses the said Commons, shall constitute the West Ward of the said city of Newark, and all the residue of the said township of Newark shall constitute the East Ward of the said city of Newark; *Provided always*, that if any of the division lines aforesaid shall intersect any dwelling house, such house shall be considered as included in and belonging to the ward in which the largest portion thereof shall happen to lie.

Proviso.

Officers

Sec. 3. *And be it enacted*, That there be, and forever hereafter there shall be, in and for the said city, one mayor, one recorder, sixteen aldermen, one clerk, two coroners, one treasurer, four assessors, four collectors and twelve constables.

Common council how constituted

Sec. 4. *And be it enacted*, That the mayor, recorder and aldermen of the said city shall constitute and be called the common council of the said city, and the said common council shall be summoned and held at such times and places in the said city, as the mayor, or in his absence or sickness, the

recorder of the said city shall appoint, and the mayor, or in his absence or sickness, the recorder of the said city shall appoint, and the mayor, or in his absence, the recorder, shall preside at the meetings of the common council, and have a casting vote, and if both be absent, one of the aldermen may be appointed by the members present chairman pro tempore, and a majority of the whole number of the common council shall be a quorum to transact business; *Provided*, that the said mayor, recorder and aldermen shall not have or exercise any of the powers, duties or functions of justices of the peace in this state, any thing in the act constituting courts for the trial of small causes, in any wise to the contrary notwithstanding.

Sec. 5. *And be it enacted*, That an election by ballot shall be held in each of the wards of the said city on the second Monday in April next, and on the second Monday in April in every year thereafter, at such place as the common council shall appoint, of which place the common council shall cause public notice in writing to be set up in three public places in the ward, and to be published in two or more of the newspapers printed in the said city, at least one week previous to the day of election, at which election four aldermen, one assessor, one collector, one judge of elections, one commissioner of appeal in cases of taxation, one person to be clerk of the ward, two school committee men, and three constables, shall be annually chosen in each of said wards from among the citizens residing therein, and entitled to vote at such elections, of which elections the judge of elections, assessor, and collector of each ward shall be the judges, except that the first elections to be held in said wards on the second Monday in April next, shall be held at the places now fixed for holding the annual ward meetings of the township of Newark, and under the direction of the judges and inspectors of elections of the said wards, as now constituted; that the poll of such election shall be opened at ten o'clock in the forenoon, and closed at seven in the evening, and that all persons who by law are or may be qualified to vote at town meetings, shall be entitled to vote at such election, in the ward in which they actually reside at the time of offering their votes; that the name of each elector voting at such election shall be written in a poll list to be kept at such election by the clerk of the ward, as now constituted, and that after the poll shall be closed, the said judges shall count the votes given for the several candidates, and certify the result under their hands, and deliver such certificates to the clerk of the ward, who shall file and preserve the same, and within five days after such election, deliver a copy thereof to the

Provided

Time and
mode of elec-
tions

Qualification
of voters

clerk of the said city, to be by him filed and preserved in his office, and the persons having the greatest number of votes shall be deemed to be elected to the offices for which they shall have been voted for respectively.

Other officers
to be voted for

Sec. 6. *And be it enacted*, That at the said ward elections, to be annually held as aforesaid, there shall be voted for one person to be mayor, one person to be recorder, one person to be clerk, and two persons to be coroners in and for the said city, two persons to be chosen freeholders, and two persons to be surveyors of the highways, who shall respectively be freeholders and inhabitants of the said city, that the officers conducting such elections shall, in manner aforesaid, proceed to count the votes received, and certify the votes given for each candidate for the offices aforesaid respectively, which certificate shall be delivered within three days after such election to the clerk of the said city, who, calling to his assistance a majority of the aldermen of the said city, shall proceed to count the votes given in the several wards, and shall thereupon ascertain and declare who are elected by the greatest number of votes, to the respective offices mentioned in this section, and the said clerk and aldermen shall make a certificate thereof, and file the same in the office of the said clerk; *Provided*, that the certificates of the officers of the ward elections to be holden on the second Monday in April next, shall be delivered to the clerk of the present township committee of the township of Newark, who, with the assistance of a majority of the said township committee, shall count the votes, and ascertain and declare who are elected by the greatest number of votes to the offices mentioned in this section; and the said clerk and committee men shall make a certificate thereof, and deliver the same to the clerk of the said city, so soon as that officer shall be sworn into office, to be by him filed in his office, and that the said several officers mentioned in this and the preceding section, shall continue in office for one year, and until others are elected in their stead, and sworn into office.

Proviso

Duties of cer-
tain officers

Sec. 7. *And be it enacted*, That the clerk of the said city, the commissioners of appeals in cases of taxations, the chosen freeholders, the surveyors of highways, constables, and school committee men, appointed under this act, shall respectively possess the power and perform the duties of the like officers of any township of this state, so far as such powers and duties shall be consistent with the provisions of this act; and that the assessor, collector, and judge of election of each of the wards of the said city, shall respectively possess the powers and perform the duties of the like officers of any township of this state, to the same extent, and in the same

manner, in all respects, as if each of the wards of said city was constituted as separate townships of the county of Essex, so far as such powers and duties shall be consistent with the provisions of this act, and that the members of the common council of the said city, collectively and individually, shall possess the powers and perform the duties which by law belong to or are imposed upon members of the township committee of any township in this state, collectively or individually, so far as such powers and duties are consistent with the provisions of this act.

Sec. 8. *And be it enacted*, That the assessors of the several wards of the said city, shall assess upon persons and property within the said city; and the collectors of the several wards of the said city shall collect the state and county taxes by law directed, or required to be assessed and collected within the said city; and also the taxes required to be assessed and collected for the use of the said city; in the same manner, and within the same times as the assessors and collectors of townships are or may be by law required to assess and collect the state and county taxes within their respective townships; and the commissioners of appeal, in cases of taxation, shall meet at such place within said city as the common council shall appoint; and on the same day, and upon the like notice given as now is or hereafter shall be by law fixed and required for the meeting of the like officers of the townships of this state; and when so met, shall have full power and authority to hear and determine all complaints of unjust taxation, whether the same be assessed for the use of the state or county, or of the said city, in the same manner as the like officers of the townships of this state are authorized and required to do.

Duties of assessors and collectors

Duties of commissioners of appeal

Sec. 9. *And be it enacted*, That all elections hereafter to be held within the said city, for members of the legislative council and general assembly, sheriff and coroners, of the county of Essex, and for members of congress and electors of president and vice president of the United States, or for any other officers of the general or state governments that may be eligible by the people, shall be held in the several wards of the said city, at the place therein appointed by the common council for holding the city elections, on the day or days which now are, or hereafter may be designated for holding such elections; that the polls shall be opened and closed at the hours prescribed by the laws of this state; and the judge and inspectors of election before mentioned, shall preside at and conduct all such elections, and the clerks of said wards shall be clerks of such elections in their respective wards; that every person in said city entitled to vote at such elec-

Mode of conducting elections

tions, shall give his vote in the ward wherein he actually resides at the time of such election, and not elsewhere; and in case any person, at any election whatever held in said city, shall vote, or offer his vote, in a ward in which he is not entitled to vote, he shall be liable to the penalty prescribed in the seventh section of the act entitled "A supplement to the act entitled an act to regulate the election of members of the legislative council and general assembly, sheriff and coroners of this state," passed the first day of June, in the year of our Lord one thousand eight hundred and twenty, to be sued for and recovered in the name of the clerk of the ward where the offence shall be committed, in an action of debt, with costs, and applied to the use of the poor of said city.

Judges of elec-
tion to make
returns

Sec. 10. *And be it enacted*, That the said judges of elections shall take the same oaths and conduct such elections, and make returns thereof, in the same manner as township officers of elections are or may be by law required to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the same duties, and be subject to the same penalties as the like officers of the townships of this state are or may be by law vested with, allowed, or subject to; and in case of the absence, death, incompetency, or refusal to serve, of any of the said officers of elections, at any election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state, and the clerks of the said wards respectively shall procure election boxes for the use of their wards, in such manner, and of such descriptions as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are subject to for neglecting to procure such boxes and keep the same in repair.

Nominations
&c. to be sent
to clerks of
wards

Sec. 11. *And be it enacted*, That the clerk of the county of Essex shall transmit to the clerk of each of the said wards, printed copies of the seventh and eleventh sections of the act mentioned in the seventh section of this act, together with a list of nominations, within the same time, and in the same manner, as he is or may be by law required, to transmit the same to township clerks, which ward clerks shall severally advertise the said elections, and put up such copies and lists of nominations, in the manner in which the clerks of townships are required, by law, to advertise and put up the same.

Treasurer and
other city offi-
cers appointed
by common
council

Sec. 12. *And be it enacted*, That the treasurer of the said city shall be, from time to time, elected and appointed by the common council of the said city, or the major part of them in common council assembled; and, also, that the said mayor, recorder and aldermen, or the major part of them, in com-

mon council assembled, shall and may, from time to time, elect and appoint such other subordinate officers of the said city, not herein named, as they shall think necessary, either for the better ordering and governing the said city, or for the convenience, safety and advantage of commerce, which officers so appointed shall continue in office until others shall be appointed to succeed them, and be sworn into office.

Sec. 13. *And be it enacted*, That the clerk of the said city, before he enters upon the execution of the duties of his office, shall take and subscribe, before one of the justices of the supreme court of this state, or one of the judges of the inferior court of common pleas of the county of Essex, who are hereby respectively authorized to administer the same, the oath of allegiance to this state, and likewise an oath or affirmation, faithfully and impartially to execute the trust reposed in him, according to the best of his ability and understanding; which oaths shall be filed and preserved by the said clerk, in his office; and that all officers appointed under the authority of this act, shall, before they severally take upon themselves the execution of their respective offices, take and subscribe, before the clerk of the said city, who is hereby authorized to administer the same, the like oaths or affirmations, which the said clerk shall also file and preserve in his office.

Oaths of office

Sec. 14. *And be it enacted*, That it shall and may be lawful for the common council of the said city, or the major part of them, in common council convened, to pass all such ordinances as they shall judge proper, for regulating, cleansing, and keeping in repair the streets, highways, bridges, wharves, docks and slips in said city, and for preventing all obstructions in the river Passaic, near or opposite to such wharves, docks and slips; for preventing the incumbering or obstructing the streets, side-walks, alleys, docks and slips in said city, and for preventing persons from riding, driving, or passing over or upon the side-walks with horses or oxen, or with wagons, carts or carriages of any description; for ascertaining and establishing the boundaries of all streets, alleys and lots in said city, and preventing and removing all encroachments in or upon said streets and alleys; for preventing or regulating the running at large of cattle, horses, dogs and swine, or imposing a reasonable tax on the owners or possessors of dogs; for preventing the immoderate riding or driving through or in any street of said city; for abating or removing any nuisance in any street or wharf, or on any lot or enclosure in said city, and for causing common sewers, drains or vaults to be made in any part thereof; for the paving, flagging, or gravelling the streets of said city, and for lighting the same;

Powers and duties of the common council

for preventing or restraining riots, routs, disturbances or disorderly assemblages in any street, house or place in said city; for regulating, protecting and improving the public grounds in said city; for preserving aqueducts in said city, and sinking and regulating wells, pumps and cisterns in the streets thereof; for regulating the use of lights in stables; for the prevention or suppression of fires; for regulating or preventing the carrying on manufactures dangerous in causing or promoting fires; and for regulating the keeping and transporting of gunpowder, or other combustible or dangerous materials; and it shall be lawful for the said common council, or the major part of them, to appoint and remove fire wardens, and by ordinance to prescribe the powers and duties of such fire wardens, and of the fire engineers and firemen; which engineers and firemen shall be exempt from road tax, not exceeding the sum of three dollars, and from serving as jurors, or in the militia, in time of peace, and after serving ten years, successively, as firemen, shall be exempt from further duty as firemen, and also remain, thereafter, exempted from serving as jurors, or in the militia, in time of peace; to pass ordinances for protecting goods from being purloined at fires; for compelling the cleaning of chimnies, and licensing chimney sweeps; for regulating the dimensions of chimnies, hereafter to be built; for appointing watchmen, and prescribing their powers and duties; for regulating weights and measures, and the guaging of all casks of liquor and liquids; for regulating petty grocers, keepers of ordinaries or victualing houses, and the vending of meats and vegetables; for establishing and regulating public pounds; for restraining vagrants mendicants and street beggars; for regulating the police of said city; for regulating cartmen and cartage; for erecting, maintaining and regulating one or more public markets in said city, and a city hall, or town house; and the said common council shall and may, from time to time, pass ordinances for the more effectual suppression of vice and immorality; for preserving peace and good order; for the prevention of forestalling and regrating; for suppressing and restraining disorderly and gaming houses, and such other by-laws and ordinances, for the peace and good order of the said city, as they may deem expedient, not repugnant to the constitution of this state, or of the United States; and to enforce the observance of all such laws or ordinances, by enacting penalties, for the violation thereof, either by imprisonment, not exceeding four days, or by fine, not exceeding fifty dollars, recoverable, with costs, in an action of debt, and in the name of the treasurer of said city, for the use of the corporation of said city, before any justice thereof, in which action

the first process may be either by summons or warrant, and in which action it shall be lawful to declare, generally, in debt, for such penalty, and give the special matter in evidence; and further, it shall be lawful for any such justice, before whom judgment of imprisonment shall be given, to carry such judgment into effect, by warrant of commitment, under his hand and seal, directed to the keeper of the common jail of the county of Essex; *Provided always* that each and every ordinance so passed, as aforesaid, shall be published, for the space of at least twenty days, in two of the newspapers published in said city, before the said ordinance shall go into effect.

Proviso.

Sec. 15. *And be it enacted*, That upon the trial of any issue or upon the judicial investigation of any fact, to which issue or investigation "The Mayor and Common Council of the City of Newark" are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant, freeholder or freeman of the said city; and that if any person shall be sued or impleaded by reason of any thing done by virtue of this act, it shall be lawful for such person to plead the general issue and give this act and the special matter in evidence at the trial.

Inhabitants
not incompetent
witnesses.

Sec. 16. *And be it enacted*, That the said Common Council shall have power to build, establish, keep and maintain one or more work-house or work-houses, and one or more alms-house or alms-houses for the relief of the poor; and the said common council shall have power by their ordinance, to regulate the said houses, and to direct or order what persons shall be placed therein, and for what length of time, and the manner of ordering, placing and keeping persons therein; and that the application and expenditure of all moneys raised for the maintenance and relief of the poor of the said city shall be under the government, management and direction of the common council, and of such overseers of the poor and other officers as they shall for that purpose constitute and appoint; and the overseers of the poor appointed by the common council, shall possess the powers and perform the duties of the like officers of the townships of this state, so far as such powers and duties shall be consistent with the provisions of this act.

Common
council may
build work-
houses, &c.

Sec. 17. *And be it enacted*, That the said common council, or a majority of them in council assembled, shall and may grant licences annually, under the common seal of said city, to such and so many tavern keepers, inn keepers, victuallers and retailers of spiritous liquors, as they may think necessary within the said city, on such terms, and under

May grant
tavern licences.

such limitations, regulations and restrictions, as the said common council shall by their ordinance impose, and no other license for such purpose, within the said city, granted by any other authority, shall be lawful.

Taxes may be
raised

Sec. 18. *And be it enacted*, That it shall be lawful for the common council of the said city, to order the raising, and cause to be raised by tax, from year to year, such sum or sums of money as they shall deem expedient, for defraying the expenses of lighting the streets of said city, supporting a night watch therein, supplying the said city with water for the extinguishment of fires and watering the streets; purchasing the stock of any existing aqueduct company, with its privileges and powers in said city for the supply of pure and wholesome water, for domestic purposes, supporting the fire engine department, regulating, paving, flagging and gravelling the streets of said city, improving the public grounds, maintaining and supporting the poor, schooling poor children, purchasing a lot or lots in said city for the purpose of erecting and maintaining one or more public market houses, work houses and alms houses, and a city hall or town house, and for defraying the contingent expenses of the said city, and for all other objects and purposes authorized by this act; to be assessed by the assessors, and collected by the collectors of the said city, in the manner in which the taxes of the county of Essex are assessed and collected, so much of the said taxes nevertheless as shall be raised for lighting the streets of said city, supporting a night watch therein, supplying the said city with water for the extinguishment of fires, regulating, paving, flagging and gravelling the streets, improving the public grounds as aforesaid, be assessed and collected upon and from all persons residing and lands located within the lamp or watch district of said city, to be by said common council hereafter from time to time by ordinance established, which taxes when collected shall be paid into the hands of the treasurer of the said city, to be subject to the order of the said common council, and it shall be lawful for the said "The Mayor and Common Council of the City of Newark" to borrow money from time to time for all purposes for which they are by this act authorized to raise money by tax, and to secure the payment thereof by bond or other instrument under their common seal, and the signature of the said mayor, and to provide by tax for the payment thereof.

May borrow
money

Sec. 19. *And be it enacted*, That it shall be lawful for the common council of the said city to provide by ordinance or by law, for the election, at the annual elections to be holden in the wards of said city, on the second Monday of April

annually, of such additional number of constables, as the peace and good order of the said city in the opinion of the common council may require.

Constables

Sec. 20. *And be it enacted*, That the said city shall be entitled to its just quota of the annual appropriation of the school fund of this state, to be ascertained in the manner in which the quotas of the townships of this state now or hereafter shall be ascertained, which shall be from time to time paid over to the treasurer of the said city, and be applied under the direction of the school committee, either to the support of common schools in said city, or to the schooling of poor children of said city, as the common council shall by resolution order and direct.

School fund

Sec. 21. *And be it enacted*, That there shall be in and for said city, eight special police justices, two in each ward of the said city, who shall be appointed by the council and general assembly of this state, in joint meeting, and hold their offices for the like term, and be commissioned in the like manner, as justices of the peace in and for the several counties in this state, and be in the like manner amenable to the council and general assembly, provided that the said justices shall not by virtue of their said offices, be authorized to hear and try any civil action, except such as may be brought to recover a penalty under the by-laws and ordinances of the said city, in which cases they may severally act as justices of the peace in their civil capacity.

Special police officers to be appointed

Sec. 22. *And be it enacted*, That it shall be the duty of the treasurer of the said city, once in each year, to make out a full and true account of all the moneys raised by tax or loan for the use of the said city, since the last annual election, and of the application and expenditure of the same, and to deliver the said account to the clerk of said city, ten days previous to the day of the next annual election, to be by him filed in his office; and it shall be the duty of the said clerk to cause a copy of the said account to be published in two of the newspapers published in said city, at least five days previous to the day of the next annual election for city officers.

Annual account of the treasurer to be published

Sec. 23. *And be it enacted*, That it shall and may be lawful for the common council of the said city, to give and grant unto the mayor thereof, for the time being, such salary per annum as they shall direct, not exceeding five hundred dollars, payable out of the treasury of the said city, quarterly, and the treasurer and clerk of said city shall be paid out of said treasury such compensation for their services as the common council shall deem reasonable and proper.

Salaries of mayor, treasurer and clerk

Sec. 24. *And be it enacted*, That the treasurer and collec-

Treasurer and
collector to
give bond

tors of said city, before they enter upon the duties of their respective offices, shall severally execute their respective bonds to "The Mayor and Common Council of the City of Newark," in such sums and with such sureties as the said common council shall approve, conditioned for the faithful execution of the duties of their respective offices.

Constables to
take oath and
give bonds

Sec. 25. *And be it enacted*, That every constable of the said city, before he enters upon the duties of his office, shall take and subscribe before the clerk of the said city, an oath or affirmation, in the form prescribed for constables of township in the nineteenth section of the act of the legislature entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," using the word "city" instead of the word "township;" and the said clerk shall endorse on the said oath or affirmation, the day and year on which the same was subscribed and taken or made, and file the said oath or affirmation and endorsement thereon in his office; and further, that every constable of the said city, before he enters upon the execution of his office, shall repair to the common council of the said city, and enter into bond to "The Mayor and Common Council of the City of Newark," with one or more sureties, to be approved of by the said common council, in such sum as the said common council shall direct, in the form as near as may be, prescribed in the fifty-eighth section of the act of the legislature entitled "An act for the trial of small causes;" which bond shall be delivered to the clerk of the city, who is hereby directed and required to record and file the same in his office, and the said mayor and common council are hereby directed and required, if need be, to prosecute the said bond for and in behalf, and to the use of all and every person or persons whatever, who may have sustained loss by the neglect or misconduct of the said constable; and all suits on such bonds shall be prosecuted and conducted in the manner directed in the fifty-ninth section of the last mentioned act, for prosecuting and conducting suits on constables' bonds.

Mode of pro-
secuting con-
stables bonds

Paving, &c.

Sec. 26. *And be it enacted*, That it shall be lawful for the common council of the said city, or the major part of them in common council convened, to make and establish ordinances and regulations, for the levelling, grading, and paving, flagging, or gravelling side walks, in any street or streets in said city, by the owners or occupants of lots fronting on or adjoining such street or streets, and to appoint one or more discreet and skilful person or persons, to superintend the said work, and prescribe the manner in which the same shall be performed; and to enforce such ordinances and regulations, by enacting penalties for non-compliance therewith, to be

sued for and recovered, with costs of suit, in an action of debt, by and in the name of the treasurer of the said city, for the use of the city, before any justice of the peace thereof, or any other court having cognizance of the same.

Sec. 27. *And be it enacted*, That if any lot, in front whereof the side walks shall, by such ordinance or regulation be directed to be levelled, graded, and paved, flagged, or gravelled, shall have no dwelling house erected thereon, and the owner thereof shall neglect to comply with such ordinance or regulation, within three months from its passage or adoption, it shall be lawful for the said common council to cause an estimate of the expense of conforming to such ordinance or regulation, with respect to such lot, to be made, assessed and certified by three assessors, to be appointed by the said common council; and if such assessment be approved by the common council, they shall cause an advertisement to be inserted in two or more of the public newspapers published in said city, for two months, stating the amount of such assessment, and requiring the owner of such lot to pay the same to the treasurer of said city, appointing a day and place when and where such lot will be sold, at public auction, if default shall be made in such payment, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum assessed as aforesaid, and if, notwithstanding such notice and demand, the owner or owners of such lot shall neglect to pay such assessment, with the costs and charges thereof, and of the said advertisement, it shall be lawful for the said common council to cause such lot to be sold at public auction, for a term of years, at the time and for the purposes, and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city; and such purchaser, his executors, administrators, or assigns, shall, by virtue thereof, and of this act, lawfully hold and enjoy the same for his and their own proper use, against the owner or owners, and all claiming under him or them, until his term therein shall be fully complete and ended, and be at liberty to remove all the buildings and materials which he or they shall erect or place thereon; but he or they shall leave such lot at the expiration of the term in sufficient fence, and the side walk in front thereof in the order required by such ordinance or regulation; *Provided always*, that if after defraying the actual expense of levelling, grading, and paving, flagging or gravelling the side walk in front of any lot, so sold as aforesaid, in the manner directed by such ordinance or regulation, and deducting all reasonable charges, attending the sale, a surplus of the purchase money shall re-

Lots may be sold, &c.

Proviso.

main in the hands of the treasurer of the said city, the same shall forthwith be paid to the owner or owners of such lot, or his or their legal representatives.

Amount of estimate for paving, &c. to be a lien on the lot

Sec. 28. *And be it enacted*, That the amount of the estimate or assessment to be made as aforesaid, on any lot in said city, shall be and remain a lien thereon from the time of the completion and return of such estimate or assessment, in manner aforesaid, until paid or otherwise satisfied; and that it shall be lawful for "The Mayor and Common Council of the City of Newark," instead of the remedy herein above provided, if they shall see fit, in case the owner or occupant of any lot, or any house and lot, within the said city, shall neglect to comply with such ordinance or regulation in respect to the side walk in front thereof, to cause the same to be done and paid for, out of any moneys in the hands of the treasurer of said city, and to sue for and recover the amount so paid, from the owner or owners of such lot, or his or their legal representatives, with interest and costs, in any court in this state having cognizance thereof, in an action on the case, for so much money, by them paid, laid out, and expended, to and for the use of such owner or owners, or his or their legal representatives, and in every such action, the said estimate or assessment, with the proof of the amount paid, shall be conclusive evidence for the plaintiff.

Tenants may pave &c. and deduct expenses from rent

Sec. 29. *And be it enacted*, That if the tenant of any lot, or house and lot within the said city, shall cause the side walks in front thereof to be levelled, graded and paved, flagged or gravelled, in obedience to such ordinance or regulation, at his own expense, it shall be lawful for him to deduct the same out of the rent, or to recover the same from the landlord or owner, or his legal representatives, with interest and costs, in an action on the case, in any court in this state having cognizance thereof, for so much money by him paid, laid out and expended, to and for his or their use; *Provided*, that nothing in this act shall affect any contract or agreement, made or to be made, between landlord and tenant, respecting such charges or expenses.

Powers of common council relating to streets

Sec. 30. *And be it enacted*, That it shall be lawful for the said common council to lay out and open any street, road, or highway in any part of the said city, and to cause any street, road, highway or alley already laid out in any part of the said city, to be vacated, opened, altered or widened, whenever and so often as they shall judge the public good requires the same to be done, and the said common council shall give notice to the owner or owners of any lands or other real estate, with the appurtenances, necessary to be taken for either of said purposes, or to his, her, or their agent, or legal

representatives, of their intention to take such land, or other real estate and appurtenances, and appropriate it for such street, road, highway, or alley, and shall treat with such person or persons for the same, and if any such person or persons shall refuse to treat for any such land or other real estate, with the appurtenances, or the common council cannot agree with such person or persons for the same, then it shall be lawful for the common council to appoint five disinterested freeholders of the said city, at least one from each ward, commissioners, to make an estimate and assessment of the damages that any such owner or owners will sustain by laying out, altering or widening any such street, road, highway or alley; and in estimating and assessing such damages the said commissioners shall have due regard as well to the value of the land or other real estate with the appurtenances as to the injury or benefit of the owner or owners thereof by laying out, altering or widening any such street, road, highway or alley; *Provided*, that no street, road, highway or alley in said city shall be altered or widened as aforesaid, except on the application in writing to the said common council by three-fourths of all the owners of lands laying on said road, highway or alley.

Commissioners to ascertain damages to private property

Sec. 31. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall be sworn before the mayor, recorder, or any alderman of said city, to make the estimate and assessment submitted to them, fairly and impartially, according to the best of their skill and judgment.

Commissioners to be sworn

Sec. 32. *And be it enacted*, That the said common council shall appoint a time and place within the said city for the said commissioners to meet; notice whereof shall be given by putting up an advertisement, in five public places, in said city, one whereof shall be in each of the wards of the said city, at least ten days before the time of meeting, which advertisement shall specify the street, road, highway, or alley proposed to be laid out, altered or widened, the alterations proposed to be made, and the lands or other real estate with the appurtenances intended to be taken for such purposes, and the said commissioners, or a majority of them, when met, shall have power to swear and examine witnesses, and shall view the premises if necessary, and make just and true estimates and assessments as aforesaid, and make and sign a certificate of such estimates and assessments, and file the same with the clerk of said city, and the same being ratified by the common council, shall be binding and conclusive upon the owner or owners of any such lands or other real estate with the appurtenances, subject only to the appeal hereafter given,

Notice to be given of meeting of commissioners

Appeal from
commissioners
to supreme
court

Trial by jury

Mode of recov-
ering damages

Damages to be
assessed on
owners of lots

and upon payment of the damages so awarded, or a tender and refusal thereof, it shall be lawful for the commissioners to cause the same land or other real estate with the appurtenances to be converted and used for the purpose aforesaid; *Provided however*, that any person or persons conceiving himself, herself or themselves aggrieved by the proceedings of the said common council, or of the said commissioners, may appeal therefrom to the supreme court of this state within thirty days from the time of making the final order of the common council, and the supreme court, shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof to be conducted as in other cases of trial by jury.

Sec. 33. *And be it enacted*, That in case of non-payment on demand of any damages assessed as aforesaid, with interest from the date of the assessment, in case of no appeal to the supreme court as aforesaid, the person or persons entitled thereto may sue for and recover the same from the mayor and common council of the said city in an action of debt, with costs, in any court having cognizance thereof, and the said proceedings of the said commissioners and common council or award of said jury as the case may be, shall be conclusive evidence against the defendants.

Sec. 34. *And be it enacted*, That in order to provide for the payment of the damages assessed as aforesaid, for the laying out and opening of any street, road, or highway, in the said city, or for the altering or widening of any street, road, highway or alley, already laid out in the said city, and of all other necessary expenses incident to such laying out, altering or widening, the said common council shall ascertain the whole amount of such damages and expenses, and shall cause to be made a just and equitable assessment thereof among the owners and occupants of all the houses and lots intended to be benefited thereby, in proportion, as nearly as may be, to the advantages each shall be deemed to acquire, and the common council shall appoint five disinterested freeholders of the said city, at least one from each ward, to make every such assessment; who, before they enter upon the execution of their trusts, shall be sworn before any justice of the peace or special justice of said city, to make the said assessment fairly, according to the best of their skill and judgment, and a certificate in writing of such assessment, signed by a majority of such persons, being returned to the common council, and ratified by them, shall be binding and conclusive upon the owners and occupants of such houses and lots to be assessed respectively; and such owners or occupants shall also, respectively, on demand, pay to such persons as shall be au-

thorized by the said common council to receive the same, the sums at which such houses and lots shall be assessed to be applied to the payment of the damages and expenses of laying out, altering, or widening the said street, road, highway or alley, as aforesaid, under default of such payment, or any part thereof, it shall be lawful for the said mayor and common council of said city, by warrant under their common seal, to levy the same by distress and sale of the goods and chattels of such owner or occupant refusing or neglecting to pay the same, rendering the overplus (if any) after deducting the charges of such distress and sale, to such owner or occupant, or his or her legal representatives; *Provided always*, that nothing in this act contained, shall affect any agreement between landlord and tenant respecting the payment of any such charges, but they shall be answerable to each other in the same manner as if this act had never passed, and further, if any such assessment, or any part thereof, shall be paid by any person when, by agreement or by law the same ought to have been borne or paid by some other person, then it shall be lawful for the person paying the same, to sue for and recover the same, with interest and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same, and the assessment aforesaid, and proof of payment shall be conclusive evidence in said suit, and in all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed the person who, in law, ought to bear and pay every such assessment. Proviso

Sec. 35. *And be it enacted*, That in case any assessment, made as aforesaid, shall not have been complied with, by payment of the sums thereby assessed, it shall be lawful for the common council to cause the same to be advertised in two or more public newspapers, printed in the said city, for two months, thereby requiring the owners or occupants of such houses and lots, respectively, to pay the sums at which such houses and lots shall have been assessed, to the treasurer of the said city; and that if default shall be made in such payment, such houses and lots will be sold, at public auction, at a day and place to be specified therein, for the lowest term of years at which any person will offer to take the same, in consideration of paying the sum assessed on the same, with the interest thereof, and the expenses of such advertisement and sale, and if notwithstanding such notice, the owners or occupants shall refuse or neglect to pay such assessment, and the interest thereon, and the expenses of the said advertisement, then it shall be lawful for the said mayor and common council to cause such real estate to be sold, at public auction, Houses and lots to be sold to pay assessments

for a term of years, for the purposes, and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof under the common seal of the said city, and such purchaser, his executors, administrators or assigns, shall by virtue thereof, and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners thereof claiming under him or them, until his term shall be complete and ended, and that such purchaser shall be at liberty, at or before the end of his term, to remove the buildings and materials erected and placed by him thereon, taking care to leave the same in as good order and condition as the same was when it came into his possession.

Assessment a
lien on lots.

Sec. 36. *And be it enacted*, That the amount of any assessment shall be and remain a lien on the lot or lots assessed, from the time of the completion and return of such assessment in manner aforesaid, until the same shall be paid and satisfied, and that it shall be lawful for the said mayor and common council instead of the remedies herein above provided, if they shall see fit, in case of refusal and neglect to pay any assessment made as aforesaid, to sue for and recover the amount of any such assessment from the person or persons who under the provisions of this act ought to pay for the same, or his, her or their legal representatives, with interest and costs of suit, in any court in this state having cognizance thereof, in an action on the case for so much money by them paid, laid out and expended for such person or persons, or his, her or their legal representatives, and the said assessment shall be conclusive evidence for the plaintiff in every such action.

Streets, &c.
not laid out by
corporation
not treated as
public high-
ways.

Sec. 37. *And be it enacted*, That no street, road, highway or alley hereafter to be laid out or opened in the said city, shall be recognised, considered, or treated as a public street, road, highway or alley, unless the same be laid out and opened under the direction of the said common council, in manner aforesaid.

Act not to go
into effect un-
less sanctioned
by three-fifths
of the voters.

Sec. 38. *And be it enacted*, That this act shall not go into effect unless the assent of three-fifths of the electors of said township shall be first ascertained; and for that purpose a poll shall be opened on the eighteenth day of March next, between the hours of ten in the morning and six in the afternoon, under the direction of the judge and inspectors of election of the respective wards, and at the places where the last annual elections were held; of which time and places the town committee of the township of Newark shall give at least one week's previous notice in two of the newspapers published in the said township; and the electors entitled to vote at

ward meetings shall express their assent or refusal of this act by depositing their ballots in the box provided for that purpose, in their respective wards; and those electors who are in favor of the said law shall each deposit a ballot containing the word "corporation" written or printed thereon; and those who are opposed shall each deposit a ballot with the words "no corporation" written or printed thereon; and a canvass and return of the votes shall be made by the judges and inspectors of the respective wards in the same manner to the township committee, as is now prescribed by law in regard to the canvass and return of votes for chosen freeholders, surveyors of the highways and school committee-men of the township of Newark; and if three-fifths of those who vote at such elections, at such canvass, are found to be in favor of this act, it shall then, but not otherwise go into effect.

Sec. 39. *And be it enacted*, That the act entitled an act to divide the township of Newark, in the county of Essex, into wards and districts, and for other purposes, passed February sixth, eighteen hundred and thirty-three, be and the same is hereby repealed, on and after the second Monday in April next, and that the act entitled an act incorporating the inhabitants of townships, designating their powers and regulating their meetings, passed February twenty-first, seventeen hundred and ninety-eight, and all acts and parts of acts, which are contrary to, or inconsistent with the provisions of this act, shall be and the same are hereby repealed on and after the said second Monday of April next, so far as relates or extends to the said township of Newark in the county of Essex.

Former acts
repealed.

Sec. 40. *And be it enacted*, That the legislature may, at any time hereafter, alter, modify or repeal this act.

Act may be al-
tered or repeal-
ed.

Passed, February 29, 1836.

AN ACT to incorporate the Camden and Woodbury Rail Road and Transportation Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That James Matlack, Joseph Ogden, Robert L. Armstrong, Jesse Smith, Joseph Fithian, Joseph Franklin, Amos Campbell, John M. Watson, Charles F. Clark, Joseph Saunders, John C. Smallwood, Samuel Webster, 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 Camden and Woodbury Rail Road and Transportation Company;" and by that name, they and their successors, and assigns, shall and may have continued succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same 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.

Amount of capital stock

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

Books of subscription for stock to be opened.

Sec. 3. *And be it enacted,* That James Matlack, Joseph Saunders, Jesse Smith, Amos Campbell, Joseph Ogden, Richard Feters, and Richard W. Howell, of the county of Gloucester, be, and they are hereby appointed commissioners, to receive subscriptions to the capital stock of said corporation, and they, or a majority of them, are hereby authorized, for that purpose, to open books of subscription, at such times and places as they, or a majority of them, shall appoint, giving twenty days' notice of such times and places, in the newspapers published in the county of Gloucester, and one or more newspapers printed in the city of Philadelphia; and at such times and places, so fixed, the said commissioners, or any three of them, shall attend and receive subscriptions to the said capital stock; and if more shall be subscribed, than by this act is authorized, the said commissioners, or a majority of them, shall

apportion the same as to them shall seem fair, equitable, and just; and at the time of subscribing for said stock, five dollars on each share subscribed, shall be paid to the said commissioners, in gold or silver, or legal and current bank notes, and the residue thereof, may be called in, and shall be paid at such times, and in such amounts, by instalments, as is, by this act hereinafter directed; and the said commissioners, may meet from time to time until the whole stock be subscribed.

Sec. 4. *And be it enacted*, That whenever there shall be one thousand shares of the said stock subscribed, and five thousand dollars paid in as above directed, the said commissioners, or a majority thereof, shall give public notice for twenty days, in all the newspapers published in the county of Gloucester, and in one or more newspapers printed in the city of Philadelphia, of a meeting of the subscribers to said stock, for the purpose of choosing directors, and organising the said company; and of which said election, the said commissioners shall be the judges, which subscribers, when so met, shall proceed to elect by ballot from among the subscribers or stockholders, nine directors; a majority of said directors chosen as aforesaid, to be citizens of this state, and to hold their offices for one year, and until others are elected, and each stockholder, at such election, and at all future elections of said corporation, shall have one vote for each share he, she, or they shall own, at the time of such election, not exceeding twenty shares, and for every five shares, above twenty, one vote, and that such stockholder or stockholders, may vote at any election by proxy, duly authorized for that purpose.

Time and mode of annual election of directors.

Sec. 5. *And be it enacted*, That the said board of directors, so to be chosen as aforesaid, shall and may elect out of their own body, or from among the stockholders, a president, and such other officers, with such salaries as they may deem proper, and shall and may employ such artificers, engineers, agents, laborers, and workmen, for the purpose aforesaid, with such compensation as shall appear to the said directors reasonable and just; and shall and may make, ordain and establish, such by-laws and regulations for their own government, and that of the persons by them employed, as shall and may, from time to time be necessary to effectuate this charter, and a majority of said board shall, at all times, be a quorum for the transaction of business, and may have power to call in the remainder of the capital stock of said corporation, by instalments, not exceeding ten dollars each, by giving thirty days notice of such required instalments, in all the newspapers published in the county of Gloucester, and in one or more newspapers printed in the city of Philadelphia; and if any stockholder shall neglect or refuse, for twenty days after such instalment is due, to

President to be chosen.

Stock forfeited on non payment of instalments

Proviso.

pay the same, he, she, or they, so neglecting or refusing, shall forfeit their stock and all payments made thereon; and the said board of directors shall and may require from their treasurer, such security as to them shall seem just; *Provided always*, that no by-law or regulation of said company shall be inconsistent with, or repugnant to, the laws of this state, or of the United States, or this charter.

Directors to fix time and place of annual election

Sec. 6. *And be it enacted*, That when the said board of directors are so selected and chosen, the said commissioners are hereby authorized and required to pay over to the said board of directors, or to such person as they, or a majority of them, shall direct, all moneys which they have received for the subscription to said capital stock, first deducting therefrom, all expenses to which they have been exposed, for books, printing, or other expenditures, and the sum of one dollar per day, for each and every day they shall have been employed in the duties of their appointment; and the directors so chosen, and their successors, shall annually thereafter, cause an election to be held, at such time and place as their by-laws shall direct, for directors of said corporation, and such directors, so annually chosen, shall, in like manner, have power to elect their president and other officers, agents, engineers, workmen, and artificers, as is by the fifth section of this charter herein before provided; and shall and may have the power, at all times, to remove their officers and other persons so appointed, and appoint others in their stead, if the interest of the company so require it, and also have power to fill all vacancies in the offices of said corporation, which may or shall happen from death, resignation, or otherwise.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 7. *And be it enacted*, That in case it should happen that an election of directors should not be made on the day, or at the time 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 offices until new ones shall have been chosen in their places.

Location of rail road.

Sec. 8. *And be it enacted*, That the said president and directors of the said company are hereby authorized and invested with all the right and powers necessary and expedient to survey, lay out, and construct a rail road, not exceeding sixty-six feet in width, to commence at some point in the city of Camden, in the county of Gloucester, and to run thence to some point at the town of Woodbury, in said county, making in distance from the city of Camden aforesaid, to the town of Woodbury aforesaid, about eight miles: with as many sets of tracks, or rails, as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engi-

neers, superintendents, or others in their employ, to enter, at all times, upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route or routes of such road, and of locating the same, doing no unnecessary injury to private property; and when the route of such road shall have been agreed upon, and filed in the office of the secretary of this 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 to lay rails, and to do all other things which shall be necessary or suitable to call into full effect the objects of this charter; *Provided always*, that the said corporation shall pay, or make tender of payment, of all damages for the occupancy of the lands through which the said rail road may be laid out, before the said company, or any person in their employ, shall enter upon, or break ground in the premises, except for the purpose of surveying said route, unless the consent of the owner or owners of such land be first had and obtained

Survey of
route to be
filed in Secre-
tary's office.

Proviso.

Sec. 9. *And be it enacted*, That if the owners of the land, on which such rail road shall be made, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any judge of the Inferior Court of Common Pleas of the said county of Gloucester, who is disinterested in the premises, upon the application of either party, and after notice to the opposite party of such application, and after hearing the parties, to appoint three disinterested freeholders of said county as commissioners, to assess the price or value of said land, and also are directed and required to assess the damage which any individual or individuals may sustain by the said road, who shall be sworn before said judge, faithfully to execute the duties of such appointment, and after notice to both parties, of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and therein make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with such 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 a majority of them, to the judge who appointed them, to be by him returned and filed, together with all the papers before him relating thereto, in the clerk's office of the county, there to be kept as a public record, and copies taken if required, by either party; if either party shall feel aggrieved by the decision of

Proceedings
when the com-
pany and
owners can-
not agree.

such commissioners, the parties so aggrieved may appeal to the Inferior Court of Common Pleas of the county, at the first or second term after the decision of the commissioners, by proceeding in the form of petition to said court, with notice to the opposite party of such appeal, which proceedings shall vest in said Court of Common Pleas, full right and power to hear and adjudge the same, and if required, they shall award a venire, in the common 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 said land, and all damages sustained; and for that purpose to view the lands in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than said commissioners, then judgment shall be given with costs, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same, or a less sum than the commissioners awarded; then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed, in fee simple, of all such land and real estate so appraised as aforesaid.

