ACTS

OF THE

THIRTY-FIFTH

GENERAL ASSEMBLY,

OF THE

STATE OF NEW-JERSEY.

AT A SESSION BEGUN AT TRENTON, ON THE FIFTEENTH DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND ELEVEN, AND CONTINUED BY ADJOURNMENTS.

BEING THE SECOND SITTING.



TRENTON:

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1811.

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To the Law entitled "An act establishing a Militia System," Passed 16th February, 1811.

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AN ACT Establishing a Militia System.

SEC. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That every *free able bodied white male* inhabitant of this state, who is or shall be of the age of eighteen years and under the age of forty-five, (*except* ministers of the gospel, the vice-president of the United States, the officers judicial and executive of the government of the United States, the members of both houses of congress and their respective officers, all custom house officers with their clerks, all post officers and stage-drivers who are employed in the care and conveyance of the mail of the post-office of the United States, all ferry-men employed at any ferry on the post road, all inspectors of exports, all pilots, all mariners actually employed in the sea-service of any citizen or merchant within the United States) who shall express no desire to the contrary, shall severally and respectively be *enrolled*, and bedeemed and adjudged to have notice of being so enrolled in the militia, by the captain or commanding officer of the company within whose bounds such citizen shall reside. And in all cases of doubt respecting the age of any person, the party questioned shall prove his age to the satisfaction of the officers of the company or to the satisfaction of the assessor of the township within whose bounds he may reside; *Provided nevertheless*, That every person who is actually enrolled in or shall hereafter join any *uniform corps* that is now or may be established under this act, fully equip himself, and continue faithfully to do the duties required of him on days appointed by law for training, and on such other days as the commanding officer of said company or troop shall require for the *term of ten years*, on making the same appear to the satisfaction of the brigade board, hereinafter instituted, shall be entitled to receive from the said brigade board a certificate exempting him ever after from common militia duty; and the commanding officer of the company or troop in which such person may have so served, shall not erase such person's name from his muster roll,

but write opposite to his name on the muster-roll of said company, *exempted from common duty.* And any person who may have held any commissioned office under this act for the term of ten years, shall on removal or resignation be entitled to the same privilege of exemption without fine if he make the same appear by a certificate from a brigade board, but no exemption created by this proviso shall in any case clear or exonerate any person exempted from common militia duty, from bearing his proportion of actual service in time of war, insurrection, invasion, or other emergency.

2. *And be it enacted*, That the militia in the several
6 *counties* of this state, except Cape-May, shall *form* each *a brigade*, to be called after their respective counties. The militia in the county of Cape-May shall be annexed and belong to the Cumberland brigade: the Burlington, Gloucester, Salem and Cumberland brigades shall com-
7 pose the first *division:* the Bergen, Essex and Morris brigades shall compose the second division: the Somerset, Middlesex and Monmouth brigades, shall compose the third division: the Hunterdon and Sussex brigades, shall compose the fourth division: and the several regiments, independent battalions, battalions, squadrons, and companies, shall continue as at present arranged, subject nevertheless to such alterations and arrangements as are hereinafter provided for.

8 3. *And be it enacted*, That the present *officers* of the militia of this state, shall *continue* and exercise the several ranks and commissions which they now respectively hold. Vacancies by death, removal, resignation, or otherwise, shall be filled up, so that the militia shall be
9 officered as follows: There shall be a *general staff*, of which the commander in chief shall appoint his four aids-de-camp with the rank of lieutenant-colonel, one quarter-master-general, one adjutant-general, severally with the rank of brigadier-general; to each division there shall be one major-general, and two aids-de-camp, with the rank of a major; to each brigade one brigadier-general, with one brigade-inspector, to serve also as brigade-major, one brigade or senior surgeon, one bri-

gade-judge-advocate, one brigade-paymaster, and one brigade-quartermaster, to *each regiment*, one lieutenant-colonel commandant; and to each battalion or squadron, one major; to *each company of infantry*, light-infantry, and grenadiers, one captain, one lieutenant, and one ensign, one clerk, four serjeants, four corporals, one drummer, one fifer, and not more than sixty-four nor less than forty privates, or as near as may be, having regard to their local situation; to each *troop of horse* there shall be one captain, two lieutenants and one cornet, one clerk, four serjeants, four corporals, one saddler, one farrier, and one trumpeter, and not more than sixty-four nor less than thirty-two troopers; to each *company of artillery*, there shall be one captain, and two lieutenants, one clerk, four serjeants, four corporals, one drummer, one fifer, not more than six nor less than three gunners, not more than six nor less than three bombardiers, and not more than thirty-two nor less than fifteen mattrosses; there shall be a *regimental staff*, to consist of one adjutant, and one quarter-master, to rank as lieutenants, one paymaster to each battalion, one surgeon and one surgeon's mate, one chaplain, one serjeant major, one drum major and one fife major. All *officers* shall *take rank* according to the date of their commissions; and when two of the same grade bear equal date, then their rank shall be determined by lot, to be drawn by them before the commanding officer of the division, brigade, regiment, battalion, company or detachment. The *regimental staff*, except the paymasters, shall be *appointed* by the field officers, and the adjutants, and quarter-masters shall be appointed from among the subalterns of the regiment— The brigade and regimental staff officers shall be commissioned by the commander in chief, on certificates of their appointment under the hands and seals of the officers making the same: the *non commissioned regimental staff* shall receive warrants from the commanding officers of the regiment and independent battalions; and further, there shall be one adjutant, one quarter-master, and one surgeon, or surgeon's mate, to each squadron of cavalry, and each

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18 independent battalion—the non *commissioned officers and music* to be appointed by the captain and subalterns. That majors of independent battalions shall be entitled to promotion agreeably to seniority. And in case any *major of an independent battalion* shall be *pro-*
19 *moted to the rank of lieutenant colonel*, he shall still continue to do the duties of major as before his promotion, until attached to some regiment or called into actual service, when he shall be entitled to command according to his rank of lieutenant colonel and date of his commission as such.

20 4. *And be it enacted*, That each and *every officer* who has been or may hereafter be appointed and commissioned in the manner aforesaid and who shall not already have taken the same, shall previous to their entering on the execution of their respective offices, *give assurance of fidelity* and attachment to the government of this
21 state, by taking and subscribing the following *oath* before some general or field officer of the brigade.

I do sincerely profess and swear (or affirm, as the case may be) that I will, and do bear true faith and allegiance to the government established in this state under the authority of the people, and will with integrity execute the office of of the militia of New-Jersey according to the best of my abilities, so help me GOD.

And a certificate thereof shall be made upon the back of every commission by the general or field officer before whom the said oath or affirmation shall have been taken and subscribed.

5. *And be it enacted*, That the commanding officer of every regiment, independent battalion and squadron
22 shall call a *meeting of the commissioned officers* of their respective regiments, independent battalions and squadrons, at such time and place as he shall appoint, for
23 *improvement in military exercise* twice in every year—and the commissioned officers having notice of such
24 meeting and making default, shall be subject to a *fine* not less than two nor exceeding four dollars, at the discretion of the brigade board herein after created, and return shall be made of such defaulter or defaulters by the commanding officer present at such meeting.

6. *And be it enacted*, That the militia of this state shall rendezvous three times in every year for the purpose of *training*, disciplining and improving in martial 25
exercise, once by companies or troops within their respective bounds on the third Monday in April, once *by battalions* within their respective bounds, with the 26
company or companies of artillery raised within the bounds of the battalion annexed: the first battalion of the first regiment on the first Monday of May, the second battalion of said regiment on the Tuesday following, the first battalion of the second regiment on the Wednesday following, the second battalion of said regiment on the Thursday following, the first battalion of the third regiment on the second Monday of May, the second battalion of said regiment on the Tuesday following, the first battalion of the fourth regiment on the Wednesday following, and the second battalion of said regiment on the Thursday following, the first battalion of the fifth regiment on the third Monday of May, the second battalion of said regiment on the Tuesday fol- 27
lowing, and the *independent battalions* shall parade on the days immediately succeeding the trainings of such battalions as may be formed into regiments according to their ranks in the brigade, always excepting the first and last days of the week—the *troops of horse* of Bergen, 28
Essex, Morris, Somerset, Middlesex and Monmouth brigades shall meet by squadron on the fourth Monday in May within their respective brigades, and it shall be lawful for the troop or troops of horse belonging to the other brigades to meet in like manner, but if the remote situation of the several troops composing a squadron shall render such meetings inconvenient, then they shall meet by troop at the time and place directed for the meeting of the battalion within the bounds of which the majority of the troop may reside, subject to the command of the major or commandant of the battalion, and once *by regiments* and *independent battalions* with the 29
troop or troops of horse and the company or companies of artillery, the major part of which shall be raised within the bounds of each regiment or independent bat-

talion attached to the same, the *first regiment* on the first Monday of June, the second regiment on the Tuesday following, the third regiment on the Wednesday following, the fourth regiment on the Thursday following, and the fifth regiment on the second Monday of June; it shall be the duty of the *captains or commanding officers* of said companies or troops, the majors or commandants of battalions, the colonels or commandants of regiments, independent battalions and squadrons, *to advertise* the hour and *place of meeting* of their respective corps, on the days appointed by law, at least two weeks in two of the most public places in the company or troop, and *six* of the most public *places* in the regiment, independent battalion or squadron so called to exercise; that it shall be the *duty* of every *general of brigade* when *more than one independent battalion exists* under his command, to direct that they *draw for rank* by their commanding officer, in the presence of the general, and the battalion drawing the lowest number shall be highest in rank, and called the first independent battalion of the brigade, and the other or others shall be numbered and named accordingly; and in every brigade in which there is an independent battalion or battalions, the regiments shall proceed in their *trainings* each on the days *designated by law*, and the independent battalion or battalions shall follow according to their numerical order or rank on the days immediately succeeding, always excepting the first and last days of the week; the *brigade boards* of each brigade shall have full power and authority at their discretion, once in three years to *order a brigade training* on one of the regimental days within the bounds of the brigade, which brigade training shall be instead of the regimental training for that year, and the same fines and penalties shall be imposed for deficiencies as are directed in cases of regimental muster, and the said board may leave out of such brigade orders any regiment or independent battalion, the local situation of which may in their opinion require it, which regiment or independent battalion shall observe the day or days above appointed for such detachment, and further, that if the order aforesaid, in which the

regiments and battalions are directed to exercise, shall be found inconvenient, it shall be lawful for the brigadier general to change the order in which the said regiments and battalions aforesaid shall be exercised, at his discretion, not altering the *days of training and exercise*, but confining such discretion to naming the particular regiment or battalion that shall train or exercise on a particular day as before mentioned, so that the inspection and review may be rendered more convenient to the brigadier-general and brigade inspector; the *brigade inspector* by order of the brigadier-general, to give *notice by advertisements* set up in three of the most public places within the bounds of each regiment and independent battalion belonging to said brigade, at least thirty days previous to the day of meeting; that it shall be the duty of the captain or commanding officer of every company, of the major or commanding officer of every battalion, of the lieutenant colonel or commanding officer of every regiment, of the general or commanding officer of every brigade, of the major-general or commanding officer of every division, *to make accurate returns* of the troops under their respective commands *to their next superior officer* at least once in every year, which shall be done *in three months* after the annual training: *Provided however*, That the regimental muster in the Cumberland brigade shall commence on the second Monday in June in every year, and the regiments and independent battalions of said brigade shall succeed each other in the same order, and continue to observe every other matter and thing enjoined by this act.