Value of
lands to be
paid into court
of chancery in
certain cases

Sec. 10. *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 said court, for the use of the said owner or owners, all of which proceedings, as well under this as the last 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.

Other roads
not to be ob-
structed.

Sec. 11. *And be it enacted*, That it shall be the duty of said company, to construct and keep in repair, good and sufficient bridges or passages over or under the said rail road, where any public or private road shall cross the same, so that the passage of carriages, horses and cattle, over the said road, shall not be impeded thereby; and, also, where the said road shall intersect any farm or other lands, of any individual, to provide and keep in repair suitable wagon ways, over or under said road, so that the same may be conveniently passed; and likewise, to make

and maintain good and lawful fences along the line of said rail road where the same may be necessary.

Sec. 12. *And be it enacted*, That the said company may construct the said rail road across or upon any stream of water, or water-courses, if the same may be necessary; but the said company shall restore such stream of water or water-courses to such state or condition, as not to impair its usefulness; *Provided always*, that in case the said company shall cross any navigable river or rivers, or stream of water, they shall be at liberty to erect and build a bridge or bridges for that purpose, over such river or rivers, or streams of water, but the bridge or bridges so to be built by the said company, shall be of a height or distance above the level of the water, not less than the bridges across such river or rivers, or streams of water now are, nearest to the mouth of the said river or rivers.

Regulations
respecting
crossing water
courses

Sec. 13. *And be it enacted*, That the president and directors of said company shall have power, at their discretion, to have constructed, or to purchase, with the funds of the company, and to place on the rail road, by them constructed, all machines, engines, wagons, carriages, or vehicles, for the transportation of persons, or any species of property thereon, as they may think expedient and right; *provided*, they shall not charge more than at the rate of ten cents per mile, per ton, for the transportation of property on said road, not particularly specified in this act, five cents per mile for each passenger in the carriages of the company, ten cents per mile, per cord of wood, ten cents per thousand feet, for lumber, per mile, one half of a cent per mile, per bushel, for grain; and the said company may purchase, and have, and hold, real estate, at each termination of said road, or as near thereto as they can procure the same, and at such intermediate point as the directors may think proper, not exceeding two acres at each place, for the purpose of erecting and building thereon, carriage houses, machine shops, warehouses, and such other buildings and improvements as may be deemed necessary and expedient for the preservation and safety of carriages and property and other necessary uses; and that the said rail road and appendages, carriages, engines, tools, implements, and all other property, real and personal, by the said company, had, held, used, occupied and enjoyed, and necessary and proper for the use of the said company, shall be, and the same is hereby vested in the said corporation, and their successors and assigns, during the continuance of this act.

Rates for passage or transportation.

What real estate may be held

Sec. 14. *And be it enacted*, That the president and directors of the said company may, whenever the sum of ten thousand dollars is paid in, according to this act, commence the said rail road at the city of Camden, or at the town of Woodbury, aforesaid, or such other place or places as they may think pro-

Limitation

per, and they are then authorized and required to construct the said rail road according to the direction of this act; and if the said road shall not be finished within five years from the passing of this act, then the right of the said corporation shall wholly cease and be void.

Penalty for
injuring road
or works.

Sec. 15. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of the said rail road, or any part thereof, constructed by the said corporation, under the provisions of this act, or any of their works, wharves, carriages, houses, bridges, engines, machines, implements, or tools, such person so offending, shall forfeit and pay to the said company, the sum of twenty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt, and shall be also liable for damages.

Semi annual
dividends to be
made.

Sec. 16. *And be it enacted*, That the president and directors of said corporation shall, within one year after the full completion and use of said road, declare and make such dividends out of the clear profits of the said rail road, as they may deem prudent, and shall, in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders, or their legal representatives, in proportion to the shares held by them respectively, as they may deem prudent; *Provided*, that the said corporation shall not at any time make, declare, or pay out any dividends of the capital stock of said corporation.

Proviso

Rail road a
public highway.

Sec. 17. *And be it enacted*, That the road authorized by this act, be, and the same is hereby declared a public highway, and shall be free for the passage of any rail road carriage thereon, with passengers of property, upon payment of the tolls by this act allowed, and where the carriages, that so pass said road, are owned by other persons than the company, the following rates of toll shall be paid to said company; five cents per mile per ton, for the transportation of property (not herein specified) five cents per mile per thousand feet, for lumber, five cents per mile for each cord of wood; one quarter of a cent per bushel for all kinds of grain; two and a half cents per mile for each passenger, and two cents per mile for each empty carriage, car, or other vehicle, and the same for each horse, mare, gelding or mule; *Provided*, that the said carriage 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, or with any regulations they may adopt, under the provisions of this act; and the persons travelling on the road, shall at all times be subject to the rules of said corporation.

Rates of toll
on carriages
that do not
belong to com-
pany.

Proviso.

Sec. 18. *And be it enacted*, That as soon as the rail road,

with its appendages, shall be finished and completed, the president and treasurer of said company, under oath or affirmation, shall file a statement in the office of the secretary of state, of the actual cost of said road, including all expenses; and annually thereafter, the president and treasurer of said company, shall make a statement to the legislature of this state, under like oath or affirmation, of the proceeds of said road, and as soon as the nett proceeds of said road shall amount to six per centum per annum, upon its whole cost, the said corporation shall pay to the treasurer of this state, a tax, one half of one per centum per annum, on the cost of said road to be paid annually, on the first Monday in January, in each year; *Provided*, that no other tax for the use of this state shall be imposed upon the said company.

Cost of road
to be filed with
Secretary of
State.

Sec. 19. *And be it enacted*, That the said corporation shall not, in any manner or form, use or employ any part of their stock, funds, or other estate, in banking or other operations, not clearly indicated by this act upon penalty of the immediate forfeiture of this charter.

Proviso.

Stock not to
be used in
banking operations

Sec. 20. *And be it enacted*, That at any time after the expiration of thirty years after the time herein before limited for 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 appointment; or if they cannot agree, they shall choose a seventh person, who, with the aforesaid six shall report as aforesaid: or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after the appointment by the said chief justice then the three persons so appointed by him, shall proceed to make such appraisement which shall be binding on the said company: or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh person as aforesaid, to make such appraisement, then upon two weeks notice to the said company, the said chief justice shall appoint such seventh person 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 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 the said road and the appendages thereof, shall be vested in the state of New Jersey, upon the payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the

State may
take the road

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 of the said rail road, with the land and appendages thereof.

Act may be altered or repealed.

Sec. 21. *And be it enacted*, That the Legislature may alter, amend, or modify this charter whenever in their opinion the public good requires it.

Lands to revert to owners in certain cases.

Sec. 22. *And be it enacted*, That in case the said road shall not be made after the acquirement of the land for that purpose, or shall not be finished in the time prescribed by law, or shall at any time hereafter be abandoned, then and in either of those cases, the lands shall revert to the original owner or owners thereof.

Passed, March 1, 1836.

AN ACT to enable the owners of the swamps and bog meadows, lying on the east and west branches of Paulings Kill, above Lafayette, in the township of Newton and county of Sussex, to drain the same.

WHEREAS it is represented to this legislature that there are large bodies of bog meadow and swamp land, lying on the east and west branches of Paulings Kill, in the township of Newton, and county of Sussex, in this state, containing between two and three thousand acres, in a waste and unproductive state, and which, if properly drained and reclaimed, would be valuable and productive, and the surrounding country rendered much more healthy, and its agricultural products greatly increased ; *And whereas* no existing law of the state will enable the owners thereof ef-

Available

fectually to drain and reclaim the same, and part of said owners, by their petition, having prayed legislative aid in the premises—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the owners and possessors of the bog meadow and swamp land, lying on the east and west branches of Paulings Kill, in the township of Newton and county of Sussex, which said owners and possessors shall hereafter be denominated and known by the name of "The Paulings Kill Meadow Company," to meet at the inn of John S. Marboise on the first day of April next, at two o'clock in the afternoon, and yearly thereafter, on the same day and hour of every year, and every future meeting to be held at such place as may, by a majority of votes of the said owners and possessors present, be decided upon, and on failure of such appointment, when the last meeting was held, then it shall be lawful for any two of the said owners or possessors, by public advertisement, under their hand, set up in three of the most public places in the neighborhood of said lands, and giving eight days notice, to call a meeting of said owners and possessors, at the place where the last annual meeting was held; and then and there, by plurality of votes of the persons so met, personally or by proxy, in writing duly executed, choose three managers, who are to serve until the next annual meeting, or until others be chosen; and in case of death, removal, inability, or refusal to serve of the said managers, or either of them, then it shall be lawful for any two of the owners or possessors to advertise and proceed, in manner above prescribed, to choose one or more managers, as the case may require; and at all such elections, each owner or possessor of such swamp or bog meadow, shall have one vote for every fifty acres, or less, held by him, and one additional vote for every additional fifty acres.

Name of company

Time and mode of electing managers

Sec. 2. *And be it enacted,* That it shall be the duty of said managers, chosen as aforesaid, immediately, or as soon as possible after their appointment, to proceed, with the assistance of a well known and respectable surveyor, to be by them selected for that purpose, to measure, ascertain and determine each owner's or possessor's number of acres of swamp and bog meadow, and they shall further ascertain and determine the proportion that each owner or possessor shall pay, per acre, of any sum of money which shall be raised, as hereinafter provided for, according to the proportion of benefit, which, in the judgment of the said managers, or any two of them, the said owners or proprietors will eventually receive, and make a regular return, plot and drawing of the same

Duties of managers

upon which shall be entered the rate or proportion of such assessments or determinations aforesaid, and after certifying the same, under their hands, and filing a true copy thereof in the office of the clerk of the county of Sussex, there to remain of record, they shall retain the original in their possession, during their continuance in office, and upon the expiration of such time, deliver the same to their successors in office, which return shall be received as evidence of each persons possessions, and all assessments and votes shall be made and given thereby.

To remove
obstructions
in Paulings
Kill

Sec. 3. *And be it enacted*, That it shall be the duty of the said managers, and they are hereby authorized and empowered to remove all obstructions in said Paulings Kill, and to widen, straighten, and deepen the channel thereof, and to form a new channel where it may be necessary so to do, from the junction of the said east and west branches downward, toward said Lafayette mills, till a sufficient outlet and fall is obtained, so that when opened, and each of the said branches shall be cleared out, the owners of said land will be enabled effectually to drain the same; and to take, use, occupy and possess a sufficient portion of land adjoining each or either bank on which to lay the rocks, stones, earth, gravel and other substances, that may be removed from the channel so formed; and to have free ingress and egress for themselves, and their teams and workmen through any part of said lands, when necessary for the said purpose; and to contract with the owner or owners of the said lands so to be used, for the damage they may sustain by reason thereof; and in case of disagreement between them, either party may apply to one of the judges of the court of common pleas of said county, not interested in said lands, whose duty it shall be, upon ten days notice given by him to each of the parties, to appoint, at the time and place mentioned in said notice, three indifferent freeholders in said county, who shall proceed in the manner provided for in the fourth section of this act, to value and appraise the damages aforesaid, and on the amount of such valuation or appraisement being paid or tendered to the owner or owners of said land, so to be used and occupied, as aforesaid, by the said managers, or their successors, it shall be lawful for them to use the said lands for the purposes aforesaid, without the interruption or hindrance of such owner or owners.

Proceedings
respecting da-
mages

Sec. 4. *And be it enacted*, That if the said managers and their successors, or a majority of them, shall find it necessary or proper, in the prosecution of said works, to remove any mill dam, or other erection or improvement, it shall be lawful for them from time to time and as the necessities of the case

shall require, so to do, and to the end that every person, or persons receiving any damage or injury by any such removal shall be fully compensated for such damage or injury, it shall be lawful for the said managers, or their successors, or a majority of them, to treat and agree with the person or persons sustaining such damage or injury, on the sum or sums to be paid for the same, and in case no such agreement can be made, it shall be lawful for either of the said managers, or their successors, or the person or persons claiming compensation for such damage or injury, to apply to one of the judges of the court of common pleas of said county, not interested in the premises, and indifferent between the parties, who, upon ten days notice in writing, given to the other party, shall, at the time and place mentioned in said notice, proceed to nominate and appoint in writing, under his hand and seal, three disinterested freeholders of said county of Sussex, to ascertain and determine the sum or sums which ought to be paid to the person or persons claiming compensation for such damage or injury, which freeholders so nominated and appointed, shall take an oath or affirmation, truly and honestly to examine and determine the controversy submitted to them, and shall hear the parties, and their proof respectively, at such time or times, place or places in the said township of Newton, as the person so appointed shall fix on for that purpose, and they, or if they cannot all agree, a majority of them shall determine, what sum or sums ought to be allowed, and paid to the person or persons claiming compensation for such damage or injury, which determination shall be made in writing, and signed by the persons who shall determine the same, which shall be filed in the clerk's office; and it shall thereupon be the duty of the said managers and their successors to pay the sum or sums so determined on, to the person or persons found entitled thereto, as a compensation for their damage or injury out of any moneys then in or hereafter to come to their hands, under and by virtue of the provisions of this act; and until the same, whether fixed by agreement or award, be actually paid, such sum shall carry interest, and be a lien on the lands intended to be benefitted by draining, as aforesaid, in the nature of a mortgage.

Sec. 5. *And be it enacted*, That it shall and may be lawful for said managers, and they are hereby authorized and empowered to assess and collect from the several owners and possessors of swamp and bog meadow as aforesaid, all such sum or sums of money as may be necessary to defray the expenses incurred as aforesaid, and all other expenses incident to the above proceedings, in the proportions herein before provided for.

Expenses to
be paid by
owners pro
rata

Managers to
collect money
assessed

Sec. 6. *And be it enacted*, That it shall be the duty of the said managers, and they are hereby authorized and empowered from time to time, and at all times, when it shall be necessary to clear out any obstructions in the said Paulings Kill, within the limits herein before particularly mentioned, so as to enable the owners of said land always to drain the same, and to assess and collect, as aforesaid, from time to time, all such sum or sums of money as may be necessary to defray such expenses.

Amount of
assessments
recoverable in
law

Sec. 7. *And be it enacted*, That if any of the said owners or proprietors shall neglect or refuse to pay any sum or sums of money assessed as aforesaid, for the space of four weeks, after notice to him, her or them, given or left at their place of abode, it shall and may be lawful for the said managers to recover the amount thereof, in an action of debt, in any court having cognizance thereof, and to give the said assessment, and this act in evidence, and on proof of such demand having been made as aforesaid, the court in which, or the justice before whom, such action may be brought, shall give judgment for the sum so assessed, with interest and costs of suit.

Meadows a
lien for mo-
ney expended

Sec. 8. *And be it enacted*, That for the security of moneys expended or to be expended or assessed by virtue of this act, all the swamp and bog meadow land aforesaid, shall be a pledge for the payment thereof, or for such owner or possessors share thereof, into whose hands soever the same may come, notwithstanding any judgment, execution, sale, or alienation thereof; *Provided*, that no other property of the defendant, except the said swamps and bog meadow land and the produce thereof, shall be in any way liable, and that no execution shall issue against the body of said delinquent owner, for any such assessment, or any costs arising thereon; and the said managers may, for the recovery of the sum or sums of money so assessed, and for the said debt, interest and costs, after judgment is obtained as aforesaid, enter upon and take the rents, issues, and profits thereof, or sell or dispose of the wood, timber, grass, hay or grain thereon, or may sell by public vendue, for a year, or term of years, the said land of such delinquent owner or possessor, and make a good and valid lease for the same, during such term, taking care to sell the same for the shortest period of time, that will raise the so unpaid sum or sums, with interest and costs as aforesaid, and it shall be the duty of the said managers or a majority of them to give at least three weeks previous notice, in three of the most public places in the neighborhood of said land, by advertisement, before they proceed to sell or lease the property of any delinquent owner or possessor.

Sec. 9. *And be it enacted*, That after the said managers shall have completed the clearing out of the Pauling's Kill, and the removal of obstructions in the same, below the junction of the east and west branches of the same, according to the provisions of the third and fourth sections of this act, then it shall be their duty, and they are hereby invested with full power and authority to remove all obstructions from the said west branch of said Paulings Kill, from the junction of said east and west branches to the great or big spring in said meadow, also the said east branch as far up as the said owners and possessors of the meadows thereon shall elect and determine, and to widen, deepen and straighten the said branches, as to them shall seem, from time to time, expedient and necessary to keep the same open, and the flowage thereof clear of obstructions, so as continually to drain the meadows on the said west branches respectively; and the said managers shall assess and collect, in the manner provided for in the fifth section of this act, from the several owners and possessors of the meadows and swamp lying and being on the said west branch, exclusively, all such sums of money as may be necessary to pay the expenses of making such improvements aforesaid on that branch, and from the several owners and possessors of the meadows and swamps lying and being on the said east branch, exclusively, all such sums of money as may be necessary to pay the expenses of making such improvements aforesaid, on the said east branch, and for that purpose the said managers shall have the same powers, and the said lands, and the owners and possessors thereof, shall be liable for the said assessments, in the same manner as is herein before granted and provided.

Obstructions
to be removed

Sec. 10. *And be it enacted*, That the said managers shall find and provide, at the expense of the said company, a suitable book, in which shall be entered by said managers, all assessments by them made as aforesaid, keeping the assessments provided for in the fifth section of this act, and those provided for in the ninth section for each of said branches, separate and distinct from each other; and shall, at every annual meeting, produce and lay before the said company the same, for the inspection of the different owners and possessors, and shall produce and show the same to any of the said owners and possessors, at any seasonable time when thereto required, and shall also provide, at the expense of said company, another suitable book, in which the said managers shall enter all their proceedings, and a just and true account of all the moneys they shall receive and expend, or lay out in the duties aforesaid, keeping their accounts of moneys laid out below the junction of the east and west branches

Books to be
kept and open
to inspection

aforesaid, and of those laid out in clearing the said east and west branch, separate and distinct from each other, in the same manner as the assessments for the said different purposes are kept; and the said managers, shall, at every annual meeting produce and lay the same before the said company, with fair vouchers for all moneys by them received and expended by virtue of this act; and shall deliver the balance or balances, if any there be remaining in their hands, together with the books and all other necessary papers, to their successors in office, and on default thereof, and for every neglect on their part of the several duties prescribed by this act, they, the said managers, shall forfeit and pay for a breach of their trust, or neglect of duty, the sum of fifteen dollars, to be sued for and recovered before any court of competent jurisdiction, in an action on debt, by any one of the said owners or possessors who may prosecute for the same: and they shall also be liable to pay all damages that may arise from such neglect, to be sued for by any person injured or aggrieved thereby: and the said managers shall be accountable for any moneys remaining in their hands at the end of every year, and if the said managers shall refuse to pay such balance or balances in their hands to their successors, then their successors shall sue for and recover the same, in an action of debt, with costs of suit.

Monies recoverable

Penalty for obstructing the flow of water

Sec. 11. *And be it enacted*, That if any person or persons shall wilfully place or cause to be placed, in either of the streams, authorized to be cleared and improved, as aforesaid any obstruction, or any thing which shall, either temporarily or permanently, impede the flow of water in the said streams, or either of them, such person or persons, shall, for every such offence, forfeit and pay the sum of twenty dollars, together with all damages, to be sued for and recovered in an action of trespass, in any court, or before any justice having cognizance of the same, with costs of suit, to be applied to the general purposes of the said company; and the managers for the time being, are hereby enjoined and authorized to prosecute the same.

Passed, March 1, 1836.

AN ACT to authorize Henry Powell, executor of Henry Powell, deceased, to execute a certain contract made with James Diamant, of the county of Cumberland, for the sale of real estate.

WHEREAS it is represented to the Legislature, that Henry Powell, deceased, late of the township of Fairfield, in the county of Cumberland, in this state, did in his life time, make an agreement with James Diamant of the township, county, and state aforesaid, to sell and convey to the said James Diamant, the undivided one half part of a tract of land of about three hundred acres, situate in the township of Millville, in said county of Cumberland, adjoining lands of Isaac N. Adcock, Horace Elmer, and others, and gave the said James Diamant possession of the said tract of land, who still has possession of the same, but no conveyance has ever been executed for the same, and the said Henry Powell, having since departed this life, leaving issue under the age of twenty-one years, no deed can now be executed without legislative aid; and whereas the executor of the said Henry Powell, deceased, has by his petition requested that he be empowered to make a deed to the said James Diamant for the tract of land aforesaid—therefore,

Preamble. o

Sec. 1. *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 Powell, executor of Henry Powell, deceased, be and he is hereby authorized and empowered to execute and deliver to the said James Diamant, a deed for the one undivided half part of the said tract of land and premises, pursuant to said agreement, which deed shall have the same force and effect, as a deed from the said Henry Powell, in his life time, would have had.

Executors authorised to make a deed of certain lands to James Diamant

Passed, March 1, 1836.

AN ACT for the relief of the legatees of Benjamin Thompson, deceased, late of the county of Salem.

Preamble.

WHEREAS by the last will and testament of Benjamin Thompson, deceased, late of the county of Salem, it was amongst other things directed, that the money which should remain from the sale of his real and personal estate, after payment of his debts, should be "equally divided among his grand children as follows: Isaac Thompson, son of Isaac Thompson, deceased, Elizabeth Lambert, Mary Lambert, Benjamin Lambert, William C. Lambert, Joseph Lambert, and Isaac Lambert, when they shall arrive, to wit, the boys to the age of twenty-one years, and the girls to the age of eighteen years; and if any of the said children should die before they arrive at the ages above specified, their share to be equally divided among the survivors;"—*And whereas*, it is represented that Isaac Thompson, one of the said heirs, left the state of New Jersey, in the year eighteen hundred and nine, then about six years old, and that he has not been heard of, for twenty-six years, and is believed to have died under age and without issue; *And whereas*, the surviving children named in said will, have petitioned the Legislature to pass an act authorizing the executors of William Lambert, who was an executor of the said Benjamin Thompson, deceased, to pay over to the said surviving heirs named in said will, the money due to the said Isaac Thompson, deceased, and the acting executor of said will, having united with the said petitioners, and desired the passage of such act according to the prayer of the said petitioners, and for the better security of the said executors, and it appearing that such law would enable the said executor to carry into effect the wishes of the said testator—therefore,

Executors authorised to pay monies to heirs of Isaac Thompson

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Stacy Loyd and Daniel Garrison, executors of the last will and testament of William Lambert, deceased, who was executor of Benjamin Thompson, deceased, late of the county of Salem, or either of them, be hereby authorized and empowered to pay unto such of the heirs, named in the said last will and testament of the said Benjamin Thompson, as are now living, and of lawful age to receive the same, his, her, or their equal and just proportion of whatever money now remains in the hands of the said executors or either of them, as the share of Isaac Thompson,

under the will of his said grand father Benjamin Thompson, deceased, and to which the said Isaac Thompson would be entitled, if now living, to claim the same; and in case any of the said children are under age, then the share of such minor to be paid over to him or her, whenever such minor shall have attained lawful age.

Sec. 2. *And be it enacted*, That before the said several shares of the money aforesaid, or any or either of them shall be paid, it shall be the duty of such executor or executors, to exact and take of and from the person to whom the same is payable, a bond with sufficient freehold security, in double, the amount of the share due, conditioned for the repayment of such amount, with interest, if the same should ever be claimed by the said Isaac Thompson or his heirs, which bond shall be made payable to the said executors, the survivor of them or the executors or administrators of such survivor, and shall be held for their indemnification and security.

Heirs to give
bond

Sec. 3. *And be it enacted*, That nothing in this act shall be meant, intended or construed, to change, alter, or divest any right or interest vested under said will, in the said Isaac Thompson, to the distributive share of the money therein bequeathed, should he be living to claim the same, or should he have left lawful issue entitled thereto.

Claim of J.
Thompson or
issue not affected

Passed, March 1, 1836.

**AN ACT to dissolve the marriage contract between James
Angus and Ann his wife.**

BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the marriage contract heretofore existing between James Angus and Ann his wife, of the county of Essex, be, and the same is hereby dissolved and made void and of no effect, as fully as if they had never been joined in matrimony.

James Angus
and Ann An-
gus divorced

Passed, March 1, 1836.

AN ACT to encourage the growth of Thorn Hedges in
this State.

Fences may
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 from and after the passage of this act, all the inhabitants of this state who have already planted, or shall hereafter plant, any thorn hedges, for fencing, upon the line of any public highway in this state, of three rods or more wide, shall be authorized to erect and keep up, for any period, not exceeding six years from the time of planting such hedge, a fence of such kind as he or she may choose, in front thereof, at the distance of four feet from such hedge, out into the public highway, for the protection and preservation of such thorn hedge or hedges, and it shall not be lawful, at any time within the said period of six years, for any overseer or overseers of the highways, or any other person or persons, to take up, remove, break down, destroy, or in any manner injure the said fence, so erected as aforesaid.

Earth not to
be removed.

Sec. 2. *And be it enacted,* That it shall not be lawful for any overseer or overseers of the highway, or any other person or persons, at any time after the passing of this act, to plough, dig, or otherwise turn up or remove any earth or soil, within four feet of any thorn hedge now growing, or which shall hereafter be planted upon the line of any public highway in this state, whether the fence authorized in the first section of this act be put up or not.

Penalty for
violating this
act

Sec. 3. *And be it enacted,* That if any person or persons shall offend against the provisions of this act, or shall wilfully injure, dig up, or otherwise deface or destroy any thorn sets or hedges now growing, or hereafter to be planted, or fence erected for their protection, in this state, the person or persons so offending shall, for each and every such offence, forfeit and pay the sum of thirty dollars, to be recovered by an action of debt, by the person injured, in his own name, in any court of competent jurisdiction in this state with costs, and in addition to such penalty, shall be liable to all damages to the party injured.

Passed, March 2, 1836.

A SUPPLEMENT to the Charter of the Morris and Essex Rail Road Company, passed January twenty-ninth, eighteen hundred and thirty-five.

WHEREAS, by an act of the legislature of this state, passed January twenty-ninth, eighteen hundred thirty-five, entitled "An act to incorporate the Morris and Essex Rail Road Company," it is provided in the sixth section, that the president and directors of said company be 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 suitable 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 set of tracks and rails as they may deem necessary; *And whereas*, the said Morris and Essex Rail Road Company have, by their memorial, expressed doubts whether the power is given them to construct branch or lateral roads and tracks from places between Morristown and the New-Jersey Rail Road, to intersect the Morris and Essex Rail Road, at a point between Morristown and Newark—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 full power and authority be, and it is hereby given, to the said Morris and Essex Rail Road Company, to construct a lateral or branch rail road as follows, viz. from Whippany, in Morris county, to intersect the main line of said rail road, at any convenient point, at or near Madison or Chatham, passing through or near the village of Hanover or Columbia, or both, or by such other route as said company may deem expedient.

Power given to construct lateral road

SEC. 2. *And be it enacted,* That it shall be lawful for the said Morris and Essex Rail Road Company, to construct a branch or lateral rail road or rail roads, from some suitable and convenient point or points of their main road, and leading thence to the iron works upon Rockaway river, at or near Boonton or Powerville; and also to construct as above said lateral or branch rail roads from Denville, Rockaway, and Dover, or from any of those places, so as to connect them with the Morris and Essex Rail Road, at some con-

Other lateral roads may be constructed.

venient point or points; and to enable said company to effect the objects before expressed, they are hereby invested with all the rights, powers and privileges given and granted by the aforesaid act, entitled "An act to incorporate the Morris and Essex Rail Road Company," and said company shall be subject to all the restrictions, limitations, conditions, and provisions, in the said act contained, in the same manner and to the same effect, as if the said company had been originally authorized by said act to construct all or any of the before mentioned roads.

Capital stock
may be enlarged

Sec. 3. *And be it enacted*, That to enable the company aforesaid to construct the several rail roads before mentioned, or such of them as shall seem to be of public utility, and beneficial to the company, it shall be lawful for the president and directors thereof, to enlarge their capital stock, by adding to the sum first authorized, two hundred and fifty thousand dollars, to be subscribed in such manner and at such time or times, and at such place or places, as they may deem expedient and proper; separate subscriptions may be opened, separate stock may be created, and accounts be opened and kept for each road, or the whole be blended in one general fund, as the company by their officers shall direct.

Line of road
may be varied

Sec. 4. *And be it enacted*, That the aforesaid company be, and they hereby are authorized and empowered, to vary the line of their road, as first surveyed, and recorded in the office of the secretary of state, at such places and points, as in the opinion of their engineer may best promote the public convenience, and the interest of the stockholders; *Provided always*, that such variation shall first be approved and sanctioned, by a suitable and disinterested inspector, appointed for that purpose, by the court of common pleas of the county wherein the lands may lie, a certificate of whose appointment and approval shall accompany the official return and survey of such alteration, to be recorded in the office of the secretary of state.

May be divided
into districts

Sec. 5. *And be it enacted*, That for the sake of greater facility and despatch in constructing the aforesaid roads, and allowing reasonable time and opportunity to explore the more difficult passes, it shall be lawful for said company to divide the whole line into two or more districts; making distinct and separate surveys and returns of each district, when selected, and said company shall make a connected map or plot of the whole line of road, when finally settled, to be deposited and recorded in the office of secretary of state; and whenever a survey of any district shall be completed, said company shall be authorized to proceed and obtain titles for lands to be occupied by the road in said district, and to construct the

road therein as fully as though the location of the entire line were made.

Sec. 6. *And be it enacted*, That the twentieth section of an act to incorporate the "Morris and Essex Rail Road Company," passed the twenty-ninth day of January, eighteen hundred and thirty-five, be, and the same is hereby repealed. Part of former act repealed.

Sec. 7. *And be it enacted*, That no part of the funds authorized to be raised by this supplement, or of the funds raised or to be raised by the charter to which this is a supplement, shall be used for banking or other purposes, not plainly indicated by this supplement, or by the act to which this is a supplement, and that the legislature reserve to themselves the right to alter or amend this supplement, or the act to which this is a supplement, whenever the public good may require it. Restrictions on employment of capital

Passed, March 2, 1836.

AN ACT to repeal an Act to regulate the fishing with seines, in Barnegat Bay, north of Barnegat Inlet, in the county of Monmouth, passed February second, 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 the act to regulate the fishing with seines in Barnegat bay, north of Barnegat inlet, in the county of Monmouth, passed the second day of February, eighteen hundred and thirty-three, be, and the same is hereby repealed. Former act repealed

Passed, March 2, 1836.

AN ACT to incorporate the Belvidere Delaware 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 John Kinney, junior, Jeremy Mackey, Chapman Warner, Nelson Jay, Adam Butz, George Green, Peter Kleinhans, John M. Sherrerd, John Young, Enoch Green, Philip Fine, Benjamin Riegal, Charles J. Ihrle, Hart Johnson, George Carpenter, William Green, Cornelius Ludlow, Daniel Vansyckle, Henry Quin, John Lilly, Wilson Bray, Joseph Titus, Thomas L. Woodruff, William L. Hoppock, and such other persons as may hereafter be associated with them, and their successors, be, and they are hereby ordained, constituted and declared to be a body politic and corporate, in fact, name, and law, by the name of "The Belvidere Delaware Rail Road Company;" and by that name they and their successors and assigns shall and may have continual succession, and shall be capable in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors, by the same name and style, shall be capable of purchasing, taking, holding and conveying any lands, tenements, hereditaments, goods and chattels whatsoever, necessary or expedient to carry into effect the objects of this incorporation.

Sec. 2. *And be it enacted,* That the capital stock of the said company shall be five hundred thousand dollars, with liberty to increase the same to double of that amount; and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and shall be transferrable on the books of said company, in such manner as the said corporation shall by their by-laws direct.

Sec. 3. *And be it enacted,* That the above named persons or any five of them, shall open books to receive subscriptions to the capital stock of said corporation at such time or times and places, as they or a majority of them may deem proper, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same, in one of the newspapers printed at Belvidere, and in another printed in the county of Hunterdon; and that the said books shall be kept open, three days, and as much longer as the said persons or a majority of them shall think proper; and if more subscrip-

Style of Incorporation.

Powers of company.

Amount of capital stock

Books of subscription for stock to be opened.

tions be taken than the amount of the capital stock, it shall be in the power of said persons, or a majority of them, to apportion the stock to the subscribers as they may deem expedient and conducive to the object of the incorporation.

Sec. 4. *And be it enacted*, That at the time of subscription for said stock, five dollars shall be paid to the above named persons, or some one of them, upon each share subscribed for, which money shall be paid over to the treasurer of the company as soon as one shall be appointed; and when the said capital stock shall be subscribed for, and the books closed, and the apportionment made, if the same become necessary, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose nine directors; and such election shall be by ballot, at the said time and place, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock, not exceeding fifty, entitling the holder thereof to one vote; and one vote for every two shares above fifty and under one hundred and fifty shares, and one vote for every five shares above one hundred and fifty until the votes amount to two hundred; and no stockholder shall be entitled to more than two hundred votes at any election as aforesaid; and the said persons or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors; and the directors chosen at any of the elections of said corporation, shall, as soon as may be after every election, choose out of their own number, a president, and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies, may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president, *pro tempore*, who shall have such power and functions as the by-laws of the said corporation shall provide.

Time and mode of election of first directors.

Sec. 5. *And be it enacted*, That in case it should happen that an election of directors should not be made on the day, when, pursuant to this act it ought to be made, the said corporation shall not, for that cause, be deemed dissolved, but such election may be held at any subsequent time, upon notice given for that purpose; and the directors for the time

Corporation not dissolved for failure to elect on day prescribed.

being shall continue to hold their office until new ones shall have been chosen in their places.

Stock forfeited
on failure to
pay instal-
ments

Sec. 6. *And be it enacted*, That five directors of said corporation shall be a quorum of the board of directors, competent to transact all business of the said corporation, and they shall have power, giving notice thereof as aforesaid, to call in the capital stock of said company; by such instalments, and at such times as they may direct; and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares on which such default shall arise: and to make and prescribe, such by-laws, rules, and regulations, touching the management and regulation of the stock, property, estate and effects of the said corporation, and transaction of their business, as to them shall appear needful and proper, not repugnant to the laws of this state or the United States; and also to appoint, a secretary, treasurer, and such and so many clerks, agents, and servants, as to them shall seem meet and proper, and to establish and fix such salaries or compensation for services to them, and also to the president, as to the board of directors shall appear proper; *Provided*, that not more than five dollars be required to be paid on each share at any instalment, and such instalments be not required at shorter periods than thirty days from each other.

Location of
rail road.

Sec. 7. *And be it enacted*, That the president and directors of said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a rail road, commencing at any point in the town of Belvidere, and from thence following the river Delaware, and as near thereto as the situation of the ground will admit of, until it terminates at the head of the feeder of the Delaware and Raritan Canal in the county of Hunterdon, or to be extended to the city of Trenton, as hereinafter directed, if thought more advisable to said directors or a majority of them, which said rail road shall not at any point between the commencement thereof and Bull's island be more than two miles distant from the river Delaware, shall be so constructed as not to exceed sixty-six feet wide, with as many sets of tracks or rails as they may deem necessary; and it shall be lawful for the said president and directors of said company, their agents, engineers, superintendents, and others in their employ to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route or routes of such rail road, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when

the route or routes of such road shall have been determined upon, and a survey of such route or routes deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and others, persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails and to do all other things which shall be suitable or necessary for the completion or repair of the said road, and may also take and use any stone, gravel, sand, clay or other earth on or near the said route, which may be required for the construction of, repairing altering or extending the said rail road or any of its works or appendages, subject to such compensation as is hereinafter provided; *Provided always*, that the payment, or tender of the payment of all damages for the occupancy of lands through which the said rail road may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

Proviso:

Sec. 8. *And be it enacted*, That if the owner or owners of the land on which said 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 or owners cannot agree as to the price of the same, a particular description of the land or materials so required for the use of the said company in the construction of the said road or roads, and the name or names of landholders and their place of residence, if known shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, to one of the judges of the inferior court of common pleas of the county or counties in which said road may run, who is disinterested in the premises, and after giving ten days notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners residents of the county or counties, to assess the price or value of said land, and damages and materials taken, who shall be sworn or affirmed before said judge faithfully to execute the duties of such appointment, and after like notice to both parties, of the time and place, shall meet, view the premises, and hear the parties and evidence if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of said land and the quantity taken, by whom owned, and how situated, bounded and described, in writing,

Proceedings
when company and owners
of land cannot agree

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 in which the land is situated, there to be kept as a public record, and copies taken by either party if required; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the inferior court of common pleas of the county in which the land is situated, 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 proceedings shall vest in the said court full right and power to hear and adjudge the same, and if required, they shall award a venire in proper form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury if required to view the premises and to assess the value of said lands, and all damages sustained, and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given with cost, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners of said land, and shall find the same, or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor as the court shall direct; and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs if any, the said corporation shall be deemed to be seized and possessed, in fee simple, of all such lands and real estate appraised as aforesaid.

Value of lands
paid into the
court of chan-
cery in certain
cases

Sec. 9. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of said corporation to pay the amount of any award or report so made, in behalf of any such person, into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of said owner or owners, all of which said proceedings, as well under this as the preceding section of this act, shall be at the proper cost and charges of the said corporation.

Other roads
not to be ob-
structed.

Sec. 10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said rail road 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.

Sec. 11. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and to place on any 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 six cents per mile, for carrying each passenger on said rail way, 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 and its appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever, belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns during the continuance of this act.

Rates for passage and transportation.

Sec. 12: *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 profits thereof, and shall in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

Dividends to be made semi-annually.

Sec. 13. *And be it enacted*, That if any person shall willfully impair, injure, destroy, or obstruct the use of any rail road constructed under the provisions of this act, by the said company, or any of their necessary works, wharves, bridges, carriages, or machines, such person or persons so offending shall forfeit and pay to the company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt; and further shall be liable for all damages.

Penalty for injuring road or works.

Sec. 14. *And be it enacted*, That the said company may have and hold real estate, at the commencement and termination of said road, or as near thereto as they can conveniently procure the same, and at such intermediate points as the direc-

What real estate may be held

tors shall think proper, not exceeding two acres at each place, and may erect and build thereon, houses, warehouses, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property, and construction of carriages, and other necessary uses, and take and receive the rents, profits and emoluments thereof.

Rail road a
public high-
way.

Sec. 15. *And be it enacted*, That the road authorized by this act be, and the same is hereby declared a public highway, and shall be constructed with a track for one or more horses, and free for the passage of any 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.

Cost of road
to be filed with
Secretary of
State.

Sec. 16. *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 cost of said road, including all expenses, in the office of the Secretary of State, and annually thereafter, the president and treasurer of said company, shall, under oath or affirmation, make a statement to the Legislature of this state, of the proceeds of said road, until the net income of said road shall amount to six per centum upon the amount of its costs; and as soon as the net proceeds of said rail road shall amount to six per centum upon its cost, the said corporation shall pay to the treasurer of this state, a tax of one half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January of each year: *Provided*, that no other tax or impost for the use of this state shall be levied or assessed upon the said company.

When tax to
be paid

Sec. 17. *And be it enacted*, That at any time after the expiration of twenty-five years, from the completion of the 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 the state, for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the Legislature, within one year of the time of their appointment; or if they cannot agree, they shall choose a seventh, who with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after their said appointment by the Chief Justice, then the three persons so appointed by him, shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six com-

missioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then upon two weeks' notice to the said company, the said Chief Justice shall appoint such seventh man, as aforesaid, to make such appraisement as aforesaid; and thereupon the state shall have the privilege for two years of taking the said road, upon the payment to the company of the amount of said report, within one year after electing to take said road; which report shall be filed in the office of the Secretary of State, and the whole property and interest of said road and 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 said company, to lay before the Legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of said 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 valuation of said road shall in no case exceed the first cost or valuation of said road, with the appendages thereof.

Proviso

Sec. 18. *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.

Time limited
for completion
of road.

Sec. 19. *And be it enacted*, That the Legislature of this state shall have the right to subscribe for stock of the said company, to the amount of one hundred thousand dollars, at any time before, or within twelve months after the said road is commenced.

Legislature
may subscribe
for stock.

Sec. 20. *And be it enacted*, That the said company may hereafter construct and extend the said rail road from the head of said Delaware and Raritan Canal Feeder to the city of Trenton, tracing along upon the embankment of said Canal Feeder as near as may be; *provided always*, that the said rail road shall not be so constructed or extended as aforesaid until the consent of the said companies of the Delaware and Raritan Canal and the Camden and Amboy Rail Road, or their successors or assigns, be first had to the same under the hands and seals of the president and secretary thereof, setting forth the assent of the directors of said companies, which assent shall be filed in the office of the secretary of this state, there to remain of record.

Rail road may
be extended to
Trenton.

Proviso

Sec. 21. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such, in all courts and places whatsoever: and no part of the funds of this company, shall be used for banking or other pur-

Restrictions

Act may be
altered or mod-
ified.

poses, not plainly indicated by the provisions of this act; and that the Legislature reserve to themselves the right to alter, amend, or modify this act whenever they think proper.

Passed, March 2, 1836.

A SUPPLEMENT to the Act entitled "An Act to regulate the repacking of Beef and Pork, for exportation," passed the second of September, A. D. eighteen hundred and two.

Extra mess
beef may be
packed and in-
spected.

Sec. 1. 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 any person or persons to put up or pack beef for ship stores, or exportation, under the denomination of extra mess-beef, if the same shall be of the quality, and assorted in manner hereinafter specified, to wit: the best pieces, without hocks, shanks, or necks, of oxen or steers, well fattened, and weighing, at least, six hundred pounds, exclusive of the hide and tallow, and shall be repacked in the same manner as is directed in the act to which this is a supplement, and shall be branded "New Jersey extra mess-beef," and the initials of the inspector's christian name, and his surname at full length, together with the name of the place where repacked.

Sec. 2. And be it enacted, That any person or persons repacking, as aforesaid, shall be liable to all the forfeitures and penalties, and entitled to all the fees which are contained and directed in the act to which this a supplement.

Passed, March 2, 1836.

AN ACT to incorporate the Dennisville Glass Manufacturing Company, in the County of Cape May.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State and it is hereby enacted by the authority of the same*, That Nathaniel Holmes, Amos C. Moore, Samuel Mathews, Richard S. Ludlam, Christopher Ludlam, Eleazar Crawford and Morris Beasely, and such other persons as now are, or hereafter may be associated with them, and their successors, be, and they are hereby constituted and declared to be a body politic and corporate, in fact, name and law, by the name and style of "The Dennisville Glass Manufacturing Company," for the purpose of establishing and carrying on manufactures of window glass, and all other articles of glass were incidental to a glass manufactory, on the north side of Dennis's creek, at or near the village of Dennisville, in the county of Cape May, in this state; and by that name they and their successors and assigns shall and may have continued succession, and be persons capable in law of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, causes, complaints, and matters whatsoever; and may have and use a common seal, and make, alter, change and renew the same at pleasure; and shall be vested with all the powers incidental to a corporation, and necessary for the objects aforesaid, and by that name and style shall be capable of purchasing, holding, using and conveying any estate real or personal, for the use of the said corporation; *Provided*, that the real estate so to be purchased or holden by the said corporation, shall be such only as may be necessary for the purposes of carrying on or promoting the manufacturing operations for which this incorporation is established, and such other as shall have been bona fide mortgaged to said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of its dealing, or purchased by them at sales upon executions in their favour.

Style of incorporation.

Sec. 2. *And be it enacted*, That the capital stock of the said incorporation shall be thirty thousand dollars, which shall be divided into shares of twenty-five dollars each, but it shall nevertheless be lawful for the said incorporation, when, and so soon as two thousand dollars of the said capital stock shall have been subscribed and paid, to commence the said business; and with that capital, conduct and carry it

Amount of capital

Stock forfeited
on failure to
pay instal-
ments.

Books to be
opened for sub-
scriptions for
stock.

Time and
mode of annu-
al election of
directors.

on, until they shall find it expedient to extend their capital, which the president and directors of said company are authorized to do from time to time, by receiving new subscriptions to their capital stock, to the amount herein before mentioned, and it shall and may be lawful for the president and directors of said company for the time being, to call in and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times, and in such proportions, as they shall deem proper, upon pain of forfeiting the shares of said stockholders, on which default shall be made, and all previous payments thereon, if such payments shall not be made within sixty days after notice, requiring such payment, shall have been given in one or more newspapers circulating in the county of Cape May, in this state.

Sec. 3. *And be it enacted*, That Nathaniel Holmes, Amos C. Moore, Samuel Mathews, Richard S. Ludlam, Christopher Ludlam, Eleazar Crawford and Morris Beasely, shall be commissioners, whose duty it shall be to open books to receive subscriptions to the capital stock of the said corporation, in the first instance, at some suitable place in the county of Cape May, upon giving twenty days notice in one or more of the newspapers circulating in said county, of the time and place of opening such books, and also, of the amount of the first instalment, then to be paid; and as soon as stock to the amount of two thousand dollars shall be subscribed, it shall be the duty of the said commissioners to give a like notice for the meeting of the stockholders, to choose five directors; and the said commissioners shall be inspectors of the first election of directors of said company, and shall certify under their hands, the names of those duly elected, and deliver over to them the subscription books, and the moneys and securities received for subscriptions; and the said commissioners shall appoint the time and place of holding the first meeting of directors.

Sec. 4. *And be it enacted*, That the stock, property, business and affairs of the said corporation shall be managed and conducted by five directors, who shall at all times during their continuance in office, be citizens of the United States, and stockholders in the said company, in their own right, and the said directors shall be elected on the first Monday in April in each year, and shall hold their offices for one year, and until others shall be elected in their stead, which election shall be held at such hour of the day, and at such place as the board of directors for the time being, shall appoint, under the inspection of three stockholders, not being directors, to be appointed by the board of directors, previous to every such election, and such election shall be made by ballot, and by a

plurality of the votes of the stockholders then present, or their proxies, allowing one vote for every share of 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; of which election public notice shall be given, in two of the newspapers printed in this state, and circulating in said county, at least twenty days next preceding such election; and the said president shall cause a notice to be inserted in one or more of the newspapers circulating in the county where the corporation is established or carried on, and continued therein for at least four weeks, stating the names of the persons appointed directors for the ensuing year.

Sec. 5. *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 prescribed by the by-laws of the said corporation.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 6. *And be it enacted*, That the directors first chosen, or that may hereafter be chosen, shall as soon as may be after their election, meet and proceed to choose one of the said directors to be president, who shall preside until the next annual or other election to be holden 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, or until the next election, by the directors, for the time being, or a majority of them; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation shall provide.

President to be chosen.

Vacancies supplied.

Sec. 7. *And be it enacted*, That the said president and directors, for the time being, or a majority of them, shall form a board for transacting the business of the said corporation, and shall have power to make and prescribe such by-laws, rules and regulations, 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 management and conducting the business of the said corporation, and all matters appertaining thereto; the transfer of shares of the stock, the election and meetings of the directors, the powers and conduct of the officers and workmen of said corporation; and such by-laws, rules and regulations, at

Powers and duties of directors.

their discretion, to repeal, alter or modify; *Provided*, that such by-laws, rules or regulations shall not be repugnant to the constitution and laws of this state, or of the United States; and the board of directors, for the time being, or a majority of them, shall have power to appoint a secretary, and such and so many managers, foremen, officers, clerks and workmen, as they shall deem necessary, for the well conducting and carrying on their business, and regulate their services, wages and allowances, and may at their discretion remove and discharge from their employ any such manager, foreman, officers, clerks, workmen, or other persons, engaged in said business, and supply their places by the employment of others in their stead.

Stock personal property, and mode of transferring.

Sec. 8. *And be it enacted*, That the stock and property of the said corporation, of whatever nature or kind, shall be deemed personal property; and the shares of the stock in the said company shall be transferrable only on the books of the company, to be kept by the president and directors for that purpose, in the presence of the president or one of the directors, or the secretary of said company, in such manner as shall be prescribed by the by-laws of said company.

Books to be kept and open to inspection

Sec. 9. *And be it enacted*, That the president and directors shall at all times keep a book or books in which shall be entered all the proceedings of the stockholders at their annual or other meetings, and all the proceedings of the board of directors; and they shall also keep, at their manufactory, books of account, in which shall be regularly entered all the transactions and accounts of the said corporation; which books shall be subject at all times, in business hours, to the inspection of the stockholders of the company; and the president and directors shall from time to time, as to them shall seem meet, make and declare dividends of such parts of the clear profits resulting from the business of the said corporation, as they shall deem expedient.

Dividends to be made.

Restrictions.

Sec. 10. *And be it enacted*, That the corporation hereby created shall not engage in or carry on, or employ any part of their capital stock in banking operations, or any other purpose not clearly indicated by this act.

Limitation of act

Sec. 11. *And be it enacted*, That this act shall be and continue in force for the term of thirty years from the passing thereof, and from thence until the close of the next session of the legislature, and no longer; *Provided always*, that the legislature may at any time hereafter modify or repeal the same.

Act may be altered or repealed.

Passed, March 2, 1836.

A SUPPLEMENT to the act, entitled an act to incorporate the Orange Bank, passed the twenty-sixth day of February, eighteen hundred and twenty-six.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the capital stock of "The Orange Bank in the county of Essex" is hereby increased to the sum of three hundred thousand dollars; and the additional capital hereby created shall be divided into shares of fifty dollars each, in the same manner as provided in relation to the original capital in the act to which this is a supplement.

Capital stock increased.

Sec. 2. *And be it enacted,* That it shall and may be lawful for the directors of the said bank to appoint three of their own number as commissioners to open books of subscription at their banking house for the said additional capital; and the said books shall be kept open for three days during the regular hours of business; and due notice thereof shall be published in a newspaper printed in Newark, for the space of twenty days previous to opening the books of subscription as aforesaid, and five dollars on each share shall be paid at the time of subscribing therefor: *Provided,* that the stockholders of the original stock, shall be entitled to a preference in subscribing to one third of the said additional capital, *and provided also,* that if more than the required amount shall be subscribed, the said commissioners shall distribute the one third of the stock to and among the said original stockholders (if they shall subscribe for the one third thereof) and the two thirds of the said additional stock shall be distributed among the subscribers not being stockholders, in proportion to their several subscriptions.

Books of subscription for new stock to be opened.

Distribution of new stock.

Sec. 3. *And be it enacted,* That the directors of the said bank shall equalize the value of the new stock to the old; by requiring payment on the new stock of the ratable proportion of the expenses of said bank in its organization and establishment, and an amount equal to the surplus profits on hand, if any there be, or by dividing a part, or the whole of the said surplus among the holders of the old stock.

New stock to be equalized in value to old.

Sec. 4. *And be it enacted,* That the said directors may require payment on the said subscriptions, by instalments not exceeding five dollars on each share, at such times and manner as they, or a majority of them shall deem proper, under the penalty of the forfeiture of all previous payments thereon, and that thirty days previous notice of the time and place of payment of each instalment shall be published in a newspaper printed in the town of Newark.

Stock forfeited on failure to pay instalments.

Privileges of
new stockhold-
ers.

Sec. 5. *And be it enacted*, That all the proprietors and owners of the said additional stock under and by virtue of this act, shall be a corporation created by the said act to which this is a supplement, and entitled to all the privileges and benefits of the original subscribers, and subject to all the provisions of the said act.

Passed, March 2, 1836.

AN ACT to authorize Francis W. Brinley, John Rutherford, junior, Lewis Leslie, and their associates, to build a draw bridge over the Rahway river, at or near the head of navigation.

Power given to
build a bridge
over Rahway
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 aforesaid Francis W. Brinley, John Rutherford, junior, Lewis Leslie, and their associates, to build a good and sufficient bridge over Rahway river, at or near a point, opposite the south line of the property late of John Rutherford, esq. and crossing to said line, with a suitable draw therein, of a sufficient width for the passage of vessels navigating the same.

Penalty for
leaving draw
open or injur-
ing bridge.

Sec. 2. *And be it enacted*, That if any captain of a vessel, or other person, shall open the draw of said bridge, and keep the same open, when 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, or shall remove, damage, or destroy 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, he, she, or they, so offending, shall, for each and every offence, forfeit and pay the sum of fifty 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 will sue for the same.

Sec. 3. *And be it enacted*, That the boards of chosen freeholders, for the time being, of the counties of Essex and Middlesex, are hereby authorized, at any time when they may deem it expedient, to accept of the said bridge, as a gift from the associates, for the uses of the public; and that then it be maintained and repaired at the expense of the aforesaid counties of Essex and Middlesex, and shall, to all intents and purposes, become a county bridge.

Bridge may be given to the public.

Sec. 4. *And be it enacted*, That in case it should become necessary for the protection of said bridge or draw, and the accommodation of persons passing over or through said bridge, to have the same put in the special care of some suitable person, then, and in that case, it shall and may be lawful for the aforesaid associates, or for the said board of chosen freeholders, as the case may be, to make such regulations as they shall deem necessary for the better protection and accommodation of the same; *Provided*, they be in accordance with the preceding sections of this act.

Bridge may be put in care of a suitable person.

Sec. 5. *And be it enacted*, That nothing contained in this act shall be so construed as to authorize any toll or other charge to be made for passing over or through said bridge, *and provided further*, if the said bridge is not built within two years from the passage of this act that then this law shall be null and void.

No toll to be charged.

Passed, March 4, 1836.

AN ACT for the relief of Abijah Dodd, of the county of Essex.

AN ACT for the relief of Abijah Dodd, of the county of Essex.

sex.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the treasurer of this state, for the time being, shall, and he is hereby authorized and required to pay to Abijah Dodd, of the aforesaid county, a soldier in the service of the United States, in the revolutionary war, or to his order, the sum of fifty dollars, to be paid to the said Abijah Dodd, annually, in quarterly payments, from the passing of this act, during the life time of the said Abijah Dodd, and the receipt of the

Pension of fifty dollars per annum to Abijah Dodd.

said Abijah Dodd, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid by virtue of this act, in the settlement of his accounts.

Passed, March 4, 1836.

AN ACT to incorporate the Elizabeth Town Silk Manufacturing Company.

Style of incorporation.

Powers.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That William Ross, George R. Chetwood, William Dayton, John J. Chetwood, and such other persons as now are or hereafter may be associated with them, and their successors and assigns, be, and they are hereby constituted a body politic and corporate in law, by the name and style of "The Elizabeth Town Silk Manufacturing Company," for the sole purpose of planting mulberry trees, raising and feeding silk worms, erecting and establishing manufactories of silk, in all its various branches, all fabric of which silk is a principal part, and dying, printing and bleaching the same; and that, by that name, they and their successors shall have power, and continue to be a body corporate, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended, in all courts and places, and in all manner of actions, suits, complaints, causes, and matters whatsoever; and they and their successors may have a common seal, and the same may make, alter and change at their pleasure; and they and their successors, by their corporate name, shall in law be capable of buying, holding, and conveying any lands, tenements, hereditaments, goods, wares and merchandizes whatsoever, in this state, not exceeding fifty acres, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and all other real estate, which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments or decrees which shall

have been obtained for such debts; *Provided always*, that the funds of said corporation, or any part thereof, shall not be applied, used or employed at any time in banking operations, or for any other purpose or purposes inconsistent with the provisions of this act.

Sec. 2. *And be it enacted*, That the stock, property and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom shall be president, who shall hold their offices for one year from the first Monday of May, in every year; and that the said directors shall be elected on the last Monday of April, in every year, at such time and place as shall be directed by the by-laws of the said company; of which election public notice shall be given of the time and place, not less than ten days previous, in one of the newspapers printed in the county, where such election shall be made by such stockholders as shall attend for that purpose, either in person or by proxy; and their elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall hold shares of the capital stock of said company, and the persons having the greatest number of votes, being stockholders, shall be directors; and if it shall happen at any election for directors that two or more persons shall have an equal number of votes, in such manner that a greater number than five, shall, by a plurality of votes, appear to be chosen as directors, then the said stockholders shall proceed to ballot a second time, and, by a plurality of votes, determine which of the persons having an equal number of votes shall be director or directors, so as to complete the whole number of five; and the said directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one out of their number to be their president, and shall, at the same or some other time, elect an acting manager or managers, and such agents of the said company, as may be requisite to conduct its business, also a secretary to said company; and if any vacancy or vacancies shall at any time happen, by death, removal, resignation, or otherwise, among the directors elected, the secretary, managers, or agents, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors, for the time being, or the major part of them, shall appoint.

Time and
mode of elect-
ing directors.

Sec. 3. *And be it enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, and shall be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said company, when, and as soon as a sufficient portion of the said capital stock shall have been subscribed for and paid, or satisfactorily secured

President and
officers to be
chosen by di-
rectors.

Amount of
capital stock

Stock forfeited
on failure to
pay instal-
ments

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

Stock personal
estate,

Sec. 4. *And be it enacted*, That the stock and property of the said corporation, of whatever nature or kind, shall be deemed personal estate, and shall be transferrable in such manner as shall be prescribed by the by-laws of said corporation; *Provided*, that dividends shall annually be made to, and amongst the stockholders, from and out of the profits of the said corporation, but in no case shall any part of the capital stock be so divided.

Corporation
not dissolved
for failure to
elect on day
prescribed.

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

Powers and
duties of di-
rectors.

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

secretary, clerk, or other person engaged in said manufactories or business, and supply their places by the appointment of others in their stead.

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

Books open to inspection of stockholders.

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

Limitation of act.

Act may be altered or repealed.

Passed, March 4, 1836.

AN ACT to incorporate the Mount Holly and Camden Rail Road and Transportation Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Joseph W. Cooper, Jonathan J. Spencer, John Beatty, Amos Stiles, Matthew McHenry, John Black, James Newbold, James Langstaff, George W. Cambloss, John H. Stokes, Richard C. Shreve, James S. Hulme, Edward Harris, Benjamin H. Lippincott, 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 Mount Holly and Camden Rail Road and Transportation Company," and by that name they and their successors shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and shall have power to make and use a common seal, and the

Style of incorporation.

Powers.

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 real or personal estate necessary or expedient to the objects of this incorporation.

Amount of capital stock.

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

Books of subscription for stock to be opened.

Sec. 3. *And be it enacted*, That the above named persons shall be commissioners to open books to receive subscriptions to the capital stock of said corporation at such time or times and place or places as they or a majority of them may think proper, and keep the same open at least one day in each place, giving twenty days notice of the same in two of the newspapers published in the county of Burlington, two in the city of Camden, and one in the city of Philadelphia, and that at the time of subscribing, ten per centum shall be paid upon each share subscribed for, to the commissioners or some one of them, and as soon as two thirds of the capital stock shall be subscribed, such commissioners shall give like publication 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 any three of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting a reasonable compensation for their own services, to the said directors, and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting, or at 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.

Time and mode of election of first directors.

President to be chosen.

Vacancies supplied.

Sec. 4. *And be it enacted*, That in case it should happen that

an election of directors should not be made during the day, when, pursuant to this act it ought to have been made, the said corporation shall not for this cause be deemed to be dissolved, but such election may be held at any other time, on notice as aforesaid; and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

Corporation
not dissolved
for failure to
elect on day
prescribed.

Sec. 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 remaining capital stock of said company, by such instalments, and at such time as they may direct, by giving thirty days public notice in one or more newspapers published in Mount Holly and Camden; *Provided*, that no such instalment shall exceed five dollars on each share, and that no two instalments shall be required within thirty days of each other; and in case of the non-payment of said instalments, or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of the said company; and to make and prescribe such by-laws, rules and regulations, not inconsistent with the laws of the United States or of this state, as to them shall appear needful and proper for the management and regulation of the stock, property, estate and effects of the said corporation, and also shall have power to appoint a secretary, a treasurer, and so many clerks and workmen as to them shall seem meet, and the same at pleasure to remove, and to establish and fix such salaries to them and also to the president, as to the said directors shall seem proper.

Stock forfeited
on failure to
pay instal-
ments.

Powers and
duties of direc-
tors.

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, from some suitable point in the town of Mount Holly, to pass on a line as direct as the nature of the country will admit, through or near the village of Moorestown, to some point on the Delaware river, within the limits of the city of Camden, not exceeding sixty-six feet wide, with as many sets of tracks or rails as they may deem necessary; and it shall be lawful for the said president and directors their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route of such rail road, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and

Location

When they
may enter on
lands.

a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *Provided always*, that the payment, or tender of the payment of all damages for the occupancy of lands through which the said rail road may be laid out, be made before the said company, or any person under their direction or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying or laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

Proviso.

Proceedings
when compa-
ny and owners
of land can-
not agree

Sec. 7. *And be it enacted*, That if the said company or its agents cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said company, in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer, or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county where the lands may be situated, who shall cause the said company to give notice thereof to the persons interested, if known, and in this state, or if unknown, or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, resident in the county where the lands may be situated, commissioners to examine and appraise the said land, and to assess the damages, upon such notice, not less than twenty days, to be given to the persons interested, as shall be directed by the judge making such appointment, and it shall be the duty of the said commissioners, (having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in

question, and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said lands, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages, which shall be paid by the company, for such land, and damages aforesaid; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing, making and maintaining the fencing on the line of the route of the said road through any improved lands over which the same may run; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county where such land is situated, to remain of record therein, which report, or a copy thereof, certified by the clerk of the said county, shall, at all times, be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land, or of the said owner or owners, to recover the amount of said valuation, with interest and costs, in action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same, for twenty days after demand made of their treasurer, and shall from time to time, constitute a lien upon the property of the company in the nature of a mortgage; and either of the judges of the said inferior court of common pleas shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses, to the judges of the said court, commissioners, clerks, and other persons performing any of the duties prescribed in this section of the act, as he shall think equitable and right, and to order and direct by whom the same shall be paid, under the circumstances of the case.

Sec. 8. *And be it enacted*, That in case the said company, or owner or owners of the said land, shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the judges of the inferior court of common pleas of the county, at the first or second term after the filing of the said report, by proceeding in the form of petition to the said court, which proceeding shall vest in the said court of common pleas full right and power to hear and adjudge the same, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck,

Appeals may be taken to court of common pleas and case tried by jury.

and a view of the premises to be had, and the said issue to be tried at the next term of the said court to be holden in the county where such land may be situated, upon the like notice and in the same manner as other issues in the said court are tried, and it shall be the duty of the said jury to assess the value of the said land and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find the same, or a less sum than the company shall have offered, or the said commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land upon the filing of the aforesaid report.

Other roads
not to be ob-
structed.

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 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 and convenient wagon-ways over or under said road, so that the way be passable; and that it shall be lawful for said company to construct the said rail road across any navigable waters within the line of said road, and they shall be at liberty to erect and build bridges over the same, so as not to obstruct the free passage of such boats and vessels as usually navigate the same; and further, if the said company shall build a bridge over the Rancocus creek, they shall put a draw in it of at least twenty-eight feet wide in the narrowest part, and to be placed in a line with the courses of the creek, over the best channel of the stream, in such position as to do the least injury to the navigation thereof, and shall at all times during the night time, from dark until day-light, keep a constant light at such bridge, and keep a suitable person to attend at the said draw to hoist and lower the same for the free passage of all vessels with standing masts; and for each and every neglect to light the said lamp or lamps for one night, and to open said draw the directors of the said company shall forfeit and pay the sum of ten dollars, to be recovered with costs in any court having jurisdiction thereof, by any person who shall sue for the same within six months after the time of such neglect.

Sec. 10. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and to place on the said rail road, all machines, engines, wagons, carriages, or vehicles for the transportation of persons, or any species of property, as they may think reasonable, expedient, or right; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *Provided*, that they shall not charge more than at the rate of five cents per mile for the carrying of each passenger, nor more than ten cents per ton per mile for the transportation of every species of property, on said road in the carriages of the said company, or three cents per mile per ton for property, or three cents per mile for each passenger carried on said rail road, in the carriages of others, and three cents per mile for each empty carriage; and that the road authorized by this act shall be, and is hereby declared a public highway, 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 regulated as to the times of starting and rates of travelling by the company, in the same manner as the carriages of the company are; and the said rail road and its appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever, belonging to the company, are hereby vested in the said company and their successors, for and during the continuance of the charter; *Provided always*, that in case the said company, after the same is completed, shall abandon the said road, or cease to use and keep the same in repair, at any time for three successive years, that then and in that case, this charter shall be annulled, and the title to the lands over which the said road shall pass shall be re-vested in the person or persons from whom the lands were taken by concession or by inquisition, as aforesaid.

Rates for passage and transportation.

Proviso.

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 of the net profits thereof, as they may think proper, and shall in like manner semi-annually thereafter declare such dividends, and pay the same to the stockholders of the said company, or to their legal representatives, in proportion to the number of shares held by them respectively, as they may deem prudent and proper.

Semi-annual dividends to be made.

What real estate may be held

Sec. 12. *And be it enacted*, That the said company may have and hold real estate at or near the commencement and termination of the said road, not exceeding two acres at each place, and may erect and build thereon houses, warehouses, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business.

Penalty for injuring road or works.

Sec. 13. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the said rail road or any buildings, machinery or works of the said corporation, such person or persons shall forfeit and pay therefor, to the corporation, three times the amount of damages sustained by means of such injury, to be recovered in the name of the said corporation, with costs of suit, in any court having cognizance of the same.

Cost of road to be filed with Secretary of State.

Sec. 14. *And be it enacted*, That as soon as the said rail road, with its appendages, shall be finished so as to be used, the president of the said company shall file under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the secretary of state, and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road, and whenever after, the nett proceeds of said road shall amount to six per centum per annum 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 on the first Monday in January in each year; *Provided*, that no other tax or impost shall be levied or assessed upon the said company, for the use of this state.

When state may take the road.

Sec. 15. *And be it enacted*, That at any time after the expiration of thirty years from the completion of said road, the legislature of this state may cause an appraisement of the same and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of the state for the time being, and the remaining three by the said company, who, or a majority of them, shall report the value thereof to the legislature, within one year from the time of their appointment, or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report, as aforesaid, or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after their said appointment by the said chief justice, then the said three persons so appointed by him shall proceed to make such appraisement, which shall be binding upon the said company, or in case the said six commissioners shall be appointed as aforesaid, and 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, and thereupon the state shall have the privilege, for two years, of taking said road, upon the payment to the company of the amount of said appraisement, within one year after electing to take said road, which report shall be filed in the office of the secretary of state, and the whole property and interest of the said road and the appendages thereof shall be vested in the state of New Jersey upon the payment to the said company of the amount so reported; *Provided*, that the said valuation shall in no case exceed the first cost of said road with the appendages thereof. Proviso

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

Sec. 17. *And be it enacted*, That no part of the capital stock, or moneys, of the company incorporated by this act, shall be used or employed by said company for banking or any other purposes not clearly indicated by the provisions of this act, under penalty of forfeiting their charter; and that it may be lawful for the legislature at any time hereafter, to alter, modify or amend this charter, whenever in their opinion the public good shall require it; and 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. Restrictions.
Act may be altered.

Passed, March 4, 1836.

AN ADDITIONAL SUPPLEMENT to the act entitled "An Act to incorporate a company to erect a Turnpike Road from the town of Paterson, to the village of Hackensack." Passed, February sixth, eighteen hundred and fifteen.

WHEREAS, the Hackensack and Paterson Turnpike Company, have, by their memorial, represented that they will not be able to finish their road within the time prescribed by law for that purpose, and it appearing that it will be proper to grant the said company the indulgence required by them---therefore,

Time for completing road extended.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the time for completing the said road, be extended to five years from and after the sixth day of February next: *provided*, said company shall receive toll for only that part of the said road that is completed and finished, at the rates per mile agreeably to their original act of incorporation.

Passed, March 5, 1836.

A SUPPLEMENT to an act, entitled, "An Act to regulate the Shad Fisheries in South River, in the county of Middlesex," passed, February twenty-second, eighteen hundred and four,

Times of fishing regulated.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall not be lawful for any person or persons, to fish with any net, seine, fikes, cribs, or other device, across or in the said South River, between the mouth thereof, where the same empties into the Raritan River, and the Powder Mill belonging to Vernet

and Solomon on said River, between the first day of June and the tenth day of August, in each and every year; and any person so offending, shall forfeit and pay the sum of twenty 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 to the overseer of the poor, for the use of the poor of the township wherein the offence shall have been committed; *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.

Penalty for
violating this
act

Passed, March 5, 1836.

AN ACT relative to fishing in Oldman's Creek, in the counties of Salem and Gloucester.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all and every person or persons whatsoever, who shall beat, splash, or make a noise in Oldman's Creek, (it being division line between the counties of Salem and Gloucester---Beaver Creek being a branch thereof, in the county of Salem) for the purpose, or with the intention of molesting, disturbing, or impeding shad, or other fish, in their natural course, either up or down the same, at any time between the first day of March and the first day of July, or shall affix, fasten, or set any net or nets, or other device or devices that may tend to obstruct or hinder fish from going up or down the same, shall, for each and every offence, be liable to a penalty, not exceeding forty dollars, to be recovered by action of debt, with costs of suit, in any court of record having cognizance thereof, by any person or persons that will sue for the same, and upon the failure, refusal, or inability to pay said penalty, such offender or offenders may be imprisoned in the common jail, in the county in which the said offender or offenders reside, for any term, not exceeding three months;

Molesting the
natural course
of fish prohi-
bited at certain
seasons.

Penalty for
violation of act

Provided always, that such prosecution shall be commenced within six months after the said offence shall have been committed; *and provided also*, that nothing in this act contained shall extend to prevent any person or persons from drawing or sweeping with seines or nets, or fishing with hoop-nets, in said creek, as heretofore.

Passed, March 5, 1836.

AN ACT to incorporate the "Union Manufacturing Company,"
of Trenton.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Dr. John M'Kelway, Thomas J. Stryker, Xenophen J. Maynard, and their associates and successors, shall be, and they are hereby incorporated and made a body politic, by the name and style of "The Union Manufacturing Company," for the purpose of manufacturing, bleaching, or printing, articles of which cotton, flax, or wool are the principal parts, and all machinery incident thereto, or which may be found necessary for effectually carrying on said manufactures, and shall have power to raise, by subscription, in shares of one hundred dollars each, a capital of three hundred thousand dollars, and for that purpose shall open books of subscription to the capital stock on the first Tuesday in May next, giving at least twenty days notice of the time and place, in one or more of the newspapers of this city, and that each person subscribing to said stock, shall pay at the time of subscribing, the sum of ten dollars on each share; and as soon as three hundred shares shall be subscribed, and ten thousand dollars paid in, the individuals above named, or any two of them, may, by public notice of thirty days, given in one or more of the newspapers of the city of Trenton, call a meeting of the stockholders of the said company, for an election of five directors, each of whom shall be a stockholder, to be voted for by the said stockholders, according to their respective shares, in person or by proxy; the said individuals above named, or any two of them, to be inspectors and judges of such first election; and the said directors when elected, shall choose out

Style of incorporation.

Time and mode of electing directors.

of their number a president; and the directors of said company shall, annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of said company, and shall appoint three of the stockholders, not being directors, as inspectors of such election; said directors shall continue in office until such election be complete, and shall at all times have power to make by-laws for the government of said company, not repugnant to the constitution and laws of this state, or the United States; and shall also have power to re-open books and take additional subscriptions not exceeding the amount limited as above, call in said stock from time to time, in such instalments as they shall think necessary, not exceeding twenty dollars on each share, by giving public notice as aforesaid; and to declare forfeited to said company, the stock with all previous payments made thereon, of all such stockholders as shall neglect or refuse to pay the instalments upon their respective shares, as shall be required to be paid as above: *provided*, previous notice of thirty days shall have been given to such delinquent stockholder.

President to be chosen.

Powers and duties of directors.

Stock forfeited on failure to pay instalments.

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

Corporation not dissolved for failure to elect on day prescribed.

Vacancies supplied.

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

Officers and agents appointed.

Sec. 4. *And be it enacted*, That the said company, for the purposes specified in the first section of this act, may buy or

Company may
buy or rent
water power
and lands

rent of The Trenton Delaware Falls Company, so much water power, and may buy, rent, take and hold, or otherwise become seized and possessed of, all such lands, tenements, and other real and personal estate, in the city of Trenton, or within two miles of said city not exceeding five acres, as may be necessary and useful for the purposes aforesaid; and the same may improve and use, or sell, let, or otherwise dispose of, as they shall deem proper; and the said company, by their corporate name, may sue and be sued, plead and be impleaded, in all courts whatsoever; may have a common seal, and alter and renew the same at pleasure; and shall have, enjoy and exercise, all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act.

Dividends to
be made.

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

Books to be
kept open to
inspection of
stockholders.

Stock personal
property, and
mode of trans-
ferring.

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

Limitation of
act.

Sec. 7. *And be it enacted*, That this charter shall continue in force until the first day of March, in the year one thousand eight hundred sixty-six, and no longer: *provided*, that the Legislature may alter, modify or repeal this act, whenever they shall think the public good requires it: and that they shall not use any of their funds for banking purposes.

Act may be
altered or re-
pealed.

Passed, March 5, 1836.

AN ACT to incorporate "The Patent Arms Manufacturing Company.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Samuel Colt, Thomas Addis Emmet, Elias B. D. Ogden, Daniel K. Allen and Daniel Holsman, and the survivors of them and all such persons as may hereafter be associated with them or the said survivors, their successors and assigns, shall be and they are hereby constituted a body corporate and politic in fact and in name by the name of "The Patent Arms Manufacturing Company," for the purpose of manufacturing fire arms, machinery and cutlery, in the counties of Bergen and Essex, in this state, and carrying on the business incident to such manufactories; and by that name they and their successors may have succession, and continue a body corporate and politic, and shall in law be capable of contracting, and being contracted with, suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, and complaints, matters, and causes whatsoever, and of doing all other acts needful to the proper management of the funds and property of the said corporation, and to the carrying on the business for which said corporation is hereby created: and they and their successors by the same name may be capable to acquire, purchase, receive, have, hold, and enjoy and again to sell or otherwise dispose of personal estate of every description, and also such real estate as may be necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in their business, or purchased at sales upon judgments which shall have been obtained for such debts or liabilities: *provided always*, that the funds of said corporation or any part thereof shall not be used or employed at any time in banking operations, or for any other purpose not plainly indicated by this act.

Style of incorporation.

Objects of incorporation.

Powers.

What real estate may be held.

Restrictions.

Sec. 2. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom to be president, who shall hold their offices for one year; and that the said directors shall be chosen on the first Tuesday in August in every year, at such place and time as shall be directed by the by-laws of the said corporation, and public notice shall be given of the

Time and mode of annual election of directors.

time and place of holding every such election, not less than ten days previous, in one or more newspapers printed in or nearest the town where said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled in person or by power of attorney, to as many votes as he or she shall hold shares of the capital stock of said company, and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors chosen at one election, shall be capable of serving, by virtue thereof, until another election shall have been had; and the directors so chosen may appoint such officers and superintendents, and assign such compensations as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and if it shall at any time happen that any vacancy or vacancies occur by death, resignation, or otherwise, among the directors named in this act or those hereafter to be elected, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them shall appoint; until other directors are chosen from the stockholders the first directors shall be Thomas Addis Emmet Daniel K. Allen, Elias B. D. Ogden, Daniel Holsman, and Elias Vanarsdale, junior, and the survivors, or survivor of them who shall hold their offices until the first Tuesday of August next, or until others are legally chosen.

Directors to
appoint officers.

Vacancies supplied.

First directors

Amount of
capital

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

Stock forfeited
on failure to
pay instal-
ments.

Books to be
opened for sub-
scriptions for
stock.

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

Sec. 5. *And be it enacted*, That the stock or property of the said corporation, of whatsoever nature or kind, shall be deemed personal estate, and be transferrable 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 nett profits of the said corporation.

Stock personal estate

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

Corporation not dissolved for failure to elect on day prescribed.

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

Powers and duties of directors.

Proviso.

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

Books open to inspection of stockholders.

Regulation for transferring stock.

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

How company may be dissolved.

Act may be
altered or re-
pealed.

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

Passed, March 5, 1836.

AN ACT further to amend an Act entitled "An Act to incorporate a Company to form an artificial navigation between the Passaic and Delaware Rivers," passed December thirty-one, eighteen hundred and twenty-four.

Toll author-
ized to be charg-
ed.

Sec. 1. *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 such navigable feeder or feeders, as in virtue of this act, or the act of original incorporation, may be constructed by the Morris Canal and Banking Company, for the purpose of conducting into the Morris Canal the waters of Long Pond, or other waters that may be requisite for the supply of the said canal, the said company shall be and are hereby authorized to charge and receive the same rates of toll as are now lawfully chargeable upon the said canal.

Construction
of former act.

Sec. 2. *And be it enacted*, That the twenty-seventh section of the act to which this is a supplement, shall not be so construed as to prohibit or prevent the said Morris Canal and Banking Company from letting to use the water necessary for the purposes of the canal in working other machinery than that requisite for the planes, between Boonton, in the county of Morris, and the Passaic, at Newark, but no other person or persons shall so appropriate the water of said canal, without the consent of said company; *Provided*, that nothing in this act contained shall be construed to authorize the said company to interfere with the rights or privileges of other persons in the use of the waters of this state for the said purposes without their consent; *And provided also*, that the said company shall not carry on or engage in any manufacturing business; *And provided further*, that nothing in this act contained shall be construed to authorize the said company to

Rights of other
persons not to
be interfered
with.

Proviso.

use as much of the waters of the Musconetcong creek for the said purposes as to deprive the owners of mills or manufactories on said creek, below the dam at Saxon's Falls, of sufficient water to turn one wheel as at present used to drive two run of mill stones, with the necessary fixtures for the same, during eight weeks in the year, and at least two wheels each of the same power during the residue of the year, without the consent of the owners.

Sec. 3. *And be it enacted*, That in order to enable the said company to procure the requisite lands and premises, and to construct the several basins, reservoirs, and feeders, authorized by the said act of incorporation, and the amendments thereto, the said Morris Canal and Banking Company shall be, and they are hereby authorized to increase the capital stock thereof to an amount not exceeding six hundred thousand dollars, in shares of one hundred dollars each, for which they may obtain subscriptions, and issue certificates in the manner prescribed in the said act of incorporation; and all holders of such additional shares shall thenceforward be incorporated into the said company; *Provided*, that no part of the said sum of six hundred thousand dollars shall be used for banking purposes, but shall be applied exclusively to the objects set forth in this section.

Authority to
increase the
capital.

Sec. 4. *And be it enacted*, That the corporate powers of the said Morris Canal and Banking Company, shall be exercised by a board of directors to consist of twenty-three persons, who shall elect a president annually from their body, and possess the other privileges and power already conferred by law.

Restrictions.

Corporate
powers exer-
cised by direc-
tor.

Sec. 5. *And be it enacted*, That within one month after the passing of this act, the board of directors shall be divided into five classes, one consisting of three, and the remaining four, of five persons each, and so arranged that the term of service of one of said classes shall expire at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years; that three directors shall be elected at the end of the first year, and five directors at the end of the second, third, fourth and fifth years, by the stockholders, in the manner now prescribed by law; and in like manner, until the expiration of the charter; but the supreme court of this state shall have power to remove a director for misconduct, to be heard on such notice as they shall deem reasonable, on the application of a stockholder or any person interested.

Time and
mode of elect-
ing directors,
and division of
their term of
service.

Sec. 6. *And be it enacted*, That the following persons shall constitute the first board of directors, that is to say, Louis McLane, John S. Crary, James Parker, George Griswold,

First direc-
tors.

John Haggerty, Garret D. Wall, Samuel R. Brooks, Washington Irving, John S. Darcy, Henry Yates, Peter M. Ryerson, Christian B. Zabriskie, Edwin Lord, Joseph L. Joseph, Isaac H. Williamson, Daniel Jackson, Jonathan Goodhue, John Travers, Henry W. Hicks, James B. Murray, John Moss, Stephen Whitney, and Philemon Dickerson; that their authority and power as directors, under this act, shall commence from the time it shall take effect as a law, and that so much of the aforesaid charter, and no more, as is inconsistent with the foregoing provisions, be, and the same is hereby repealed; *Provided however*, that the change in the mode of appointing directors, as pointed out in the present act, shall not be obligatory on the stockholders, unless within one month after the passing of this act, at least three-fourths of by the stockholders, in number and amount, shall cause to be filed in the office of the secretary of state, a writing signed by the said stockholders, setting forth the number of shares by them held, and duly attested by the president and cashier of said Morris Canal and Banking Company, signifying their assent to such change, and also their assent to the persons named in this section as directors.

Proviso.

Restrictions.

Sec. 7. *And be it enacted*, That nothing in this act contained shall be construed to authorize the said company to issue their bank notes to such an extent as to create a circulation of said notes of more than two millions of dollars at any one time, and that the said company, after the fourth day of July next, shall issue no bills of a less denomination than five dollars; unless the legislature should hereafter repeal the act entitled "An act to prevent the issuing and circulation of small notes, for the payment of money," passed the fourth day of March, eighteen hundred and thirty-five.

Legislature
may appoint
commissioners
to examine
proceedings of
company.

Sec. 8. *And be it enacted*, That the legislature of this state shall have it in their power, at any time hereafter, (whenever in their opinion it may become necessary) to appoint three commissioners, with full power to examine into the proceedings of the said corporation, and report the same to the legislature.

Passed, March 5, 1836.

AN ACT to incorporate the Camden and Philadelphia Steam Boat Ferry Company.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Joseph Kaighn, Samuel Lanning, Gideon V. Stivers, John W. Mickle, Richard Feters, Samuel Harris, Isaac Vansciver, Isaac Cole, William Carman, and their associates, and all other persons who shall become subscribers and owners of the capital stock hereby created, shall be, and they and their successors and assigns are hereby made and declared to be a corporation and body politic, by the name of "The Camden and Philadelphia Steam Boat Ferry Company," and by that name shall have continued succession, and shall be able to sue and be sued, implead and be impleaded in all courts of law and equity, and to purchase, have, hold, and receive, possess, retain and enjoy, to them, their successors and assigns, lands, tenements, hereditaments, rents, goods, chattels and effects, of whatever kind, nature, or quality, necessary to carry into effect this act, and no more; and the same from time to time to sell, grant, demise, alien, or dispose of, at pleasure; to make and have a common seal, and the same to alter and change; to appoint all such officers, agents, and servants, and to employ all such engineers, workmen and laborers, as shall be necessary, and may exercise all such other powers as shall be essential to carry into effect the provisions and privileges by this act vested in the said corporation; to make by-laws not contrary to law or to the constitution of this state or of the United States.

Style of incorporation.

Powers.

Sec. 2. And be it enacted, That the capital stock of the said corporation shall consist of one hundred thousand dollars, divided into shares of fifty dollars each, and every person subscribing to the said capital stock, shall at the time of such subscription pay to the directors of said corporation, or some one of them, authorized to receive it, five dollars on each and every share of the said capital stock, and the residue of the said capital stock shall be paid by the several and respective subscribers into the hands of the treasurer of the said corporation at such time, and in such instalments as the directors of the said corporation shall require, giving four weeks previous notice in a newspaper printed in the city of Camden, and in a daily paper printed in the city of Philadelphia, of the time and place at which such instalment shall be required to be paid; failure of the payment, at the time and place mentioned in such notice, shall incur a forfeiture of the shares and all previous payments made thereon, to the use of

Amount of capital stock

Stock forfeited on failure to pay instalments

the said corporation; and if it shall be necessary to carry into full effect the objects of this act, the directors shall and may increase the capital stock of the said corporation to any sum not exceeding two hundred thousand dollars, and may increase the number of shares for that purpose.