7. *And be it enacted*, That *the fines for non-attendance* on days of exercise shall be as follows: on a *field officer* the sum of five dollars, on every *other commissioned officer* the sum of three dollars per day on every *non-commissioned officer and private* the sum of one dollar per day, and the same fines and penalties shall be respectively paid by every officer, non-commissioned officer and private, who shall be *absent at* either *roll call, or leave the parade* of his regiment, battalion, squadron, troop or company, without permission ob-

tained from the commanding officer, before the said regiment, battalion, squadron, troop or company shall be discharged; and if any militia man shall *appear* on
49 parade *without his musket or firelock*, or if a trooper without his sword and pistols, he shall forfeit and pay
50 fifty cents, and if any footman for *want of a bayonet* and belt six cents; *provided*, That no militia-man shall be liable to such fines who in the opinion of the compa-
51 ny court created by this act, may be *deemed unable*, from whatever cause, to procure arms and equipments, or either of them, but when any militia man shall be
52 *called into actual service* he shall appear fully equipped with every article required by act of congress, or be subject to a fine, if an officer of ten dollars, or if a private two dollars.

8. *And be it enacted*, That in order to ascertain those *persons* who by their absence on days of exercise shall
53 be *liable to the fines and forfeitures* of this act, a *clerk* appointed by the captain or commanding officer of every troop or company, shall on every day of training, in presence of said captain or commanding officer of said troop or company, one hour after the time appointed for the meeting of the troop, company, battalion, squadron, regiment or brigade, and also after the exercise is
54 over and before the men are dismissed, *call over the muster roll* of the said troop or company, noting those who are absent at each roll call, and also all those who are deficient in arms or equipments, and the particular article or articles for want of which they are liable to be fined, and shall ten or more days prior to the day appointed for the meeting of the company court *notify*
55 either *personally* or *by a written* or *printed notice* given *to the delinquent* or left at the usual place of his dwelling, the amount of the fine or fines by him incurred, the day when and the place where the company court
56 will meet, and shall deliver a true and particular *return of all such delinquents* and deficiencies on oath or affirmation, to the president of said company court,
57 which *oath* or affirmation shall be in the following form. I clerk of the company (or troop as the case may be) of the battalion (or squadron as

the case may be) within the regiment of the brigade, do in the presence of Almighty God, swear (or affirm as the case may be) that this return contains the names of all delinquents of said company or troop, all which (excepting those marked as absent from my company district) have been notified as the law requires, and that the fines incurred and all deficiencies are truly marked opposite the names of each delinquent, according to the best of my knowledge and belief, &c.

And the *clerk shall also return* the name of every 58
delinquent commissioned officer of said company *to the battalion paymaster*, noting the species of delinquency, whether of uniform, arms, or non-attendance on days of exercise, or on the day appointed for holding said company court, and if there are no delinquencies he shall make a blank return certifying the same, and for neglect of any duty required of him by this section, the *clerk shall forfeit* and pay any sum not exceeding ten 59
dollars, to be prosecuted for and recovered by the battalion paymaster within whose bounds he resides, with costs of suit before any justice of the peace.

9. *And be it enacted*, That the commissioned officers of each and every company or troop shall constitute a *company court*, the officer first in rank shall be president; 60
they shall when convened for business administer to each other the following *oath* or affirmation :— 61

I do swear (or affirm as the case may be) that I will perform the duties of a member of this company court agreeably to the true intent and meaning of the militia law of this state, according to the best of my skill and understanding, without favor, affection or partiality. So help me GOD.

And said company court *shall meet* on the first Mon- 62
day of August in every year at such place within the bounds of said company, as the captain or commanding officer thereof shall publicly direct, and proceed to *hear the testimony* and allegations of all such parties, 63
appearing by themselves or representatives, as have been returned delinquent at the preceding trainings, and *impose such fines and forfeitures* as in justice and equity 64
this act requires, and *in case but one of the officers* com- 65

posing the said company court shall attend, it shall be lawful for the said officer to call to his assistance two respectable enrolled persons from the list of said company, (who having taken the oath or affirmation prescribed by this section) shall *constitute the company court* and in all things shall be governed by the same regulations as are directed for the other company courts; the president of the said court shall within twenty days thereafter *make three accurate returns*, and safely transmit the same, *one to* the *battalion paymaster*, *one to* the *brigade paymaster*, and *one to* the *judge advocate* or brigade board, of the names of all delinquents, and the sum imposed on each by the said company court, and in case there were no fines imposed, he shall notwithstanding make and safely transmit blank returns, on which he shall certify that there were no delinquents; and in case *any member of any company court shall neglect to attend* at the time and place publicly notified, or when met shall refuse to proceed in the duties thereby required of him, he shall forfeit and pay a sum not exceeding ten dollars, and if the president of any company court shall neglect to make out and safely transmit accurate returns as aforesaid, he shall forfeit a sum not less than fifteen, nor exceeding thirty dollars, to be recovered in an action of debt by the brigade paymaster, to be assessed by the brigade board, and collected as by this act is directed for the recovery of fines imposed on delinquent officers.

10. *And be it enacted*, That it shall be the *duty of the battalion-paymaster* on receiving the list of delinquents returned to him by the president of the company court, and on receiving from the said president the fines he may have collected, to write opposite the names of those persons who shall have discharged their fines, paid; and if any *delinquent* shall *neglect or refuse to pay* the fine or fines returned against him to said paymaster before the third Tuesday of October then next ensuing, the said paymaster shall immediately thereafter *deliver* the said return *list of delinquents to a justice of the peace*, who is required forthwith, to *issue execution* against the person or persons named in said re-

turn list (opposite whose names shall not be written as aforesaid, paid) for the sums annexed to their respective names, with costs, as in cases of taxation, *directed to one of the constables* residing within the bounds of the battalion, and if there be no constable within such bounds, then to any constable of the county, who is required to *levy* the same of the *goods and chattels* of the respective *delinquents*, and to *pay* the several sums contained in the said execution within thirty days to the said *battalion paymaster* to whom the said delinquents belong, and for want of goods and chattels to *take* the *bodies of the delinquents*, and commit them to the jail of the county, there to be kept until the fines and costs shall be paid. And the *certificate of the constable*, setting forth that he has in his possession an execution containing a demand against said delinquent for militia fines unpaid, and the exhibition of such execution to the jailor shall be sufficient authority for said jailor to retain said prisoner until discharged by due course of law: *Provided nevertheless*, That the *brigade board* or any three of them, the commanding officer of the battalion or squadron to which he belongs being one, upon being satisfied by the *oath* or affirmation of the *delinquent committed to jail* or otherwise, that the delinquent so committed is unable to pay, may *grant a supersedeas* to release and discharge such poor person from confinement. The *form of the execution* shall as near as may be, be as follows:

County

THE STATE OF NEW-JERSEY,

To one of the constables of the county of

Whereas the persons named in the schedule or list hereunto annexed, have been duly adjudged for deficiency in military duty and equipments, to pay the fines to their names respectively subjoined—you are therefore commanded forthwith of their several goods and chattels respectively within said county, to levy by distress and sale thereof the fines set opposite their respective names with costs, and to pay the same to paymaster of battalion, and for want of goods and chattels, you are commanded to take the body or bodies of the person or persons so deficient, and deliver him or

them to the keeper of the common jail of said county, and the keeper thereof is hereby commanded to receive and safely keep the person or persons who shall be so committed, until they pay the same, or until discharged by order of the brigade board, or otherwise by due course of law: and you are to make *return* of this *execution*, with your doings therein unto me *within*
82 *thirty days* next coming; for which this shall be your sufficient warrant. Hereof fail not. Given under my hand and seal the day of in the year of our Lord eighteen hundred and Justice of the Peace.

11. *And be it enacted*, That if any money shall remain in the hands of any constable after making sale of the property of a delinquent and paying the fines and
83 costs of such delinquent, such money shall be *paid by the constable to the said delinquent*; but if he shall refuse to receive the same, then the said constable shall pay the said money to the paymaster of the battalion to which such delinquent belongs, to be by him accounted for in his settlement with the brigade board. And it
84 shall be the duty of *such constable* after having paid any such money into the hands of the battalion paymaster,
85 immediately to *certify the same to the judge-advocate* or brigade board, and the *fines* and forfeitures imposed
86 by this act *on minors* living with their parents and others having the proper care or charge of them, and those
87 of *apprentices shall be paid by* their respective *parents*, guardians, *masters* or mistresses, or levied of their respective goods and chattels.

88 12. *And be it enacted*, That it shall be the *duty of every battalion paymaster* to make returns to the brigade board of all such *delinquent commissioned officers* as may be returned to him by the *company clerks*, and the said battalion paymasters *shall keep journals* of all their proceedings in the execution of the duties enjoined on them as battalion paymasters. They *shall record*
89 *in a book* to be kept for that purpose the amount of fines by them received, of whom, and in what manner received, whether by voluntary payment or of the constables, of the *fines not collected* or recovered, and the reason thereof, of monies paid, to whom and on whose or-

der and for what purpose, and shall lay the same, with their vouchers and receipts, before the brigade board for inspection and settlement.

13. *And be it enacted*, That the *brigade board shall appoint* one reputable freeholder within their respective brigade, to act as *brigade paymaster* to the same, and 91
one reputable freeholder within the bounds of each battalion to act as *battalion paymaster* to the same, for the 92
collection and payment of fines, which said brigade and battalion paymasters before entering upon the duties of their office, shall severally *give bond* with sufficient sure- 93
ties, to be approved of by the commandant of the brigade, the brigade paymaster in the sum of two thousand dollars, the battalion paymaster in the sum of five hundred dollars, payable to the state of New-Jersey, with condition for the faithful performance of the duties of their respective offices, and shall repair to the clerk of the county in which they reside, and subscribe *and take* the following *oath* or affirmation: 94

I appointed paymaster of the brigade (or battalion, as the case may be) of militia, do swear (or affirm) that I will to the utmost of my knowledge and ability, honestly and faithfully perform the duties of the office of paymaster of the said brigade (or battalion.) So help me God.