First directors

Sec. 3. *And be it enacted*, That the affairs of the said corporation shall be managed by nine directors, and Joseph Kaighn, Samuel Lanning, Gideon V. Stivers, John W. Mickle, Richard Fetters, Samuel Harris, Isaac Vansciver, Isaac Cole, and William Carman, are hereby appointed the first directors, who shall serve for one year, or until others are elected; and the said directors, or a majority of them, shall assemble, as soon as convenient after the passing of this act, and appoint one of their number to be president of the said corporation, who shall serve for one year; should a vacancy at any time occur in the board of directors, by death or otherwise, the remaining directors, convened at the next succeeding stated meeting, shall appoint a director to fill such vacancy until the next annual election; *Provided always*, that no person shall be a director who is not a stockholder, and at least six of the said directors shall be citizens of the state of New Jersey.

Each share of stock entitled to one vote

Sec. 4. *And be it enacted*, That the capital stock of the said corporation shall be deemed personal estate; every share of stock shall be entitled to one vote, and stockholders may vote in person or by proxy.

Officers to be appointed

Sec. 5. *And be it enacted*, That the board of directors for the time being shall have power to appoint a president, treasurer, secretary, and all such officers, agents, and clerks, as shall be necessary to carry into effect the objects of this act, and shall perform such other acts as shall be to the interest and prosperity of said company, and may require such bonds and securities for the faithful performance of their duty as the said board shall direct; and the said board shall have power to erect a steam boat ferry, between the city of Camden and Philadelphia, at such place or places as they may deem best for the public accommodation, and interest of the said corporation; and for that purpose may purchase or lease real estate, erect wharves, piers, slips, buildings, and all other necessary appendages, and may build steam boats, vessels, and ferry boats, of such descriptions and dimensions as the said board shall order and direct; *Provided always*, that it shall be the duty of the said corporation to keep a steam boat or boats running all the year, for the accommodation of the public; and they shall not fail or refuse to carry any person or persons across the Delaware river, in the day time, under the penalty of fifty dollars for each failure or refusal, to be

Powers and duties of directors.

Proviso

sued for by the party demanding and refused to be taken across the said river, in any court of record in this state; *Provided*, the said forfeiture shall not attach or be recovered when the navigation of the said river is impracticable or imminently dangerous.

Sec. 6. *And be it enacted*, That it shall not be lawful for the said corporation to charge more than the following rates of ferriage or toll, under the penalty of fifty dollars for each offence, to be sued for in any court of competent jurisdiction, by the party aggrieved, to wit: for nine months in every year as follows:

Rates of ferriage or toll

For each passenger,	five cents
Single passenger in wherries,	ten cents
For marketing, a barrel to be rated equal to two bushel baskets; tubs, chests and scow baskets to be rated according to the number of bushels they hold, for each bushel,	one cent
All articles containing marketing, to return free, if empty, otherwise to pay the usual rates.	
For a two horse load, with or without the carriage, not otherwise rated,	twenty-five cents
A barrel of salt, plaister, flour, sugar, liquor, &c.	eight cents
A hogshead of liquor, sugar, molasses, lime, &c.	twenty-five cents
Stove of cast iron of six or more plates,	ten cents
Salt, plaister, grain, clover and other grass seeds, per bushel,	two cents
Flour, beef, pork, iron, &c. per cwt.	three cents
Coffee, per bag, chests, large trunks, &c.	five cents
Soap, candles, glass, chocolate, &c. per box,	three cents
Windzor chairs, per dozen, bureau, bedstead, clock case, &c.	ten cents
Lumber, per hundred feet,	ten cents
Live calves and fat hogs, per head,	five cents
Sheep and store hogs, do.	three cents
Fat cattle,	twenty-five cents
Cow and calf,	twenty cents
Store cattle, horses and mules, &c.	fifteen cents
Sideboard,	twenty cents
Desks and secretaries, &c.	fifteen cents
Tables, stands, feather beds, mattresses, large chest of tea,	five cents
Crate or tierce of earthen-ware, hamper	

of bottles,	fifteen cents
Fresh shad, per hundred, or herring, per thousand,	twenty cents

Carriages and Drivers.

Every four wheel carriage, drawn by four horses,	sixty cents
four do. two	thirty cents
two do. two	twenty-five cents
four do. one	twenty-five cents
two do. one	twenty cents

Market carriages, with their drivers, including fish wagons, going to or returning from market, with four wheels, drawn by two horses,	thirty cents
Four wheels, drawn by one horse,	twenty cents

All passengers in carriages, except the driver, to pay the same as other passengers.

Carriages of burden, to include charcoal, tin wagons, pedlars, &c. with their drivers, two horse loads,	thirty-five cents
Unloaded,	twenty-five cents
One horse load,	twenty-five cents
Unloaded,	twenty cents

For carrying hay, straw, hemp, flax and other bulky articles, two horse load,	fifty cents
Unloaded,	thirty cents
One horse load,	forty cents
Unloaded,	twenty cents
Each additional horse, ox, or mule,	fifty cents

Bricks on carriages, ninety cents per thousand, not more than five hundred on two wheels, the empty carriages to return free.

Charity schools, with their teachers, to pass free.

Times when
tolls may be
increased.

The above rates to be taken spring, summer and fall; and the rates of ferriage and freight shall not at any time exceed double those rates; and all persons who shall desire it, shall be allowed to pay quarterly in advance, and such quarterly payments shall be as follows: not exceeding the sum of one dollar per quarter, for each passenger.

Meeting of
directors.

Sec. 7. *And be it enacted,* That five directors shall be a quorum for the transaction of business; the president of the corporation shall preside at all meetings of the directors; but in case of sickness or absence, his place may be supplied by any other director whom the directors may nominate for that

purpose; the stated meetings of the directors shall be held at such times as the by-laws shall ordain, and special meetings may be held by any particular appointment, or upon the call of the president; the shares of the said capital stock shall be transferrable on the books of the company, in such manner as the by-laws shall ordain.

Sec. 8. *And be it enacted*, That the annual election of the directors shall be held at such time and place as shall be ordained by the by-laws, and the directors shall appoint the judge of election; three weeks notice shall be given of the annual election, in one of the papers printed in the city of Camden, and in one or more of the daily papers printed in the city of Philadelphia.

Time and mode of election of first directors.

Sec. 9. *And be it enacted*, That dividends of so much of the profits of the corporation as shall appear advisable to the directors, shall be made and paid to the stockholders semi-annually, at such stated periods as the directors shall determine; and at each annual meeting of the stockholders, for the purpose of the election, it shall be the duty of the president and directors for the preceding year to exhibit to the stockholders a full and complete statement of the affairs of the company during the past year, and shall produce the books, accounts, and papers of the corporation, at such annual meeting, if required to do so by any person or persons who separately or together shall be the owner or owners of fifty shares of the capital stock of said corporation.

Semi-annual dividends to be made.

Statement of the affairs to be made.

Sec. 10. *And be it enacted*, That it shall be lawful for the city of Camden to own and possess stock in the said corporation, and there shall be reserved for the use of the said city, one hundred shares of the said capital stock; *Provided*, the inhabitants of the said city shall, at their next annual town meeting, or at a special town meeting to be called for that purpose, within one year from the passing of this act, by a vote in the usual manner, authorize the mayor of the said city to subscribe for such capital stock, and empower the "city council" of the said city to assess and raise, from time to time, the money to pay the instalments upon the said capital stock; and if the said city shall subscribe for the capital stock above reserved, then the city council of the said city shall annually appoint one director of said corporation.

City of Camden may own stock.

Sec. 11. *And be it enacted*, That it shall be lawful for the city council of the city of Camden to lease or rent out to the said corporation the privilege of erecting a ferry or ferries at the termination of such of the public roads, streets, or highways, in the said city, as extend to low water mark, in the river Delaware, or for other purposes, and appropriate the

City property may be rented for ferries

rents received therefor to the use and improvement of the said city, or to the payment of instalments upon the capital stock hereby created; *Provided*, nothing herein contained shall be construed to interfere with private property.

Penalty for
injuring works
of Company

Sec. 12. *And be it enacted*, That if any person or persons shall wilfully injure, impair, destroy, or obstruct the wharves, slips, bridges, piers, boats, or any of the works, engines or machines of the said corporation, such person or persons, so offending, shall forfeit and pay to the said corporation any sum not exceeding one hundred dollars, at the discretion of the court or jury, to be recovered before any justice of the peace of the county of Gloucester, or alderman of the city of Camden, and shall also be liable to pay double the amount of damages sustained thereby, to be recovered in an action of trespass, in any court of competent jurisdiction.

Limitation

Act may be al-
tered or repeal-
ed.

Sec. 13. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall continue in force for thirty years; and the legislature reserve to themselves the right at any time after the passage of this act to amend, modify, alter or repeal the same whenever in their opinion the public good requires it.

Passed, March 5, 1836.

AN ACT to incorporate the Woodstown and Bridgeton Rail Road and Transportation Company.

Style of incor-
poration.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Elijah Griffeth, Israel R. Clawson, Isaac Johnson, Jeremiah Stull, William Cook, Isaac Whitaker, David Reeves, Elias P. Seeley, and their associates, shall be, and are hereby constituted a body politic and corporate, in law, by the name of "The Woodstown and Bridgeton Rail Road and Transportation Company," and by that name they, and their successors, shall be known in law, and have power to sue and be sued, defend and be defended, in all courts of law and equity whatever; and by that name shall be capable of purchasing, or

otherwise receiving and becoming possessed of, and holding or conveying any real or personal estate ; shall have perpetual succession, and may have a common seal, and the same to alter or renew at pleasure ; and have, exercise, use, and enjoy, all the rights, powers, privileges, benefits and immunities that pertain to other corporate bodies, and which may be necessary for the purposes of this act.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation shall be sixty thousand dollars, with liberty to the said corporation to increase the same to ninety thousand dollars, if necessary, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal estate, and shall be transferrable in such manner as the by-laws of said corporation shall direct.

Amount of
capital stock.

Sec. 3. *And be it enacted*, That Joseph Barnes, Isaac Johnson, and Jeremiah Foster, of Salem, Isaac Whitaker, and Jeremiah Stull, of Cumberland, be, and they are hereby appointed commissioners to receive subscriptions for the capital stock of said corporation ; and they, or a majority of them, are hereby authorized for that purpose, to open books of subscription, at such times and places as they, or a majority of them, shall appoint, which shall be kept open three days ; giving twenty days' notice of such times and places in a newspaper of each of the counties of Salem and Cumberland ; and at such times and places so fixed, the said commissioners, or any three of them, shall attend and receive subscriptions to the said capital stock ; and if more shall be subscribed than by this act is authorized, the said commissioners, or a majority of them, shall apportion the same as to them shall seem fair, equitable and just ; and at the time of subscribing for said stock, five dollars on each share subscribed shall be paid to the said commissioners, in gold or silver coin, or legal and current bank notes, and the residue thereof may be called in, and shall be paid at such times, and in such amounts, by instalments, as is by this act hereinafter directed ; and the said commissioners may meet from time to time until the whole stock be subscribed.

Books of sub-
scription for
stock to be
opened.

Sec. 4. *And be it enacted*, That whenever there shall be twelve hundred shares of the said stock subscribed, and six thousand dollars paid in as above directed, the said commissioners, or a majority of them, shall give public notice for twenty days, in one or more newspapers of this state nearest the location of said road, of a meeting of the subscribers to said stock, for the purpose of choosing directors and organizing the said company, and of which said election the said commissioners shall be the judges ; which subscribers, when so met, shall proceed to elect, by ballot, from among the subscribers or

Time and
mode of elect-
ing directors.

stockholders, seven directors, who shall be citizens and residents of this state, and hold their offices for one year, and until others are elected; and each stockholder at such election, and at all future elections of said corporation, shall have one vote for each share he, she, or they, shall own at the time of such election, not exceeding twenty shares, and for every five shares above twenty, one vote, and that such stockholder or stockholders may vote at any election by proxy duly authorized for that purpose.

Powers and
privileges.

Sec. 5. *And be it enacted*, That the said board of directors so to be chosen as aforesaid, shall and may elect out of their own body, or from among the stockholders, a president, and such other officers, with such salaries, as they may deem proper, and shall and may employ such artificers, engineers, agents, laborers and workmen, for the purpose aforesaid, with such compensation as shall appear to the said directors reasonable and just; and shall and may make, ordain, and establish such by-laws and regulations for their own government, and that of the persons by them employed, as shall and may from time to time be necessary to effectuate this charter, and a majority of the said board shall, at all times, be a quorum for the transaction of business, and may have power to call in the remainder of the capital stock of said corporation, by instalments, not exceeding five dollars on each share by giving thirty days notice of such required instalments, in one or more newspapers circulating generally in the neighborhood where such stockholders reside; and if any stockholder shall neglect or refuse, for twenty days after such instalment is due, to pay the same, he, she or they so neglecting or refusing, shall forfeit their stock and all payments made thereon; and the said board of directors shall and may require from the treasurer such security as to them shall seem just: *Provided always*, that no by-law or regulation of said company shall be inconsistent with, or repugnant to the constitution or laws of this state, or of the United States, or this charter.

Stock forfeited
on failure to
pay instal-
ments

Time and
mode of elect-
ing directors.

Sec. 6. *And be it enacted*, That when the said board of directors are so elected and chosen, the said commissioners are hereby authorized and required, to pay over to the said board of directors, or to such person as they or a majority of them shall direct, all money which they have received for the subscription to said capital stock, first deducting therefrom, all expenses to which they have been exposed, for books, printing or other expenditures, and the sum of one dollar per day for each and every day they shall have been employed in the duties of their appointment; and the directors so chosen, and their successors, shall, annually thereafter, cause an election to be held at such time and place as their by-laws shall direct, for direct-

ors of the said corporation; and such directors so annually chosen, shall in like manner have power to elect their president and other officers, agents, engineers, workmen and artificers, as is by the fifth section of this charter hereinbefore provided; and shall and may have the power at all times, to remove their officers and other persons so appointed, and to appoint others in their stead, if the interests of the company shall require it, and also have power to fill all vacancies in the offices of said corporation, which may or shall happen from death, resignation, or otherwise.

Powers and duties of directors.

Sec. 7. *And be it enacted*, That in case it should happen that an election of directors should not be made on the day, or at the time 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 offices until new ones shall have been chosen in their places.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 8. *And be it enacted*, That the said president and directors of the said company, are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a rail road, to commence at or near Woodstown, Salem county, and to run from thence by the most eligible route to Deerfield street, in Cumberland county, about twelve miles, and thence still by the most eligible route to the town of Bridgeton, in said county of Cumberland, making the whole distance about eighteen miles, with as many sets of racks or rails, as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling or laying out the route or routes of such road, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private property; and when the route of such road shall have been agreed upon, and filed in the office of the secretary of this 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 to carry into full effect the objects of this charter; *Provided always*, that the said corporation shall pay or make tender of payment, of all damages for the occupancy of the lands, through which the said rail road may be laid out, before the said company, or any person in their employ, shall enter upon or break ground, in the premises, except

Location

When they may enter on lands.

for the purpose of surveying said route, unless the consent of the owner or owners of such land be first had and obtained.

Proceedings
when compa-
ny and owners
of land can-
not agree

Sec. 9. *And be it enacted*, That if the owners of the land on which such rail road 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 land shall lie, who is disinterested in the premises, upon the application of either party, and after 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 and all damages sustained; who shall be sworn, before said judge, faithfully to execute the duties of such appointment, and after ten days notice in writing 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 shall to them 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 first or second term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days notice in writing to the opposite party, of such appeal, which proceeding shall vest in the said Court of Common Pleas full right and power to hear and adjudge the same, and if required, they shall award a venire, in the common form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of said jury to assess the value of the said land, and all damages sustained; and for that purpose to view the lands in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same, or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct; and upon payment, or tender

Appeals may
be taken to
court of com-
mon pleas and
case tried by
jury.

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 land and real estate so appraised as aforesaid.

Sec. 10. *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 last 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 the costs and charges of such valuation, appraisement, and witnesses fees; and it shall and may be lawful for the said commissioners, so appointed as aforesaid, to fix upon and appraise the value of any fencing which may be necessary to be put up and erected, in consequence of such rail road, and to report the same, as in other cases, subject to the like appeal and proceeding, as is herein before provided in case of the valuation of the land.

Value of lands paid into the court of chancery in certain cases

Sec. 11. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages, over or under the said rail road, at all times, where any public or private road shall cross the same, so that the passage of carriages, horses and cattle, over the said road shall not be impeded thereby, and also, where the said road shall intersect any farm or other lands of any individual, to provide and keep in repair, suitable wagon ways, over or under said road, so that the same may be passed.

Other roads not to be obstructed.

Sec. 12. *And be it enacted*, That the president and directors of the said company shall have power, at their discretion, to have constructed, or to purchase, with the funds of the company, and to place on the rail road by them constructed, all machines, engines, wagons, carriages or vehicles, for the transportation of persons, or any species of property thereon, as they may think expedient and right: *Provided*, they shall not charge more than at the rate of six cents per mile, per ton, for the transportation of property on said road, not particularly specified in this act, four cents per mile for each passenger in the carriages of the said company, six cents per ton, per mile, for marl, six cents per thousand feet for timber, per mile, six cents per cord per mile for wood, and one quarter of a cent per mile per bushel for grain, and any person putting a private carriage on the rail road, constructed by said company, shall be

Rates for passage and transportation.

subject to pay only half of the tolls prescribed by this act, to be paid to said company; and that the said rail road and appendages, carriages, engines, tools, implements, and all other property, real and personal, by the said company, had, held, used, occupied and enjoyed, and necessary and proper for the use of said company, shall be, and the same is hereby vested in the said corporation, and their successors and assigns during the continuance of this act.

When road to be commenced.

Limitation of act.

Provide

Penalty for injuring road or works.

Semi annual dividends to be made.

Rail road a public highway.

Sec. 13. *And be it enacted*, That the president and directors of the said company, may, whenever the sum of six thousand dollars is paid in, according to this act, commence the said rail road at or near the town of Woodstown, aforesaid, and shall complete the same to Deerfield street, in the county of Cumberland; and if the whole of the capital stock shall be subscribed, they are then authorized and required to continue the said rail road to Bridgeton, in the said county of Cumberland, according to the direction of the seventh section of this act; and if the said road shall not be finished to Deerfield street, within ten years, or finished the whole distance within fifteen years, then the rights of said corporation, as to the part of such road unfinished, shall wholly cease and be void; *provided*, that nothing in this act contained shall prevent the said corporation from the full use, privilege and enjoyment, of such part of said road, as shall, within the said period, be finished and completed.

Sec. 14. *And be it enacted*, That if any person shall willfully impair, injure, destroy or obstruct the use of the said road, or any part thereof, constructed by the said corporation, under the provisions of this act, or any of their works, wharves, carriages, houses, bridges, engines, machines, implements or tools, such person so offending shall forfeit and pay to the said company, the sum of twenty dollars, to be by them recovered in an action of debt, and shall be also liable for damages.

Sec. 15. *And be it enacted*, That the president and directors of the said corporation shall, within one year after the full completion and use of twelve miles of the said road, declare and make such dividends, out of the clear profits of the said rail road, as they may deem prudent, and shall, in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders, or their legal representatives, in proportion to the shares held by them respectively, as they may deem prudent; *provided*, that the said corporation shall not, at any time, make, declare, or pay out any dividends of the capital stock of said corporation.

Sec. 16. *And be it enacted*, That the road authorized by this act be, and the same is hereby declared a public highway, and shall be free for the passage of any rail road carriage there-

on, with passengers or property, upon payment of the tolls by this act allowed, and where the carriages that so pass said road, are owned by other persons than the company, the following rates of toll shall be paid to said company: three cents per mile, per ton, for the transposition of property (not herein specified) three cents per ton, per mile, for marl, three cents per thousand feet for lumber, per mile, three cents per cord, per mile, for wood, one-eighth of a cent per mile, per bushel, for grain, two cents per mile, for each passenger, and one and a half cents per mile, for each empty carriage, car, or other vehicle, and the same for each horse, mare, gelding, or mule; *provided*, 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, or with any regulations they may adopt, under the provisions of this act, and the persons travelling on said road, shall, at all times, be subject to the rules of said corporation.

Sec. 17. *And be it enacted*, That as soon as the rail road with its appendages, shall be finished and completed, the president and treasurer of said company, under oath or affirmation shall file a statement in the office of the secretary of state, of the actual cost of said road, including all expenses; and annually thereafter the president and treasurer of said company shall make a statement to the Legislature of this state, under like oath or affirmation, of the proceeds of said road, and as soon as the nett proceeds of said road shall amount to six per centum per annum upon its whole cost, the said corporation shall pay the treasurer of this state a tax of one half of one per centum per annum on the cost of said road, to be paid annually on the first Monday of January in each year; *provided*, that no other tax for the use of the state shall be imposed upon the said corporation or their property.

Statement to
be filed with
Secretary of
State

Tax to be
paid

Sec. 18. *And be it enacted*, That the said corporation shall not in any manner or form use or employ any part of their stock, funds, or other estate, in banking operations, upon penalty of the immediate forfeiture of this charter.

Funds not to
be employed
for other pur-
poses

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 whatever; and shall be and continue in full force, for the term of thirty-five years: and the Legislature reserve the right to alter, amend, or modify this act, whenever in their opinion the public good requires it.

Act may be
altered

Passed, March 7, 1836.

AN ACT authorizing Louis M. Prevost to sell and convey certain premises therein mentioned, in the county of Hunterdon.

Preamble

WHEREAS, Andrew M. Prevost, and Hannah, his wife, by indenture, bearing date the sixteenth day of October, in the year of our Lord eighteen hundred and twenty-eight, did grant and convey unto Louis M. Prevost, his heirs and assigns, in fee simple, a certain tract or parcel of land, situate in the townships of Alexandria and Kingwood, in the county of Hunterdon, therein particularly described; containing eight hundred and ninety-three acres, be the same more or less, (excepting thereout, all such parts and parcels of the said premises, as he the said Andrew M. Prevost had before that time sold and conveyed away;) in trust, that he the said Louis M. Prevost, should let the said premises, and receive and pay the rents and profits thereof, to or for the maintenance and support of Paul Henry Mallet Prevost, during his life; and from and after the decease of the said Paul Henry Mallet Prevost, "in trust that he the said Lewis M. Prevost, his heirs or assigns, should and would sell and dispose of the said granted premises, altogether or in parts and parcels, for the best price that could be reasonably had and gotten for the same, at public or private sale; and on the receipt of the purchase money therefor, should and would sign, seal, acknowledge, execute and deliver, in due form of law, good and sufficient deed or deeds of conveyance, of and for the same, to the purchaser or purchasers thereof, his, her or their heirs or assigns forever, in absolute fee simple; and in trust, as to the money that might be produced by such sale or sales, to pay and apply the same as follows, viz. one full third part thereof, to and among, and for the use of all the children of Henry Mallet Prevost, deceased, the brother of the said Andrew and Louis, their respective executors, administrators and assigns; one other full equal third part thereof, to and for the use of him the said Louis M. Prevost, his executors, administrators and assigns; and the remaining one full equal third part thereof to and for the use of him the said Andrew M. Prevost, his executors, administrators and assigns;" *And whereas*, the said Paul Henry Mallet Prevost hath departed this life, whereby the trust for his benefit hath expired; *And whereas*, the said Andrew M. Prevost, by an indenture bearing date on the tenth day of December, in the year of

our Lord eighteen hundred and twenty-eight, assigned and transferred all his real and personal estate, (including the one-third part of the proceeds of sale of the said lands and premises) to John Clement Stocker, of the city of Philadelphia, his heirs, executors, administrators and assigns; and the said John Clement Stocker hath since departed this life, having first made and published his last will and testament, bearing date the tenth day of May, in the year of our Lord one thousand eight hundred and thirty-two, and therein appointed his wife, Caroline Stocker, and Martin Dutith, executrixes of his said will, who have duly proved the same, and taken upon themselves the executorship thereof, and now desire that the said trust property, or the one-third part thereof, (to the proceeds whereof the said Andrew M. Prevost was entitled, under said trusts) may be sold, and the net proceeds thereof paid to them as the assigns of the said Andrew M. Prevost; *And whereas*, the said Louis M. Prevost, and the heirs of the said Henry M. Prevost, are of opinion that it would be prejudicial to their interest to have the other two-thirds of the said lands (to the proceeds whereof they are respectively entitled) sold at this time, and desire to hold the said lands, instead of having the same sold, and converted into money; and as doubts have arisen whether the said Louis M. Prevost is authorized under the said deed of trust to sell and dispose of the one-third part of said property, held in trust for the benefit of the assigns of the said Andrew M. Prevost, separately without making sale of the whole of said premises together—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for Louis M. Prevost to sell the one full equal and undivided third part of the lands and premises in the county of Hunterdon, conveyed by Andrew M. Prevost and Hannah, his wife, to the said Louis M. Prevost, his heirs and assigns, in trust, (being the third part of said premises to the net proceeds whereof the said Andrew M. Prevost was entitled under said trust) at public sale, for the highest and best price that can be obtained for the same.

L. M. Prevost
authorised to
sell certain
lands.

Sec. 2. *And be it enacted,* That it shall be the duty of the said Louis M. Prevost to give notice of the time and place when and where the said premises will be exposed to sale by advertisement, signed by himself, and put up at five or more public places in said county, one whereof shall be in the township of Alexandria, and another in the township of King-

Sale to be ad-
vertised.

wood, in said county, at least two months before the time appointed for selling the same; and also inserted in one or more of the newspapers printed in this state, and circulating in the said county, for at least one month next preceding said time; and at the time and place so appointed, between the hours of twelve and five o'clock in the afternoon, to expose the said premises to sale by public vendue or outcry, and to strike off the same to the highest bidder.

Distribution of
proceeds of
sale.

Sec. 3. *And be it enacted*, That upon the receipt of the purchase money, the said Louis M. Prevost shall make, execute, and deliver to the purchaser or purchasers of said premises, good and sufficient deeds of conveyance therefor, in fee simple, and after deducting the reasonable and necessary charges and expenses of making such sale, he pay the net proceeds of the premises so sold to the said Caroline Stocker and Martin Dutith, the executors of the said John Clement Stocker, deceased, assignee of the said Andrew M. Prevost, as aforesaid.

Passed, March 7, 1836.

A SUPPLEMENT to an Act entitled "An Act securing to mechanics, and others, payment for their labour and materials, in erecting any house or other buildings, within the limits therein mentioned," passed March third, one thousand eight hundred and thirty-five.

Provisions of
former act
extended to
Hunterdon
county.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the act to which this a supplement, shall be taken and considered as a public act, and that the provisions thereof shall be in full force and effect throughout the limits of the county of Hunterdon, in this state; *Provided always*, that this supplement shall not go into effect until the first day of April next.

Passed, March 7, 1836.

AN ACT authorizing the sale of certain real estate, where-
of Benjamin Kline died seized.

WHEREAS Benjamin Kline, late of the county of Philadelphia, and state of Pennsylvania, died intestate, seized in fee simple of and in certain real estate situate in the city of Trenton, in the state of New Jersey, leaving Sarah Kline, his widow, and Peter Kline, Sarah Kline, Margaret Kline, and Benjamin Kline, his children and heirs at law; *And whereas* Sarah Kline, the mother and guardian of the persons of the said infants, hath represented to the legislature that a sale of the said real estate would be advantageous for the said infants, and hath prayed that a sale of the said real estate may be authorized in such manner as shall best promote the interests of the said infants; *And whereas* the guardian of the estates of said infants, in the state of New Jersey, hath concurred in the prayer of the said petition, and the same appearing to be reasonable and proper—
Therefore,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same, That Samuel McClurg, of the city of Trenton, be, and he is hereby appointed trustee, with full power and authority to make sale of all the real estate, in the city of Trenton, whereof Benjamin Kline, late of the county of Philadelphia, in the state of Pennsylvania, died seized, in such manner and upon giving such notice of the said sale or sales as is required by law in case of sales of real estate made by executors or administrators by virtue of an order of the orphans' court, and good, legal and sufficient deed or deeds therefor to make 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 widow and heirs at law of the said Benjamin Kline, deceased, of, in and to the said real estate, at the time of the said sale.

Sale of real estate authorized

Sec. 2. *And be it enacted*, That the said trustee shall keep a full, fair and just account of the sale or sales by him made by virtue of this act, and of the costs and expenses thereof, and shall exhibit the said account, under oath or affirmation, to the orphans' court of the county of Hunterdon, within six months after such sale or sales shall be made, to be approved by the said court, and filed in the surrogate's office of the said county; and the said trustee, after deducting from the proceeds of the said sale or sales, all necessary costs and ex-

Account of sales to be made to Hunterdon county court.

Investment of
proceeds of
sale.

penses, and such reasonable commissions as shall be allowed by the said court, and after satisfying all legal liens upon the said real estate, shall invest the residue thereof, under the direction of the orphans' court of the said county of Hunterdon, and shall pay one-third of the interest of the said residue, as the same shall accrue, to Sarah Kline, the widow of the said Benjamin Kline, during her natural life, for her own use, as and for her dower in the said real estate, and the remaining two-thirds of said interest to the guardian of the persons of the said infants, to be applied to their benefit, until they severally attain the age of twenty-one years.

Final distribu-
tion of pro-
ceeds of sale.

Sec. 3. *And be it enacted*, That the said trustee shall pay unto the heirs at law of the said Benjamin Kline, deceased, as they severally attain the age of twenty-one years, such part, share and portion of the nett proceeds of the said sale or sales, first deducting therefrom the widow's third, as the said heirs are severally entitled to in the said lands under the laws of this state directing the descent of real estate; and upon the death of the said widow, shall, in like manner, apportion the residue thereof; and in case either of the said heirs shall die before attaining the age of twenty-one years, then the share or portion of the person so dying, shall be paid to his, her or their heirs, designated by the act directing the descent of real estate, in such parts, shares and portions, as the said heirs would severally have been entitled to in the said real estate.

Trustee to give
bond to the go-
vernor.

Sec. 4. *And be it enacted*, That the said Samuel McClurg shall, before entering upon the execution of the trust reposed in him by this act, enter into bond to the ordinary or surrogate general of this state, in such sum, and with such security, being at least two sufficient freeholders, as the said ordinary shall approve, conditioned for the faithful performance of the said trust; which bond shall be deposited in the register's office of this state, and shall be good to all intents and purposes, and pleadable in any court of justice; and in case the said bond shall become forfeited, it shall and may be lawful for the governor of this state, for the time being, to cause the same to be prosecuted in any court of record, at the request and for the benefit, and at the proper costs and charges of any person or persons aggrieved by such forfeiture.

Rights of other
persons not to
be affected.

Sec. 5. *And be it enacted*, That no sale or conveyance made under or by virtue of this act, shall impair or in any wise affect the rights and interests of any person or persons whatever, other than the widow and heirs at law of the said Benjamin Kline, deceased, and those claiming under them, or either of them.

Passed, March 7, 1836.

AN ACT to divorce Almira S. Douglass from her husband
Thomas W. Douglass.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Almira S. Douglass be, and she is hereby divorced from her husband, Thomas W. Douglass, and that the marriage contract heretofore existing between the said Almira S. Douglass and her husband, Thomas W. Douglass, be, and the same is hereby dissolved, as fully to all intents and purposes as if they had never been joined in matrimony.

T.W. Douglass
and A. S. Douglass divorced.

Passed, March 7, 1836.

A SUPPLEMENT to the Act entitled "An Act to incorporate the Bordentown Water Company," passed February thirteenth, eighteen 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 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 incorporated by the act to which this is a supplement, all the right, tide and interest of the company aforesaid, by paying first cost therefor, with interest thereon.

Borough of
Bordentown
may buy
rights of water
company.

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

Part of former
act repealed.

Passed, March 7, 1836.

AN ACT to incorporate the Passaic Navigation and 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 subscription books to the capital stock of the Passaic Navigation Company shall be opened within one year after the passing of this act, by Andrew P. Hopper, John F. Gray, Cornelius S. Van Wagoner, Abraham Reynolds, Roswell L. Colt, Robert Morrell, Ely Moore, Jacob M. Ryerson, Russel Stibbens, or any five or more of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in one newspaper published at Paterson, and one in the city of New York.

Books of subscription for stock to be opened.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted,* That the capital stock of the said company shall be two hundred thousand dollars, to be divided into shares of fifty dollars each, and when one thousand shares are subscribed for and paid in, the persons holding the same shall be, and they are hereby incorporated into a company by the name of "The Passaic Navigation and Manufacturing Company," and by that name shall have the power of manufacturing iron, steel, wool, cotton and paper, and to buy, rent, and hold such lands, tenements and water-power upon the river Passaic, as may be necessary and useful for the purposes aforesaid; and the same to sell, let, or otherwise dispose of, as they shall deem proper; shall have succession, and power to make and use a common seal, and by that name may sue and be sued, and shall have, enjoy, and exercise all the rights, powers and privileges appertaining to corporate bodies, and necessary to carry the objects of this act into effect.

Stock forfeited on failure to pay instalments

Sec. 3. *And be it enacted,* That 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, as aforesaid, at least thirty days previous to the time of making such payment; and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every

person so failing to pay the said instalments, or any of them, to and for the use of the said company; *Provided*, that no two instalments shall be demanded within thirty days of each other.

Sec. 4. *And be it enacted*, That when one thousand shares of the said stock are subscribed for and paid in, the said commissioners shall call a meeting of the stockholders, giving at least twenty days notice of the time and place of said meeting, as herein before directed, with regard to the opening of the books; at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot, seven directors, a majority of whom shall be citizens of this state, to manage the affairs of the said company for one year; of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of that term, and annually thereafter, upon like notice, to be given by the directors for the time being, the said stockholders shall elect the same number of directors, a majority of whom shall be citizens of this state as aforesaid; and that at every such election, and in all other cases in which the stockholders shall be entitled to a vote, a vote may be given for each share not exceeding twenty shares, and one vote for every additional five shares, by the holder or holders thereof, either in person or by proxy; *Provided*, that such proxy shall designate the intention of the owner or owners of said stock, relative to such election, as to the person or persons to be voted for, or otherwise they shall not be counted in such election.

Time and
mode of annu-
al election of
directors.

Proviso.

Sec. 5. *And be it enacted*, That within twenty days after their annual election, as aforesaid, the said directors shall elect a president of their said company, who shall hold his office for one year, and until another shall be elected; and receive such compensation for his services as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of the said directors, and have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same power and authority, and perform all the duties herein prescribed.

President to be
chosen.

Vacancies sup-
plied.

Sec. 6. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by the death, resignation, removal or refusal to act of any president or director, and may appoint a treasurer, and all other officers, engineers,

Powers and
duties of direc-
tors.

agents, superintendents, and servants, that may be required to transact the business of the company, with such compensation as they may determine upon; and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls, and have the superintendence and direction of all the receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfers of stock, and for the general government of the company and management of its affairs; *Provided*, the same are not repugnant to this charter, the constitution and laws of this state, or of the United States.

Proviso

Corporation not dissolved for failure to elect on day prescribed.

Sec. 7. *And be it enacted*, That if, from any cause, any election herein before named, shall not be had at the time specified therefor, the same may be made at any other time, on notice as aforesaid; and that until such election is had, the officers for the preceding year shall continue to hold their respective offices until others are elected in their stead; and that the charter shall not be defeated or avoided by reason of the irregularity or want of such election.

Width and depth of canal.

Sec. 8. *And be it enacted*, That it shall be lawful for the said company to improve the navigation of the river Passaic, and may from time to time become necessary or useful, between Acquackanonk and Paterson; and to construct, make, erect and execute one or more canal or canals, dam or dams, as may be necessary to effect the improvement of the said navigation which canal or canals, shall be at least seventy-five feet wide at the water line, and not to exceed one hundred and fifty feet in width, including embankments, and the water therein be at least four feet deep throughout, reserving to the society for the establishing useful manufactures, all their water rights down the Passaic river, to the division line between the said society, and the property lately owned by Adrian Vanhouten, commonly known as Passaic garden lot.

Powers of the company.

Sec. 9. *And be it enacted*, That it shall be lawful for the company to construct, make, and execute, towing paths, all the locks, works, devices, wharves, toll houses, and offices, necessary for the use of said canal and canals, and for the improvement of the navigation of the said river Passaic; and it shall and may be lawful for the said company, by the president and directors, and by any agent, engineer, superintendent, or contractor, or any other person or persons employed in the service of said company, to enter from time to time, and at all times, upon all lands, whether covered with water or not, for the purpose of exploring or surveying the route or routes for said canal and canals, and locating the several works as above specified, doing

thereunto no unnecessary damage; and when the said route or routes shall have been fixed upon, and its several works located by the president and directors, or a majority of them, and a survey thereof deposited in the office of the Secretary of State, then it shall be lawful for them, and for any agent, superintendent, engineer, contractor, or any person or persons employed in the service of said corporation, at any time to enter upon, take possession of, and use all and singular such lands, waters, and streams, subject to such compensation to be made therefor, as is hereinafter directed.

When company may enter on lands.

Sec. 10. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of any such required lands or materials for the use or purchase thereof, or in case any such owner or owners thereof, shall be feme covert or under age, non compos mentis, or reside out of the state, that it shall and may be lawful to, and for the said directors to apply to any justice of the Supreme Court of this state, who, upon such application, is hereby authorized and empowered, enjoined and requested to frame and issue one or more writ or writs, as occasion shall require, in the nature of a writ ad quod damnum, to be directed to the sheriff of the county, in which such lands and tenements shall be, commanding him, that by the oaths or affirmation of twelve good and lawful men of his bailiwick, who shall be indifferent to the parties, he shall enquire whether the person or persons owning any lands, tenements, or hereditaments, necessary to be used by the said directors, or which may be injured in improving said navigation, and in erecting and making said canal or canals, dam or dams, which person or persons shall be named, if known, and which lands and tenements shall be described in such writ or writs, will suffer and sustain any and what damages, by reason or means of taking such lands, tenements, or other real hereditaments, gravel, or materials, necessary or expedient for the use of such canal or canals, dam or dams, or the repairs thereof, or the works thereto belonging; and to return the said writ together with the finding of such jury, to the next Supreme Court of this state, after the finding thereof, on or before the first day of said term; and upon such writ being delivered to the said sheriff, he shall give at least twenty days' notice in writing to all and every the owner or owners of the lands and tenements in the said writ described, or to so many of them as can be found, or to the agent or agents of such owners, if known, and if not known, such notice to be published in some newspaper printed in the town of Paterson, for the same length of time before executing said writ, of the time of executing the same; and he shall cause to come upon the premises at the time appointed, twelve good and lawful men of his bailiwick, not residing in any

Proceedings when company and owners of land cannot agree.

township bordering on that part of the Passaic river, hereby contemplated, to be improved as aforesaid, who shall be selected in such manner, and upon like notice to the parties, as struck juries usually are, to whom he shall administer an oath or affirmation, that they will diligently inquire concerning the matter and things in the said writ specified, and a true inquisition make, according to the best of their skill and judgment, without favor or partiality; and thereupon the said sheriff and inquest shall proceed to view all and every the lands and tenements, in such writ specified, and having considered the quantity of lands, materials, or other matter and things necessary or requisite to be vested in said company, for the purposes aforesaid, they shall cause the same to be minutely and accurately described by metes and bounds, or other particular descriptions, and shall appraise the value of lands and the injury or damages, if any, which the owner or owners of said lands, tenements, or improvements, or materials, will, according to their best judgment and skill, sustain and suffer by means of so much of the said lands and tenements being vested in the company, or by means of such improvements being destroyed or rendered useless, or of less value, defining and ascertaining, as well all such lands and tenements, and privileges so to be vested in said company, as the several sums at which the said injuries and damages shall be so assessed; and in making such valuation and appraisement, it shall be the duty of the jury or juries, to allow compensation for the lands, tenements, and hereditaments to be taken for the use aforesaid, at the fair value they would have come to before the location of the said canal or canals, and a full value for all gravel, and other materials that may be used by the said company for the purposes aforesaid; and the said sheriff and jury shall make an inquisition under their hands and seals, distinctly and plainly setting forth all the matters and things aforesaid; and the sheriff shall return the same, together with the said writ, to the office of the clerk of the Supreme Court, according to the command of the court, and the justices of the said court shall examine the same, at the term to which it is returned, and if the said writ shall appear to have been duly executed, and the return thereof sufficiently certain to ascertain the lands and tenements, rights, and privileges, intended to be vested in the said company, and the several compensations awarded to the owners thereof, then the said court shall enter judgment, and the said company paying the said inquisition assessed, or bringing the same into the said court, over and besides the cost of such writ, and executing and returning the same to be taxed by the justice who issued it, shall be entitled to have and to hold, to them and their successors and assigns, forever, all and every the lands, tenements, rights, and privileges, in the said inquisition described, as fully and effectually, as if the same had been grant-

ed to them by the respective owners thereof; and if any return so to be made, shall not be sufficiently certain for the purposes aforesaid, the said court shall award an inquisition de novo; and upon payment or bringing into court all such moneys as by such judgment as shall be required to be paid or brought into court, all such lands, tenements, rights, and privileges, shall be fully and absolutely vested in the said corporation, who shall become seized and possessed thereof, in like manner as the then late owner or owners was, or were, seized or possessed thereof.

Sec. 11. *And be it enacted*, That it shall be the duty of the company to construct and keep in repair, good and sufficient bridges or passages over the said canal or canals, where any public or other roads shall cross the same, so that the passage of carriages, horses, and cattle on said roads, shall not be prevented thereby, and also where the said canal or canals shall intersect the farm or lands of any individual, to provide and keep in repair a suitable bridge or bridges as aforesaid, so that the owner or owners and others may pass the same.

Other roads
not to be ob-
structed.