Which oath (or affirmation) the said clerk shall administer, and endorse on the said *bond*, and file the same in his office, *to be prosecuted* whenever the *brigade board* 95
shall direct. The said *clerk* shall, on the back of the warrant of appointment, give a *certificate* under his hand and seal of the county, of said bond and oath (or affirmation) having been taken and filed, which shall be
received as *evidence* of the *authority* of the said pay- 96
master.

14. *And be it enacted*, That the *brigade paymaster* 97
shall receive and file all vouchers and returns, and keep proper and distinct accounts of the monies arising from the fines and forfeitures in the several regiments and battalions in the brigade which shall be paid and returned to him, and also shall receive and file all returns, orders, vouchers, and *receipts for all monies* he may receive and 98

pay out, conformably to the directions of this law, and submit his books of accounts, returns, orders, vouchers
99 and receipts to the inspection and *examination of the brigade board*, to whom he shall account from time to time for all monies by him received, and produce orders for any disbursements he may have made; he shall
100 *make out for the treasurer of this state* an accurate statement of the amount of the delinquent fines imposed by the company courts on the defaulters of each battalion, the amount of the monies received by him from each battalion paymaster, the disbursements he may have made, to whom, for what purpose, and by what authority, the amount of monies remaining in his hands unappropriated, and what *balance he is directed* by the bri-
101 gade board *to pay into the treasury* of this state, which statement and balance he is hereby required to deliver or transmit to the said treasurer within three months after the annual meeting of the brigade board. On receiving the *list of fines imposed by the brigade board on*
102 *delinquent officers*, he shall proceed to collect the same, and if any delinquent officer shall neglect or refuse to pay for sixty days thereafter, the said paymaster shall put the said list into the hands of a justice of the peace of the county, having previously crossed the names of such as may have paid, and the said justice is hereby
103 required to issue *execution against the delinquents* who have not paid, in the words and form of execution directed in the tenth section of this act, substituting the words brigade paymaster instead of battalion paymaster. And the constable into whose hands said execution may be placed shall observe all the duties in executing such
104 process enjoined by this act, and be *subject to the same penalties* as are *provided by law* for neglect of duty.

105 15. *And be it enacted*, That there shall be a *brigade board*, composed of the brigadier-general and commandants of regiments, battalions, and squadrons, and brigade surgeon of the respective brigades, and a majority of them shall be necessary to form a board; they shall
106 *meet annually* on the third Monday in December, at such place as shall be agreed upon by a majority of the board, and their next meeting in each brigade shall be

at the place to which the board of general and field officers of such brigade stand adjourned.

16. *And be it enacted*, That at any meeting of the brigade board, the *officer of the first grade* and seniority present *shall preside*; the said board shall have power to compel the *attendance of its members by imposing a fine*, which shall not in any case exceed twenty dollars; it shall be their duty and the said brigade board are hereby respectively empowered to make such alterations and *arrangements of the regiments, battalions, squadrons, troops and companies* within their respective brigades, as may from time to time appear to them as necessary and expedient, to authorize the *formation of such new uniform companies*, and to attach them to such battalion or regiment as they may think proper, and whenever the brigade board of any brigade in this state shall re-attach a company to any other regiment or battalion, the company so attached shall be considered the lowest in rank: they may make *arrangements for instructing or obtaining music*, provided the sum expended for such purpose shall not exceed fifty dollars for each regiment, and twenty-five dollars for each independent battalion and squadron, per annum: they shall *draw orders upon the brigade paymaster* for all lawful and necessary expences: they shall make said *paymaster* a reasonable *allowance for his services*, adjust, inspect and settle his accounts, determine what balance is in his hands, and *what sum he shall pay forward to the treasurer of the state:* they shall *remove* said paymaster *in case of embezzlement or neglect of duty*, and appoint another in his place, which successor is hereby empowered and required to prosecute the said delinquent or defaulter, his executors or administrators, for any monies remaining in his hands belonging to the brigade, in any court where the same may be cognizable, with costs of suit: they shall *settle with the battalion paymasters*, determine the balances which they shall severally pay forward to the brigade paymaster, to allow them a reasonable compensation for their services: they shall remove either of them in case of embezzlement or neglect of duty, or suspicion thereof, and make other ap-

pointments to *fill the vacancies:* they shall direct the brigade paymaster, who is hereby on such direction required to *prosecute such battalion paymaster*, guilty or suspected to be guilty of embezzlement or neglect of duty as aforesaid, his executors or administrators, for all monies so embezzled, in any court where the same may be cognizable, with costs of suit: they shall make a reasonable *allowance to adjutants* for extra services, and to persons employed by commandants of brigades, regiments, independent battalions and squadrons, to carry their orders: they shall make *compensation to the brigade judge-advocate* or person acting in that capacity: they shall on returns made to them by the brigade major, or battalion paymaster, of any *delinquent* officers, (where no satisfactory excuses are offered) *assess such fines* on each defaulter, as are directed by law: they shall preserve order at their several sittings, by *imposing a fine* not exceeding ten dollars upon any person who shall interrupt or insult them while engaged in the business of the brigade, which shall be collected by the brigade paymaster in the same way as fines on delinquent officers, and *return a list of the names of such delinquents*, together with the name or names of any defaulting member or members of said board, with the amount of fine or fines annexed, *to the brigade paymaster:* they may *draw on the quarter-master-general* for colors or instruments of music necessary in their respective brigades: they shall have power to administer oaths to witnesses, to hear and decide upon the application of any person, either by himself or friend, complaining of *permanent inability of body, or insanity of mind*, and said board being fully satisfied that such complainant is truly unable to do military duty, or of unsound mind, they are hereby authorized to discharge such person during the continuance of such inability or insanity; that any person returned *delinquent by any company court*, conceiving himself aggrieved and making it appear to the satisfaction of said brigade board that he has not had an opportunity of applying to said company court, the said brigade board is hereby authorized to stay the operation of *the execution* on such person (if the

money has not been paid, and if it has been paid to re-
turn it) until such person aggrieved may have an *oppor-* 128
tunity of redress by the company court of the ensuing
year, and the judge-advocate shall certify to the presi-
dent of the company court to which such applicant may
belong, the indulgence granted to such person, and if
no application is made accordingly, or no redress is
given, the president of the company court shall return
the person so having been indulged, with the names of
the delinquents of that year, and such person shall be
entitled to no further remedy: That the brigade board
of each brigade are hereby authorized to *erect* in some
convenient place or places, a *suitable covering* or cover- 129
ings *for the preservation* of the piece or pieces of *field*
artillery committed to their care, and pay the necessary
disbursements out of monies arising from military fines
and forfeitures accruing within their respective brigades.

17. *And be it enacted*, That there shall be a *judge ad-* 130
vocate to each brigade, who shall be appointed by the
brigade board, of which he *shall be ex-officio clerk.* It 131
shall be his duty to attend every meeting of the board,
and keep a record of all their proceedings—he shall
make a fair statement of the amount of fines collected
by each battalion paymaster, of the allowance made by
the board to each for his services, of the amount paid by
each to the brigade paymaster, of the appropriations
made by the board, to whom and for what purposes;
of the *compensation adjudged to the brigade paymaster* 132
and judge advocate, the balance remaining in the hands
of the brigade paymaster, and the sum he is directed to
pay forward to the treasurer of the state; which state- 133
ment, after recording the same in his minutes, he is re-
quired to *transmit to the treasurer* within two months
after each annual sitting of the board. And in case of
his refusal or neglect to make and forward such state-
ment, he shall be subject to a fine not exceeding one
hundred dollars, to be *sued for and recovered by the* 134
treasurer of the state before any court having jurisdic-
tion thereof, with costs of suit, to and for the use of the
state.

18. *And be it enacted*, That it shall be the *duty of the* 135

quarter-master-general to *provide colors* for the differ-
136 ent corps of the militia, the *field of which shall be blue*,
observing for the same corps uniformity in their device
137 and ornaments, also *instruments of music*, and deliver
the same as they may be required by an order from the
brigadier-generals of the respective brigades; for which
purpose the said quarter-master-general is hereby au-
138 thorised to *draw on the treasurer of this state* for any
sum not exceeding three hundred dollars annually,
which said treasurer is hereby required to pay out of any
monies in the treasury arising from militia fines and for-
feitures not otherwise appropriated, and his accounts for
executing the duties of that department he shall lay an-
nually before the legislature at their first sitting, and re-
139 ceive from them a *reasonable allowance* for his services.
140 19. *And be it enacted*, That it shall be *the duty* of the
adjutant-general to distribute all orders from the com-
mander in chief of the state to the several corps; to at-
tend at public reviews, if required, when the command-
er in chief of the state shall review the militia or any
part thereof; to obey all orders from him relative to
141 *carrying into execution and perfecting the system of*
142 *military discipline* established by this act; to furnish
blank forms of different returns that may be directed by
the commander in chief, and to explain the principles on
which they shall be made; to *demand* and receive from
the several officers of the different corps throughout the
143 state *returns of the militia* under their command, re-
porting the actual situation of their arms, accoutrements
and ammunition, their delinquencies, and every other
thing which relates to the general advancement of good
144 order and discipline; all which the several *officers of the*
divisions, brigades, regiments, and battalions, are here-
by required to make in the manner herein directed, that
the said adjutant-general may be duly furnished there-
with previous to the annual meeting of the legislature;
from all which returns he shall make proper abstracts,
145 and *lay the same*, with a report of the general state of
the militia, magazines, and military stores, and also of
such improvements as he may think necessary to ad-
vance the discipline and benefit of the militia, before the

commander in chief of the state, who is required to *lay* 146
the same before the legislature. And the adjutant-gen-
eral shall also annually *make a return* of all the militia of 147
the state *to the president of the United States*. He shall
keep a book in which shall be *recorded* all *orders*, *re-* 148
turns, *names of commissioned officers*, throughout the
state, and every proceeding relative to the details of the
military force ordered by the commander in chief, *upon* 149
requisitions of the president or congress of the United
States, and in cases of invasion or other emergency. All
certificates of election of officers shall be transmitted to 150
him to be entered on record, before commissioned by
the commander in chief. He shall *deliver over to his* 151
successor, all books and returns belonging to the office
of adjutant-general. He shall *lay his accounts before the* 152
legislature at their annual sitting in every year, and re-
ceive from them a reasonable allowance for his services.

20. *And be it enacted*, That it shall be the *duty of the*
brigade inspector, to attend the brigade, regimental and 153
independant battalion meetings of the militia composing
their several brigades, during the time of their being
under arms, to *inspect their arms*, *ammunition* and ac- 154
coutrements, to make returns annually to the adjutant-
general of the state, of the militia of the brigade to
which he belongs, *reporting* therein particularly the
name of the reviewing officer, of the actual situation of 155
the arms, accoutrements and ammunition of the several
corps, and every other thing which in his judgment may
relate to their government, and the general advance-
ment of good order and military discipline. The said
brigade inspector shall be entitled to *receive thirty dol-* 156
lars annually for *his services*, and for refusing or
neglecting the duties enjoined by this act, he shall be
subject to the *penalty of fifty dollars*, to be recovered 157
by the treasurer of the state, who shall also withhold
his said salary of thirty dollars, until he shall have pro-
duced the acknowledgment of the adjutant-general, that
he has received said return. In case of the *absence* of 158
the brigade *inspector*, the commanding officer present
at the inspection, shall appoint some person to perform
the duties thereof.

21. *And be it enacted*, That every captain, lieutenant or ensign and cornet who shall from time to time be chosen by the several companies or troops, shall *report* 159 *his acceptance of the office* within ten days after having received notice thereof, to the major or commanding officer of the battalion, and in case such report is not made as aforesaid, the said office shall be deemed as 160 vacant. And the *resignation of every captain, lieutenant, ensign* and cornet shall be delivered to the brigadier-general or commanding officer of the brigade in which the said company or troop is formed, and where vacancies shall happen in any company or troop, by the death, removal or resignation of a captain, lieutenant, ensign or cornet, it shall be lawful for the *command-* 161 *ing officer of the brigade, by warrant* under his hand and seal, directed *to the major or commanding officer* of the battalion or squadron to which such company or 162 troop belongs, *to hold an election* within the limits of such company or troop, to supply the vacancies occasioned by the non-acceptance, resignation, removal, death or otherwise of any such officer, and thereupon the said major or commanding officer of the said battalion or squadron shall give ten days notice by advertisement in three of the most public places within the limits of such company, of an election to supply the place of the officer or officers of the company or troop which may be vacant; and the said company or troop, or such of them as may attend, shall proceed by a majority of votes to choose such officer or officers residing within the bounds of the said company or troop, 163 and the *said major or commanding officer* of the said battalion or squadron *shall certify* under his hand and 164 seal, *annexed to or endorsed on the warrant* aforesaid, the name and rank of each officer so chosen or elected, addressed to the commander in chef of the state, and shall transmit the same to the *adjutant-general*, who after entering the names and rank of the persons so elected, in the books of his office, shall lay the same before the commander in chief to be commissioned, and thereupon the adjutant general *shall transmit* all *com-* 165 *missions to the brigadier general* or officer who issued

the warrant of election. The sum of two dollars shall be paid by the battalion paymaster to the commandant of the battalion or squadron for advertising and holding an election or elections. *No candidate* or any other person *shall give any spiritous liquors* or treat to any 166
officers or privates, on any day of election of officers, under the penalty of twenty dollars, to be prosecuted for and recovered by the battalion paymaster, and by him paid to the brigade paymaster.

22. *And be it enacted*, That if any *commissioned officer shall remove* out of the bounds of his proper division, brigade, regiment, battalion, squadron, troop or company, or shall be absent therefrom more than six months, his office shall be thereby vacated. 167

23. *And be it enacted*, That the *uniform to be worn* 168
by the several officers of the militia of this state, shall be conformable to the general orders heretofore or that may hereafter be issued on that subject, and it shall be the duty of every officer within three months after receiving his commission, to appear upon all training days, courts-martial, and meeting of the brigade board *in full and complete uniform*, agreeably to general orders, and 169
also, either with a sword or hanger; and if any officer shall come upon parade for exercise *not* being so *equipped*, he shall incur the *same fine* as is directed by this 170
act *for non-appearance*, and also shall not be suffered to do duty on that day.

24. *And be it enacted*, That if *any youth of the age of* 171
twelve years and not exceeding the age of eighteen years, shall, with the consent and approbation of his parents, attach himself to any company of militia for the purpose of learning to beat the drum, play on the fife, or blow the trumpet, or bugle, provided the number shall not *exceed one person* for the drum, and one for the fife *in each company*, and one for the trumpet in each troop of 172
horse, the *father* of every youth who shall serve as musician as aforesaid, *shall be excused* from every kind 173
of military duty, so long as his son shall continue to perform the duties of a drummer, fifer, trumpeter or bugler in any militia company or troop, and be under the age of eighteen years.

25. *And be it enacted*, That it shall be lawful for the captains or commanding officers of the several *companies of cavalry, artillery, light infantry, grenadiers, riflemen and fusiliers to enrol* in their respective companies from the several companies composing the brigade, regiment or battalion to which they may belong, such men as may from time to time be necessary to complete their respective companies, and a *certificate from the said captain* or commanding officer, *shall exonerate* the bearer from serving or paying any fine thereafter imposed on him by the officers of the company to which he formerly belonged, any law, usage or custom to the contrary notwithstanding; *Provided always*, That it shall not be lawful for the captain or commanding officer of any *uniform company to grant a certificate* to any person *prior* to his *appearing in uniform* agreeably to law, under the penalty of ten dollars, to be recovered when incurred by action of debt, before any court having cognizance of the same, and the court shall pay the money when collected to the paymaster of the brigade in which the delinquent may reside.

26. *And be it enacted*, That the *majors* or commanding officers of battalions shall be *charged with organizing the several companies* under their respective commands; so far as where militia men of any company district neglect or refuse to choose their company officers, the *major* or commanding officer to which such company belongs, shall under his hand and seal *appoint a serjeant* within the said company district, whose duty it shall be to take command of the said company, and conduct it agreeably to this act, until proper officers are duly elected and qualified, and to *constitute his company court, the said serjeant* shall appoint three respectable enrolled persons from the list of said company, who shall choose one of their number to be president of said court, they shall take the oath or affirmation prescribed by the ninth section of this act, and in all things be governed by the same regulations as are directed for other company courts.

27. *And be it enacted*, That no officer or private shall *on the way* to or from the place of any review, regi-

mental, battalion or company training, of the regiment, battalion, or company, to which he shall belong, pay more than *one third* of the usual rate of *ferriage*, or be charged any *toll* for passing any toll-bridge, or turnpike gate, and if any ferryman or keeper of any toll-bridge or turnpike-gate, *shall refuse a passage*, or enforce a demand contrary to the direction of this act, he shall for each offence forfeit and pay the sum of eight dollars, to be recovered by any person who will sue for the same, one half to the prosecutor, and the other half to the pay-master for the use of the battalion where such demand or refusal is made, any law, usage or custom, to the contrary notwithstanding.

28. *And be it enacted*, That no commissioned officer, non-commissioned officer or private, *shall be arrested on any civil process*, on any day appointed by law for exercise or training, nor shall any *arms or accoutrements* of a militia man be levied on or sold by virtue of any execution.

29. *And be it enacted*, That the *captains* or commanding officers of the different companies or troops of militia in this state, shall yearly on or before the twentieth day of June *make and deliver a full and complete roll*, on oath or affirmation, *to the assessors* of the respective townships in which they reside, of all persons duly enrolled in their respective companies who perform military duty; for which service the said captains or commanding officers shall respectively be entitled to receive of the collector of the county, the sum of one dollar, on producing a receipt of his having delivered the said roll to the assessor as aforesaid; and the *assessors of the several townships* of this state, shall yearly, between the twentieth day of June and the twentieth day of August, take an exact list of the names and surnames of all free white male inhabitants in their respective townships between the age of eighteen and forty-five, *except such persons as are exempted* from militia duty by the first section of this act, and all general, field and staff officers in actual commission, and excepting those who shall produce to the said assessor a certificate signed by the president of the brigade board by order of said

board, within the bounds of which he or they may reside,
188 of his or their *inability of body to perform military duty;*
and the said assessors respectively shall after comparing
the returns made by the respective captains or com-
manding officers, with the list of the names by them
189 respectively taken, *insert all the names not contained in*
the rolls or returns made by the said captains or com-
manding officers, in a separate list to be annexed to their
respective duplicates or tax lists, and they and every of
190 them *shall be considered as exempts*, and the several
assessors shall fine them in their respective duplicates
the sum of three dollars each, over and above the
amount of their taxes, and the said *assessors* shall yearly
191 and every year *make out a duplicate list* of the names of
every exempt contained in his or their respective dupli-
cates or tax list, and shall *deliver* or safely transmit the
192 same to the *collector of their respective counties;* and
also at their annual meeting in September yearly make
out a general abstract of the same, which they shall de-
193 liver or safely *transmit* to *the treasurer of the state*, and
the said treasurer shall thereupon charge the county in
which the said townships are situated with the amount
of the money due on the said duplicate lists for exempt
fines, in the public books of his office, and the several
194 *county collectors* of this state *shall pay* forward *to the*
treasurer thereof the sum due on the respective lists for
exempt fines, over and above the quotas due from the
several counties by law, on the same day on which the
said quotas become due, unless he or they shall produce
an account from the township collector or constable, cer-
tified on oath or affirmation, that the persons named in
the said account for exempt fines are either dead, ab-
sconded or insolvent, and that the money cannot be
198 recovered; and on neglect thereof the said *treasurer*
shall prosecute the said county collector for and recover
the same or any part thereof, in any court where the
same may be cognizable, and the said *treasurer* is hereby
194 directed *to keep separate and distinct accounts of all*
monies received in pursuance of this act, and to lay an
account thereof annually before the legislature, and if
195 *any assessor shall neglect or refuse* to insert the names

of the persons not contained in the company rolls as aforesaid, he shall forfeit and pay the sum of six dollars for every name by him so refused or neglected to be inserted in his duplicate, to be recovered by the collector of the township, in an action of debt, in any court where the same may be cognizable, with costs of suit, to and for the use of the state; and the *said assessors*, respec- 196
tively, shall be entitled to receive in addition to their other fees to which they are entitled by law, the sum of two cents for every name contained in their lists, of all persons between the ages of eighteen and forty-five years, and the said collectors respectively shall be entitled to receive, in addition to their other fees, the sum of two cents for the name of every exempt contained in their respective duplicates, all which fees shall be paid by the county collector *out of the exempt fines*, and a 197
receipt of such payment with two cents on a dollar, shall be allowed such county collector in his settlement with the treasurer: *Provided nevertheless*, that all those persons that arrive at the age of eighteen years between the twentieth day of June and the twentieth day of August shall be exempted from said fine for that year.