Sec. 12. *And be it enacted*, That the said company are hereby authorized to demand and receive such sum or sums of money, for tolls and the transportation of persons and every species of property whatsoever, on said canal and canals, as they shall from time to time think reasonable and proper: *Provided*, that they shall not charge more than at the rate of four cents per ton per mile toll, for the transportation of every species of property, nor more than five cents per mile, toll, for the carrying of each passenger on the canal and canals, and the river Passaic between the places aforesaid; and that the said canal and canals, and their appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatever belonging to the company, are hereby vested in the said company incorporated by this act, and their successors, for and during the continuance of this charter; and the shares of the capital stock shall be deemed and considered personal estate, and transferrable in such manner as the said corporation shall by their by-laws direct.

Rates for pas-
sage and trans-
portation.

Stock personal
estate

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

Semi-annual
dividends to be
made.

Sec. 14. *And be it enacted*, That under the powers, re-

Company may
alter route

strictions, and conditions, stipulated and prescribed in the foregoing enactments, it shall be lawful for the company aforesaid, to alter any part or parts of the route of the canal or canals, if in constructing the same they meet with any insurmountable obstructions, arising from rocks or other physical causes, making compensation to owners, as herein before directed.

Canal a public
highway

Sec. 15. *And be it enacted*, That the said canal and canals, and the river Passaic, and the works to be erected thereon, in virtue of this act, for the transportation of passengers and freight as aforesaid, when so far completed as to be used, shall be esteemed a public highway, free for the transportation of passengers, or any goods, commodities, or produce whatever, on payment of the established tolls.

Penalty for
injuring works
of Company

Sec. 16. *And be it enacted*, That if any person or persons shall, in any manner, wilfully or maliciously destroy, injure, or obstruct said canal or canals, dam or dams, or any of their parts or works therewith connected, or unnecessarily and maliciously open any gates thereon, he, she, or they, shall forfeit and pay to the said company, any sum not exceeding one hundred dollars, to be by them recovered in any court of competent jurisdiction, in an action of debt; and also be liable to pay double the amount of damages sustained thereby.

Capital stock
may be increa-
sed.

Sec. 17. *And be it enacted*, That if it shall be necessary to carry into full effect the objects of this act, the stockholders shall have the power to increase the capital stock of the said company to any sum so as not to exceed three hundred thousand dollars in the whole, by increasing the number of shares for that purpose.

Restrictions.

Sec. 18. *And be it enacted*, That no part of said original or increased capital, shall be used for banking or other purposes not clearly indicated in this act, under the penalty of forfeiting this charter.

Restrictions
of the powers
of the compa-
ny

Sec. 19. *And be it enacted*, That all and every part of this act, shall be so construed as that the said corporation shall not be authorized to take or appropriate any lands or water for the purposes of manufacturing or any thing appertaining thereto, except by donation or private contract, from the owners thereof, nor be so construed as to affect the right granted to John S. Van Winkle and Brant Van Blarcom, their heirs and assigns, to erect a dam across the Passaic river, or the chartered rights of the Dundee Manufacturing Company, and by virtue of this act, no inquest shall be made whereby water power now created upon the Passaic river shall become vested in this company, nor shall said company by inquest as herein provided, become vested with any lands and tenements, except such as are indispensably necessary for the purposes of the navigation as aforesaid.

Sec. 20. *And be it enacted*, That as soon as said canals with the appendages necessary for rendering the river navigable as aforesaid, shall be finished and completed, the president and treasurer of said company, under oath or affirmation, shall file a statement in the office of the Secretary of this State, of the actual costs of said improvements, including all expenses, and annually thereafter, the president and treasurer of said company shall make a statement to the Legislature of this state, under like oath or affirmation of the proceeds of said canals and navigation; and as soon as the nett proceeds thereof, shall amount to six per cent. per annum upon its whole costs, said corporation shall pay the treasurer of this state, a tax of one half of one per cent. per annum on the costs of said navigation improvements, to be paid annually, on the first Monday of January in each year: *Provided*, that no other tax for the use of this state, shall be imposed upon the said corporation therefor: *Provided also*, Cost of canal to be filed with Secretary of State. that the said corporation shall have ten years' from the passing of this act, to complete the improvement of the said navigation as aforesaid, and if the same be not finished in ten years as aforesaid, the charter hereby created shall be forfeited, and if the same shall be finished within ten years, this act shall be and remain in full force and virtue, thirty-five years from the passing of this act: *Provided nevertheless*, that the Legislature of this state may, for proper cause, at any time hereafter, alter, Proviso. modify, and amend this charter.

Passed, March 7, 1836.

AN ACT to authorize the sale and conveyance of the real estate, late of Wilson Hunt, deceased.

WHEREAS Wilson Hunt, Esq., late of the city of Philadelphia, in the state of Pennsylvania, departed this life on or about the seventeenth day of September, in the year of our Lord one thousand eight hundred and thirty-five, intestate, and the said Wilson Hunt, at the time of his decease, was seiz-

Preamble

ed in fee simple of certain real estate situate in Lamberton, in the county of Burlington, and state of New Jersey, consisting of a store house and wharf, on the river Delaware, and dwelling house and lot of land; *And whereas*, the said premises remain undivided, by reason of being held subject to the payment of an annual ground rent, and of the minority of certain of the heirs of the said Wilson Hunt, and are suffering for want of proper repairs and attention, which cannot be made or done for the reasons aforesaid; *And whereas*, the said Wilson Hunt died without a widow or children, leaving, as his heirs at law, Westley P. Hunt and Theodocia P. Hunt, of the state of New Jersey, Robert A. Hunt, of the state of Pennsylvania, John Hunt, of the state of Kentucky, and three children of Theodore Hunt, of the state of Missouri; *And whereas* it is represented to the legislature that the said heirs are desirous that the said real estate should be sold, and that their interest would be much enhanced thereby—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 Westley P. Hunt, of the city of Trenton, and state of New Jersey, and Robert A. Hunt, of the county of Bucks, and state of Pennsylvania, and the survivor of them, be, and they are hereby authorized and empowered to grant, sell, convey, and dispose of the said real estate, at such times and in such parcels, at public sale, first giving notice thereof as executors and administrators are by law required to do, 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, when sold, or any part thereof to make and execute, in due form of law, in their own names or in the name of the survivor of them, a good and sufficient deed or deeds of conveyance to the purchaser or purchasers of all the right, title and interest of the deceased at the time of his death.

Statement to be filed

Sec. 2. *And be it enacted*, That the said Westley P. Hunt and Robert A. Hunt, or the survivor of them, shall, within six months after making any sale or sales as aforesaid, make an exhibit, under oath or affirmation, a statement of such sale or sales, and the expenses thereof, and shall cause the same to be filed in the office of the surrogate of the county of Burlington.

Bond to be given to the governor.

Sec. 3. *And be it enacted*, That before the said Westley P. Hunt and Robert A. Hunt undertake to execute the authority given to them by this act, they enter into bond to the governor of this state, with two or more sufficient sureties, t

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 shall be filed with the register of the prerogative court.

Sec. 4. *And be it enacted*, That the said Westley P. Hunt and Robert A. Hunt, or the survivor of them, shall keep a true and fair account of any sale or sales made by them or either of them, by virtue of this act, and of the expenses thereof; and after deducting the same, shall pay over the balance to the heirs at law of the said Wilson Hunt, deceased, in such shares and proportions as the said heirs would be entitled to under the laws of the state of New Jersey directing the descent of real estate.

Distribution of
proceeds of
sale.

Sec. 5. *And be it enacted*, That no sale or deed of conveyance which may be made by virtue of the authority granted by this act, 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 said heirs at law of the said Wilson Hunt, deceased.

Rights of oth-
ers not to be
affected

Passed, March 7, 1836.

AN ACT relative to the Bridge over Great Mantua Creek,
in the county of Gloucester, at a place called Crown
Point.

Sec. 1. *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 Gloucester, to rebuild and maintain a good and sufficient bridge over Great Mantua creek, with or without a draw therein, at a place called Crown Point, in the townships of Deptford and Greenwich, and the draw, if any, to be fixed in that part of said bridge where the vessels may pass through with the greatest convenience, and that the main arch wherein the draw, if any, is fixed, shall be at least twenty-five feet wide.

Chosen free-
holders to
build a bridge

Penalty for
leaving draw
open

Sec. 2. *And be it enacted*, That if any shallop-man, or other person or persons shall hoist the draw in said bridge, and leave the same hoisted, so as to prevent travellers and others from passing over the same for more than fifteen minutes, when the same is not absolutely necessary for the passage of some vessel through the same, or if any person or persons shall cut, remove or destroy any piece or pieces of timber, or any plank or planks, belonging, or a part of said bridge, draw, posts or piles, or shall remove any piece or pieces of timber, or any plank, or otherwise wilfully damage, or do any act which may have a tendency to injure said bridge, unnecessarily, he, she, or they so offending, shall for each and every offence forfeit and pay the sum of fifty 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 collector, to and for the use of the county of Gloucester.

Former act
repealed.

Sec. 3. *And be it enacted*, That all former acts in reference to the aforesaid bridge be, and the same are hereby repealed.

Passed, March 7, 1836.

AN ACT to extend the trusts created in the will of Caleb Wheeler, deceased.

Lands autho-
rized 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 James Bruen, William Pennington, and Ambrose Williams, esquires, of Newark, in the county of Essex, be, and they are hereby authorized and fully empowered to sell at public vendue, in such manner, and at such time, and upon such notice as they shall think proper, the house and lot of land situated upon the corner of Market and Mulberry streets, and also the pew in the first Presbyterian church in

Newark, being the homestead and the residue of the real estate of the said Caleb Wheeler, deceased, and to make, execute, and deliver good and sufficient deeds of conveyance therefor, and after deducting the reasonable expenses of the said sale, all the moneys arising therefrom shall be paid to and received by the said James Bruen and William Pennington, esquires, and the survivor of them, as executors and trustees under the said will, to be held, invested, appropriated and distributed, according to the devises and trusts set forth and contained in the said last will and testament of the said Caleb Wheeler, deceased, and that the said James Bruen, and William Pennington, and the survivor of them, account in the same manner as if the said property had been sold and conveyed by them under the provisions of the said will.

Passed, March 7, 1836.

AN ACT to incorporate the New Jersey Silk Manufacturing Company, of the County of Warren.

WHEREAS William C. Morris, George Green, and John M. Sherrerd, of Belvidere, in the county of Warren, have, by their petition represented, that they are desirous of purchasing land, planting mulberry trees, raising and feeding silk worms, erecting and establishing manufactories of silk in all its various branches, and all articles of which silk is a component part—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 William C. Morris, George Green, John M. Sherrerd, 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 law, by the name and style of "The New Jersey Silk Manufacturing Company of the County of Warren," for the sole purpose of planting mulberry trees, raising and feeding silk worms; erecting and establishing manufactories of silk, in all its various branches, and all articles of which silk is a principal part, and dying, printing, and bleaching the

Style of incorporation.

Objects of incorporation.

What real estate may be held

same; and that, by that name, they and their successors shall have power, and continue to be a body corporate, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended, in all courts and places, and in all manner of actions, suits, complaints, causes, and matters whatsoever; and they and their successors may have a common seal, and the same may make, alter, and change at their pleasure; and they and their successors, by their corporate name, shall in law be capable of buying, holding, and conveying any lands, not to exceed fifty acres, tenements, hereditaments, goods, wares and merchandizes whatsoever, in the county of Warren, in said state, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments or decrees, which shall have been obtained for such debts; *Provided always* that the funds of said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in banking operations.

Time and mode of electing directors,

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 citizens of the state of New Jersey, one of whom shall be president, who shall hold their offices for one year from the first Monday of May, in every year; and that the said directors shall be elected on the last Monday of April, in every year, at such time and place as shall be directed by the by-laws of the said company; of which election public notice shall be given of the time and place, not less than ten days previous, in one of the newspapers printed in the said county, where such election shall be made by such stockholders as shall attend for that purpose, either in person or by proxy; and their elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall hold shares of the capital stock of said company, and the persons having the greatest number of votes, being stockholders, shall be directors; and if it shall happen, at any election for directors that two or more persons shall have an equal number of votes, in such manner that a greater number than five shall, by plurality of votes, appear to be chosen as directors, then the said stockholders shall proceed to ballot a second time, and, by a plurality of votes, determine which of the persons having an equal number of votes shall be director or directors, so as to complete the whole number of five; and the said directors, as soon as

may be after their election, shall proceed in like manner to elect by ballot one out of their number to be their president, and shall at the same or some other time, elect an acting manager, or managers, and such agents of the said company, as may be requisite to conduct its business, also a secretary to said company; and if any vacancy or vacancies shall at any time happen, by death, removal, resignation, or otherwise, among the directors elected, the secretary, managers, or agents, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or the major part of them, shall appoint.

President to be chosen.

Vacancies supplied.

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

Amount of capital

Stock forfeited on failure to pay instalments.

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

Stock personal property, and mode of transferring.

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 made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation; and the officers

Corporation not dissolved for failure to elect on day prescribed.

of the preceding year shall hold their offices, respectively, until said election, or until others are appointed in their stead.

Powers and
duties of di-
rectors.

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

Books to be
kept open to
inspection of
stockholders.

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

Transfer book
to be kept.

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

Limitation

Act may be al-
tered or repeal-
ed.

Sec. 9. *And be it enacted*, That this act shall be in force for thirty years; and the legislature may at any time alter, amend or repeal this law.

Passed, March 7, 1836.

AN ACT to incorporate the Milford Delaware Bridge Company of the county of Hunterdon.

WHEREAS it is represented to the Legislature, by the petition of a number of the inhabitants of the county of Hunterdon, that the erection of a bridge over the Delaware River, at Milford, would be a great convenience and accommodation to the public—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 capital stock of the Milford Delaware Bridge Company, shall amount to twenty 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 Daniel Vansyckel, George Carpenter, Wilson Housel, Peter Tomson, William Vanderbelt, senior, John Duckworth, Cornelius Ludlow, Johnathan Pickle, and John Eckel, Samuel Cooley, be, and they are hereby appointed commissioners on the part of this state, who, with commissioners to be 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 one or more of the newspapers printed in the county of Bucks, in the state of Pennsylvania, and in one or more 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, as aforesaid, 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

Commissioners to receive subscriptions.

Stock forfeited on failure to pay instalments

Apportionment of stock.

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.

Style of incorporation.

Proviso

Sec. 3. *And be it enacted*, That when two 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 Milford Delaware Bridge Company," and by that name shall have perpetual succession, and shall be capable of taking and holding their said capital stock, and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement should be found necessary to fulfill the intent of this act : *provided*, such increase does not, with the original subscription, exceed the aforesaid capital of twenty thousand dollars, and the increase and profits, and of purchasing, taking, and holding, to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as may be necessary and convenient to them in the prosecution of their works, and the same to sell and dispose of at their pleasure, and of suing and being sued, pleading and being impleaded, in all courts of law and equity in this state.

Time and mode of election of first officers.

Sec. 4. *And be it enacted*, That as soon as two 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 one or more of the newspapers printed in the county of Bucks, in the state of 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, 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*, that no person shall have more than twenty votes at an election, or 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; one vote for every two shares above ten, and not exceeding twenty, and one vote for every five shares above twenty, until the number of votes amount to twenty.

Sec. 5. *And be it enacted*, That the 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 the said company, for the purpose of choosing such officers for the ensuing year.

Annual meeting of stockholders.

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 certificates 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 of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

Regulation for transferring stock.

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 regulation of the said company shall be lawful.

Powers and duties of directors.

Sec. 8. *And be it enacted*, That after the place for the erection of the said bridge shall be fixed, at Milford, as aforesaid, and before the 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 and perfecting the said bridge, and making and establishing all the necessary works and roads to and from the same, 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,

Proceedings when company and owners of land cannot agree.

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 making and establishing all necessary works and roads to and from the same, 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 said 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 said 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 said 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 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 to complete the erection of the said bridge.

When company may enter on lands.

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 damage 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 the 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.

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 prosecution of the said work; 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.

Accounts submitted annually to stockholders.

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 for ever; and the said company, their successors and assigns may demand and receive toll from travellers and others not to exceed the following rates:

Rates of toll.

For every coach, landau, chariot, phaeton, or other pleasurable carriages with four wheels, drawn by four horses, the sum of seventy-five cents.

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

For every wagon with four horses, the sum of sixty-three cents.

For every carriage of the same description, drawn by two horses, the sum of fifty 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 and a fourth 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.

Proviso.

Provided, that all persons going to and returning from funerals, persons going to or returning from meeting or church, children going to and returning from school, shall pass free of toll; *Provided also*, that in fixing the toll of all carriages drawn wholly by oxen or partly by horses and partly by oxen, the same shall be charged as though drawn exclusively by horses; 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.

Penalty for injuring bridge.

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 taking unlawful tolls.

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 rate or prices for the passing over the said bridge, than what are 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 Alexandria, in the county of Hunterdon, and state of 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 sixty days after such offences shall be committed.

Mode of ascertaining damages to ferries and fisheries.

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.

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 amongst 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.

Dividends to be made.

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.

Act not to take effect till similar act passed by Pennsylvania

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 whatsoever, or to issue any notes in the nature of bank notes; the legislature reserve the right of altering, modifying or amending this charter whenever they think proper.

Restrictions.

Act may be altered.

Passed, March 8, 1836.

AN ACT to provide for the instruction of indigent Blind Persons, inhabitants 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

Appropriations for instruction of the blind

of the same, That a sum not exceeding two thousand dollars be appropriated annually, out of any moneys in the treasury not otherwise appropriated, to be applied, under the direction of the governor, or person administering the government; for the instruction, or placing for instruction in some suitable or convenient institution established for that purpose, such indigent blind persons, inhabitants of this state, as may be duly recommended to him by the board of chosen freeholders of the county in which such indigent blind person may reside, stating that said blind person is in such indigent circumstances as to be unable, from their own resources, or those of their parents or guardians, to obtain instruction for themselves, and is of good natural capacity; *Provided*, each person so to be instructed, shall have attained the age of seven years; *And provided also*, the amount per annum for any one individual shall not exceed the sum of two hundred dollars, nor the term of instruction five years; *Provided further*, that if the said sum of two thousand dollars herein appropriated shall not be used or exhausted in any one year, then the balance may be applied to the purposes mentioned in this act in any subsequent year or years, in addition to the appropriation for such subsequent year or years.

Proviso.

When act to go into effect

Sec. 2. *And be it enacted*, That this act shall go into effect on and after the first day of April next.

Passed, March 8, 1836.

AN ACT authorizing the sale of certain real estate, late of Andrew Agin, deceased, in the County of Somerset.

Preamble.

WHEREAS it has been made to appear to the legislature of this state, that Andrew Agin, late of the county of Somerset, died seized of a small farm, situate in the township of Bernard, in said county, leaving three children, who are now minors, under the age of twenty-one years, to whom he devised his real estate, equally to be divided between them, when the youngest should have arrived at the age of twenty-one years, the youngest of whom is now about

eleven years of age; that a large part of the value of said farm consists in the wood and timber on the same, which is not growing any better; that the buildings thereon are old and going rapidly to decay; and that the same may now be advantageously sold; and it appearing that it will be for the benefit and advantage of the children and widow of said deceased, that the lands of the said deceased should be sold as soon as may be, and the proceeds thereof properly vested and secured.—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 James Freeman, the testamentary guardian of the children of the said Andrew Agin, deceased, be, and he is hereby authorized and empowered to sell at public sale, first giving such notice as executors or administrators are bound by law to give, for the best price he can get for the same, the lands and tenements with the appurtenances, that were of the said deceased, and conveyance or conveyances thereof to make, that shall vest in the purchaser or purchasers, all the title, estate, and interest therein, of which the said Andrew Agin, deceased, died seized; and he is hereby required to put out at interest on good security, the moneys arising from such sale; to pay to the widow of said deceased, yearly and every year, during her natural life, the interest of the one-third part of the proceeds of such sale; and to apply the interest of the other two-third parts of the proceeds of such sale, to and for the use and benefit of the children of the said deceased, until the youngest surviving shall arrive to the the age of twenty-one years; and then, his reasonable and necessary expenses and reasonable compensation being deducted, to divide all the moneys that shall then belong to the estate of the said deceased, among the children of the said deceased, the survivor or survivors of them, or their legal representatives; always taking care to secure to the widow of the said deceased, the interest of the one equal third part of the nett proceeds of such sale, during her natural life; *Provided always,* that before the said James Freeman shall enter upon the trust reposed in him by this act, he shall enter into bond to the governor of this state, in such sum, and with such sureties, as the judges of the orphans' court or surrogate of the county of Somerset shall approve, conditioned for the true and faithful management and disposition of the proceeds of the sale of said real estate, and due performance of the trusts reposed in him by this act, to be deposited in the office of the surrogate of said county of Somerset.

Sale of real estate authorized

Distribution of proceeds of sale.

Bond to be given to the governor.

Sec. 2. *And be it enacted,* That nothing contained in this

Restrictions.

act shall be so construed as to alter the descent, but that the same shall descend, as if the property hereby authorized to be sold had remained real estate.

Passed, March 8, 1836.

AN ACT to incorporate the Alloways Creek Navigation Company in the county of Salem.

Books of subscription for stock to be opened.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That subscription books to the capital stock of "The Alloways Creek Navigation Company, of the county of Salem," shall and may be opened within one year after the passing of this act, by John H. Lambert, William F. Reeve, and George Remster, or any two of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they or a majority of them may direct, giving public notice thereof at least twenty days prior to the opening of said books, by publishing the same in the newspapers printed and published in the county of Salem.

Amount of capital stock.

Sec. 2. *And be it enacted,* That the capital stock of the said company shall be seventy thousand dollars, to be divided into shares of twenty-five dollars each, and when two hundred shares of said stock are subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company by the name of "The Alloways Creek Navigation Company of the county of Salem," and by that name shall have the power to use and employ their funds, from time to time, in the clearing out, deepening and otherwise improving the navigation of Alloways Creek, in the county of Salem, by removing logs, trees, sand bars, mud-flats, shoals or other obstructions out of the said creek, wherever the same shall be found; and in the purchase or construction of all necessary machines, tools and other materials to effect said purpose; and shall have the right to make and use a common seal, and by that name, may sue and be sued, and shall have, enjoy, and exercise all the rights, powers, and privileges appertaining to corporate bodies, and necessary to carry into effect the objects of this act.

Objects of incorporation.

Sec. 3. *And be it enacted*, That at the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some one of them, which money shall be paid over to the treasurer of said company, as soon as one is elected; and that the residue of such subscriptions shall be paid in such instalments, not exceeding five dollars each, and at such times and places, and to such persons as the directors of the said company shall from time to time direct, and give public notice in the Salem newspapers, as aforesaid, at least thirty days previous to the time appointed for such payment; and upon failure of payment thereof, as so directed, the shares of such defaulter may be forfeited, or the said company may sue for and recover the same by action of debt with costs; *Provided*, that no two instalments shall be demanded within thirty days of each other.

Stock forfeited
on failure to
pay instal-
ments

Sec. 4. *And be it enacted*, That when two hundred shares of the said stock are subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days notice of the time and place of said meeting, as herein before directed, with regard to the opening of the books; at which meeting, the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot, five directors, who shall be citizens of this state, to manage the affairs of the said company for one year; of which election the said commissioners, or a majority of them, shall be judges; and at the expiration of that term, and annually thereafter, upon like notice, to be given by the directors for the time being, the said stockholders shall elect the same number of directors, who shall be citizens of this state as aforesaid; and that at every such election, and in all other cases in which the stockholders shall be entitled to a vote, a vote may be given for each share by the holder or holders thereof, either in person or by proxy; *Provided*, that such proxy shall designate the intention of the owner or owners of said stock, relative to such election, as to the person or persons to be voted for, or otherwise they shall not be counted in such election; and within twenty days after such election, said directors shall elect a president of their said company, who shall hold his office for one year, and until another shall be elected, and receive such compensation for his services, as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of the said directors, and have the casting vote when they shall be equally divided; he shall have the charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person of their number, who, for the time being, shall possess the same power and authority, and perform all the duties herein prescribed.

Time and
mode of elect-
ing directors.

President to be
chosen.

Powers.

Sec. 5. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by the death, resignation, removal, or refusal to act, of any president or director, and may appoint a treasurer, and all other officers, engineers, agents, superintendents, and workmen, that may be required to transact the business of the company, with such compensation as they may determine upon; and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls, upon vessels navigating said creek, and have the superintendence and direction of all the receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws, as they may deem expedient for regulating the transfers of stock, the imposition of tolls and the collection thereof, and for the general government of the company, and management of its affairs; *provided*, the same are not repugnant to the constitution and laws of this state, or of the United States; *and provided also*, that the tolls shall not in any case exceed twenty-five cents per ton, upon any vessel navigating the said creek.

Rates of toll.

Sec. 6. *And be it enacted*, That the said company are hereby authorized and empowered to demand, receive and take, and if need be, sue for and recover, such sum or sums of money for tolls on all vessels navigating said creek, after they shall have deepened the said creek, or removed the obstructions therein, or any or either of them, at and after the following rule for that purpose prescribed, viz.: on all vessels drawing more than three feet water loading above Bee's Landing, a toll, not to exceed twenty-five cents per ton, from thence to "Fogg's Landing," on all vessels drawing more than five feet water, not to exceed twenty cents per ton, from thence to "Gosling's Shoals," on all vessels drawing more than five feet six inches water, not to exceed fifteen cents per ton, from thence to "Brown's Shoals," on all vessels drawing more than six feet water, not to exceed ten cents per ton, and from thence to and over the "Square" on all vessels drawing more than six feet six inches water, not to exceed five cents per ton, and such rates are to be imposed upon the custom house tonnage of such vessel.

Proceedings
when compa-
ny and own-
ers cannot
agree

Sec. 7. *And be it enacted*, That it shall and may be lawful for the said companies to use the excavated mud or earth taken from said creek, and such other earth, dirt, or mud, as they can obtain, in the construction of a tow-path upon the bank, on either side of the said creek, of such width and dimensions as shall be necessary, if the consent of the owner or owners of said land can be first had and obtained; and if the said company or its

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

in action of debt, in any court of competent jurisdiction, in a suit to be instituted against said company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company, in the nature of a mortgage; and either of the judges of the said Inferior Court of Common Pleas shall, on application of either party, and on reasonable notice to others, tax and allow such costs, fees, and expenses, to the judges of the said court, commissioners, clerks, and other persons performing any duties prescribed in this section of the act, as he shall think equitable and right, and to order and direct by whom the same shall be paid, under the circumstances; and it shall be the duty of the said company to make, keep up, and maintain, upon the said tow-path, at proper places, where the same crosses the line of lands of two individuals, swinging gates, to prevent the trespass of horses or cattle upon the lands of circumjacent owners.

Capital stock
may be increased.

Sec. 8. *And be it enacted,* That if it shall be necessary to carry into full effect the objects of this act, the stockholders shall have the power to increase the capital stock of the said company, any sum not exceeding fifty thousand dollars, by increasing the number of shares for that purpose.

Act may be
altered or repealed.

Sec. 9. *And be it enacted,* That this act shall be deemed and taken as a public act, and shall be as such esteemed and taken in all courts of this state, and the Legislature may, at any time hereafter, alter, amend, or modify this act, whenever the public good requires it.

Passed, March 8, 1836.

A SUPPLEMENT to the Act entitled "An Act to incorporate the City of Jersey, in the County of Bergen," passed January twenty-third, eighteen hundred and twenty-nine.

Sec. 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be lawful for the board of select men and inhabitants of Jersey City, to assess the real estate in said city, for the improvements made in regulating the streets, alleys, and lanes therein, and in paving, flagging and gravelling the same; and the amount of all assessments which shall be made and authorized by the said board for the costs and expenses of said regulating, paving, flagging and gravelling, shall be and remain a lien upon such property as shall be improved and assessed from the time of the completion of the assessment by the board for the regulating, paving, flagging and gravelling the same, until paid.

Assessments
may be made

Sec. 2. *And be it enacted,* That on the return of the collector of the board of any unpaid assessment, it shall be lawful for the said board to lease the lot or lots so assessed and unpaid, at public auction, to such person or persons who will take the same at the shortest period of time, and pay such assessment and all charges and interest thereon, due at the time of such sale; *Provided,* notice be first given in one or more newspapers published in the county of Bergen, and by a notice put up at three of the most conspicuous places in said city, for at least sixty days, of the time and place of such sale, describing the property assessed and the amount due thereon.

Lots may be
leased by cor-
poration

Sec. 3. *And be it enacted,* That such property may be redeemed within two years from the day of the sale, on the payment of the amount of such sale to the treasurer of said board, with interest from the day of such sale, at the rate of twenty per cent. per annum, for the benefit of the purchaser.

Conditions on
which prop-
erty may be re-
deemed.

Sec. 4. *And be it enacted,* That all taxes and assessments paid thereon by the lessee, within the said period of two years allowed for the redemption, shall also be paid by the person or persons redeeming the same, and at the same time, to said treasurer, with interest, at the rate of twelve per centum per annum, for the benefit of such lessee.

Sec. 5. *And be it enacted,* That said board shall give public notice, in manner mentioned in the second section of this supplement, for six months, immediately preceding the expi-

Selectmen to
give notice

ration of the period of redemption of such sale, describing the property unredeemed, and stating the amount of such sale, and time the lease will be complete, unless redeemed by the payment of the purchase money and all charges thereon.

Sale may be
postponed

Sec. 6. *And be it enacted*, That the day of sale may be postponed, from time to time, or suspended, as the board of select men may deem expedient.

Lots must be
surrendered

Sec. 7. *And be it enacted*, That the said term of years of any lot or lots so leased, as aforesaid, shall not commence until the time for the redemption of the same has expired, and the said lessee shall, at the expiration of the said lease, quit and surrender the said premises, and the improvements so made, in as good state and condition, as when he entered thereon, natural wear and accidents excepted.

Grounds may
be purchased
for a public
square

Sec. 8. *And be it enacted*, That the said board be, and they are hereby empowered to acquire by purchase, or other lawful mode, the grounds situate between Grand and Sussex streets, in the city of Jersey, and on the east side of Washington street, and to appropriate the same for the purpose of a public square, and upon such acquisition and appropriation of the said grounds, it shall be lawful for them to vacate the present public square, and to sell the same in lots or otherwise for the use of the inhabitants of said place, and to make good and sufficient deeds of conveyance therefor; *Provided nevertheless*, that the acts and doings of the said board in relation to the powers granted in this section, shall be of no effect unless the same be sanctioned and approved by a majority of the corporators, in manner prescribed in the proviso to the seventh section of the act to which this is a supplement.

Passed, March 8, 1836.

A FURTHER SUPPLEMENT to the Act entitled "An Act to incorporate Trustees of Religious Societies," passed seventeen hundred and ninety-nine.

WHEREAS it is represented that according to the constitution, usages and customs of the German Reformed Churches, the minister, elders and deacons thereof, for the time being, have the management of the temporalities of the said churches, in like manner as the minister, elders and deacons of the Reformed Dutch Churches within this state —Now therefore,

Preamble]

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all the provisions of the said act, relating as well to the incorporation, as to the rights, privileges and duties of the said Reformed Dutch Churches, shall be, and they are hereby extended to all such German Reformed Churches as may now or shall hereafter be constituted within this state, as fully and entirely as though they had been named in said act.

Privileges of reformed Dutch extended to German reformed churches

Passed, March 8, 1836.



A SUPPLEMENT to an Act entitled "An Act to incorporate the Clinton Manufacturing Company," passed February first, eighteen hundred and thirty, and an Act supplementary thereto, passed January thirtieth, eighteen hundred and thirty-three.

BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the third section of said act, of which this is a supplement, be so amended as that John F. Winslow, Samuel B.alsey and James Wheeler, be appointed commissioners in

Commissioners changed

the place and stead of William Jackson, John H. Stephens and William Scott, in the said third section named, and that the said John F. Winslow, Samuel B. Halsey and James Wheeler are hereby authorized to do all things under and in relation to said act of incorporation and the supplement thereto, as commissioners as aforesaid.

Passed, March 8, 1836.

AN ACT to authorize Michel Saunier to sell certain real estate of Mary E. Gedney, and others, in the township of Bergen.

WHEREAS Mary E. Gedney, Robert L. Gedney, and Paulina A. Gedney, of the city and state of New York, are now seized and possessed of five lots of salt meadow, situate and being at Harsimus, in the township and county of Bergen, and state of New Jersey, each lot being twenty-five feet in width, front and rear, and one hundred feet in length, on each side, and they being infants, and unable to sell and dispose of the same, have, together with Robert Gedney, their father, petitioned the legislature that a trustee might be appointed to sell the same for their benefit; *And whereas* it appears that the property was formerly of but little value, and entirely unproductive, and of no immediate use or benefit to them; *And whereas* the said property has lately increased in value very much, and if a sale of the same could be made, it would be of great advantage to the petitioners; and the prayer of the memorialist appearing to be reasonable 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 Michel Saunier, of the township and county of Bergen, be, and is hereby appointed a trustee, with full power and authority to sell, at public sale, first giving the notice required by law as given by administrators, the said five lots of salt meadow, situate, lying and being at Harsimus, in the township and county of Bergen, and state of New*

Preamble.

Trustees authorized to sell lands

Jersey, each lot being twenty-five feet in width, front and rear, and one hundred feet in length on each side, or any part thereof, for the best price or prices that can be obtained for the same, and to make out and execute good and sufficient conveyance or conveyances, and assurances in the law, to the purchaser or purchasers, and he is hereby directed to account for the moneys arising from such sale or sales, to the petitioners, and to pay over the same to the said petitioners upon their arriving at full age, or to their legal representatives; *And further*, that the said trustee shall cause the money arising from such sale to be put out at interest, upon good and available securities, for the use and benefit of the said minors.

Distribution of
proceeds of
sale.

Sec. 2. *And be it enacted*, That before the said Michel Saunier, trustee as aforesaid, shall enter into the trust reposed in him by virtue of this act, he 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 him by this act, which bond shall be deposited in the office of the said surrogate.

Bond to be
given to the
Governor

Sec. 3. *And be it enacted*, That the said trustee 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 trustee shall be accountable for all moneys received by him by virtue of this act, deducting his reasonable expense, and a reasonable compensation for his 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; *Provided always*, that the proceeds of such sales shall descend and be divided as real estate, and not distributed as personal property.

Amount of
sales to be fi-
led with surro-
gate.

Proviso

Passed, March 8, 1836.

AN ACT to authorize the Chosen Freeholders of the Counties of Essex and Middlesex to build a Draw Bridge over the head of tide-waters of Rahway River, at Rahway.

Sec. 1. *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 boards of chosen freeholders of the counties of Essex and Middlesex aforesaid, to build and maintain a good and sufficient bridge over Rahway river, at or near Clarkson and Tooker's Dock, and as near as practicable, in a line with Lewis street, with a suitable draw therein, of a sufficient width for the convenient passage of vessels navigating the same.

Bridge authorized to be built

Penalty for leaving draw open

Sec. 2. *And be it enacted,* That if any captain of a vessel or other person 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, 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 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 action of debt, before any court having competent jurisdiction, with costs of suit, by any person who will sue for the same, for his own use.

Bridge may be put in charge of a keeper

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

Passed; March 8, 1836.

A SUPPLEMENT to the Act entitled "An Act to authorize the erection of a bank, dam and other water works across the head waters of the eastern branch of Salem Creek, in the County of Salem," passed February twenty-eighth, 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 the owners of the meadow embanked and enclosed under and by virtue of the act to which this is a supplement, shall meet in Salem, on the second Tuesday in April next, at such time and place as shall by them be agreed on, and then and there choose by vote of two-thirds of the owners in value then present, one or more managers for the said meadow, and shall enter the proceedings of the said meeting in a book kept for that purpose, and annually thereafter, the said owners shall meet on the said second Tuesday of April, at such time in the day and at such place as shall be fixed on at the annual meeting, and if the said owner or owners, or any of them, are unable to attend said meeting, it shall be lawful for such absent owner by letter of attorney duly executed, to appoint some person to attend and vote at such meeting in the place of such absentee.

Time and
mode of elect-
ing managers.

Sec. 2. *And be it enacted,* That the manager or managers so chosen, shall and may keep up, amend, repair and maintain from time to time, the banks, dam, sluices and other water works belonging to said marsh, and for that purpose may enter upon all marsh and meadow contiguous thereto, to get mud and earth, and said managers shall keep all the water courses thereof open, and in good condition for passing off the water from said marsh, and otherwise improving the same, and shall annually within one month after their appointment, make an estimate and valuation in writing of the meadow within said company, and assess the expenses of keeping up and maintaining the bank, dam, sluices and other works, ratably and in proportion to the quantity and quality owned by each owner, upon the owners of said marsh, and shall cause such estimate and valuation to be entered, within one month after making the same, in the book of minutes of the said meadow company; *Provided,* that nothing in this act shall interfere with any agreement between the owners of said marsh and their tenants for the payment of the taxes and expenses on said marsh.

Powers, and
duties of ma-
nagers

Sec. 3. *And be it enacted,* That if at any time the bank,

In what man-
ner breaches
shall be re-
paired

dam or sluices of said company should break, blow out or become otherwise seriously injured, it shall be the duty of the manager or managers to give immediate notice thereof to the owners of said meadow, and the said owners or those of them who own two-thirds in value of the said meadow shall determine whether, and in what manner the said breaches or other damage shall be repaired, and the manager or managers shall not repair the same, or expend any money thereon, until he shall receive the written directions of the owners of two-thirds in the value of said meadow.

Accounts to
be submitted
to meadow
owners

Sec. 4. *And be it enacted*, That the manager or managers so to be chosen shall, at the annual meeting in April, produce their accounts and vouchers for inspection and settlement to the owners or possessors of said meadow, and shall be allowed five cents on the dollar for all money by them expended in and about the duties required of them by this act, and such reasonable compensation as the owners shall approve for any extra work which may be caused in the event of the breaking of the dam or blowing out of the sluices.

Sections of for-
mer act repeal-
ed.

Sec. 5. *And be it enacted*, That the second, third, fourth and seventh sections of the act to which this is a supplement, be, and the same are hereby repealed.

Passed, March 8, 1836.

AN ACT vesting the real estate of Barney Colgan, deceased, in Ann Colgan, his widow.

Preamble

WHEREAS Barney Colgan, deceased, late of Hoboken, in the township of Bergen, in the county of Bergen, emigrated to this country several years since, from Ireland, and settled at Hoboken, aforesaid, and became duly naturalized, after which, by his own industry, he acquired some real property, in that place, consisting of two houses and lots, of small value; *And whereas* the said Barney Colgan departed this life, in the month of September last, intestate, and without issue, leaving Ann Colgan, his widow; *And whereas* the said Barney Colgan has left no lawful heirs who can inher-

it the said real estate, by reason whereof it must escheat to the state; *And whereas* the said Ann Colgan is very infirm, and unable to earn her living, and the value of her dower in the said premises very trifling, and the title to the said real estate, if vested in her, would relieve her from penury—Therefore,

Sec. 1: BE IT ENACTED *by the Council and General Assembly of this State and it is hereby enacted by the authority of the same*, That all the right, title, estate and interest of the said Barney Colgan, deceased, at the time of his death, of, in and to the real estate herein above mentioned, shall be vested in the said Ann Colgan, her heirs and assigns; *Provided however*, that nothing in this act contained shall, in any manner, interfere with the lawful claims of any person whatsoever to the said lands and premises, other than those claiming, or to claim, under the state of New Jersey.

Rights of the state to certain lands released

Passed, March 8, 1836.

AN ACT to authorize Trustees, therein named, to sell certain Real Estate of Benjamin Demarest, deceased, late of the county of Bergen.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Jacob Van Vorst and Cyrus S. Browning, of the county of Bergen, be, and they are hereby appointed trustees, with full power to sell and convey the land of Benjamin Demarest, late of the township and county of Bergen, deceased, for the highest sum or sums of money the same will bring, at public action, first giving such notice as executors and administrators, are bound by law to do, and for the same or any part thereof, to execute and deliver, in due form of law, in their own names, or the name of the survivor of them, as trustee or trustees aforesaid, a good and sufficient deed or deeds of conveyance, according to the estate, right, title, or interest, which the heirs at law of the said Benjamin Demarest, who are

Trustees authorized to sell lands of B. Demarest, deceased.

minors, have in the same, and which sale or sales so made, shall entitle the purchaser or purchasers to all the estate, right, title, claim and demand which the said minor heirs have in the premises.

Distribution of
proceeds of
sale.

Sec. 2. *And be it enacted*, That the said trustees, and the survivor of them, shall keep a fair account of the sale or sales so made by them, under this act, and after deducting all legal costs and expenses, to be taxed by the Orphans' Court of Bergen county, to invest the whole amount of the balance arising from such sale or sales, in bond and mortgage, on unincumbered real estate, in the state of New Jersey, for the benefit of the said minor heirs, and to receive and pay over, semi-annually, to the said minor heirs, or to and for their benefit, the interest arising from such investment, until said minor heirs shall arrive at full age, when the principal shall descend as real estate.

Bond to be gi-
ven to the gov-
ernor.

Sec. 3. *And be it enacted*, That before the said Jacob Van Vorst and Cyrus S. Browning, engage in the trust assigned them by this act, they shall enter into bond to the Governor of this state, in such sum, and with such security, as the surrogate of the county of Bergen shall approve, conditioned for the faithful performance of the said trust, which bond shall be deposited in the secretary's office of this state.

Accounts to be
filed in the sur-
rogate's office
of Bergen.

Sec. 4. *And be it enacted*, That the said Jacob Van Vorst and Cyrus S. Browning, or the survivor of them, the executors or administrators of the survivor of them, shall, within three months after the sale or sales of said land, make, subscribe, and exhibit, under oath or affirmation, to the surrogate of the county of Bergen, a true statement of the amount of such sale, to be by him recorded and filed; and that the said Jacob Van Vorst and Cyrus S. Browning, their executors and administrators, shall be held accountable for all moneys received by them by virtue of this act.