30. *And be it enacted*, That the respective *township* 198
collectors shall collect the said exempt fines at the same time and in the same manner in which the township quota of other taxes is directed by law to be collected, and if the said township collectors or any of them shall neglect or refuse to pay forward the amount of said exempt fines as aforesaid, the *collector of said county shall* 199
prosecute for and recover the same, in the manner the state taxes are recoverable: *Provided always*, That the *commissioners of appeals of the respective townships* 200
may grant redress in case where any person or persons under eighteen years of age, or above forty-five shall be aggrieved by the operation of the preceding section, and to any person or persons as aforesaid, entitled to redress, said commissioners are authorised to *give a* 201
certificate of remission, which certificate the township and county collectors are hereby authorised to receive, and the same shall *pass with the treasurer of the state* 202
for so much of the exempt fines returned against such county.

31. *And be it enacted*, That if any assessor shall neglect or refuse to execute any of the duties enjoined on him by this act he shall forfeit and pay the sum of thirty dollars for each offence, to be recovered by action of debt with costs of suit by the collector of the county,
204 and if any *county collector shall neglect or refuse* to execute any duty enjoined on him by this act, he shall forfeit and pay the sum of one hundred dollars for each offence, to be recovered by action of debt with costs of suit, by the treasurer of this state, and applied to the use of the state.

32. *And be it enacted*, That the *exempts created* by
205 the twenty-ninth section of this act shall be liable *to be drafted* in the same manner as the enrolled militia, when called into actual service, and subject to the same fines and penalties.

33. *And be it enacted*, That the following fees be al-
206 lowed ; *to the clerk of every company* or troop for duties required of him, such sum as the company court
207 shall deem just and reasonable; to each of the *members of the company court*, one dollar; to the presiding officer of said court for making the return of the delinquents of said company or troop two dollars, and two cents per mile for making the returns required of him ; and the paymasters of the battalions where such officers and clerks belong are hereby authorised to pay the above
208 fees, on a *certificate from the presiding officer* of the company court ; to the brigade board for the time they shall necessarily be engaged in the business of the brigade to which they belong, each per day two dollars : *Provided*, That the expenses of the members of the brigade board shall not be defrayed out of the public monies.

209 34. *And be it enacted*, That if any *suit* shall be brought or commenced against any person for anything done in pursuance of this act, the venue shall be laid in the county where the cause of action arose, and the defendant in such action may plead the general issue, and give this act and the special matter in evidence.

35. *And be it enacted*, That the commander in chief of this state, for the time being, may in case of

invasion or other emergency, when he shall judge it 210
necessary, order out any proportion of the militia of this state, to march to any part thereof, and continue so long as he may think it necessary, not exceeding two months.

36. *And be it enacted*, That when a part of the *militia shall be called into actual service*, it shall be the 211
duty of the captain or commanding officer to divide his troop or company into as many classes as there shall be men required of him, and by *lot*, *enlistment or* 212
draft to detach *one man from each class*, and such draft 213
or detachment shall be officered with such officer or officers, and of such grades as shall be proper, agreeably to military discipline, the tour of duty of which *commissioned officers*. shall be determined by *a roaster to* 214
be kept by the adjutant for that purpose; that no *non-commissioned officer or private* shall be liable to perform 215
actual service, until it shall become his proper tour agreeably to a roaster of the company, to be kept by the commanding officer of the same, and that no draft or detachment shall be continued in service more than two months at any one time, and if necessary, they shall be *relieved by a detachment* in the manner aforesaid, which relief shall arrive at least two days before the expiration of the term of the detachment to be relieved; but nothing herein contained shall prevent the commander in chief from calling into service the *whole* or any part of the militia, when the *exigencies* of the state shall in his opin- 217
ion *require* it: that the pay of the militia in actual service shall commence two days before marching, and that they shall receive *one day's pay and rations* for 218
every fifteen miles on their return home; and in *requisitions by the president* and congress of the *United States*, 219
the like mode shall be pursued in drafting and turning out the quota of this state.

37. *And be it enacted*, That it shall and may be lawful for any person called to do a tour of duty to find *a sub-* 220
stitute, who if approved of by the captain or commanding officer of the company, or passed by the muster-

of the militia shall be called to perform any tour of duty, the majors or commandants of the battalions shall cause each and every person so called, *to be notified* of such call, by a *written or printed notice* being delivered to him personally, or left at his house or usual place of abode, by some officer or other suitable person employed for that purpose by the commanding officer of the said company, at least three days before the time of assembling said militia, unless the commander in chief on a sudden exigency shall think proper to order any part
222 of the militia *into immediate and actual service*, and then the notice mentioning such special order shall be given for immediate attendance, and any person refusing or neglecting to perform such tour of duty, or to procure a substitute, shall pay a fine not exceeding fifty
223 dollars for every such neglect or refusal; *which fines as aforesaid shall be paid to the captain* or commanding officer of the company to which such delinquent belongs, and be by him appropriated, under the direction of the commandant of the battalion to which the said compa-
224 ny belongs, *for the purpose of hiring substitutes* to supply the place of the delinquents belonging to the said company; and in case of a *surplusage* of money arising
225 from such fines, it shall be paid to the *paymaster of the battalion*. And every non-commissioned officer, whilst engaged in warning the company to which he belongs, under the orders of the commanding officer of the company in case of a call into actual service, shall receive one dollar per day, for the time he may be necessarily engaged in such duty.

39. *And be it enacted*, That the *brigade inspector* shall call to his assistance two respectable freeholders,
226 above forty-five years of age, who shall *appraise on oath* or affirmation *the horse of each* person serving as a *light horseman*, immediately before the time of going into actual service, and describe the age, size, color, and marks of said horse, and enter the same in a book kept for that purpose, and in case such horse shall be killed, or be taken by the enemy, the owner of such horse, or

order *to be drawn* on the certificate of the inspector by
the brigadier-general or commanding officer of the bri- 227
gade, *on the treasurer of this state*, provided such claim
be made in one year after the loss so sustained.

40. *And be it enacted*, That the *quarter-master* who
shall *furnish rations or ammunition for detachments* of 228
militia which may be ordered into the service of this
state shall lay his account therefor, accompanied with
the *receipts* of the officer commanding such detachment, 229
that *such ammunition and rations have been furnished*,
before the commanding officer of the regiment or inde-
pendent battalion for his approbation; and if he shall
approve and sign the same, the *governor*, or person 230
administering the government, if he also approve
thereof, shall *issue his warrant on the treasurer*, to be
paid out of any money in the treasury not otherwise
appropriated.

41. *And be it enacted*, That the commander in chief
shall appoint a *general court-martial* for the trial of all 231
officers *above the rank of field officers*; that the major-
generals each in his own division shall appoint a general
court-martial for the *trial of all field officers*; that the 232
brigadier-generals, each in his own brigade, shall appoint
a general court-martial for the *trial of captains and all
commissioned officers under that rank*; and that the 233
commandants of regiments and independent battalions,
shall institute a *regimental court-martial*, within their 234
respective regiments and independent battalions, as
often as it shall be found necessary; and that it shall
be the duty of every *officer who shall appoint a court-* 235
martial as aforesaid, to *approve or disapprove* of the
sentence or sentences of such courts-martial by them
appointed, or to mitigate the punishment or pardon the
person convicted, excepting where the offence is of a
personal nature, in which case the sentence of the court-
martial shall be conclusive. And any officer by this
act authorized to appoint a court-martial is also hereby
authorized (in the *absence of the brigade judge-advocate*)
to *appoint* a person to officiate as *judge-advocate* pro 236
tempore, to attend any courts-martial ordered imme-
diately.

42. *And be it enacted*, That any officer to be tried by
237 a court-martial shall have *fifteen days notice* of the time
238 and place appointed for trial, and a *copy of the charges* exhibited againt him, and shall be put under arrest, so far as to be suspended from the exercise of his office; and in case any *officer* for the trial of whom a court-
239 martial shall be appointed, shall *neglect to appear and make defence*, the court shall be authorised to proceed in his absence, and if found guilty of the charges he shall be sentenced accordingly.

43. *And be it enacted*, That *all persons* shall be hold-
240 en bound to appear and *give evidence before any court martial*, court of enquiry, or brigade board, on oath or affirmation to be administered by said courts, that the evidence they shall give in the cause in hearing, shall be the truth, the whole truth, and nothing but the truth, under the same penalties as are by law provided for witnesses in other cases, when thereto *summoned by*
241 *the brigade judge-advocate*, or by any justice of the peace, who is hereby authorized and enjoined when called upon to summon such witnesses in the county to which he shall belong, and for which no fee shall be required.

242 44. *And be it enacted*, That every *regimental court martial* shall be composed of five members, all commissioned officers, the president whereof shall not be under the rank of a captain, that *general courts martial*
243 *shall consist of thirteen commissioned officers*, not under the rank of captain; the senior officer shall be presi-
244 dent, not less than *two thirds of the members must agree* in every sentence for inflicting any punishment, otherwise the person charged shall be acquitted. That before the trial of any cause, the judge-advocate shall administer to the president and each of the members, the
245 following *oath* or affirmation, to wit:

You do swear (or affirm) that you will well and truly try and determine according to evidence the cause now before you between the state of New-Jersey, and the person (if more than one, persons) to be tried; and you further swear that you will not divulge the sentence of this court martial until it shall

be approved or disapproved of, and that you will not on any account, at any time whatever, discover the vote or opinion of any member of the court, unless required to give evidence thereof as a witness by a court of justice, in a due course of law; So help you God.

And the president shall administer to the *judge-advocate* the following *oath* or affirmation, to wit: 246

You do swear (or affirm) that you will not on any account, at any time whatever, divulge the vote or opinion of any particular member of this court martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law, and that you will not disclose the sentence of this court martial, until it shall have been approved or disapproved of, by the officer who appointed the same: So help you God.

45. *And be it enacted*, That if any *commissioned officer*, at any review, or any other occasion, when paraded in arms or on duty, shall *misbehave or demean* 247 himself in an unofficer like manner, he shall for such offence be cashiered or *punished by fine* at the discretion of a general court martial, as the case may require, in any sum not exceeding fifty dollars; and if any *non-commissioned officer or private*, shall, on any occasion 248 of parading the company to which he belongs, *appear drunk* or disobey orders, or use any reproachful or abusive language to his officers, or any of them, or shall quarrel himself, or promote any quarrel among his fellow soldiers, he shall be *disarmed and put under guard* 249 by order of the commanding officer present until the company is dismissed, and shall be fined at the discretion of a regimental court martial in any sum not exceeding eight dollars.

46. *And be it enacted*, That if the *commanding officer* 250 of any regiment, battalion or squadron shall *neglect or refuse to give orders* for assembling his regiment, battalion or squadron at the time appointed by the commandant of the brigade to which he belongs, or in case of *an invasion* of the city or county to which such re- 251 giment, battalion or squadron belongs, he shall be *cashiered and punishment by fine* not exceeding one hun-

dred dollars at the discretion of a general court-martial,
252 and if a *commissioned officer* of any company or troop shall on any occasion neglect or refuse to give orders for assembling the company to which he belongs, or any part thereof, at the discretion of the commanding officer of the regiment, battalion or squadron to which such company or troop belongs, he shall be cashiered or punished by fine not exceeding one hundred dollars, at the discretion of a general court-martial; and a *non-*
253 *commissioned officer offending* in such case shall be *fined* at the discretion of a regimental court-martial, in any sum not exceeding thirty dollars.

47. *And be it enacted*, That if any *captain* or *commanding officer of a company or troop* shall *refuse or*
254 *neglect to make out a list* of the persons notified to perform any tour of duty, and send or convey the same to the commanding officer of the regiment, battalion or squadron to which such company or troop may belong,
255 for such neglect or refusal he *shall be cashiered, or fined* at the discretion of a general court-martial in any sum not exceeding one hundred dollars.

256 48. *And be it enacted*, That if any militia man *shall desert* while he is on a tour of duty, he shall be fined in any sum not exceeding one hundred dollars for every such offence, or may be imprisoned for any term not exceeding two months, at the discretion of a regimental court-martial; and if a non-commissioned officer he shall also be degraded and placed in the ranks.

49. *And be it enacted*, That it shall not be lawful for
257 any *non-commissioned officer or private to come on parade with a loaded or charged musket*, gun, rifle, fusee or *pistol*, nor to discharge any fire-arms within one mile of the place of parade, on any day that they shall be ordered out for improvement or inspection without an order or permission from a commissioned officer, and if any non-commissioned officer or private shall so load or charge, or fire or discharge any fire-arms without such order or permission, he shall forfeit one dollar for
258 every offence, and *the clerk of the company is hereby directed to read this section* immediately *after calling the roll* of the company, and the commissioned officers are

hereby enjoined to cause the names of the persons who shall offend, to be returned to the regimental court-martial.

50. *And be it enacted*, That the *militia* of this state shall be considered to be *under military discipline* from 259
the rising until the setting sun of the same day, that they shall be ordered out for improvement or inspection, and that no officer, non-commissioned officer or private belonging to the same, during the time aforesaid, shall be subject to be *arrested on any civil process*.

51. *And be it enacted*, That the *militia* on the days of exercise *may be detained under arms*, on duty in the 260
field *six hours*, provided they are not kept above three hours under arms at any one time, without allowing them a proper time to refresh themselves.

52. *And be it enacted*, That any person who shall bring any kind of *spiritous liquors to the place of exer-* 261
cise, or within one mile thereof for the purpose of retailing, shall *forfeit such liquors* for the use of the poor 262
belonging to the city or township where such exercise is had, and the commanding officer of the regiment, battalion, squadron or company is charged with the execution of this article.

53. *And be it enacted*, That the *rules of discipline* approved and *established by congress* in their resolution 263
of the twenty-ninth of March, one thousand seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia throughout this state, except such deviations from said rules as may be rendered necessary by the requisitions of the acts of congress or some unavoidable circumstances. It shall be the duty of the commanding officer at every training to cause the militia to be exercised and trained agreeably to said rules of discipline, and the *instructions laid down* 264
by the Baron Steuben, and annexed to the said rules of discipline pointing out the respective duties of the officers, non-commissioned officers and privates, are recommended and enjoined upon the militia of this state, as particularly and fully as if the said instructions were repeated in this act at length.

54. *And be it enacted*, That the commander in chief

be and he is hereby authorized to procure a sufficient number of copies of a *system* embracing the first elements and most essential *movements of field artillery*, also a sufficient number of copies of a *manual* for the *exercise of cavalry*, and distribute the same to such officers of the cavalry, artillery, and infantry, as in his opinion the service may require. And he is hereby authorized *to draw on the treasurer* of the state for monies to defray the necessary expenses, and the said treasurer is hereby authorized and required to pay such draft out of any monies in the treasury arising from militia fines, not otherwise appropriated.

55. And be it enacted, That when any *officer of the general staff* shall be tried by courts-martial, the expense shall be paid by the treasurer of the state, out of any militia fines in the treasury not otherwise appropriated. That when any officer having commanded in any brigade *above the grade of major* shall be tried by courts-martial, the expense shall be paid by the paymaster of the brigade to which the delinquent belongs; and that when the commanding officer of any battalion or squadron, or of a *grade inferior, or private*, shall be tried by courts-martial, the expense shall be paid by the battalion paymaster in whose bounds the delinquent may reside. That every officer who shall attend on courts-martial shall be entitled to receive the sum of one dollar and fifty cents each for every day they shall respectively attend, and all persons attending before said courts-martial as witnesses, shall be entitled to receive fifty cents per day: *Provided*, that no more than *four witnesses on the part* of the state, and *four on the part of the offender*, shall be entitled to pay. All which sums shall be paid as aforesaid, on certificates signed by the judge-advocate or the person acting as such at any courts-martial which may be held.

56. And be it enacted, That if any *bystander shall interrupt, molest*, or insult by abusive words or behavior, any officer or soldier while on duty at any training or muster, he shall be immediately *put under guard*, and kept, at the discretion of the commandant of the regiment, battalion, squadron, company or corps, until the setting of the sun of the same day on which such offence

shall be committed, and if any *bystander* shall be guilty of any *like conduct before a court-martial*, he shall be fined in any sum not exceeding twenty dollars, with costs of prosecution, *to be recovered before* any *justice* of the peace *by the battalion paymaster*, who shall sue for 273
and pay the same when recovered to the brigade paymaster.

57. *And be it enacted*, That *all fines imposed by any* 274
courts martial shall be *certified* and returned *by the judge-advocate* to the *brigade-board*, who shall direct their brigade paymaster to collect the same in the manner directed for the collection of fines imposed on delinquent officers in the fourteenth section of this act.

58. *And be it enacted*, That the *monies* paid into the *treasury* of this state *for fines, forfeitures* and exemptions arising under this act, shall constitute a *military* 276
fund; and the account of the same shall be kept by the treasurer separate from the other accounts of his office, and be by him annually submitted to the legislature.

59. *And be it enacted*, That two thousand five hundred copies of *this act*, with the general orders now in force, *shall be printed* under the direction of the com- 277
mander in chief, and *distributed by the adjutant-general* 278
to the several officers of the militia, and it shall be the duty of any *officer* having such copy or copies on his going *out of office to deliver*, or in case of his death his 279
executors or administrators shall deliver, under the *penalty of five dollars*, to the successor in office, who 280
shall prosecute for the same of the person so going out of office, or of the executors and administrators of the person so dying, the aforesaid copy or copies.

60. *And be it enacted*, That all *former acts* for regulating, conducting and disciplining the militia of this state shall be and the same are hereby *repealed:* Provided, 281
that the *collection of fines* and forfeitures under the former act, or its supplements incurred, shall not in any wise *be affected by this repeal*, nor the settlement of the 282
accounts of the several brigades.

Passed Feb. 16, 1811.

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

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That there shall be assessed, levied and collected on the inhabitants of this state, their goods and chattels and
$ 25.000. on the lands and tenements within the same, the sum of twenty-five 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 in the year of our Lord one thousand eight hundred and twelve.

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

The county of Bergen shall pay the sum of one thousand six hundred thirteen dollars and sixty-six cents.

The county of Essex shall pay the sum of two thousand two hundred seventy-five dollars and forty cents.

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

The county of Monmouth shall pay the sum of two thousand three hundred forty-three dollars and fifteen cents.

The county of Somerset shall pay the sum of one thousand six hundred sixty dollars and ninety-six cents.

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

The county of Gloucester shall pay the sum of two thousand twenty-six dollars and fifteen cents.

The county of Cumberland shall pay the sum of one thousand dollars and fifty cents.

The county of Salem shall pay the sum of one thousand four hundred and ninety-nine dollars and seven cents.

The county of Cape-May shall pay the sum of three hundred sixty-three dollars and eighty-three cents.

The county of Hunterdon shall pay the sum of two thousand eight hundred thirteen dollars and thirty-five cents.

The county of Morris shall pay the sum of two thousand twenty-four dollars and ninety-two cents.

The county of Sussex shall pay the sum of two thousand five hundred thirty-one dollars and twelve cents.

3. *And be it enacted*, That the said sum of twenty-five thousand dollars shall be assessed, levied and raised in the manner prescribed by the act entitled An act concerning taxes, passed the tenth day of June, in the year of our Lord seventeen hundred and ninety-nine, and the several officers therein mentioned are hereby required to perform the several duties on them enjoined under the same pains and penalties for neglect of duty as in the same act are imposed. How assessed.

4. *And be it enacted*, That the assessors of the several townships of this state to raise the aforesaid sum of twenty-five thousand dollars shall assess and rate the several articles and things agreeably to the act to raise the sum of twenty-five thousand dollars, passed the twenty-third of November eighteen hundred and nine. Rate of assessment.

5. *And be it enacted*, That the assessors, collectors and all other officers concerned in the collection of this tax, shall be entitled to the same compensations as are provided in the first recited act.

A. Passed at Trenton, Jan. 24, 1811.

AN ACT for the protection of Steam-Boats owned and navigated by citizens of this state.