Passed, March 8, 1836.

AN ACT relative to Juries.

Sec. 1. *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 sheriffs of the several counties of this state, to cause a book or list of all the freeholders, as are qualified by law, and competent to serve as jurors, to be made, which book or list, the said sheriffs of each of the counties, shall produce before the clerk of the Court of Common Pleas of the county of which he shall be sheriff, at least thirty days before the next term of the court; and it shall be the duty of the said sheriff, together with the said clerk, to proceed and select by ballot such number of freeholders for jurors, as they shall deem proper, and the said sheriff shall summon the persons so selected to serve as petit jurors for the term of the court next following such selection.

Sheriffs to produce a list of freeholders to clerks of counties.

Sec. 2. *And be it enacted,* That from and after the first day of May next, the name of each and every person who shall be summoned and returned by the sheriffs of the several counties of this state, or any or either of them, to serve as petit jurors in any of the courts of this state hereinafter named, shall be written or printed, on several and distinct pieces of paper, as nearly of equal size and similar shape as may be, by the clerk of said county, and when the trial of any cause, civil or criminal, shall be ordered on, or a venire is delivered to the sheriff, the said tickets, with the names of the said jurors thereon, shall all be put into a box, to be provided for that purpose, by the clerk of said court, at the expense of the county; and thereupon the sheriff, or some disinterested person, by direction of the said court, shall in open court, after having well mixed the said papers, deposited in said box, draw therefrom twelve of said papers, one after another, and if any of the persons whose names shall be so drawn, shall not appear, or be challenged, and set aside, then such further number of said papers shall be drawn until twelve persons of those who appear, shall be sworn or affirmed, as the law directs; and such twelve persons shall be the panel to be returned by the sheriff or other officer as the jury to try the cause so to be tried as aforesaid; and the sheriff shall then make out a panel of such persons, and return the same, as in other cases, and such panel shall be good and effectual in law.

Mode of selecting jurors.

Sec. 3. *And be it enacted,* That if any cause shall be brought to trial, in any of the said courts, respectively, before the jury which may be charged in any other cause shall have given in their verdict, or have been discharged, it shall and may be lawful for the court to order that twelve of the remaining papers

Talesmen may be summoned.

aforesaid (not containing the name of any of the jurors in such other cause) be drawn, in manner aforesaid, for the trial of the cause which shall be so brought or to be tried; and if it shall at any time happen, that by reason of challenges, or otherwise, the whole of said names be drawn before a jury shall be had therefrom, it shall be lawful for the court to cause talesmen to be summoned and drawn, as aforesaid, and added to the said panel until the requisite number is obtained.

Cases in which
this act shall
not operate.

Sec. 4. *And be it enacted*, That nothing in this act shall operate on, or interfere with the present mode of summoning or returning special or struck juries, juries of view, or grand jurors in this state, or juries wherein any prisoner is entitled to a copy of the panel and peremptory challenges, but shall apply only to petit or common juries in the circuit courts, courts of oyer and terminer and general jail delivery, courts of common pleas, and courts of general quarter sessions of the peace of this state.

Former acts
repealed.

Sec. 5. *And be it enacted*, That so much of all acts, or parts of acts, now in force, which are inconsistent with, or repugnant to the provisions of this act, be, and hereby are repealed.

Passed, March 9, 1836.

AN ACT making a further appropriation for the completion of the State Penitentiary.

Preamble,

WHEREAS, it appears from the report of the commissioners, appointed to erect a new Penitentiary, that a further appropriation is necessary for the completion of the same—Therefore,

18,000 dollars
appropriated to
completion of
new state pri-
son.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That in addition to the amount heretofore appropriated, the Governor, or person administering the government of this state, be, and he is hereby authorized to draw in favor

of the commissioners appointed to build the new State Penitentiary, from any unappropriated money in the treasury of this state, the further sum of eighteen thousand dollars, to be appropriated in conformity with the act of the thirteenth of February, eighteen hundred and thirty-three, for the erection and completion of the said new State Penitentiary.

Sec. 2. *And be it enacted*, That in case there should not be an amount of unappropriated money in the treasury of this state, sufficient to meet the 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 to meet the said appropriation at a rate of interest not exceeding five per centum, per annum, and to reimburse the same at any time not less than one year from the contracting the loan; and 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 authorized to borrow money.

Passed, March 9, 1836.

AN ACT to provide for the removal of the prisoners to the New Penitentiary.

Sec. I. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the keeper and inspectors of the State Prison, are hereby authorized and directed to remove, or cause to be removed, all the convicts from the old State Prison, to the new State Penitentiary, from time to time, so soon as the cells and apartments of the new State Penitentiary, are so far completed as to furnish, in the opinion of the said keeper and inspectors, safe and secure accommodations for the convicts; and the said convicts, when removed to the said new State Penitentiary, shall there be and remain, kept, imprisoned, and punished, according to their respective sentences, and the laws of this state, until duly discharged.

Prisoners may be removed from the old to the new state prison.

Passed, March 9, 1836.

A SUPPLEMENT to the Act entitled "An Act to incorporate the Protestant Episcopal Church of St. Mary, in the City of Burlington," to annul the former charter thereof, and to repeal "An Act to amend and confirm the charter of the Episcopal Church, called St. Mary, in the City of Burlington," passed May twenty-eighth, seventeen hundred and ninety-three.

Proviso of
fourth section
of former act
repealed.

New proviso.

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 all the proviso contained in the fourth section of the act to which this is a supplement, be, and the same is hereby repealed; and that the following proviso be inserted in lieu thereof, viz.: *Provided always,* that in the disposition, sale, or alienation of such messuages, houses, lands, tenements and hereditaments, the consent of at least six members of the vestry shall be had and obtained.

Sec. 2. *And be it enacted,* That the words following the second proviso, in the eleventh section of the act to which this is a supplement, to wit: "That if at any time nine or more members of the said vestry shall agree so to do, they may discharge said minister, giving him six months notice of their intention, after which time his salary shall cease, and the said minister shall peaceably leave the church, and" be, and the same are hereby repealed and stricken out of the said eleventh section.

Passed, March 9, 1836.

AN ACT to dissolve the marriage contract between Hannah D. Wallin and her husband, Silas B. Wallin.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the marriage contract between Hannah D. Wallin, of the county of Morris, and Silas B. Wallin, her husband, be, and the same is hereby dissolved as fully as if they had never been joined in matrimony.

Silas B. and
Hannah D.
Wallin di-
vorced.

Passed, March 9, 1836.

A SUPPLEMENT to the Act entitled "An Act for incorporating the Town of Princeton."

Sec. 1. *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 mayor, recorder and aldermen of the borough of Princeton, or either of them, to commit every offender against the laws of this state, or the ordinances of the said borough, to the prison belonging to the said borough, there to remain until discharged according to law.

Powers of magistrates increased.

Sec. 2. *And be it enacted,* That the mayor, recorder, aldermen, and assistants, or a majority of them, of which the mayor or recorder is always to be one, shall have full power and authority, from time to time, and at all times hereafter, to make such by-laws, ordinances and regulations, in writing, not repugnant to the laws and constitution of this state, or of the United States, and the same to enforce, revoke, alter, and amend, as to them shall appear necessary, for the regulation, paving, cleansing and keeping in repair the streets, highways, lanes and alleys, with the side walks and pavements of the same within the limits of the said borough; and for prevent-

Additional powers granted to corporation.

ing the incumbering or obstructing the said streets, highways, lanes, alleys, side walks and pavements.

Passed, March 9, 1836.

AN ACT to incorporate the Trenton Silk Manufacturing Company.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That John Titus, John Mershon, William P. Sherman, Benjamin Chapman, Zachariah Rossell, George Miller, and such other persons as now are, or hereafter may be associated with them, and their successors and assigns, be, and they are hereby constituted a body politic and corporate in law, by the name and style of "The Trenton Silk Manufacturing Company," for the sole purpose of planting mulberry trees, raising and feeding silk worms, erecting and establishing manufactories of silk, in all its various branches, all articles of which silk is a principal part, and dying, printing and bleaching the same; and that, by that name, they and their successors shall have power, and continue to be a body corporate, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended, in all courts and places, and in all manner of actions, suits, complaints, causes, and matters whatsoever; and they and their successors may have a common seal, and the same may make, alter, and change at their pleasure; and they and their successors, by their corporate name, shall in law be capable of buying, holding, and conveying any lands, not exceeding one hundred and seventy acres, tenements, hereditaments, goods, wares and merchandizes whatsoever, in said state, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and all other real estate, which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or pur-

Style of incorporation.

Powers.

What real estate may be held

chased at sales upon judgments or decrees which shall have been obtained for such debts; *Provided always*, that the funds of said corporation, or any part thereof, shall not be applied, used or employed at any time in banking operations, or for any other purpose or purposes inconsistent with the provisions of this act. Restrictions.

Sec. 2. *And be it enacted*, That the stock, property and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom shall be president, who shall hold their offices for one year from the first Monday of May, in every year; and that the said directors shall be elected on the last Monday of April, in every year, at such time and place as shall be directed by the by-laws of the said company; of which election public notice shall be given of the time and place, not less than ten days previous, in one of the newspapers printed in the county where such election shall be made by such stockholders as shall attend for that purpose; either in person or by proxy; and their elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall hold shares of the capital stock of said company, and the persons having the greatest number of votes, being stockholders, shall be directors; and if it shall happen at any election for directors that two or more persons shall have an equal number of votes, in such manner that a greater number than five shall, by a plurality of votes, appear to be chosen as directors, then the said stockholders shall proceed to ballot a second time, and, by a plurality of votes, determine which of the persons having an equal number of votes shall be director or directors, so as to complete the whole number of five; and the said directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one out of their number to be their president, and shall, at the same or some other time, elect an acting manager or managers and such sub-agents of the said company as may be requisite to conduct its business, also a secretary to said company; and if any vacancy or vacancies shall at any time happen, by death, removal, resignation or otherwise, among the directors elected, the secretary, managers, or sub-agents, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors, for the time being, or the major part of them, shall appoint. Time and mode of electing directors.

Sec. 3. *And be it enacted*, That the capital stock of said company shall not exceed one hundred thousand dollars, and shall be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said company, when and as Directors to appoint officers.

Vacancies supplied.

Amount of capital

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

Stock forfeited
on failure to
pay instal-
ments.

Proviso.

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

Dividends to
be made.

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

Corporation
not dissolved
for failure to
elect on day
prescribed.

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

Powers and
duties of di-
rectors.

business, and supply their places by the appointment of others in their stead.

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

Books to be kept open to inspection of stockholders.

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

Limitation

Act may be altered or repealed.

Passed, March 9, 1836.

A SUPPLEMENT to the act entitled, "An Act concerning wrecks," passed the third of March, 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 from and after the passing of this act, that when any person or persons shall assist in preserving the vessel and cargo of any vessel wrecked or in distress, and arbitrators shall be chosen to adjust and ascertain the amount of compensation for such services, that it shall be the duty of said arbitrators, to award the amount to be paid said salvors in money, and not to award any part of said cargo or vessel.

Amount of salvage to be settled by arbitrators

To be paid in money

Sec. 2. *And be it enacted*, That it shall not be lawful for any commissioner, appointed under this act, to engage directly or indirectly, in the saving of any vessel or cargo as aforesaid, for his own private benefit and interest; but that he shall pay over to the salvors the whole amount allowed or awarded to

them in money as aforesaid; and that said commissioner shall receive no other compensation, interest, or reward for his services, than such as is provided for in the aforesaid act.

Penalty for
violating law

Sec. 3. *And be it enacted*, That if any commissioner shall be convicted of exacting any agreement or reward for his own personal benefit or interest, he shall be removed from, and thereafter be rendered incapable of holding said office.

Commission-
ers not to pur-
chase wrecked
vessels or car-
go

Sec. 4. *And be it enacted*, That no commissioner of wrecks in this state, shall be engaged, directly or indirectly, in the purchase of any stranded or wrecked vessel or goods; and all goods so sold shall be openly exposed to public view in such parcels as shall be deemed most likely to cause the articles thus sold, to bring the best price.

Moneys for
unclaimed
goods to go to
school fund

Sec. 5. *And be it enacted*, That all moneys now in the treasury of this state, or which shall hereafter come into said treasury, arising from the proceeds of wrecked or stranded goods or other property, shall, on the expiration of the time allowed by the act to which this is a supplement, to the owner to claim the same, and the same being unclaimed, be, as soon as can conveniently be done, be paid over to the trustees of the school fund, to be by them invested in some stock in the same manner as other moneys are invested by them; and the interest, arising on the moneys so invested, shall enure and be received by the treasurer, for the benefit of the fund for the support of free schools, and be credited and accounted for accordingly.

Part of former
act repealed

Sec. 6. *And be it enacted*, That the fifteenth section of the act to which this is a supplement, be, and the same is hereby repealed.

Passed, March 9, 1836.

AN ACT to incorporate the Bridgeton Glass 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 David Reeves, Nathan L. Stratton, James B. Potter, William Bevan, Edmund Davis, Robert G. Brewster, Samuel W. Seeley, George Ayres, Enos F. Randolph, and Levi B. Davis, and such other persons as now are, or hereafter may be, associated with them, and their successors, be, and they are hereby constituted and declared to be a body politic and corporate, in fact, name, and law, by the name and style of "The Bridgeton Glass Manufacturing Company," for the purpose of establishing and carrying on manufactures of window glass, and all other articles of glass ware incidental to a glass manufactory, at Bridgeton, in the county of Cumberland in this state; and by that name, they and their successors and assigns, shall and may have continued succession, and be persons capable in law of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, causes, complaints, and matters whatsoever; and may have and use a common seal, and make, alter, change, and renew the same at pleasure; and shall be vested with all the powers incidental to a corporation, and necessary for the objects aforesaid, and by that name and style, shall be capable of purchasing, holding, using and conveying any estate real or personal, for the use of the said corporation: *Provided*, that the real estate so to be purchased or holden by the said corporation, shall be such only as may be necessary for the purposes of carrying on, or promoting the manufacturing operations; for which this incorporation is established, and such other as shall have been bona fide mortgaged to said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of its dealing, or purchased by them at sales upon executions in their favor.

Style of incorporation.

What real estate may be held.

Sec. 2. *And be it enacted*, That the capital stock of said incorporation, shall be thirty thousand dollars, which shall be divided into shares of twenty-five dollars each, but it shall nevertheless be lawful for the said incorporation, when, and so soon as five thousand dollars, of the said capital stock shall have been subscribed and paid, to commence the said business; and with that capital, conduct and carry it on, until they shall find

Amount of capital stock.

Stock forfeited
on failure to
pay instal-
ments

it expedient to extend their capital, which the president and directors of said company, are authorized to do from time to time, by receiving new subscriptions to their capital stock, to the amount herein before mentioned, and it shall and may be lawful for the president and directors of said company for the time being, to call in and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times, and in such proportions as they shall deem proper, upon pain of forfeiting the shares of said stockholders, on which default shall be made, and all previous payments thereon, if such payments shall not be made within sixty days after notice, requiring such payment, shall have been given in one or more newspapers published in the county of Cumberland in this state: *Provided*, that no instalment shall be required at any one time exceeding five dollars on each share and that no two instalments shall be required within thirty days of each other.

Books of sub-
scription for
stock to be
opened.

Sec. 3. *And be it enacted*, That Jonathan Elmer, Levi B. Davis and Robert G. Brewster, shall be commissioners, whose duty it shall be to open books to receive subscriptions to the capital stock of the said corporation, in the first instance, at some suitable place, in the county of Cumberland, upon giving twenty days notice in two or more of the newspapers published in this state, nearest to the place where the said factory is to be established, of the time and place of opening such books, and also, of the amount of the first instalment, then to be paid; and as soon as stock to the amount of five thousand dollars shall be subscribed, it shall be the duty of the said commissioners to give a like notice for the meeting of the stockholders, to choose five directors; and the said commissioners shall be inspectors of the first election of directors of said company; and shall certify under their hands, the names of those duly elected, and deliver over to them the subscription books, and the monies and securities received for subscriptions; and the said commissioners shall appoint the time and place of holding the first meeting of directors.

First direc-
tors.

Time and
mode of elect-
ing directors,

Sec. 4. *And be it enacted*, That the stock, property, business, and affairs of the said corporation shall be managed and conducted by five directors, who shall at all times during their continuance in office, be citizens of the United States, and this state, and stockholders in the said company, in their own right, and the said directors shall be elected on the first Monday in April in each year, and shall hold their offices for one year, and until others shall be elected in their stead, which election shall be held at such hour of the day, and at such place as the board of directors for the time being, shall appoint, under the inspection of three stockholders, not being directors, to be appointed by the board of directors, previous to every such election. and such election shall be made by ballot, and by a plu-

ality of the votes of the stockholders then present, or their proxies, such proxies always to designate the person or persons so to be voted for, allowing one vote for every share of said stock, under ten, one vote for every two shares above ten, and under thirty, and one vote for every five shares above thirty, until said votes amount to two hundred; and no stockholder shall give more than two hundred votes at any election as aforesaid, but no stock shall entitle the holder to vote unless the same shall have been held by him at least sixty days next immediately preceding such election; of which election, public notice shall be given, in two of the newspapers printed in this state, nearest the place where such factory is to be established, at least twenty days next preceding such election.

Sec. 5. *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 prescribed by the by-laws of the said corporation.

Corporation
not dissolved
for failure to
elect on day
prescribed

Sec. 6. *And be it enacted,* That the directors first chosen, or that may hereafter be chosen, shall as soon as may be, after their election, meet and proceed to choose one of the said directors to be president, who shall preside until the next annual or other election, to be holden 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, or until the next election, by the directors, for the time being, or a majority of them; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation shall provide:

President to be
chosen.

Sec. 7. *And be it enacted,* That the said president and directors, for the time being, or a majority of them, shall form a board for transacting the business of the said corporation, and shall have power to make and prescribe such by-laws, rules and regulations, 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 management and conducting the business of the said corporation, and all matters appertaining thereto; the transfer of shares of the stock, the election and meetings of the directors, the powers and conduct of the officers of said corporation; 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 re-

Powers and
duties of direc-
tors

Provide

pugnant to this charter, to the constitution and laws of this state, or of the United States.

Stock personal property, and mode of transferring.

Sec. 8. *And be it enacted*, That the stock and property of the said corporation, of whatever nature or kind, shall be deemed personal property; and the shares of the stock in the said company, shall be transferable only on the books of the company, to be kept by the president and directors for that purpose, in the presence of the president or one of the directors, or the secretary of said company, in such manner as shall be prescribed by the by-laws of said company.

Books open to inspection of stockholders.

Sec. 9. *And be it enacted*, That the president and directors shall at all times keep a book or books, in which shall be entered all the proceedings of the stockholders at their annual or other meetings, and all the proceedings of the board of directors; and they shall also keep at their manufactory, books of account, in which shall be regularly entered all the transactions and accounts of the said corporation; which books shall be subject at all times, in business hours, to the inspection of the stockholders of the company; and the president and directors shall, in one year after said works have been in operation, and annually thereafter, declare and pay dividends of so much of the clear profits resulting from the business of the said corporation, to the stockholders, as they shall deem expedient.

Dividends to be made.

Restrictions.

Sec. 10. *And be it enacted*, That the corporation hereby created, shall not engage in, or carry on, or employ any part of their capital stock in banking operations.

Limitation of act.

Sec. 11. *And be it enacted*, That this act shall be and continue in force for the term of thirty years from the passing thereof, and from thence until the close of the next session of the Legislature, and no longer; *provided always*, that the Legislature may at any time hereafter alter, modify or repeal the same, whenever in their opinion the public good shall require it.

Act may be altered or repealed.

Passed, March 9, 1836.

AN ACT to authorize a trustee therein named, to sell certain real estate of Nathaniel Crane, deceased.

WHEREAS Nathaniel Crane, deceased, of Bloomfield, in the county of Essex, died, leaving a last will and testament, which was duly proved and recorded in the surrogate's office in the county of Essex, aforesaid; in which, after giving to his widow, Hannah Crane, the use and occupation of his homestead during her natural life, and certain personal estate, in lieu of dower; among other things, he devised a certain lot of land of about twenty-two acres, situate in the township of Caldwell, in the county of Essex, bounded on the north by a drift way road, on the west by lands of Amos Crane, on the south by lands of Moses P. Crane, and on the east by lands of Asher Crane, to Nathaniel M. Gould, Asher Crane, and the heirs of Nathaniel I. Crane, that is to say, Derinda, Harriet, Mary and Nancy, all minor children; *And whereas* the said lot of land is unproductive and very much out of fence, and all the heirs are desirous to have the said lot sold; *And whereas* the said minor children are orphans, and have no other property, real or personal, for their support and education, they pray a law to authorize the sale thereof—Therefore,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same; That William G. Crane be, and he is hereby appointed a trustee, with full power and authority to sell, dispose of and convey the aforesaid lot of land of about twenty-two acres, situate in the township of Caldwell, in the county of Essex, with the appurtenances thereunto belonging, as soon as conveniently may be, at public sale, first advertising the same in a newspaper printed in the county of Essex, and most generally circulated through the place where the said land is situated, for the space of six weeks; and when sold, the said trustee shall make out, execute, and deliver, in due form of law, in his own name, as trustee aforesaid, a good and sufficient deed or deeds of conveyance, according to the estate and interest which the said Nathaniel Crane, deceased, had in the same at the time of his death, which sale, as made and confirmed by deed, shall entitle the purchaser or purchasers to all the estate, right, title and interest which the heirs and widow of the said Nathaniel Crane, deceased, now have in and to the same.

Trustee authorized to sell lands

Sec. 2. *And be it enacted*, That before the said trustee enters upon the trust assigned him by this act, he shall enter

Bond to be
given to the
Governor

into bond to the governor of this state, his successors and assigns, in such amount, and with two sufficient freehold sureties as shall be approved by the orphans' court of the county of Essex, conditioned for the faithful performances of said trust.

Accounts to be
filed in the sur-
rogate's office

Sec. 3. *And be it enacted*, That the said trustee shall keep a full, fair, and just account of the sales made by him under this act, with the costs and expenses thereof, and exhibit the said accounts under oath, to the orphans' court of said county of Essex, within six months after the sale or sales shall be made, to be approved by the said court; which accounts shall be recorded and filed by the said surrogate of said county, when approved by said court; and the said trustee, after deducting from the proceeds of such sale or sales all legal costs and expenses, and such reasonable commissions as shall be allowed by said court, shall pay the residue thereof to Nathaniel M. Gould, Asher Crane, and the guardian or guardians of the minor heirs of Nathaniel I. Crane, deceased, in proportion to the legal rights of the said respective heirs; or if there be no guardians of the said respective minors, then the said trustee shall place the said residue, or such parts thereof as there shall be no guardian entitled to receive the same, at interest, on good security, and make use of the interest annually as it becomes due, for the education and support of said minor children, and shall pay the said principal to the said minor children whenever they shall respectively attain the age of twenty-one years; and in case the aforesaid minors, Derinda, Harriet, Mary and Nancy, or either of them, shall die intestate, before they severally arrive at the age of twenty-one years, and leaving no child or children, then after the death of such minor or minors, the said trust fund shall go to the same persons, and be disposed of in the same manner, under the direction of the said will or otherwise, as the said real estate would have been disposed of if the same had not been sold.

Distribution of
proceeds of
sale.

Rights of other
persons not to
be affected.

Sec. 4. *And be it enacted*, That no sale or deed of conveyance, which may be made by virtue of the authority granted in this act, 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 aforesaid heirs at law of the said Nathaniel Crane, deceased, and their legal representatives.

Passed, March 9, 1836.

AN ACT to incorporate the Phenix Manufacturing Company of Trenton.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That William A. Hopkins, Charles M. Lupp, and Henry Boureau, 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 Phenix Manufacturing Company," for the purpose of manufacturing cotton, wool, and flax, and dyeing, printing, and bleaching the same, or any part thereof, and carrying on the business incident to the same, and shall have power, to raise by subscription, in shares of one hundred dollars each a capital of one hundred and fifty thousand dollars, and as soon as five hundred shares shall be subscribed and paid in, the individuals above named, or a majority of them may, by public notice of thirty days, given in one or more of the public newspaper printed in the city of Trenton, call a meeting of the stockholders of the said company, for an election of five directors, each of whom shall be a stockholder, to be voted for by the said stockholders, according to their respective shares, in person or by proxy: the said individuals above named, or a majority of them, to be inspectors and judges of such first election; and the said directors, when elected, shall choose out of their number a president; and the directors of the said company shall, annually thereafter, by public notice as aforesaid, call meetings of the stockholders, for electing directors of the said company, and shall appoint three of the stockholders, not being directors, as inspectors of such election; said directors, shall continue in office until such election be complete, and shall, at all times have power to make by-laws for the government of said company, not repugnant to the constitution and laws of this state and the United States; and also shall have power to call in said stock, from time to time, in such instalments as they shall think necessary, not exceeding ten dollars on each share, by giving public notice as aforesaid; and to declare forfeited to the said company, the stock with all previous payment 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.

Style of incorporation and objects.

Amount of capital stock

Election of directors

Stock forfeited on failure to pay instalments.

Proviso

Sec. 2. And be it enacted, That all elections for directors of said company shall be by ballot; and if the directors, for the time being, of the said company, shall at any time neglect or refuse to give notice, as in the first section of this act is directed, for the election of directors, that then, upon such neg-

Mode of electing directors

lect or refusal, the stockholders, or a majority of them, may, within the time in such case prescribed by law, give notice and call such meetings, and elect directors, in like manner, as if said directors had given notice as by this act is required : and if at any election for directors, two or more persons voted for, shall receive an equal number of votes, 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 completed.

Officers and
agents ap-
pointed.

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

What lands
may be held

Sec. 4. *And be it enacted*, That the said company may, for the purpose of carrying into effect the object expressed in the first section of this act, buy, rent, take, and hold, or otherwise become seized and possessed of, and hold all such lands, not exceeding one acre, and such tenements and water power, and other real and personal estate in the townships of Trenton and Nottingham, as may be necessary and useful for the purposes aforesaid ; and the same may improve and use, or sell, let, or otherwise dispose of, as they shall deem proper ; and the said company by their corporate name, may sue and be sued, plead and be impleaded, in all courts whatsoever ; may have a common seal, and alter and renew the same at pleasure ; and shall have, enjoy, and exercise, all the rights, powers, and privileges pertaining to corporate bodies, and necessary for the purposes of this act.

Powers.

Sec. 5. *And be it enacted*, That a dividend of the nett profits of the said company, except so much thereof as may be set apart for a surplus fund, shall be semi-annually made by the 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 be made except from the actual profits of said company.

Restrictions.

Sec. 6. *And be it enacted*, That the stock of the said company shall be personal property, and transferable upon the

books of said company, and that no part of the fund of the company shall be used for banking purposes.

Sec. 7. *And be it enacted*, That this charter shall continue in force until the first day of March, in the year one thousand eight hundred and sixty-six, and no longer; and the Legislature may repeal, alter, or modify the same, as in their opinion, the public good may require.

Limitation

Act may be altered or repealed.

Passed, March 9, 1836.

SUPPLEMENT to an Act to prevent the issuing and circulation of small notes for the payment of money, passed fourth March, eighteen 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 in addition to the tax imposed by the act entitled "An act to tax bank stock," passed the second day of November, eighteen hundred and ten, or by any other act or acts of the legislature of this state, the several incorporated banks of this state be, and they are hereby required to pay to the treasurer of this state, on the first day of January next, and on the first day of January in each succeeding year, the additional sum of one half of one per centum upon the whole amount of capital stock actually subscribed and paid in, or which may hereafter be subscribed and paid in to such bank; or in default thereof, the treasurer is hereby empowered and required to prosecute for the same, as directed in the second section of the act taxing bank stock; *Provided nevertheless*, that if the president and cashier of any of said banks shall make oath or affirmation before some justice of the peace of the county in which said bank is located, and file the same with the said treasurer, that no bills have been issued or put in circulation by said bank after the fourth day of July next, contrary to the act to which this is a supplement, then and in that case, no other or further tax than one half of one per

Additional tax on capital of banks

When additional tax shall not be required

centum on the capital stock subscribed and paid, as aforesaid, shall be received of, or be required to be paid by such bank.

Passed, March 9, 1836.

AN ACT to authorize the sale and conveyance of certain real estate, late of Daniel Y. Overton, of the County of Morris.

Preamble.

WHEREAS it has been made to appear to the legislature of this state, that Daniel Y. Overton, late of the county of Morris, hath lately died, intestate, seized of a small lot of about twelve acres of land, with a dwelling house and other buildings thereon, leaving three children to wit: John L., Stephen B. and Sarah A. Overton, who have inherited the same; and that the oldest of said children is now only about twelve years of age; that a large part of the value of the premises consists in the buildings, which are rapidly going to decay; and that the same cannot be sold before the oldest of the children arrives to the age of twenty-one years; *And whereas* Hester Lindsley, the mother of the said children, hath by her petition prayed that an act may be passed appointing and authorizing some fit person to sell and convey the same, and put out at interest the moneys arising from such sale, for the use and benefit of the said children; and the prayer of the said petitioner appearing to be reasonable—Therefore,

Trustees authorized to sell lands

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Perrine L. Van Waggoner be, and is hereby authorized and empowered to sell and convey at public sale, as soon as may be convenient, and for the best price he can obtain for the same, the said lot of land, with the buildings thereon, formerly of Daniel Y. Overton, deceased, of the county of Morris, which hath descended to his children, John L., Stephen B. and Sarah A. Overton, and conveyance or

conveyances therefor to make, vesting in the purchaser or purchasers, their heirs and assigns, all the estate therein, of which the said Daniel died seized, and which his said children have inherited; and the said Perrine L. Van Waggoner is hereby required to put out at interest on good security, the moneys arising from such sale, for the benefit of the said children, his reasonable expenses and reasonable compensation being first deducted; and to divide the said moneys and the interest that may accrue thereon among the said children, or the survivor of them, or their legal representatives, when they shall arrive to their respective ages of twenty-one years; *Provided nevertheless*, that the said Perrine L. Van Waggoner, before he enters upon the trust reposed in him by this act, shall first enter into bond to the governor of this state, in such sum, with such security, as shall be approved of by the surrogate of the county of Morris, conditioned for the due and faithful execution and performance of said trust, which bond shall be deposited in the office of the surrogate of the said county of Morris.

Distribution of
proceeds of
sale.

Bond to be gi-
ven to the gov-
ernor.

Passed, March 9, 1836.

AN ACT to authorize Trustees therein named, to sell
certain real estate.

WHEREAS Elias Conover, of the township of Montgomery, in the county of Somerset, by deed bearing date the sixth day of March, eighteen hundred and thirty-three, did convey to William L. Conover and Eliza Conover, children of the said Elias Conover, a farm or plantation, situated in the said township of Montgomery, together with five lots of land, particularly described in the said deed, in trust, to satisfy and discharge all the just debts of the said Elias Conover; and to pay to the said Elias Conover, his executors, administrators or assigns, the sum of fifteen hundred dollars to his and their own proper use forever; and with power and authority to sell and convey so much of the said real estate as should be necessary for the purposes

Preamble.

aforesaid; and to hold the residue of the said property, after payment of the said debts, and of the said sum of fifteen hundred dollars, until the youngest child of the said Elias Conover should attain the age of twenty-one years, and then to distribute and divide the same in equal proportions among all the children of the said Elias Conover, that is to say, Maria, wife of Samuel Brearley, Eliza Conover, William L. Conover, Henrietta Conover, Catharine Conover, Laura Conover, Phoebe Conover, and Sarah Ann Conover, each to have one share, as by the said deed, recorded in the clerk's office of the county of Somerset, in Liber two of Deeds, folios, ninety-four, ninety-five, ninety-six, and ninety-seven, will more fully and particularly appear; *and whereas*, from the condition of the said property, and the circumstances of the cestui que trusts, it would be for their benefit that the residue of the said real estate, after payment of the said debts, and of the said sum of fifteen hundred dollars, should be sold, and the proceeds thereof invested in other property, to be holden on the same trusts; *And whereas* the persons more immediately interested in the property, and who are to be benefitted by the said trusts, have by their petition to the legislature, set forth the above stated facts, and expressed their desire to have the said property sold accordingly; and the said Elias Conover, the grantor of the said property and founder of the said trusts, has expressed his assent thereto; but because of the minority of some of the said cestui que trusts, the same cannot be effected without legislative aid—Therefore, in order to effectuate the objects aforesaid,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said William L. Conover and Eliza Conover, the aforesaid trustees, be, and they are hereby authorized and empowered to grant, bargain and sell, either at public or private sale, and for the best price that can be obtained therefor, the said farm or plantation, and the said five lots of land mentioned and described in the said deed of the sixth of March, eighteen hundred and thirty-three; and to make, execute and deliver to the purchaser or purchasers thereof, good and sufficient deeds and conveyances, in fee simple, or for such other estate as they may grant therein; and to give to the purchaser or purchasers full and sufficient receipts, acquittances and discharges for the consideration money thereof; and the said purchaser and purchasers thereof shall hold the same, or the parts and parcels thereof purchased by them, in fee simple, or for such other estate as they may purchase therein, freed, discharged and divested of and

Trustees authorized to sell lands

from all and every interest or estate created by, or arising under, the before mentioned deed of trust.

Sec. 2. *And be it enacted*, That it shall be the duty of the said William L. Conover and Eliza Conover, to invest the proceeds arising from the sale of the said property, in other real estate, either in the state of New Jersey or elsewhere; which said real estate, so purchased by them, shall be held upon the same trusts, and no other, as those upon which the said property is now holden under and by virtue of the before mentioned deed of trust.

Investment of
proceeds of
sale.

Passed, March 9, 1836.

AN ACT to enable the owners and possessors of the flowed lands and swamps on the river Passaic and its branches, between the turnpike road at Pine Brook, on said river, and the Milldam at Chatham, to break up the reefs in said river, and remove the obstructions to the free course of the waters of the same.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall be the duty of the managers to be appointed in the manner hereinafter named, to assess all the flowed lands on the said river Passaic, and its branches, benefitted by breaking up the reefs and removing the obstructions in said Passaic river, near to and above Pine Brook, for such sums of money as shall, in their judgment, be sufficient to break up said reefs and remove the obstructions to the free course of the waters of said river, and for the expense of assessing and collecting the same.

Managers to
assess lands
benefitted

Sec. 2. *And be it enacted*, That the said managers, or a majority of them, shall make a fair and reasonable assessment of all the above flowed lands, whether in the hands of the owners or of the possessors, in proportion, as well to the quantity each person is possessed of, as the benefits each person may re-

Appeal from
assessment
may be made

ceive therefrom; and they, or one of them, shall give notice to the owner or possessor; and if such owner or possessor shall think him, her, or themselves aggrieved by any assessment made by virtue of this act, it shall and may be lawful for such person or persons to apply to Caleb D. Harrison, Ephraim P. Suites, Nathaniel O. Condict, who are hereby appointed commissioners of appeal, to meet on all lands supposed to be over taxed, giving notice to the managers appointed under this act, at least three days previous to the meeting of said commissioners of appeal; and if it appears to them that such person or persons are over taxed, to strike off such sum or sums as appear too much, together with such part of the expenses of said attendance as they shall think just and right; and the judgment of the said commissioners, or any two of them, shall be conclusive to the parties; but the expense of ascertaining the quantity of flowed lands each person is possessed of, in cases where the quantity is disputed, shall be borne by such owner or possessor, him, her, or themselves.

Amount of
assessment re-
coverable

Sec. 3. *And be it enacted*, That if any person or persons who shall be assessed by the managers aforesaid, shall neglect or refuse, for the space of forty days after notice given them by one of the managers, to pay the money, or if they think themselves aggrieved, to procure the said commissioners of appeal to meet and determine the same, that then it shall be lawful for the managers or any one of them, to make return of the name or names of the person or persons, with the sum he, she, or they were taxed, or which shall be judged to be due by the said commissioners of appeal, to any justice of the peace in the county where such person or persons reside; which justice, upon the oath of one of the managers that the tax has been demanded forty days previous thereto, shall immediately issue his warrant of distress, directed to some one of the constables of said county, commanding him, within thirty days, to seize upon the goods and chattels of such delinquent or delinquents, and to make sale of the same, or so much thereof, as may be sufficient to pay the sum assessed, together with costs; and to pay forward the same to the managers, or one of them; and the justice and constable shall receive the same fees, and be liable to the same penalties, as in actions of debt.

Managers to
exhibit ac-
counts to com-
mittee

Sec. 4. *And be it enacted*, That the said managers shall keep a regular account of the money they may have received, the payments they have made, and the expenses they have been at; which account they shall lay before a committee, to be chosen by the owners or possessors of said land, on the first Monday in May, in the year of our Lord one thousand eight hundred and thirty-six, and on every first Monday in May thereafter, until said reefs and obstructions shall be removed; and

said managers shall be liable for all moneys by them received, but not applied for breaking up said reefs and removing said obstructions; and shall pay the balance in their hands over to their successors in office: and on their neglect or refusal to do the same, shall be liable to an action of debt, to be sued for and recovered by said committee, in their own names, in any court where the same may be cognizable, to and for the use of the several persons who have paid the same.

Sec. 5. *And be it enacted*, That the said managers shall have power to enter upon and break up said reefs and remove said obstructions, so as to be of sufficient width and depth to drain the waters off said land; and to remove all obstructions to the free course of the waters out of said river, between the mill-dam at Chatham, and the house of Peter W. Vanness, in the county of Morris.

Powers and duties of managers

Sec. 6. *And be it enacted*, That where no goods can be found, all and singular, the lowlands, swamps, woods, and meadows of every such owner or possessor, so taxed as aforesaid, shall be esteemed a pledge for the payment of the tax into whose hands they may come, and the managers, or one of them, may enter upon, after giving forty days notice to the owner or possessor, and sell the same, or wood timber growing on it, for such a term of time as will discharge the tax and costs.

Lands a lien for the payment of tax

Sec. 7. *And be it enacted*, That the owners and possessors of said meadows and swamps, shall, on the first Monday in May, in the year of our Lord one thousand eight hundred and thirty-six, at one o'clock in the afternoon, meet and assemble at the house now kept as an inn, by Charles Hopping, at Hanover, in the county of Morris; and on every succeeding year, at the same time and place, unless those present shall, at their first or any subsequent meeting, appoint another place; when it shall be held at such other place, and then and there choose, by ballot, any number of persons, not less than three, nor more than seven, to be managers for the ensuing year; and also, three persons as a committee, to examine and settle the accounts of said managers; and that all persons entitled to vote, may vote by proxy, and shall be entitled to vote according to the number of acres they may severally own or possess, of the said flowed lands, or swamps, allowing one vote for each acre of land they may so own or possess.

Time and mode of electing managers

Sec. 8. *And be it enacted*, That if any person who shall be appointed or chosen as a manager, in pursuance of this act, and accepting said appointment, shall neglect or refuse to do any duty hereby enjoined, he shall forfeit and pay the sum of fifty dollars, to be sued for and recovered by any succeeding manager, and to be applied to breaking up said reefs and

Penalty for neglect of duty

removing said obstructions; and in case any vacancy shall happen, by death or otherwise, of one or more of the managers or commissioners of appeal, it shall be the duty of the managers, their survivor or survivors, to advertise in six of the most public places nearest said rivers, for four weeks appointing a time and place for the owners and possessors to meet and choose some person or persons to supply the vacancies in the board of managers or to choose some disinterested person or persons to supply the vacancies in the board of commissioners aforesaid, as the case may be, which owners and possessors, when so met, shall have power to choose such manager or managers, commissioner or commissioners; and the said persons, when so chosen, shall have all the privileges and be subject to all the penalties, as those whose places they are chosen to supply.

Managers to continue, in office until others are chosen

Sec. 9. *And be it enacted*, That if the owners and possessors of said land shall neglect to meet and elect managers, that in such case the managers for the preceding year shall continue in office and have the same powers as before, until new ones are chosen.

Managers may institute suits

Sec. 10. *And be it enacted*, That it shall and may be lawful for the managers, for the time being, to institute one or more suits in their own names, against any person or persons or corporate bodies, who have heretofore or shall hereafter raise any dam or dams, within the limits above specified, so as to flow any of the lands embraced in the assessment to be made under this act, or otherwise obstruct the said river, and to arbitrate, compound and settle with any of the person or persons who may think themselves aggrieved by this act, and to apply any moneys raised under the said assessment, for the purpose of carrying on said suits or arbitrations, and that such suits and arbitrations once commenced in the name of the managers for the time being, may be continued in the same names by their successors in office.

Amount of money raised fixed by owners

Sec. 11. *And be it enacted*, That the amount of money to be raised by virtue of this act, shall be determined by a majority of the owners of said lands, at their annual meetings, and not otherwise.

Former acts repealed.

Sec. 12. *And be it enacted*, That the act entitled "An act to provide for the removal of obstructions in the river Passaic and its branches, between the turnpike bridge at Chatham and Cook's bridge at Hanover," passed February 27th, 1834, and so much of the act entitled "An act more effectually to provide for the removal of all obstructions to the free course of the waters in the river Passaic and its branches, between Cook's bridge and the reef at the Little Falls next below the turnpike bridge commonly called Singach bridge,"

passed February eighteenth, eighteen hundred and twenty, as shall come within the purview of this act, be, and the same is hereby repealed.

Passed, March 9, 1836.

AN ACT to change Trust Property therein named.

WHEREAS Andrew Brokaw and Elizabeth, his wife, and Henry Van Arsdalen, trustee of the said Andrew and Elizabeth, have by their petition set forth that they are the owners of the house and lot, in the town of Somerville, which was conveyed to them by one Abraham Stryker and wife, and that the said Andrew and Elizabeth and the said trustee are desirous of changing the said trust property, which can be done to the advantage of all concerned—
Therefore,

Preamble

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Henry Van Arsdalen, the trustee of Elizabeth Brokaw, and the children of the said Elizabeth Brokaw, is hereby authorized to make sale of a certain lot of land and premises, situate in the village of Somerville, in the county of Somerset, conveyed by deed of conveyance from Abraham Stryker and Mary his wife, to the said Henry Van Arsdalen, for certain trust purposes, by deed bearing date the first day of January, A. D. eighteen hundred and twenty-eight, and recorded in the clerk's office of the county of Somerset, in book P. of deeds; and make a good and sufficient deed of conveyance to the purchaser for the same.

Certain trust property authorised to be changed

Sec. 2. And be it enacted, That the said Henry Van Arsdalen shall, before he enters upon the duty assigned him by the first section of this act, enter into a bond, with good and sufficient security, to the governor of this state, in such an amount as he shall deem proper, conditioned that the said trustee shall vest the proceeds of said sale in real estate, in the borough of Elizabeth, to be held by him, upon the same conditions and trusts as is mentioned in the deed of conveyance in the first section of this act mentioned.

Bond to be given

Passed, March 9, 1836.

AN ACT to authorize Almira Concklin, widow, administratrix, and John Stephenson, administrator, of Jacob Concklin, deceased, to execute a certain contract made by said deceased with George M. Lawrence, of the county of Bergen.

Preamble

WHEREAS, it appearing to the legislature, that Jacob Concklin, deceased, late of the township of Harrington, in the county of Bergen, in this state, who died intestate, did, in his life time, make an agreement with George M. Lawrence, to sell a certain tract of land to the said George M. Lawrence, containing about three acres, situated in the said township of Harrington, and county of Bergen; and the said Jacob Concklin having departed this life very suddenly, without having executed any conveyance for the same; *And whereas* the said Almira Concklin and John Stephenson, administrators, as aforesaid, have, by their petition, requested that they may be empowered to make a deed to the said George M. Lawrence, for the tract of land aforesaid—Therefore,

Administrators authorised to make deed

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same; That Almira Concklin and John Stephenson, administrators of Jacob Concklin, deceased; be, and they are hereby authorized and empowered to execute and deliver to the said George M. Lawrence, 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 Jacob Concklin in his life time would have had; and also to receive the purchase money, and distribute it among the several heirs of the said Jacob Concklin, deceased, as by law they are required to distribute other money belonging to said estate.

Passed, March 9, 1836.

AN ACT to increase the capital of the State Bank at
Newark.

SEC. 1. 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 President, Directors and Company of the State Bank at Newark," be, and the same is hereby increased six thousand shares of fifty dollars each, and the additional capital hereby created shall be part of the capital stock of said corporation, held and transferred in the same manner, entitled to the same privileges and benefits, of the capital stock created by the act incorporating said bank, and be subject to the same rules, regulations, and provisions, except as is herein otherwise provided.

Stock increased
6000 shares

SEC. 2. And be it enacted, That the said additional stock shall and may be called from time to time as the directors of said bank for the time being shall deem expedient; and the books for subscribing to such stock shall be opened at such time or times and in such manner as the said directors shall order, of which twenty days notice shall be given in one or more of the public newspapers printed in the town of Newark; and the same when so called in, shall be allotted rateably among the several stockholders of the stock of said bank, in proportion to the number of shares held by them respectively, and at least three days prior to the time of subscribing for such new stock; and in case it shall so happen that at the time noticed for subscribing to any such additional capital, any such stockholders shall decline or neglect to subscribe for the same, he or she shall forfeit the privilege thereto, and the remaining stockholders, or such of them as then apply, shall be entitled to the privilege of subscribing as aforesaid, in proportion to the shares held by them respectively as aforesaid, or the said directors may from time to time sell the said shares, forfeited as aforesaid, to such person or persons or corporation as they may think most for the interest of said bank, for the best price or prices that can be obtained, not less than their par value, and the overplus, if any, be credited to the account of the profits of the said bank.

Mode of allotment of new stock

Passed, March 9, 1836.

AN ACT to divorce Matilda Sharp from her husband
Isaac Sharp.

Isaac and Ma-
tilda Sharp di-
vorced

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Matilda Sharp, of the county of Warren, be, and she is hereby divorced from her husband, Isaac Sharp, and that the marriage contract heretofore existing between the said Matilda Sharp and Isaac Sharp, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed, March 9, 1836.

AN ACT to incorporate the New Jersey Manufacturing
Company.

Style of in-
corporation.

Objects of in-
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 William Murphy, Moses Ross, Peter W. Blair, Enoch Bolles, junior, Jacob S. Aber, Robert A. Linn, Adam Butz, with their associates, their successors and assigns, be, and they are hereby incorporated by the name of "The New Jersey Manufacturing Company," for the purpose of manufacturing agricultural implements and machines at Newark, in the county of Essex, and carrying on business incident to such manufactory, and by that name they and their successors shall be, and hereby are made capable, in law, to have and purchase, possess and receive, enjoy and retain to them and to their successors, any real estate necessary to carry on the said business, or personal estate, goods, chattels, and effects, of whatever nature and kind soever, and the same to grant, demise, pledge, convey, and dispose of, and also to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in all courts and places whatsoever, and shall have, enjoy, and exercise all the rights, powers, and privileges, pertaining

to corporate bodies, and necessary for the purposes of this act ; and also to make, have, and use a common seal, and the same to alter and renew at their pleasure.

Sec. 2. *And be it enacted*, That William Murphy, Moses Ross, Peter W. Blair, Enoch Bolles, junior, Jacob S. Aber, Robert A. Linn, and Adam Butz, or a majority of them be, and they are hereby appointed commissioners to open books of subscription at Belvidere, in the county of Warren, Deckertown, in the county of Sussex, and Newark, in the county of Essex, to raise the sum of forty thousand dollars, in shares of fifty dollars each ; the said commissioners shall give notice of the time and place of opening books of subscription, by advertising the same in at least one of the newspapers printed in Newton, in the county of Sussex, Belvidere, in the county of Warren, and Newark, in the county of Essex, at least four weeks next previous to such time, and to continue open for three days in succession, at each of said places ; and if the commissioners judge it necessary, may be opened again, by giving four weeks notice, as above mentioned.

Commissioners to receive subscriptions.

Sec. 3. *And be it enacted*, That the capital stock of the said corporation shall be forty thousand dollars, with liberty to increase the same to one hundred thousand dollars, to be divided in shares of fifty dollars, by giving notice as is required by the second section of this act.

Amount of capital stock

Sec. 4. *And be it enacted*, That the stock, property and affairs of the said corporation shall be managed by seven directors, one of whom they shall appoint their president, who shall hold their offices for one year, and until others shall be chosen and no longer, which directors shall, at all times during their continuance in office, be stockholders in the said company, in their own right, and shall be citizens of New Jersey, and shall be elected at the annual meeting of the stockholders, which shall be held on the third Tuesday of February, in each and every year, at such hour as the regulations of the company may prescribe ; a majority of the directors shall, on all occasions when assembled at such place as the by-laws direct, constitute a board competent to the transaction of business, and all questions before them shall be decided by a majority of voices ; and a majority of the stockholders, at any legal meeting of such stockholders, shall be capable of transacting the business of such meeting, each share entitling the holder thereof to one vote, unless the same shall not have been held by him one month next preceding such election ; and the transfer books of said company shall be conclusive evidence as to the ownership of such stock.

Time and mode of annual election of directors.

Sec. 5. *And be it enacted*, That the said president and di-

Powers and
duties of di-
rectors.

rectors for the time being, or a major part of them, shall have power to fill any vacancy which may happen in their board by death, resignation, or otherwise; and to appoint and employ from time to time, a treasurer, secretary, and such other officers, mechanics, and laborers as they may think proper for the transaction of the business and concerns of the said company; and also to make and establish such by-laws, rules, and regulations, as they shall think expedient, for the better management of the concerns of the said company, and the same to alter and repeal; *provided always*, that such by-laws, rules, and regulations, be not inconsistent with the laws of this state or of the United States; and the said directors shall and may, whenever they shall deem it expedient, at such time and place, and with such notice as they shall think proper, and as often as the interests of the company require and their affairs permit, declare a dividend of profit, on each share, which shall be paid by the treasurer of the said company: *provided also*, that in no case shall the said corporation divide any part of the capital stock.

Proviso.

First direc-
tors.

Sec. 6. *And be it enacted*, That the first directors shall be William Murphy, Moses Ross, Peter W. Blair, junior, Enoch Bolles, junior, Jacob S. Aber, Robert A. Linn, and Adam Butz, who shall hold their offices until others are legally chosen, agreeably to the directions of this act, and shall have power to establish and put in execution such by-laws, ordinances and regulations as shall be necessary and convenient for the government, management, and disposition of the stock, effects, profits, and concerns of the said corporation; *Provided*, the same are not contrary to the laws and constitution of this state and of the United States.

What real es-
tate may be
held

Sec. 7. *And be it enacted*, That the directors and officers of the said corporation, shall have power to purchase any lands, workshops, and other necessary buildings in Newark aforesaid, which may be required to carry into effect the object of this act.

Books to be
kept open to
inspection of
stockholders.

Sec. 8. *And be it enacted*, That the capital stock of said company shall be deemed personal estate and transferable in such manner as the said corporation shall by their by-laws direct; and that the books and accounts of the said company shall be open to the inspection of the stockholders at all times during the business hours of the said company.

Stock forfeited
on failure to
pay instal-
ments

Sec. 9. *And be it enacted*, That the directors may call in their subscriptions to the capital stock, by instalments not exceeding five dollars on each share, and no more than one instalment to be called in for a period of thirty days, giving at least twenty days notice thereof, in at least one of the newspapers in Newton, Belvidere, and Newark, aforesaid; and in case

any stockholder shall neglect or refuse payment of such instalment or instalments, for the term of thirty days after the same shall become due and payable, and after he, she, or they shall have been notified thereof, such stockholder or stockholders so refusing to pay, shall at the election of the directors, either forfeit to said company, all his, her, or their previous instalments, together with all the interest and right whatever in said stock, or be compelled to pay up such further instalment by suit at law or otherwise.

Sec. 10. *And be it enacted*, That it shall be the duty of the directors for the time being, in each and every year, on or about the first day of February, to take an account of all stock, property, and effects, belonging to such corporation, including all debts due to and from said company, and make and enter in a book for that purpose, a true inventory of the same for the inspection of the stockholders at the annual election heretofore provided for.

Account of
stock to be
taken annually

Sec. 11. *And be it enacted*, That this charter shall continue in force until the expiration of thirty years from the passage of this act, and no longer.

Limitation

Sec. 12. *And be it enacted*, That the corporation hereby created, shall not use any part of their capital or property in carrying on banking operations, or for any purpose not plainly indicated by this act.

Restrictions.

Sec. 13. *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 al-
tered or repeal-
ed.

Passed, March 9, 1836.

AN ACT to appoint Trustees to sell certain real estate, formerly of Jacob Van Horn, of the County of Bergen, deceased.

WHEREAS it is represented to the legislature that Jacob Van Horn, late of the county of Bergen, in the state of New Jersey, died under the age of twenty-one years, without leaving a widow or lawful issue, but seized in his life time of certain real estate, situate at Schidalenburgh in the township and county aforesaid, being the one-sixth part or share of the real estate of his father, David Van Horn, deceased, devised to him, the said Jacob, in and by the will of his said father, and afterwards partitioned to him the said Jacob, in a division of his said father's real estate, made among his six sons, according to the provisions of the said will; *And whereas*, in consequence of the decease of the said Jacob, as aforesaid, under the age of twenty-one years, and without leaving a widow or lawful issue, the said share or sixth part of the said Jacob in the real estate aforesaid, by virtue of a provision in his said father's will, now belonging to his four surviving brothers, viz. Christian, Peter, John and David Van Horn, and to Sarah Ann Van Horn, the daughter of his deceased brother Cornelius Van Horn; *And whereas* David Van Horn and Sarah Ann Van Horn, two of the last mentioned five devisees, are infants, under the age of twenty-one years, by reason whereof the said devisees cannot legally sell and convey their respective rights, in the said sixth part or share, and the same, in consequence of its smallness and detached situation, cannot be divided into five parts without inconvenience and loss to the said devisees; *And whereas* the aforesaid devisees, together with Daniel J. Haring, the guardian of the said Sarah Ann Van Horn, one of said devisees, and Mathew Bogert, guardian of the aforesaid David Van Horn, another of the said five devisees, and an executor of the said will of David Van Horn, deceased, and Sarah Bogert his wife, late the widow of the testator, David Van Horn, deceased, have by their petition represented to the legislature that the interest of the said five devisees would be promoted by a sale of the said shares of real estate, which cannot be accomplished without the aid of the legislature in the premises, in consequence of the minority of two of the said devisees; and the prayer of the petition appearing to be just and reasonable—Therefore,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General As-

sembly of this State and it is hereby enacted by the authority of the same, That Daniel J. Haring, of the town of Orange, in the county of Rockland and state of New York, and Mathew Bogert, of the township of Harrington, in the county of Bergen, and state of New Jersey, be, and they are hereby appointed trustees, with full power and authority to sell, dispose of, and convey certain real estate late of Jacob Van Horn, deceased, situate in the township of Harrington, in the county of Bergen, aforesaid, (being the share or sixth part of the real estate, late of David Van Horn, deceased, situate in the township of Harrington, in the county of Bergen aforesaid, (being the share or sixth part of the real estate late of David Van Horn, deceased, which was by him devised in and by his last will to his son, the aforesaid Jacob) at such time or times as they may think expedient, at public sale, giving legal notice of the time and place of such sale; and for the same or any part thereof, when so sold, to make and execute, in due form of law, in their own names, as trustees as aforesaid, good and sufficient deed or deeds of conveyance, according to the estate which the said Jacob Van Horn, deceased, had, and which the aforesaid five devisees now have or might legally claim, of, in and to the same; and any sale or sales so made and confirmed by a deed or deeds, shall entitle the purchaser or purchasers to all the estate, right, title and interest, and claim, which the said Jacob Van Horn, at the time of his death had, and which the aforesaid five devisees now have in the said premises.

Trustees authorized to sell lands

Sec. 2. *And be it enacted,* That before the said Daniel J. Haring and Mathew Bogert do enter upon the execution of the trust assigned them by this act, they shall enter into bond to the governor of this state, with two freeholders sureties, and in such amount, as shall be approved of by the orphans' court of the county of Bergen, conditioned for the faithful performance of the trust reposed in them by this act, which bond shall be deposited in the surrogate's office of the county of Bergen.

Trustees to give bond to the governor.

Sec. 3. *And be it enacted,* That the said trustees shall keep a fair account of all the sales of the said real estate, so by them sold, as aforesaid, and after deducting reasonable fees for their services, and the costs and charges attending the said sales and the discharge of their trust, to be allowed and taxed by the surrogate of the county of Bergen, shall distribute all the residue of the moneys arising from the sales of the said real estate, to and among the five devisees aforesaid, viz. Christian, Peter, John, David and Sarah Ann Van Horn, aforesaid, according to their respective rights therein, under and by virtue of the aforesaid will, or in case of the minority

Distribution of proceeds of sale.

of any of said devisees, to their respective guardians, duly appointed for them, and for their benefit; *Provided*, that the proceeds of the sale shall descend in the same manner as the real estate so sold would have descended.

Accounts to be
filed in the sur-
rogate's office

Sec. 4. *And be it enacted*, That the said trustees shall, within six months after the sale of the real estate aforesaid, make, subscribe, and exhibit, under oath or affirmation, to the surrogate of the county of Bergen, a true statement and account of such 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.

Other trustees
may be ap-
pointed by or-
phans' court.

Sec. 5. *And be it enacted*, That if either of the trustees appointed by this act shall die before the duties required of them by the same shall be accomplished, the surviving trustee may legally proceed and perform or complete the said duties; and in case of the death of both the said trustees before the said duties shall be accomplished, it shall be lawful for the orphans' court of the county of Bergen to appoint two other trustees to supply their places, who shall be vested with all the authority and power, and their act or acts, and the act or acts of the survivor of them, shall be as valid and effectual to all intents and purposes, as if he or they had been originally appointed in and by this act.

Passed, March 9, 1836.

AN ACT to incorporate the Monmouth Silk Manufacturing Company.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Isaac K. Lippincott, Thomas Arrowsmith, Thomas G. Haight, Annaniah Gifford, Daniel B. Ryall, William Burtis, Thomas C. Throckmorton, William D. Davis, Henry

D. Polhemus, Joseph F. Randolph, Richard Davis, Rufus H. Schenck, Barzillai Hendrickson, Charles Hendrickson, Peter Vredenburg, junior, John B. Throckmorton, Abraham G. Nafie, Andrew Simpson, and such other persons as now are or hereafter may be associated with them, and their successors and assigns be, and they are hereby constituted a body politic and corporate in law, by the name and style of "The Monmouth Silk Manufacturing Company," for the sole purpose of planting mulberry trees, raising and feeding silk worms, erecting and establishing manufactories of silk, in all its various branches, all articles of which silk is a principal part; and dyeing, printing, and bleaching the same: and, that, by that name, they and their successors shall have power, and continue to be a body corporate, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended, in all courts and places, and in all manner of actions, suits, complaints, causes, and matters whatsoever; and they and their successors, may have a common seal, and the same may make, alter, and change at their pleasure; and they and their successors, by their corporate name, shall in law be capable of buying, holding, and conveying any lands, not exceeding one hundred and fifty acres, tenements, hereditaments, goods, wares, and merchandizes whatsoever, in said state, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and all other real estate, which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments or decrees, which shall have been obtained for such debts: *Provided always*, that the funds of said corporation, or any part thereof, shall not be applied, used, or employed, at any time in banking operations, or for any other purpose, or purposes inconsistent with the provisions of this act.

Style of incorporation and objects.

What real estate may be held.

Restrictions.

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

Time and mode of electing directors.

Officers and
agents ap-
pointed.

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

Amount of ca-
pital stock

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

Stock forfeited
on failure to
pay instal-
ments.

Annual divi-
dends to be
made.

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

shall be prescribed by the by-laws of said corporation; *Provided*, that dividends shall annually be made to and amongst the stockholders, from and out of the profits of the said corporation, but in no case shall any part of the capital stock be so divided.

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

Corporation
not dissolved
for failure to
elect on day
prescribed

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

Powers and
duties of direc-
tors

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

Books open to
inspection of
stockholders.

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

Limitation

Act may be
altered or re-
pealed.

Passed, March 10, 1836.

AN ACT to incorporate the Salem Silk Manufacturing Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Thomas J. Yorke, Richard P. Thompson, Louis S. Yorke, William F. Reeve, Mathew Keasby, Joseph Kille, and Jacob W. Mulford, and such other persons as now are or hereafter may be associated with them, and their successors and assigns, be, and they are hereby constituted a body politic and corporate in law, by the name and style of "The Salem Silk Manufacturing Company," for the sole purpose of planting mulberry trees, raising and feeding silk worms, erecting and establishing manufactories of silk, in all its various branches, all articles of which silk is a principal part, and dyeing, printing and bleaching the same; and that by that name they and their successors shall have power, and continue to be a body corporate, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended, in all courts and places, and in all manner of actions, suits, complaints, causes, and matters whatsoever; and they and their successors may have a common seal, and the same may make, alter and change at their pleasure; and they and their successors, by their corporate name, shall in law be capable of buying, holding and conveying any lands, tenements, hereditaments, goods, wares and merchandizes whatsoever, in said state, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, not exceeding fifty acres and all other real estate which shall have been bona fide mortgaged to the said corporation by way of security or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments or decrees which shall have been obtained for such debts; *Provided always,* that the funds of said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in banking operations, or for any other purpose or purposes inconsistent with the provisions of this act.

Sec. 2. *And be it enacted,* That the stock, property and concerns of the said company shall be managed and conducted by seven directors, being stockholders, one of whom shall be president, who shall hold their offices for one year from the first Monday of May, in every year; and that the said directors shall be elected on the last Monday of April, in every year, at such time and place as shall be directed by

the by-laws of the said company; of which election public notice shall be given of the time and place, not less than ten days previous, in one of the newspapers printed in the county, where such election shall be made by such stockholders as shall attend for that purpose, either in person or by proxy; and their elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall hold shares of the capital stock of said company, and the persons having the greatest number of votes, being stockholders, shall be directors; and if it shall happen at any election for directors that two or more persons shall have an equal number of votes, in such manner that a greater number than seven shall, by a plurality of votes, appear to be chosen as directors, then the said stockholders shall proceed to ballot a second time, and, by a plurality of votes, determine which of the persons having an equal number of votes shall be director or directors, so as to complete the whole number of seven; and the said directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one out of their number to be their president, and shall, at the same or some other time, elect an acting manager or managers, and such sub-agents of the said company as may be requisite to conduct its business, also a secretary to said company; and if any vacancy or vacancies shall at any time happen, by death, removal, resignation, or otherwise, among the directors elected, the secretary, managers, or sub-agents, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors, for the time being, or the major part of them, shall appoint; and the persons named in the first section of this act shall be directors until others are elected.

Directors to
appoint officers.

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

Amount of
capital stock.

Stock forfeited
on failure to
pay instal-
ments.

ments shall not be made within thirty days after a notice requiring such payment shall have been published for that time, in one or more newspapers published in the county of Salem; *Provided nevertheless*, that the instalments shall not be more than five dollars each, and at least thirty days apart.

Annual
dividends to be
made.

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

Corporation
not dissolved
for failure to
elect on day
prescribed.

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

Powers and
duties of
directors.

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

Books open to
inspection of
stockholders.

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

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

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

Limitation

Act may be altered or repealed.

Passed, March 10, 1836.

AN ACT to incorporate The Mechanics' and Tradesmens' Institute of the town of Newark.

WHEREAS, it is the object of the Mechanics and Tradesmen, of the town of Newark, to purchase a site and erect thereon a seminary, to be called The Mechanics' and Tradesmens' Institute of the town of Newark, to be used for the cultivation and promotion of literature, sciences, and the arts, by establishing an English, classical, and mathematical seminary, a library, reading and news-room, a society for public debates, and courses of public lectures on literary and mechanical subjects.

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 Timothy B. Crowell, Seth Boyden, Silas H. Kitchell, Solomon C. White, Reuben Edmonds, William P. P. Sanford, Edwin Ferguson, Timothy C. Connor, William F. Hopson, Benjamin Beaston, Aaron Johnson, James Hewson, Luke Reed, James Lawson, William Sandford, Moses Bigelow, Joseph N. Tuttle, William Little, Alvan Hedden, Isaiah F. Drake, and their associates; shall be, and they are hereby created a body politic and corporate, in name and in fact, by the name and style of the "Mechanics' and Tradesmens' Institute of the town of Newark," and by that name, they and their successors, may have perpetual succession, and shall have power in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and in all manner of actions, suits, complaints, matters and causes whatsoever, and may have a common seal, and may change, alter and re-

Style of incorporation.

Powers,

Restrictions.

new the same at pleasure, and by the same name shall be, and are hereby made capable in law, of purchasing, holding and conveying, any estate, real or personal, for the use of said corporation: *Provided*, that the real estate, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for the purpose of erecting a seminary or hall thereon, for its immediate accommodation, for the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security for loans or contracts made or conveyed to it, in full, or in part satisfaction of debts previously contracted in the course of its dealings, or purchased upon judgment for the purpose of bona fide securing any debt or debts due to said corporation.

Amount of capital

Sec. 2. *And be it enacted*, That the capital stock of the said corporation, shall be ten thousand dollars, to be divided into shares of five dollars each, with the privilege of increasing the same to twenty thousand dollars, at any time during the continuance of this charter, no individual or corporate body, shall, in anywise hold or possess under any circumstance or pretence whatever, over and above fifty shares each.

Books of subscription for stock to be opened.

Sec. 3. *And be it enacted*, That the subscription to the capital stock, be received by Thomas D. James, Otis Boyden, Henry Costar, Cornelius S. Dickerson and Abraham Cross, which said commissioners, or a majority of them, shall open books of subscription at Newark, and said books shall be kept open for the space of five days, giving twenty-one days previous notice in two newspapers published at Newark, and upon closing of the said books of subscription, or within four days thereafter, the said commissioners shall pay over to the directors, hereinafter appointed, the whole amount of money which they, or a majority of them, may have received upon the said subscriptions.

Time and mode of electing directors.

Sec. 4. *And be it enacted*, That all the affairs, property, and concerns of the said corporation, shall be managed by twenty directors, all of whom, together with the president, shall be stockholders and citizens of the United States, and of this state, and of whom, at least nine, together with the president, shall have been residents within the township of Newark, for at least six months immediately preceding their election, which directors shall hold their offices for one year, and shall be elected on the first Wednesday in March, in every year, at such times of the day, and at such place in the township of Newark, as shall be fixed and ascertained by the by-laws of the said corporation; and notice shall be given by the directors, for the time being, not less than fifteen days previous to the time of holding the said election, by an advertisement, to be inserted in one of the newspapers printed in the town of Newark; for the well ordering

of which election, the directors shall previously thereto appoint three stockholders, not being directors, to be judges of elections, who shall conduct and regulate the same; they shall determine whether the persons voted for, are qualified to be elected directors; and after the conclusion of the ballot, shall decide and declare who are elected directors, and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled to one vote for each share of stock, which he, she, or they shall have held, in his, her, or their names, at least two months before the time of voting; and all such elections shall be ballot; and the persons who shall have the greatest number of votes, shall be directors, who shall take an oath of office; and if it should so happen that at any election, that two or more persons shall have an equal number of votes, then the said directors in office, at the time of such election, or a majority of them, shall proceed by ballot, and plurality of votes, to determine which of the persons so having an equal number, shall be the director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall proceed in like manner, to elect one of their number, by ballot, who shall be their president; in like manner to elect one of their number, by ballot, who shall be their first vice president; in like manner to elect one of their number by ballot, who shall be their second vice president; in like manner to elect one of the stockholders, not being a director, or one of their number, by ballot, who shall be their treasurer; in like manner to elect one of the stockholders, not being a director, or one of their number, by ballot, who shall be their recording secretary; in like manner to elect one of the stockholders, not being a director, or one of their number, by ballot, who shall be their corresponding secretary: and whenever a vacancy or vacancies shall happen, either among the directors, or any of the said elective officers, by death, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year, by such person or persons, as the remainder of the directors, for the time being, or a majority of them, shall appoint; and that Timothy B. Crowell, Seth Boyden, Silas H. Kitchell, Solomon C. White, Reuben Edmonds, William P. P. Sandford, Edwin Ferguson, Timothy C. Conner, William F. Hopson, Benjamin Beaton, Aaron Johnson, James Hewson, Luke Reed, James Lawson, William Sandford, Moses Bigelow, Joseph N. Tuttle, William Little, Alvan Hedden and Isaiah F. Drake, shall be directors, and shall hold their offices, respectively, until the first Wednesday in March, in the year of our Lord, eighteen hundred and thirty-seven, and until others shall be chosen by the stockholders.

Directors to
elect officers.

First directors.

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

Corporation
not dissolved
for failure to
elect on day
prescribed.

time happen that an election of officers should not be on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful, on any other day, to hold and make an election of officers, in such a manner as shall have been regulated by the laws and ordinances of the said corporation.

Powers and
duties of direc-
tors.

Sec. 6. *And be it enacted*, That any number of directors, including the president, or one of the vice-presidents, who shall convene, on due notice being given, shall constitute a quorum for the transaction of business; and the directors for the time being, or a majority of them, shall have full power to rent or lease a house, or purchase a suitable site and build thereon a suitable house or seminary for the use and purposes prescribed in this charter; and also to make and prescribe such by-laws, rules, ordinances, regulations, and to appoint all such officers as are not herein provided for, as to them, or a majority of them, may from time to time be deemed necessary and proper for the benefit, management and disposition of the stock, property, estate, affairs, and effects, and for the purposes aforesaid; and touching the meetings of the stockholders and directors, both special and ordinary, except the first Wednesday in March, in every year, which is hereby declared to be the annual meeting of the stockholders of said corporation; and touching the duties and conduct of the officers of the said corporation, and touching the election of officers, and all such other matters as shall appertain to the business, ends, or purposes for which said corporation is by this act instituted, and for no other purposes whatsoever; *Provided always*, that such by-laws, rules, ordinances and regulations shall not be repugnant to the constitution or laws of the United States or of this state.

Provide

Stock forfeited
on failure to
pay instal-
ments

Sec. 7. *And be it enacted*, That the property of said corporation shall be considered the property of the stockholders, and each and every person subscribing to the capital stock of the said corporation shall pay, at the time of subscribing, to the commissioners receiving such subscriptions, the sum of one dollar, in specie, upon every share so by him or her subscribed; and the directors of the said company may require payment for the remaining instalments which shall have been subscribed, at such times and in such proportions as they or a majority of them shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and that previous notice of the instalments required to be paid, after the first, and of the time when the same are to be paid, shall be published at least thirty days in two of the newspapers printed in the town of Newark; *Provided* that no instalments to be paid shall exceed two dollars on a share.

Sec. 8. *And be it enacted*, That no transfer of stock of the said corporation shall be valid and effectual, until any debt or debts which may be due to said company, from the person transferring, shall have been fully discharged, and such transfer shall have been registered in a book or books to be kept for that purpose by the directors, and that the total amount of debt which the said corporation shall at any time owe, over and above the actual deposits in the hands of the treasurer, shall not exceed twice the sum of the capital subscribed and actually paid into the hands of the treasurer; and it shall not be lawful for the said corporation to employ any part of their stock or fund for banking purposes, or for any other purposes not clearly indicated by this act. Restrictions.

Sec. 9. *And be it enacted*, That it shall be the duty of the directors of the said corporation to make semi-annual dividends, by the division of the surplus income arising from the rents of the institute, or seminary, the school, library, reading and news-room, public debates, and public lectures, after accommodating the necessary expenditures of the institution; should the dividends exceed six per cent. per annum, the remaining surplus to be devoted to increasing the library, apparatus, cabinet of specimens, and such other articles as shall be deemed necessary to carry into effect the objects of this incorporation, of the said institution. Semi annual dividends to be made.

Sec. 10. *And be it enacted*, That should this corporation cease to exist, and its operations discontinued, or should the property arising from the subscriptions cease to promote the object contemplated, then such property is to revert to the holders of the stock, or their heirs. Property to revert to stockholders.

Sec. 11. *And be it enacted*, That this act shall continue and remain in force and virtue for the term of thirty years from the passing of the same; *Provided further*, that nothing herein contained shall be construed to prevent the legislature of this state, at any time from the date hereof, from altering or repealing this act, whenever, in their opinion, the public good requires it. Limitation
Act may be altered or repealed.

Passed, March 10, 1836.

AN ACT to incorporate the Camden and Egg Harbor 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 Jesse Richards, Samuel B. Finch, Timothy Pharo, Ebenezer Tucker, and Wm. McCarty, and such other persons as may hereafter be associated for the purpose, shall be and hereby are made, constituted and declared to be a body corporate and politic in fact and in name, by the name of "The Camden and Egg Harbor Rail Road Company," and by that name they, their successors and assigns shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient to the objects of this incorporation.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted,* That the capital stock of said company shall be two hundred thousand dollars, with liberty for the company to increase the same to five hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in one of the newspapers printed in each of the counties of Gloucester and Burlington; and transferable in such manner as the said corporation shall by their by-laws direct; *Provided always,* that no part of the said capital stock of the said company shall be employed for banking or other purposes incompatible with the objects for which this act is passed.

Amount of capital stock.

Commissioners to receive subscriptions.

Sec. 3. *And be it enacted,* That the above named persons, or a majority of them, may open books to receive subscriptions to the capital stock of said company, at such time or times and place or places as they or a majority of them may think proper, and after one half or more of the stock shall be subscribed, and five dollars paid on each share, shall give the like notice for a meeting of the stockholders to choose nine directors, which election shall be made at the time and place appointed, by such stockholders as shall attend for that purpose, in person or by lawful proxy, each share entitling the holder thereof to one vote for each of the first twenty

shares, and one vote for every five shares above twenty and not exceeding one hundred, and one vote for every twenty shares above one hundred; and the above named commissioners, or a majority of them, shall appoint three stockholders to be inspectors of the said election, who shall certify under their hands the names of the persons duly elected, and deliver over the subscription books to the said directors; and the directors chosen at such meeting, or at the annual elections, shall as soon as may be after every election, choose out of their own number a president, and in case of the death, resignation or removal of the president or any director, the vacancy or vacancies may be supplied by the board of directors or a majority of them, and in case of the absence of the president they or a majority of them may appoint a president *pro tempore*.

First directors

Sec. 4. *And be it enacted*, That an annual election for directors shall be held at such time and place in the county of Gloucester, as may be fixed by the by-laws of the company or the board of directors for the time being, and shall be advertised for twenty days in one newspaper published in each of the said counties of Burlington and Gloucester, at which said election the stockholders shall vote in the same manner as at the first election; *Provided always*, that in case no election shall be made at the time fixed, the said corporation shall not for that cause be dissolved, but such election may be held at any other time upon giving the proper notice, and the directors for the time being shall continue in office until new ones shall be chosen in their place.

Time and mode of annual election of directors.

Sec. 5. *And be it enacted*, That five directors of said corporation shall be a quorum competent to transact all business of the same, with power to call in the capital stock of the same at such times and by such instalments as they may think proper, first giving notice of the time and place where and when such instalment is required to be paid, by publishing the same in one or more of the public newspapers printed in each of the counties of Gloucester and Burlington at least thirty days previous, which instalment required to be paid shall not exceed five dollars at any one time; and in case of the non-payment of any such instalment, to forfeit the share or shares upon which default shall arise, if not paid in twenty days thereafter; and to make such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property and estate of the said corporation, not inconsistent with the constitution and laws of this state or of the United States; and, also, to have power to appoint a secretary and such other officers and agents as to them may seem meet; to fix

Powers and duties of directors.

the salaries and compensation of their president and other officers and agents, and to require from them proper securities for the performance of their several duties and trusts.

Location of
rail road.

Sec. 6. *And be it enacted*, That the president and directors of the company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a rail road, from some point or place in the county of Gloucester, within the corporate limits of the city of Camden, not exceeding sixty-six feet in width at the surface of the road, with as many sets of tracks and turn-outs as they may deem necessary; thence to or near Quaker Bridge, in Burlington county, thence to or near M'Cartyville or Wading River, and thence to such a place at or within two miles of the village of Tuckerton as may be fixed on by the president and directors; *Provided*, that if a continuous line of rail road or roads shall be made between the city of Camden and Batsto River, by any other company or companies, within six years from the passing of this act, then the company hereby incorporated shall be exonerated from the construction of that part of the rail road authorized to be constructed by this act which lies between the said city of Camden and Batsto River, or so much thereof as shall be made by any other company or companies; and it shall also be lawful for the said company to make a branch rail road to some other point or place on Great Egg Harbor bay or river, in the county of Gloucester; it shall also be lawful for any person or persons owning landings on the north side of Little Egg Harbor river or its branches, which landings are within two miles of the main line of the rail road, or the representatives of the owners, to construct branch rail roads to their landings, not exceeding five miles in length, and to charge toll thereon in the same manner, and at the same rates as this corporation is authorized to charge; and for the purpose of constructing said branches, he or they are invested with the same privileges and subject to the same liabilities and reservations as this corporation are entitled and subject to; and it shall be lawful for the owner or owners of land through which the said main line of the rail road may pass, to construct branch or spur rail roads on their own lands, and connect them with the said main line; and it shall be lawful for the said president and directors, their agents, engineers and others in their employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, levelling or laying out said road and branches, and of locating the same, and to do all necessary works, buildings and appendages thereof (doing no unnecessary injury to private or other property); and when the route shall have been determined on, and a survey thereof filed in the office of the secre-

Branches may
be made

tary of state, then it shall be lawful for the said company, by its officers, agents, engineers, contractors, workmen, and others in their employ, to enter upon and take possession, hold, have, use and occupy and excavate such lands, and to erect and lay rails, embankments, bridges and all other works and things which shall be necessary or proper for the completion or repair of said road, subject to such compensation as is hereinafter provided; *Provided always*, that payment or tender of the payment of all damages for the occupancy of lands through which the said road may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of the land be first obtained.

When company may enter on lands

Sec. 7. *And be it enacted*, That if the owners of the land, on which said rail road 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 said lands is situated, who is disinterested in the premises, upon the application of either party, and after ten days notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested freeholders of said county as commissioners, to assess the price or value of said land, and all damages, who shall be sworn or affirmed, before said judge, faithfully to execute the duties of such appointment, and after ten days notice in writing to both parties, of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and therein make such decision and award, as to them shall appear just and proper, and transmit such award and decision, together with such 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 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; if either party shall feel aggrieved by the decision of such commissioners, the parties so aggrieved may appeal to the Inferior Court of Common Pleas, of the county, at the first or second term after the decision of the commissioners, by proceeding in the form of petition to said court, giving ten days notice in writing to the opposite party of such appeal, which proceedings shall vest in said Court of Common Pleas, full right and power to hear and judge the same, and if required, they shall award a venire, in the common form,

Proceedings when company and owners of land cannot agree

for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said court, if required by either party, to order the said jury to view the premises and to assess the value of said land, and all damages sustained; and if the said jury be demanded by the company, and they shall find a greater sum than 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 land and real estate so appraised as aforesaid.

Value of lands
to be paid into
chancery in
certain cases.

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, to the guardian of such persons as are under age, non compos, or into the Court of Chancery to the clerk thereof, subject to the order of said court, for the use of the said owner or owners, all of which proceedings as well under this as the last 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.

Rates for pas-
sage and trans-
portation.

Sec. 9. *And be it enacted*, That the president and directors of the said company shall have power to construct or purchase, and place upon their said road, wagons, carriages, or vehicles, except steam engines for the transportation of passengers or any species of property thereon as they may think proper; *provided*, they shall not charge more than at the rate of six cents per mile per ton for the transportation of property, or six cents per mile for carrying each passenger on said road, in the carriages of the said company; or three cents per mile per each ton of property, or three cents per mile for each passenger carried on said rail road in the carriages of others, and three cents per mile for each empty carriage; and that the said rail road and appendages and the land over which the same shall pass, and all the works, improvements, carriages, and all other property whatsoever, belonging to the said company at any time or times, are hereby vested in the said company, incorporated

by this act, and their successors and assigns during the continuance of this act.

Sec. 10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over, across, or under the said road, where any public or other road shall cross the same, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over, under, or across said rail road, so that he, she, or they may easily pass the same: and it is further provided, that if the said rail road or any branch thereof, shall be located over or across any navigable stream or streams, they shall be authorized to build a bridge or bridges over the same, in such form and manner as to make the least possible obstruction to the free passage of such vessels or boats as usually navigate the same.

Other roads
not to be ob-
structed.

Sec. 11. *And be it enacted*, That the road authorized by this act, shall be and is hereby declared a public highway, and free for the passage of any rail road carriage thereon, except steam engines, 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, and weight of the carriages, as those used by the company, and shall be regulated as to the times of starting and rates of travelling by the company, in the same manner as the carriages of the company are.

Rail road a
public high-
way.

Sec. 12. *And be it enacted*, That the said company may have and hold real estate at or near the commencement and termination of said road, not exceeding two acres at each place, and may erect and build thereon, houses, warehouses, shops, and 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, issues, and profits thereof.

What real es-
tate may be
held

Sec. 13. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of any rail road or branches constructed under the provisions of this act, or of any of their necessary works, bridges, carriages, or machines, such person or persons shall forfeit and pay to the said company the sum of fifty dollars to be by them recovered in any court of competent jurisdiction in an action of debt; and further, shall be liable for all damages.

Penalty for
injuring works

Sec. 14. *And be it enacted*, That the president and directors shall, within one year, after ten miles of the said rail road shall be completed, so as to be fit for use, declare and make such dividends as they may deem prudent and proper, of the nett pro-

Semi-annual
dividends to be
made.

fits thereof, if any, and shall in like manner semi-annually thereafter declare such dividends, and pay the same to the stockholders in proportion to the amount of stock held by them respectively.

Statement to
be filed

Sec. 15. *And be it enacted*, That when the said 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 cost of said road, including all expenses, in the office of the secretary of state; and annually thereafter the president and treasurer of said company shall, under oath or affirmation, make a statement to the legislature of this state of the expenses of all additions and alterations in the structure of their road, and of the proceeds of the same, and after the nett income of said road shall amount to six per centum upon its costs, and as soon as it shall do so, the said corporation shall pay to the treasurer of this state, a tax of one-half of one per centum on the cost of said road, to be paid annually thereafter, on the first Monday in Jannary in each year; *Provided*, that no other tax or impost except for township and county purposes shall be levied upon the said company.

Tax to be
paid

When state
may take the
road.

Sec. 16. *And be it enacted*, That at any time after the expiration of thirty years from the completion of the said road, the legislature of this state may take the same for the state, paying therefor its value, not exceeding the original costs of the same.

Limitation

Sec. 17. *And be it enacted*, That if ten or more miles of the said road shall not be made fit for use in six years from the passage of this act, and the whole distance completed in ten years, then the right of the company to that part which shall then be unfinished shall wholly cease and be void, and the land of that part of the road unfinished, shall revert in the original owners, their heirs and assigns; *Provided*, that nothing herein shall prevent the said corporation from the use and enjoyment of such part of the said road as is finished within the said ten years.

Act may be al-
tered.

Sec. 18. *And be it enacted*, That it shall be lawful for the legislature of this state at any time hereafter to alter, modify or amend this charter.

Passed, March 10, 1836.

AN ACT to dissolve the marriage contract between Phebe Aspinall and her husband, Frederick Aspinall, of the County of Morris.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the marriage contract heretofore existing between Phebe Aspinall, of the county of Morris, and Frederick, her husband, be, and the same is hereby declared to be dissolved, as fully as if they had never been joined in matrimony; *Provided nevertheless*, that the issue of such marriage shall not be deemed illegitimate in consequence of this act.