WHEREAS in and by an act of the legislature of the state of New-York, passed April the eleventh in the year of our Lord one thousand eight hundred and eight, it is provided that no person or persons, without the license of the persons entitled to an exclusive right to navigate the waters of that state (under a law of the same) with boats moved by steam or fire, or those holding a major part of the interest in such privilege, shall set in motion or navigate upon the waters of the said state or within the jurisdiction thereof, any boat or vessel moved by steam or fire; and that the said person or persons so navigating with boats or vessels moved by steam or fire, in contravention of the said exclusive right, shall forfeit such boat or boats and vessels, together with the engine, tackle and apparel thereof, to the persons claiming such exclusive right: And whereas the state of New-York do unjustly claim a jurisdiction exclusively of the state of New-Jersey, over all the waters lying and being between the shores of the two states: And whereas the citizens of New-Jersey have a full and equal right to navigate and have and use vessels or boats upon all the waters lying between the states of New-Jersey and New-York, in all cases whatever, not prohibited by the constitution or any law of the United States: Therefore,

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That in case any person or persons shall under color of any law of the state of New-York seize and take into pos-

session any boat whatever moved by steam or fire, belonging, or to belong in part, or in whole, to a citizen or citizens of New-Jersey, lying on waters between the ancient shores of the said states of New-Jersey and New-York, under pretence of any violation of the law of New-York before mentioned; that then and in such case, it shall and may be lawful for any owner or owners in part or in whole of such boat, as may have been seized as aforesaid, to seize and take into possession any boat or boats moved by steam or fire, belonging to or possessed in part or in whole, by any citizen of the state of New-York, lying and being within any river, creek or bay, the whole waters whereof are within the territorial jurisdiction of New-Jersey, exclusively of New-York; which boat or boats so seized as aforesaid shall be forfeited, together with the engine, tackle and apparel thereof, to the owner or owners, as the case may be, of such boat or boats which may have been seized as aforesaid under the law aforesaid of the state of New-York: *Provided always*, that nothing in this act contained shall be so construed as to have any operation against any patent, right, or privilege, obtained under the constitution, or any law of the United States, or to interfere with the jurisdiction of the courts of the United States, or so as to authorize any detention of any boat or boats with their appurtenances aforesaid, seized in virtue of this act, after there shall have been a full delivery of such boat or boats, with their appurtenances aforesaid, which may have been seized or forfeited under color of the act aforesaid of the state of New-York, in as ample and complete condition as they had been at the time when such boat or boats may have been seized or forfeited as aforesaid, to such person or persons as may then have been the owner or owners thereof.

C. Passed at Trenton, Jan. 25, 1811.

AN ACT to regulate Gun-Powder Manufactories and Magazines within 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 from and after the first day of May next no person or persons whatsoever, shall be permitted within this state to erect or establish, or cause to be erected or established, any manufactory which shall be actually employed in manufacturing gun-powder, either by himself or any other person, either on his own land or the land of another, within the distance of a quarter of a mile from any town or village or house of public worship; or within the distance of a quarter of a mile from any dwelling house, barn or out house, without the consent under hand and seal of all and every the owner or owners of such dwelling house, barn or out house, as aforesaid; and any person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be fined any sum not exceeding two thousand dollars: *Provided*, that nothing in this section shall be so construed as to prevent the completing, rebuilding or repairing any powder mill now erected or erecting in this state on the site on which the same shall be now erected or erecting.

2. *And be it enacted*, That no person or persons hereafter shall be permitted to erect or cause to be erected any powder magazine within this state, either upon his own land or the land of any other person, and actually deposit gun-powder therein, within the distance of half a mile from any town or village, house of public worship, dwelling house or out house. And any person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding the sum of two thousand dollars.

A. Passed at Trenton, Feb. 7, 1811.

A Supplement to the act entitled An act respecting conveyances, passed June seventh one thousand seven 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 party who shall execute or may have executed, any deed or conveyance of lands, tenements or hereditaments, lying and being in this state, or the witnesses thereto, reside not in this state, but in one of the territories of the United States, or in one of the cities of Philadelphia or New-York, then the acknowledgment or proof which may have been, or shall be made before, and certified by one of the judges of the supreme court of such territory, or the mayor of such city, shall be as good and effectual as if the same had been made before, and certified by one of the judges of the supreme court of this state.

C. Passed at Trenton, Feb. 8, 1811.

AN ACT to repeal in part an act entitled "An act for the relief of persons imprisoned for debt," passed November first, one thousand eight hundred and ten.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That the act entitled "An act for the relief of persons imprisoned for debt," passed the first day of November in the year of our Lord one thousand eight hundred and ten, be and the same is hereby repealed, so far forth as relates to debts contracted before the passing of the same—*Provided*, that nothing in

this act shall be construed to prevent those who are in actual confinement at this time in any of the jails of this state from taking the benefit of the above recited act.

A. Passed at Trenton, Feb. 11, 1811.

AN ACT to prevent Horse-Racing.

Sec. 1. 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 racing, running, pacing or trotting of horses, mares or geldings, for money, goods or chattels, or other valuable thing, shall be and hereby are declared to be common and public nuisances and offences against the state, and the authors, parties, contrivers and abettors thereof shall be prosecuted and proceeded against by indictment.

Racing indictable.

2. *And be it enacted*, That each horse, mare or gelding, used or employed in any race on which any bet or wager is laid, or any purse or stakes made, shall thereby be liable to be forfeited to this state, and may at any time within six months thereafter be seized by any constable or overseer of the poor of the township in which such race shall have been run, or the sheriff or any of his deputies of the county in which such township is situate; and in case of seizure as aforesaid, the officer so seizing shall make information against such horse, mare or gelding, to the next court of common pleas in such county, and such court shall proceed to hear and decide on such seizure, and in case such horse, mare or gelding shall be judged forfeited, such court shall order a sale thereof at public vendue, and direct the avails (first deducting the charges of condemnation) to be paid to the collector of the county for the use of the state.

Horses, &c. forfeited.

3. *And be it enacted*, That all wagers and bets

which shall be laid, betted or made, on the racing, running, pacing or trotting of horses, mares or geldings, and all promises, agreements, notes, bills, bonds, contracts, judgments, mortgages or other securities, or conveyances which shall be made, given, granted, drawn, entered into, or executed by any person or persons where the whole or any part of the consideration thereof shall be for any money, goods, chattels, or other thing, won, laid or betted on the racing, running, pacing or trotting of horses, mares or geldings, shall be utterly void and of none effect. Bets, &c. void.

4. *And be it enacted*, That it shall and may be lawful for any person who shall lose any money goods, chattels, or other valuable thing, on the racing, running, pacing or trotting of horses, mares or geldings, and shall pay or deliver the same, or any part thereof, to the winner, or other person for his use or in his behalf, to recover the same or the value from such winner, with costs, by action of debt, or on the case, in any court of record having cognizance thereof: *Provided always*, that such suit shall be instituted within six calendar months after such losing and payment or delivery as aforesaid. Losses may be recovered.

5. *And be it enacted*, That if any person shall contribute or collect, or shall ask or desire any other to contribute or collect any money, goods or chattels, to make up a purse, plate, or other thing, to be run, paced or trotted for as aforesaid at any place in this state, such person so offending shall forfeit and pay the sum of thirty dollars for each offence. Penalty for making up a purse.

6. *And be it enacted*, That if any person shall run any horses, mares or geldings, at any place where ten persons or more shall have convened together, although no money, goods or chattels, or other valuable thing shall be betted, wagered, or laid thereon, or shall be aiding, assisting or any way concerned therein, every person so offending shall Penalty for running where no bet is made.

forfeit and pay the sum of fifteen dollars for each offence.

Penalty for letting land for racing.

7. *And be it enacted*, That if any person or persons shall let or rent his her or their land for the purpose of running pacing or trotting any horses mares or geldings, or shall knowingly and wilfully suffer the same to be used for the purposes aforesaid, every person so offending shall forfeit and pay the sum of fifty dollars.

Penalty for advertising races, &c.

8. *And be it enacted*, That if any person or persons within this state, shall print or cause to be printed, set up or cause to be set up, any advertisement mentioning the time and place for the running, pacing or trotting, of any horses, mares or geldings, or shall knowingly suffer any advertisement as aforesaid to be set up in or upon his, her or their dwelling-house or out-house, or shall knowingly suffer the same to remain up as aforesaid, every person so offending shall forfeit and pay the sum of fifteen dollars.

How penalties shall be recovered.

9. *And be it enacted*, That all and every of the penalties in the fifth, sixth, seventh and eighth sections of this act prescribed, shall be sued for and recovered by the overseer or overseers of the poor of the township where the offence shall have been committed, in the name of such township, within six calendar months thereafter, by action of debt with costs of suit, in any court having cognizance thereof, and shall be applied to the use of the poor of said township, or in counties where trustees of the poor are or may be incorporated, shall be paid to such trustees for the use of the poor of the county; and further, it is hereby declared to be the special duty of every such overseer of the poor, on his own knowledge of the fact or on information thereof by any person or persons, without delay to institute and prosecute to effect all and every such suit and suits, under the penalty of ten dollars for every default to be recovered by any person or persons who will sue for the same, by action of debt

with costs of suit, and that in case of a failure in any such suit or suits so to be brought by the said overseer or overseers of the poor, the costs awarded against him or them shall be paid or reimbursed out of any monies appropriated for the use of the poor.

Fees of overseer.

10. *And be it enacted*, That the said overseer or overseers shall be entitled to retain in his or their hands twenty-five cents on every dollar that he or they may receive by virtue of this act, as a compensation for his or their trouble.

Penalty for ill-treating any officer.

11. *And be it enacted*, That if any person or persons shall assault, beat, or otherwise ill treat any officer designated in this act, in the execution of his official duty, every person so offending shall be guilty of a high misdemeanor, and upon conviction shall be punishable by fine, or imprisonment at hard labor, or both, the fine not to exceed the sum of five hundred dollars, nor the imprisonment the term of two years, at the discretion of the court.

Former act repealed.

12. *And be it enacted*, That the act entitled "an act concerning horse-racing," passed the third day of March, in the year of our Lord seventeen hundred and ninety-seven, and all other acts or parts of acts coming within the purview of this act, shall be, and the same are hereby repealed.

A. Passed at Trenton, Feb. 15, 1811.

AN ACT to ratify an amendment to the Constitution of the United States.

Sec. 1. 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 amendment to the constitution of the United States, proposed by a resolution of the senate and house of representatives of the United States of America in congress assembled, to the legislatures of the

several states, which proposed amendment is in the following words, viz.

"If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honor, or shall, without the consent of congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them,"

Be, and the same is hereby, upon the part of this legislature, and in the name of this state, ratified and made a part of the constitution of the United States.

A. Passed at Trenton, Feb. 13, 1811.

AN ACT for improving the navigation of the river Delaware.