Phebe Aspinall
and Frederick
Aspinall di-
vorced.

Passed, March 10, 1836.

AN ACT to dissolve the marriage contract between John J. Vanderveer and Phebe, his wife.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the marriage contract between John J. Vanderveer, of the county of Somerset, and Phebe, his wife, be, and the same is hereby declared to be dissolved; *Provided always*, that nothing in this act contained shall render illegitimate the issue of such marriage.

John J. Van-
derveer and
Phebe Vander-
veer divorced.

Passed, March 10, 1836.

AN ACT to divorce Jane Ward, of the County of Essex,
from her husband, Charles Ward.

Jane Ward and
Charles Ward
divorced.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the marriage of Jane Ward, of the county of Essex, and Charles Ward, be, and the same is hereby dissolved, annulled and made of no effect, as fully to all intents and purposes as if they had never been joined in matrimony; *Provided,* that any issue of the said marriage shall not by this act be rendered illegitimate.

Passed, March 10, 1836.

AN ACT authorizing the sale of certain Real Estate,
whereof Robert Dillon died seized.

Preamble

WHEREAS it is represented to the legislature that Robert Dillon, late of the county of Gloucester, dec., was, in his life time, seized in fee of a house and lot of land situate in the township of Springfield, in the county of Burlington, containing about three acres, being the same premises conveyed to the said Robert Dillon by Thomas Lee and wife, by deed dated the second day of July, A. D. eighteen hundred and twenty-eight, and being so seized thereof, that he made and executed unto George Haywood, of the county of Burlington, a power of attorney, irrevocable, for the sale of the said premises, with power to appropriate the proceeds of the said sale, after defraying the costs and expenses thereof, to the payment of divers sums of money, advanced, and to be advanced by the said George Haywood to the said Robert Dillon, and to pay the balance thereof into the hands of the said Robert Dillon, as by the said power of attorney, duly executed by the said Robert Dillon and Elizabeth his wife, and recorded in the clerk's office of the county of Burlington, in book L. 3, of deeds,

page one hundred and forty-two, &c., may appear, and that the said Robert Dillon died seized of the said premises, before a sale thereof could be effected by virtue of the said power of attorney, and after divers sums of money had been advanced to the said Robert Dillon upon the faith thereof; *And whereas* the administrators of the said Robert Dillon have represented that the personal estate of the said Robert Dillon will be insufficient to pay his debts, and that a sale of the said real estate will be necessary for that purpose, and have prayed legislative aid in the premises, and the prayer of the said petition appearing to be 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 George Haywood and Zebedee M. Wills, esquires, of the county of Burlington, be, and they are hereby appointed commissioners, with full power and authority to make sale of the said real estate whereof the said Robert Dillon died seized, in the township of Springfield, in the county of Burlington, in such manner, and upon giving such notice of the said sale as is required by law, in case of sales of real estate made by executors or administrators, by virtue of an order of the orphans' court, and a good, legal and sufficient deeds or deeds therefor to make 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 Robert Dillon in the said real estate at the time of his death.

Lands authorized to be sold

Sec. 2. *And be it enacted,* That the said commissioners shall keep a full and fair account of the said sale, and of the costs and expenses thereof, and shall exhibit the said account, under oath or affirmation, to the orphans' court of the county of Burlington, within six months after such sale shall be made, to be approved by the said court, and filed in the surrogate's office of the said county; and the said commissioners, after deducting from the proceeds of the said sale all necessary costs and expenses, and such reasonable commissions as shall be allowed by the said court, and after satisfying such sums of money as shall have been advanced by the said George Haywood to the said Robert Dillon, in his life time, upon the faith of the said power of attorney, with interest, shall pay the residue thereof, if any there be, into the hands of the administrators of the said Robert Dillon, to be disposed of according to law, as if the said real estate had been sold by virtue of an order of the orphans' court of the county of Burlington, for the payment of debts.

Accounts exhibited to orphans' court of Burlington.

Distribution of proceeds of sale.

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

Bond to be given shall, before entering upon the execution of the trust reposed in them by this act, enter into bond to the ordinary or surrogate general of this state, in such sum, and with such security, being at least two good freeholders of this state, as the said ordinary shall approve, conditioned for the faithful performance of the said trust, which bond shall be deposited in the register's office of this state, and shall be good, to all intents and purposes, and pleadable in any court of justice; and in case the said bond shall become forfeited, it shall and may be lawful for the governor of this state, for the time being, to cause the same to be prosecuted, in any court of record, at the request, and for the benefit, and at the proper costs and charges of any person or persons aggrieved by such forfeiture.

Rights of others not to be affected Sec. 4. *And be it enacted*, That no sale or conveyance made under or by virtue of this act, shall impair, or in any wise affect the right or title of any person or persons whatever in the said real estate, other than the heirs at law of the said Robert Dillon and those claiming under them or either of them.

Passed, March 10, 1836.

A SUPPLEMENT to "An act concerning stray cattle, horses, and sheep," passed the seventh of March, seventeen hundred and ninety-seven.

Township clerks to publish lists of stray horses and cattle. Sec. 1. 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 township clerks, in each county of this state, between the first day of November and the twentieth day of December, of each year, to publish in one newspaper published in his county, if there be any such paper, if not, then in a newspaper published in the adjoining county; the list and number of estray neat cattle and horses, of which he shall have made a full entry thereof, enjoined on him to make, in and by the act to which this is a supplement, and continue the said list and number of estrays in said paper,

for three successive weeks, designating the township and county, and sign his name thereto as town clerk; and for which said service, the said clerk shall be allowed his reasonable charges and expenses therefor, by the township committee, in the settlement of his accounts with them.

Passed, March 10, 1836.

A SUPPLEMENT to the act entitled "An Act concerning Taxes."

Sec. 1. 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 assessor, or township collector, shall neglect or refuse to perform any duty or service required of him by law, whereby the proportion or quota of any tax or taxes, as fixed and ascertained, at a meeting of the assessors of the county, to be assessed and levied in the township for which he has been chosen or appointed assessor or collector, or any part thereof shall not be assessed or collected as by law directed, the said township shall be liable for the same; and the deficiency arising from any such cause, shall and may be recovered with interest and costs of suit against the inhabitants of said township, by their corporate name, in an action of debt or trespass on the case, by and in the corporate name, of the board of chosen freeholders of the county, for the use of the county; and in case of a recovery in any such action, the assessor or township collector, for whose neglect or refusal the said township shall have been made liable, may recover the same with interest and costs in the corporate name of the inhabitants of said township, in an action of debt or trespass on the case, against such assessor or collector for whose default the said township shall have been made liable.

Township responsible for neglect of assessor and collector.

Passed, March 10, 1836.

AN ACT authorizing the sale of the real estate of Martha Moore, and the recovery of the rents of the same.

Preamble

WHEREAS it is represented that Martha Moore, single woman, now is, and for several years past, has been a lunatic, and unable to take care of herself, or her estate, and during that time has been, and now is a pauper, chargeable to, and supported by the township of Hopewell, in the county of Hunterdon, and that said Martha Moore owns no personal estate, but is entitled to certain real estate, which descended to her as one of the heirs of her father, Cornelius Moore, deceased, which real estate has been, for a long time, and now is, used and occupied by some person or persons having no right or title thereto, without paying any rent therefor, and no guardian of the person and estate of said Martha Moore having been appointed, and said estate being but little more than sufficient to pay the expense of procuring the appointment of a guardian, in the ordinary mode, and it being proper and just that all the estate of said Martha Moore should be appropriated to her support :—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 John G. Muirhead, and George W. Smith, overseers of the poor of said township of Hopewell, and their successors in office, be, and they are hereby fully authorized and empowered to sell, at public sale, all the real estate, belonging to the said Martha Moore, they giving at least two months notice of the time and place of such sale, by setting up notice thereof, in writing, in at least five public places in said county, and to make to the purchaser or purchasers thereof, a good and sufficient deed or deeds for the same, which shall be good and effectual to vest in the grantee or grantees, all the right and title of the said Martha Moore, in and to the same ; and all the moneys arising from such sale shall, after defraying all necessary expenses, be by said overseers appropriated to the support and maintenance of said Martha Moore.

Appropriation of proceeds of sale and rents

Sec. 2. And be it enacted, That the said John G. Muirhead and George W. Smith, overseers as aforesaid, and their successors in office, be, and they are hereby fully authorized and empowered to demand and receive from any person or persons, whatever, who may have used, occupied, or enjoyed said real estate, or any part thereof, all rents or moneys due or to become due, for such use, occupation, or enjoyment ; and in order to recover the same, said overseers and their successors in office, are hereby fully authorized and empowered to sue for

the same, either in the name of said Martha Moore, or in their own names, as such overseers, in any court of competent jurisdiction; all moneys so to be received or recovered, to be by them appropriated to the support of said Martha Moore, first deducting necessary expenses; and said overseers shall be accountable to said township of Hopewell, for all moneys to be by them received under this act, in the same manner as for all moneys which they may receive by virtue of their office.

Passed, March 10, 1836.

AN ACT to incorporate the Hudson Fire Company, of Hoboken, Bergen County.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State and it is hereby enacted by the authority of the same*, That Edwin R. V. Wright, Calvin Mulford, Henry A. Conover, John C. Slemmer, Nathaniel H. Carpenter, Pierre D. Van Rensselaer, William Havens, and all other persons, not exceeding fifty in number, who now are or hereafter shall become members of the Hudson Fire Company of Hoboken, Bergen county, 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 Hudson Fire Company of Hoboken," and by such name they shall have succession, and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors may have a common seal, and shall have power to make, change and alter the same at their pleasure; and by their name, as aforesaid, and under their common seal, may make, enter into and execute any contracts or agreements touching and concerning the objects of said corporation, and shall have full power and authority to make, form, and adopt such a form of constitution, and such by-laws and regulations for their government, not inconsistent with the constitution and

Style of incorporation.

Powers.

laws of this state, or of the United States, as they shall think proper.

Amount of
capital stock.

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

Officers to be
elected annually.

Sec. 3. *And be it enacted*, That the said company shall have power to elect, annually, a president out of their own body, and such other officers and assistants as they shall deem necessary for conducting their affairs, according to their constitution and by-laws; 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.

Privileges of
members.

Sec. 4. *And be it enacted*, That all the privileges and exemptions contained in an act entitled "An act for the encouragement of fire companies," passed December fourteenth, eighteen hundred and twenty-six, be, and the same are hereby extended to all persons who now are, or hereafter shall become and continue actual members of the said company.

Act may be al-
tered.

Sec. 5. *And be it enacted*, That it shall and may be lawful for the council and general assembly of this state, at any time hereafter, to amend, alter, or modify this act, as they shall think fit.

Passed, March 10, 1836.

AN ACT for the relief of the heirs, and next of kin, of John
G. Leake, deceased.

WHEREAS a writ of inquisition was issued out of the Court of Chancery, of the State of New Jersey, in the matter of the escheat of the estate of John G. Leake, deceased, situate in the county of Bergen, in this state, and a traverse hath been taken to the said inquisition, by certain persons claiming to be heirs at law of the said John G. Leake, and is still pending in the Supreme Court of this state: *And whereas*, other persons setting up adverse claims to the present traversers, also claim to be the heirs at law, and next of kin to the said John G. Leake, and are desirous of traversing the said inquisition, but are prevented from so doing by reason that the time allowed by law for traversing the said inquisition has expired—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 heirs at law, or next of kin, of John G. Leake, late of the city of New York, deceased, and all and every person or persons claiming any interest in the lands of which the said John G. Leake, died seized, in the county of Bergen, and who have not already come in and traversed the inquisition taken before Garret Van Dien, esquire, sheriff of the county of Bergen, in the matter of the escheat of the real estate, may appear and traverse the said inquisition at any time within six months after the date of this act, and that such person so appearing and traversing the said inquisition, within the said six months, shall be entitled to the same benefit and advantage, in all respects, as he, she, or they would have had if they had appeared and traversed the said inquisition, within the time limited by the act entitled "An Act concerning escheats," passed on the twenty-seventh day of February, in the year of our Lord, one thousand eight hundred and twenty-eight.

Time for traversing inquisition extended

Passed, March 10, 1836.

AN ACT to authorize a trustee to sell the real estate of Alexander Kirkpatrick, junior, deceased.

Preamble

WHEREAS, it is represented to this Legislature, that Alexander Kirkpatrick, junior, departed this life, intestate, in the year eighteen hundred and thirty-three, leaving a widow, Eliza Kirkpatrick, and three minor children, viz: Ebenezer T., Hugh J. and Mary Elizabeth, the eldest of whom is about eight years old: *And whereas*, it is represented that the said Alexander Kirkpatrick, junior, at the time of his death, was seized of the equal undivided half part of thirty-six acres of land, in the township and county of Morris, in this state; and it is further represented, that the said land, by reason of its peculiar situation, is altogether unproductive of benefit to said widow and heirs, and that it would be greatly to their advantage if the same be sold—therefore,

Trustee authorized to sell lands

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Squire Terrell, 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 of the said widow and heirs to the aforesaid undivided lot or parcel of land, at public vendue, first giving notice of the time and place of sale in five public places in the counties of Morris and Somerset, at least thirty days before the sale; and to execute to the purchaser a good conveyance for the same; which conveyance shall vest in the purchaser, his or her heirs and assigns, all the estate, title, and interest which the said Alexander Kirkpatrick, junior, had therein at the time of his death.

Sec. 2. *And be it enacted,* That the said trustee shall keep a fair account of the sale of said land and real estate sold by him, as aforesaid, and after deducting all reasonable charges for expenses and fees for his services shall put the balance at interest; and shall pay yearly to the said Eliza, widow of the said Alexander, the interest of the one-third part for her own benefit; and shall also pay to the said Eliza, widow as aforesaid, or to such other person as may be legally authorized to have the care of the said minor children, the interest of the two thirds of the nett amount of sales during their minority.

Bond to be given to the governor.

Sec. 3. *And be it enacted,* That before the said Squire Terrell shall sell and convey the said land and real estate, he shall enter into bond to the Governor of this state, with security, to be by him approved, for the true and faithful discharge of the trust created by this act.

Passed, March 10, 1836.

AN ACT to relieve the Poor.

Sec. 1. 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, one cow, one bed and bedding, one cradle, one stove, one half cord of fire wood, one half ton of stone coal, one spinning wheel, one table, six chairs, one hog, one hundred weight of flour, one iron cooking pot, one dozen knives and forks, one dozen plates, one dozen spoons, one half dozen bowls, two pails, one barrel, one coffee pot, one tub, one frying pan, the necessary tools of a tradesman not exceeding in value ten dollars, and all wearing apparel, the property of any debtor having a family, shall be reserved for the use of the family against all creditors; and shall not be liable to be seized or taken by virtue of any process whatever, issued out of any court in this state, for any debt contracted after the passage of this act.

Articles ex-
empted from
execution.

Passed, March 10, 1836.

AN ACT to dissolve the marriage contract between John Cross and Mary, his wife, of 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 the marriage contract heretofore existing between John Cross and Mary, his wife, of the county of Essex, be, and the same is hereby dissolved and made void and of no effect, as fully as if they had never been joined in matrimony; *Provided nevertheless*, that the issue of such marriage shall not be rendered illegitimate by virtue of any provision of this act.

John Cross
and Mary
Cross divorced

Passed, March 10, 1836.

AN ACT to incorporate the Lambertville Manufacturing Company.

Style of incor-
poration.

 Amount of ca-
pital stock,

 Time and
mode of elect-
ing directors.

 Stock forfeited
on failure to
pay instal-
ments

 Sec. 1. 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 Coryell, John Lilly, Samuel D. Stryker, James A. Simpson, Jacob B. Smith, William Hall, and Thomas B. Fidler, and their associates and successors, shall be, and they are hereby incorporated and made a body politic, by the name and style of "The Lambertville Manufacturing Company," for the purpose of manufacturing cotton, wool or flax, and shall open books of subscription, and have power to raise, in shares of twenty-five dollars each, a capital of one hundred thousand dollars, with privilege to increase the same to two hundred thousand dollars; and as soon as three hundred shares shall be subscribed, and five dollars on each share paid in, the individuals above named, or any four of them, may, by public notice of thirty days, given in one or more of the public newspapers, printed in the county of Hunterdon, call a meeting of the stockholders 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 four of them, to be inspectors or 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 of the United States; and shall also have power to call in said stock, from time to time, by instalments, not exceeding five dollars at any one instalment, by giving public notice as aforesaid, and to declare forfeited to the said company, the stock, with all previous payments made thereon, of all such stockholders as shall neglect or refuse to pay the instalments upon their respective shares, as shall be required to be paid as above; *Provided*, previous notice of thirty days shall have been given to each delinquent stockholder.

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.

Stockholders
may give no-
tice of election
if neglected by
directors

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.

Officers and
agents ap-
pointed.

Sec. 4. *And be it enacted*, That the said company may, for the purpose of promoting the manufacture of cotton, wool or flax, or any of the said articles, 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, not exceeding five acres, tenements, and water power, and other real and personal estate in the village of Lambertville, or in the township of Amwell, as may be necessary and useful for the purposes aforesaid, and the same improve and use, or sell, let, or otherwise dispose of, as they shall deem proper, and the said company by their corporate name may sue and be sued, plead and be impleaded, in all courts whatsoever, may have a common seal and alter and renew the same at pleasure, and shall have, enjoy and exercise all the rights, power 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.

What real es-
tate may be
held

Sec. 5. *And be it enacted*, That a dividend of the profits of the said company, except so much thereof as may be set

Semi-annual
dividends to be
made.

apart for a surplus fund (which surplus fund shall not exceed at any one time five 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 dividend shall be made except from the actual profits of said company.

Restrictions.

Sec. 6. *And be it enacted*, That the stock of the said company shall be personal property, and transferable on the books of the said company, and that no part of the fund of the company shall be used for banking purposes, or any other purposes not clearly indicated by this act.

Limitation

Sec. 7. *And be it enacted*, That this act shall continue in force until the first day of May, in the year of our Lord one thousand eight hundred and sixty-six, and no longer, and that at any time hereafter the legislature may repeal, alter or modify the same, as in their opinion the public good may require.

Act may be al-
tered or repeal-
ed.

Passed, March 10, 1836.

AN ACT making a further appropriation for the prosecution of the Geological and Mineralogical Survey of the State.

2,000 dollars
appropriated
for geological
and mineralo-
gical survey.

SEC. 1. *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 is hereby authorized to draw from any unappropriated money in the treasury of this state, the further sum of two thousand dollars, to be appropriated under his direction, to the continuation of the Geological and Mineralogical Survey of this state.

Passed, March 10, 1836.

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

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That there shall be 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-seven.

Forty thousand dollars 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 several 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.

Enumeration
of articles tax-
ed at specific
sums

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

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 : such cattle to be assessed in the township where the cattle are owned, unless such owner reside out of the state of New Jersey ; in that case, the tax to be paid by the owner of the land where they are grazed.

Enumeration
of articles tax-
ed 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 twenty dollars.

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

All clover mills, any sum not exceeding six dollars.

All cotton manufactories, any sum not exceeding thirty dollars.

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

All woollen manufactories, any sum not exceeding ten dollars.

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

All cupola furnaces, any sum not exceeding fifteen dollars.

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

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

All forges that work pig iron, and 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 or presses, any sum not exceeding nine dollars.

All bark mills, propelled by water or steam, for grinding bark for sale, any sum not exceeding nine dollars.

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

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

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

Every single man, whether he lives with his parents or not, any sum not exceeding two dollars; *provided*, that any one taxed as a single man shall not be taxed as a householder.

Every male slave, under the age of sixty years, any sum not exceeding one dollar; *Provided*, no slave shall be taxed who is unable to 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 curricie, with steel or iron springs, any sum not exceeding one dollar and fifty cents.

Every riding chair, gig, sulky, or pleasure wagon, any sum not exceeding seventy-five cents.

Every dearborn wagon, with steel, iron, or wooden springs, any sum not exceeding seventy-five cents.

Every printing, bleaching, and dying 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 of duty

Sec. 6. *And be it enacted*, That the said sum of forty thousand dollars, shall be assessed, levied, and collected, in the manner prescribed in the act entitled, "An act concerning taxes," passed the tenth day of June, 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 10, 1836.

A FURTHER SUPPLEMENT to the Act entitled "An Act to incorporate the New Jersey Turnpike Company."

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be lawful for any three or more freeholders, resident in the counties of Warren, Hunterdon or Somerset, in this state, to apply to the supreme court of this state, by petition, setting forth that the road of the New Jersey Turnpike Company is not in good repair; and thereupon the said court shall proceed to hear and determine the matters set forth in said petition, upon affidavit taken either before the said court or before one of the commissioners of the said supreme court, and that a right of trial by jury be had if applied for by either party, first causing notice to be given to the said company of the filing of the said petition, and of the taking of said affidavits, as in other cases pending in said supreme court; and if the said court shall be satisfied that the said road, or any part thereof, is not fully constructed and in such a state of repair as is required by the charter of the said company, the said court shall thereupon order that no tolls shall be received or taken on said road until the said court shall be satisfied that the said road is constructed and repaired as in the said charter is required, and an order be made by the said court accordingly.

Proceedings
when turnpike
is not in repair

Passed, March 10, 1836.

AN ACT supplementary to the several Acts relating to the partition of 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 when two or more persons shall hold real estate, as coparceners, joint tenants, or tenants in common, any one or more of whom are minors under the age of twenty-one

Powers of orphans' court on division of minors' estates

years, it shall and may be lawful for the orphans' court of the county in which such real estate may be, upon application made by any one or more of said coparceners, joint tenants, or tenants in common, or by any person duly authorized in their behalf, or claiming under them or any of them, to order and direct a division of such real estate to be made between the said owners, in such shares and proportions as they may be entitled to by law, the metes and bounds of each of their shares to be ascertained by three disinterested commissioners, to be appointed by the court, whose report or the report of any two of them, made in writing under their hands, to the next or any subsequent term of the said court, after such division shall be made, and approved of by the said court, shall be conclusive to all parties concerned, and a copy of the appointment of said commissioners, together with their report, shall be recorded in a book or books to be kept for that purpose in the office of the clerk of said court, and that copies thereof duly certified under the hand and seal of said court, shall be good evidence in all courts of law or equity.

Court may direct a sale

Sec. 2. *And be it enacted*, That in case the said division cannot be made without prejudice to the said estate, or the interest of some of the parties concerned therein, the said court may order the said commissioners to make sale thereof.

Mode of division or sale

Sec. 3. *And be it enacted*, That the said division and sale, as the case may be, shall be made and conducted in the same manner, in all respects, as is directed by the act entitled "An act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the prerogative court, and to establish an orphans' court in the several counties of this state," passed the thirteenth day of June, eighteen hundred and twenty.

Passed, March 10, 1836.

A SUPPLEMENT to the Act entitled "An Act for the support of the Government of this State," passed the eleventh day of November, eighteen 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 paid to the chief justice of the supreme court of this state, for the time being, at the rate of fifteen hundred dollars by the year, and to each of the associate justices of the supreme court of this state, for the time being, at the rate of fourteen hundred dollars by the year; which yearly sums shall commence and be payable to the said justices, half yearly, from the times when their last half year's salaries became due and payable to them respectively.

Salaries of judges of supreme court increased.

SEC. 2. *And be it enacted,* That so much of the act to which this is a supplement as provides for the salaries of the said justices of the supreme court, be, and the same is hereby repealed.

Part of former act repealed

Passed, March 10, 1836.

A SUPPLEMENT to the Act entitled "An Act for the relief of the Trustees of the Paterson Academy," passed November twenty-three, eighteen hundred and twenty-two.

WHEREAS the trustees of the Paterson Academy have become incorporated under the general law of this state for the promotion of learning, and have acquired some real and personal estate; *And whereas* inconvenience has arisen from a doubt as to the mode of transferring the interests of the subscribers to said society—Therefore,

Preamble

SEC. 1. BE IT ENACTED *by the Council and General As-*

Shares to descend as personal estate

sembly of this State, and it is hereby enacted by the authority of the same, That the subscribers to said society, who have paid eight dollars, may transfer their interest therein, by an assignment, in writing, to the president, or to the board of trustees, for the time being; and in case of the death of any of the subscribers, or their assigns, his, her or their share or shares shall descend as personal estate, to his, her or their legal representatives, for the purposes authorized by the act entitled "An act to incorporate societies for the promotion of learning," passed the twenty-seventh November, seventeen hundred and ninety-four, and a supplement thereto, passed the sixth June, eighteen hundred and twenty.

Passed, March 10, 1836.

A FURTHER SUPPLEMENT to an Act entitled "An Act to authorize the construction of a Rail Road connecting the Morris Canal with the Paterson and Hudson River Rail Road," passed the third day of February, eighteen hundred and thirty-one.

Time for completion of road extended

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the time for making and completing the rail road and lateral roads authorized by the act to which, this is a further supplement, be extended to five years from the fourth day of July next, and that the said act above recited, and the supplement thereto, passed the first December, eighteen hundred and thirty-one, be, and the same are hereby made of the same force and effect, as if the said company had commenced and finished for use of their said road or lateral roads, agreeably to the provisions of the seventeenth section of said act of incorporation.

Passed, March 10, 1836.

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

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

Style of incorporation.

Objects of incorporation.

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

Amount of capital

Sec. 8. *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

Time and mode of electing directors.

own right, and shall be citizens of the United States; and the said directors shall hereafter be elected on the first Monday in May, in each and every year, at such hour of the day, and at such place, as the board of directors for the time being shall appoint, of which election public notice shall be given in a newspaper printed in the county, if there be any one printed therein, or in one or more newspapers printed in the state, nearest the aforesaid works, at least twenty days immediately preceding such election; and such election shall be holden under the inspection of three of the stockholders, to be appointed previously to every election by the board of directors; and such election shall be made by ballot and a plurality of the votes of the stockholders then present, or their proxies, allowing one vote for every share of the said stock; and no share shall entitle the holder to vote unless the same shall have been held by him at least sixty days next immediately preceding such election.

Commissioners to receive subscriptions.

Sec. 4. *And be it enacted*, That Joseph E. Edsall, Joseph Linn, William Edsall, Elias L. Homedieu, and Francis Hamilton, shall be commissioners, whose duty it shall be, at some suitable place in the county of Sussex, or elsewhere, to open books to receive subscriptions to the capital stock of the said corporation, and twenty days public notice shall be given by the said commissioners of the time and place of the opening of such books, and also the amount of the first instalment to be then paid, in two of the newspapers printed as aforesaid, and as soon as the same shall be subscribed, to give a like notice for a meeting of the stockholders, to choose five directors, and the said commissioners shall be inspectors of the first election of directors of the said company, and shall certify, under their hands, the names of those duly elected, and deliver over to them the subscription books and the moneys and securities received for subscriptions, and the time and place of holding the first meeting of directors, shall be fixed by the said commissioners.

Officers to be appointed

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

Sec. 6. *And be it enacted*, That if it should happen at any

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

Corporation
not dissolved
for failure to
elect on day
prescribed.

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

Stock a lien
for debts due
company

Sec. 8. *And be it enacted*, That a majority of the directors of the said corporation shall constitute a board, and be competent to the transaction of all the business of said corporation; and all questions before them shall be decided by a majority of voices; and they shall have power to appoint committees of directors, a secretary, and such other officers, clerks and workmen, as they shall deem expedient and proper for the well conducting and transacting their business; and they shall also have power, at such times as to them shall seem meet, to make and declare dividends of such parts of the nett profits resulting from the business of the said corporation as they shall deem expedient; and shall also have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper respecting the management and disposition of the stock, property, estate and effects of the said corporation, the compensation of wages, and the duties and powers and conduct of the officers and workmen thereof, the election and meeting of directors, the transfer of shares, the management and conducting of the business of the said corporation, and all matters appertaining

Powers and
duties of
directors.

thereto, and such by-laws, rules and regulations at their discretion to repeal, alter or modify; *Provided*, that such by-laws, rules or regulations shall not be repugnant to the constitution and laws of this state or of the United States.

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

Restrictions. Sec. 10. *And be it enacted*, That no part of the capital stock or funds of this corporation shall be used for banking purposes; and this act shall continue in force for the term of thirty years, and no longer, but the legislature may at any time alter, amend, modify or repeal the same.

Limitation

Passed, March 10, 1836.

AN ACT for the relief of Samuel Sutphen, of the County of Somerset.

Pension granted. Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the treasurer of this state, for the time being, shall, and he is hereby authorized and required to pay to Samuel Sutphen, of the aforesaid county, a soldier in the service of the United States, in the revolutionary war, or to his order, the sum of fifty dollars, to be paid to the said Samuel Sutphen annually, in quarterly payments, from the passing of this act, during the life time of the said Samuel Sutphen, and the receipt of the said Sutphen, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid by virtue of this act, in the settlement of his accounts.

Passed, March 10, 1836.

AN ACT to defray Incidental Charges.

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

To Joseph Pugh, for newspapers for House of assembly, three dollars.

Thomas J. Combs, for setting grates in state-house, eight dollars and sixty-two cents.

P. J. Gray, for advertising notice of special term of supreme court at Camden, seven dollars.

Daniel Childs, for carpenter work and lumber, forty-six dollars and thirty-one cents.

Ralph Green, for sundry carpenter work for state-house, &c., twenty-five dollars and thirty-three cents.

William Curry, for floor mats and sand, three dollars and seventeen cents.

R. Sterling, for dry goods and sand, sixteen dollars and eighty cents.

Thomas Combs, for sundries, fourteen dollars.

C. B. Howell, for tin ware, &c., eighteen dollars.

Daniel H. Combes, for work in supreme court room, four dollars.

Josiah Harrison, for printing law restricting passage of bank notes, ten dollars.

John R. Smith, for hardware, &c., one dollar and seventeen cents.

John Cook, for blacksmith work, twenty-four dollars and thirty cents.

George Miller, for sundry merchandize, chiefly sperm candles, seventy-four dollars and sixty-nine cents.

William A. Benjamin, for hardware, three dollars and seventy-eight cents.

Andrew Newton, for glass, &c., for assembly room, four dollars and thirty-seven cents.

James D. Westcott, for registering treasurer's receipts, transmitting laws to the several states, and cash paid as per sundry vouchers, forty-one dollars and thirty cents.

Samuel Wooley, for making and putting down carpets, and other services in state-house, eighteen dollars.

John Wilson, for painting and glazing, twenty-four dollars and thirty-two cents.

Andrew Allison, for tiles, brick, &c., eight dollars and forty-six cents.

The President and Directors of the State Bank at Trenton, one hundred dollars, for rent of office as state arsenal.

His Excellency Peter D. Vroom, for postage as Governor, fifty-five dollars and twenty-two cents.

William P. Sherman, administrator of George Sherman, deceased, for advertising laws and public acts, twenty dollars.

David Johnston, assignee of John Noble, for carriage hire, two dollars.

James T. Sherman, for newspapers, seventeen dollars and four cents.

Richard P. Thompson, clerk, postage bill, four dollars and twenty cents.

Hammitt, Hutchinson and Weart, for carriage hire, fifteen dollars.

Professor Henry D. Rodgers, for one thousand copies of his Geological Report, five hundred and fifty dollars.

Joseph Justice, for his account for printing, during the two sessions of the legislature this year, four hundred and eighty-two dollars and fifty cents.

Joseph Justice, for bill of stationery, &c., two hundred and twenty-four dollars and fifty-three cents.

To Charles Parker, for cash paid by him, as follows:

For sundry bills, from number one to seven, inclusive, for Nott's stoves, for carpet, and for repairs and improvements to the council chamber, lobbies and assembly room, two hundred and sixty-seven dollars and twenty-eight cents.

2d. For charcoal, seventeen dollars.

3d. For repairs of fence on government lot, six dollars and fifty-three cents.

4th. For tow cloth, to bind up laws, four dollars and ninety-four cents.

5th. For postage, nine dollars and ninety cents.

6th. For expenses going to, while at, and returning from Philadelphia six times, and New York once, on business for the school fund, and for the purpose of negotiating a loan for the construction of the New Prison, forty dollars.

7th. For floor matting, ten dollars.

8th. For two hundred copies of Sitgreave's Manual, two hundred dollars.

9th. For expenses of blind children, ninety-eight dollars sixty-four cents.

Making an aggregate of six hundred and fifty-four dollars twenty-nine cents.

To Boswell and Clarke, for sundries, thirteen dollars ninety-three cents.

To Robert E. Horner, for newspapers furnished both houses, seventeen dollars and four cents.

To B. Davenport, for stationary, twenty-four dollars and fifty cents.

Passed, March 10, 1836.

~~AN ACT FOR THE RELIEF OF JAMES COOK~~

AN ACT for the relief of James Cook, of the county of Morris.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the treasurer of this state, for the time being, shall, and he is hereby authorized and required to pay to James Cook, of the aforesaid county, a soldier in the service of the United States, in the revolutionary war, or to his order, the sum of sixty dollars, to be paid to the said James Cook, annually, in semi-annual payments, from the passing of this act, during the lifetime of the said James Cook, and the receipt of the said Cook, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid by virtue of this act, in the settlement of his accounts.

Pension grant-
ed.

Passed, March 11, 1836.

AN ACT relative to the commissioners appointed to superintend the building of the new State Penitentiary.

Preamble WHEREAS the new State Penitentiary is so far completed, that the services of one commissioner will be sufficient to superintend the management thereof—therefore,

W. R. Allen sole commissioner **Sec. 1.** 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 R. Allen, of the county of Burlington, be retained as said commissioner to superintend the finishing the State Penitentiary, with all the powers and privileges now held by the three commissioners, heretofore acting in that capacity; and that all acts or parts of acts coming in conflict with this law, be, and they are hereby repealed: *Provided,* that should the said William R. Allen, decline acting as commissioner aforesaid, or the said office of commissioner by any means become vacant, the Governor of this state, or person administering the government, is hereby authorized to fill such vacancy: *And provided always,* that the said commissioner appointed by this act, or who may be appointed by the Governor, shall receive as a compensation for his services at the rate of one thousand dollars per annum.

Governor to fill vacancy

Salary

Passed, March 11, 1836,

JOINT RESOLUTIONS.

RESOLVED, by the Council and General Assembly of this State, That the Clerk of the Court of Chancery, and the Treasurer of this State, be authorized to fit up the room formerly occupied by the Council, for the future sittings of the Court of Chancery, and of the Prerogative Court, and as an executive office, for the use of the Governor; and the south ante-chamber of said room, as an extension of the state library room; and also, to remove the present doors of said former Council Chamber to the front arch on the same floor, replacing them with sash doors, similar to those in the present Council Chamber.

Passed, February 10, 1836.

WHEREAS, the claims of the United States on France, for depredations wantonly committed by her, upon our commerce, after having been the subject of negotiation for a quarter of a century, having at length been acknowledged as just, by all the branches of that government; by the king and his ministers, in the solemn formalities of a treaty signed and ratified; ^{Preamble} by the Chamber of Deputies, in voting an appropriation of the indemnity; and by the Peers, in concurring in that vote: *And whereas*, the French Government have, since the ratification of the treaty, while enjoying all the benefits which it secured to France, refused to execute it, and has demanded and dictated in terms, as a preliminary to its execution, an apology from the Government of these United States, for the statement of truth, and the performance of duty, on the part of the President, in his message to Congress; and persists in this demand, notwithstanding the frank and repeated

disavowal by him of any intention to injure the feeling, to wound the honor, or to impugn the national character of the French Government or people: *And whereas*, while it becomes the genius and character of a free, enlightened, and conscientious people, to ask of Foreign Governments, nothing but what is clearly right, it is no less a sacred duty, due to ourselves, and to posterity, to the memory of the past, and to the hopes of the future, that we submit to nothing that is as clearly wrong; therefore,

Approval of
the course of
the President
in relation to
France.

1. *BE IT RESOLVED*, by the Council and General Assembly of this State, That the course adopted by the Government of the United States, in reference to France, is justly entitled to, and receives our entire approbation; that we approve of the firm, dignified, and national spirit which has been displayed by our venerable President, and accord to him this testimony of our confidence; that the sentiments and views expressed by him in his recent special message on the subject, meet our warm and decided approbation; as Americans, we are proud of our character, and that of our state and country; and while we ardently desire the continuance of peace, and trust that every proper measure to preserve it may be resorted to, yet if it cannot be preserved without national degradation, we are prepared, and pledge ourselves, to stand by and sustain the Government of our choice. We cordially respond to the patriotic sentiment of the Executive, that if France wants a degrading apology or explanation, "in terms which she shall dictate, and which will involve an acknowledgment of her assumed right to interfere in our domestic councils, she will not obtain it." "Come what may, the explanations which France demands can never be accorded."

Concurrence
in resolution of
House of Representatives

2. *Resolved*, That we freely and entirely concur in the resolution unanimously adopted by the House of Representatives at the last session, declaring, "That the treaty with France of the fourth of July, eighteen hundred and thirty-one, should be maintained, and its execution insisted upon."

Instructions

3. *Resolved*, That while we approve of the pacific recommendation of the President, in relation to the exclusion of French goods and vessels from our ports, we do hereby instruct our Senators, and request our Representatives in Congress, sustain, by their votes and exertions, every measure necessary to increase our naval forces, to put our seaboard in a complete state of defence, and to maintain the interests, vindicate the honor, and enforce the rights of the nation.

4. *Resolved*, That the Governor of this state be requested to transmit to the President of the United States, to the Vice President, to each of our Senators and Representatives in Congress, and to the executives of each of the states, and territories, a copy of the foregoing preamble and resolutions.

Passed, February 12, 1836.

WHEREAS the repeated and extensive losses of life and property, occasioned by the navigation of that part of the Delaware Bay, known by the name of Cape May Roads, render it necessary that measures should be taken to decrease, if they cannot entirely remove the evil.

And whereas it is well known to all acquainted with that portion of the state, that vessels drawing more than three fathoms water cannot approach the New England Channel, and that it is used by coasting vessels only, and the lighter craft, and to them its easy navigation is a matter of serious importance. Preamble.

The coasting trade has increased within a few years to an enormous extent; the amount of it from Philadelphia eastward, and the importance of the Philadelphia market to the Eastern States, require that this branch of commerce should receive all the protection possible; for this purpose a safe harbor in the said Roads is all important.

Vessels bound up the Delaware, approaching Cape May Light, in thick and rough weather, cannot with any degree of safety, run for the Breakwater; the shoals in the mouth of the Delaware, numerous and dangerous, prevent them. Their only course is through the Cape May Roads, and when the wind is from the south-west and north-west, places them on a lee shore. Such a wind has a fair sweep from upwards of forty miles across, an open bay; it exposes all vessels at anchor to great danger, if not to certain destruction. Those that cannot ride it out, must go

ashore, which is often the case; and the loss of life and property has been afflicting and extensive; complaints are frequently made, and very justly too, that vessels bound up the Delaware and running the eastern channel are lost for the want of light houses on the Jersey shore. These serious difficulties in the way of navigation of the Delaware, and the successful protection of the coasting trade, can be obviated by the erection of a stone pier from half to three-fourths of a mile in length, to be placed on what is called "Crows Shoal," at a proper distance from the Bay-Shore, or at whatever other point a skilful engineer may determine; and also, a light house on Egg Island, and another on Cohansey Point—Therefore,

Appropriation
requested

RESOLVED, That in the opinion of this legislature, the matters set forth in the foregoing preamble are peculiarly worthy of the attention of Congress, as guardians of the interests of the whole community, and that a survey of the said Cape May Roads, and an appropriation for the construction of said pier and light houses, would conduce greatly to the general good.

Resolutions to
be presented to
Senators and
Representa-
tives

Resolved, That a copy of the foregoing preamble and resolutions be forwarded by the governor of this state to our senators and representatives in Congress, to be by them laid before both houses of Congress.

Passed, March 4, 1836.

BE IT RESOLVED, by the Council and General Assembly of this State, That the treasurer of this state be authorized to settle with, and make compensation, to Richard J. Bond, William M. Griggs, Samuel Lippencott, Daniel J. Blackwell, Edmund Rue, Elizabeth Henderson, Daniel Newbold, S. W. Thomas, Ezekiel Pullen, J. Arnold, James Priest, William Paul, Samuel Allison, Margaret Bodine, John Miles, John Meirs, Charles Dippoldt, and Abraham Woodruff, severally, the sums stated in the report of the state-prison committee, for

property owned by them, and destroyed by the recent fire at the state prison; the aggregate amount so appropriated, not to exceed four hundred and ninety-six dollars and ninety-six cents.

Passed, March 5, 1836.

RESOLVED, Council concurring. That the treasurer of this state, be authorized and required to purchase two hundred copies of the Manual of Legislative Practice, printed under the authority of this Legislature, and distribute the same as follows, viz.: To the Governor and Secretary of State, to each member of the present Legislature, Secretary of Council, Clerk of Assembly, State Treasurer, Attorney General, Law and Chancery Reporters, Judges of the Supreme Court, Clerks of Supreme Court and Chancery, Clerks and Surrogates of the respective counties, Senators and Representatives of this state in Congress, President of the Senate and Speaker of the House of Representatives of the United States, Law Library of New Jersey, Incorporated Libraries of New Jersey, Congressional Libraries, one copy each; *And further,* That the remaining copies be placed in the State Library for the use of succeeding Legislatures.

Passed, March 9, 1836.

RESOLVED, by the Council and General Assembly of this State, That the treasurer of this state, pay unto Joseph W. Scott, esq. in payment for his revision of the Orphans' Court system, the sum of five hundred dollars from any unappropriated money in the treasury, and that the receipt of the said Joseph W. Scott shall be a sufficient voucher for such payment.

Passed, March 10, 1836.

RESOLVED, by the Legislative Council and General Assembly of the State of New Jersey, That the legal proceedings in relation to the escheat of the lands of William Lewis, situate in the county of Burlington, be discontinued upon payment of the fees and costs incurred by said proceedings.

Passed, March 11, 1836.

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