WHEREAS it hath been represented by divers persons inhabitants of the counties of Burlington and Hunterdon, that a sand or gravel bar situated about three miles below the city of Trenton in the river Delaware is a great obstruction to the navigation thereof: For remedy whereof,

Sec. 1. 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 Grant, Richard L. Beatty and Philip F. Howell, be, and they are hereby appointed commissioners for the purpose of improving the navigation of the river Delaware, so far forth as relates to the sand or gravel bar, situated in the river Delaware about three miles below the city of Trenton, and that they be authorized and empowered, together with their agents, artizans and laborers, to go upon the

premises in question, and to dig, carry away and remove all gravel, sand or other impediments that they may think necessary for that purpose, and also to erect, build and maintain, such batteries or dams as they may deem proper, for confining the water to a smaller channel than what it occupies at present, and that they also be authorized to enter upon all lands adjoining unto or situated in or near the said river for the purpose of erecting their batteries or dams and such other works as may be necessary for effecting the premises in question, subject always to making compensation for any lands they may occupy in the erection of such batteries, dams or other works, and that they also be authorized to raise and carry away any stone or gravel that may be in the river Delaware for the purpose of making and completing their works.

2. *And be it enacted*, That in case all or either of the commissioners named in this act shall die, decline serving, or remove away, then and in such case the governor or person administering the government of this state is hereby authorized and empowered to appoint under his hand some suitable person or persons to fill such vacancy or vacancies. *Provided*, that nothing in this act contained shall be of any effect until a similar law shall be passed by the legislature of the commonwealth of Pennsylvania.

A. Passed at Trenton, Feb. 18, 1811.

A Supplement to an act entitled An act for the preservation of Oysters, passed the twenty-sixth day of January 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 from

and after the passing of this act, it shall not be lawful for any person or persons to rake, tong or otherwise gather or carry away, any oysters, other than wading in and picking up by hand the same, within the following bounds in the river commonly called or known by the name of the North or Navesink river, laying within the county of Monmouth, and dividing the township of Shrewsbury from the township of Middletown, above a direct line from the storehouse of Barnes I. Smock on the Shrewsbury side of said river, to the dwelling house of Thomas Layton on the Middletown side of the river aforesaid, for the term of ten years from the passing of this act; and if any person or persons shall be found offending against the true intent and meaning of this act, he she or they so offending shall forfeit and pay for every such offence the sum of ten dollars, to be prosecuted for in an action of debt with costs of suit, before any justice of the peace in the county of Monmouth, by any person who shall sue for the same, the one half to and for the use of the prosecutor, and the other half to be paid to the county collector to and for the use of the poor of said county, any thing in the above-recited act to which this is a supplement to the contrary notwithstanding.

A. Passed at Trenton, Feb. 20, 1811.

A Supplement to the act entitled "An act for suppressing Vice and Immorality," passed March sixteenth, seventeen hundred and ninety-eight.

Preamble. WHEREAS it appears from experience that the law for suppressing vice and immorality, to which this is a supplement, has not had the desired effect, particularly with respect to persons who interrupt or disturb any assembly of people met for religious worship—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 if any person or persons whatsoever, either on the first day of the week, called Sunday, or on any other day or time, shall wilfully and of purpose disquiet, interrupt or disturb any assembly of people met for religious worship, either by making a noise or by rude and indecent behavior or prophane discourse, whether within their place of worship or out of it so near the same as to disturb the order and solemnity of the meeting, then every person so offending and being thereof legally convicted before any justice of the peace of the county, or any mayor, recorder or alderman of any city or town corporate where the offence shall be committed, upon the view or personal knowledge of the said justice, or confession of the offender, or proof of any witness or witnesses, upon oath or affirmation, shall for every such offence forfeit and pay to the use of the poor of the township where such offence shall be committed the sum of ten dollars, to be levied, recovered and applied in the manner and form prescribed in the first section of the act to which this is a supplement; and in case no distress can be had whereby to levy the said forfeitures, as in the said section is prescribed, then every such offender shall, by a warrant under the hand and seal of the said justice, or the said mayor, recorder or alderman, be committed to the common jail for said county, city or town corporate, where the offence shall be committed, to be certainly expressed in said warrant for a term not exceeding ten days.

Penalty for disturbing religious worship.

And Whereas it may so happen that persons from a distance or from another county or state may disturb or interrupt a religious meeting, and no magistrate being at hand to issue, or no constable to serve a warrant for his or their apprehension, the offender or offenders may escape punishment,

Who may apprehend offenders.

2. *Be it enacted*, That any member of any church or religious society which may be disturbed or interrupted in their meetings, or any other person or persons being citizens of this state and freeholders within the same, shall be and are hereby authorized to apprehend any and every such person so disturbing and interrupting them, immediately, and take him or them before a magistrate as soon as conveniently may be, in order that he or they so offending may be dealt with according to law, and every such member or citizen as aforesaid, who may hereafter perform this service, shall be entitled to the same assistance and protection, and shall be under the same restrictions and liabilities, as a constable would be on the same occasion.

Offenders on Sunday may be detained.

3. *And be it enacted*, That if any person or persons shall disturb or interrupt any religious meeting as aforesaid on the first day of the week, called Sunday, it shall be lawful for any constable or member of the meeting, and a citizen or freeholder as aforesaid, to apprehend such person or persons immediately, and detain him or them until the next day, then to be dealt with according to law, unless said offender or offenders shall give sufficient security before some magistrate, to appear at any time and place that he may direct, to answer the charges preferred against him or them, in which case it shall be lawful for said magistrate to discharge such offender or offenders.

13th section of former act repealed.

4. *And be it enacted*, That the thirteenth section of the act entitled "An act for suppressing vice and immorality," and so much of the same or any other act as comes within the purview of this act, be, and the same is hereby repealed.

A. Passed at Trenton, Feb. 21, 1811.

AN ACT authorizing a Compilation of the Laws since Paterson's Revision.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That the governor of this state shall, and he is hereby authorized and appointed to compile the public laws of this state, passed since the first day of January eighteen hundred, which remain in force; to make an index of all the principal matters contained therein, alphabetically arranged; to make references from one act to another, where the matter in one act may have relation to any principal matter in another; to make marginal notes or references to such laws, or parts of laws, in Paterson's edition, as may have been altered or repealed; and an alphabetical index of the titles of the several private laws, passed since that period, with the dates of their enactment. Compilation, by whom and how made.

2. *And be it enacted*, That the said compilation shall be printed in octavo size, on good paper, and with the types usual for such works; and that James J. Wilson be authorized to print the same; that thirteen hundred copies in plain binding, shall be delivered to the treasurer of the state for distribution according to law; and that forty copies, handsomely bound and lettered, shall be delivered to the governor of the state, to be by him transmitted to the executive of the United States, to the executives of the several states, and for the use of the legislature of this state. By whom and how printed.

3. *And be it enacted*, That as soon as the books shall be delivered to the treasurer of the state, it shall be lawful for the governor or person administering the government to issue his warrant upon the treasurer in favor of the said James J. Wilson for the amount of the charge for printing and binding the said books, at the rate now provided by law for printing the acts, votes and proceedings of Compensation how made.

the legislature, allowing for the difference in the cost of the paper, in the number published, and for the expense in binding; which said warrant the treasurer is hereby authorized to pay out of any monies in the treasury.

A. Passed at Trenton, Feb. 13, 1811.

A Supplement to An act making provision for carrying into effect the "Act for the punishment of crimes," passed the fifteenth 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 so much of the twelfth section of the above-recited act as provides that the keeper of the state-prison shall be entitled to five per centum on the sales of all articles manufactured in said prison, be and the same is hereby repealed.

2. *And be it enacted*, That it shall be lawful for the inspectors of the state-prison to appoint an agent in any place where they may deem the same expedient, for the sale of any articles manufactured in the state-prison, and to allow to every such agent reasonable commissions on all sales by him made.

A. Passed at Trenton, Feb. 22, 1811.

AN ACT concerning writs of Error and writs of Certiorari.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby*

enacted by the authority of the same, That no writ of certiorari shall be allowed or brought on any judgment, order or proceeding that shall have been entered or obtained in any court of record of this state, unless the same is issued and returned in eighteen months after the passing of this act, and on all judgments, orders or proceedings that may hereafter be entered or obtained, unless the same is issued and returned in eighteen months after entering the same. Certiorari limited to 18 months.

2. *And be it enacted*, That no appeal from the decrees of the court of chancery, or writs of error, shall be brought or allowed on any decree or judgment, that shall have been entered or obtained, unless the same shall be within three years after the passing of this act, and on all decrees or judgments that may hereafter be obtained unless the same be brought within three years after rendering the said decree or judgment. *Provided*, That where the person entitled to such appeal or writ of error, be an infant, feme covert, or insane, then within three years after such disability. Writs of Error to 3 years.

3. *And be it enacted*, That so much of all such acts and parts of acts as comes within the purview of this act, be and the same is hereby repealed.

A. Passed at Trenton, Feb. 22, 1811.

AN ACT concerning the Abolition of Slavery.

WHEREAS it appears that large sums of money have been drawn from the treasury by citizens of this state for maintaining abandoned black children, and that in some instances the money drawn for their maintenance amounts to more than they would have brought if sold for life—Therefore—

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That from and after the first Monday of May next, no monies shall be drawn from the treasury of this state for the maintenance and support of abandoned black children, who have been abandoned agreeably to the provisions of an act entitled "An act for the gradual abolition of slavery" passed the fifteenth day of February in the year of our Lord one thousand eight hundred and four, any law, usage or custom to the contrary notwithstanding: *Provided*, That nothing in this act shall be construed to prevent the treasurer from the payment of such sums as may be lawfully due for the said maintenance and support until the said first Monday of May next.

2. *And be it enacted*, That so much of the above recited act as comes within the purview of this act be and the same is hereby repealed.

A. Passed at Trenton, Feb. 22, 1811.

A Supplement to the act entitled "An act directing the mode of entering judgments upon bonds with warrants to confess judgments," passed the ninth of March 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 all bonds and other obligations given for the payment of money only, together with a warrant to confess judgment thereon, shall be entered as in and by the first and second sections of the act to which this is a supplement is directed and not otherwise; and that the following and no other fees shall be al-

How to be entered.

lowed, viz. to the plaintiff for the copy of the bond and warrant, entering the proceedings thereon, attending upon the judge to obtain the judgment, and delivering the same to the clerk to be filed, two dollars; to the justice or judge for inspecting the bond and warrant, examining the copies and entering and signing the judgment, fifty cents; to the clerk for marking and filing the proceedings and making an entry of the judgment in the minutes, fifty cents; for entering the bond, warrant and judgment at large in a book kept for recording judgments, one dollar; the fees to be paid by the plaintiff, to the judge and clerk, when the business is done by them, and recovered of the defendant with the other costs; and when execution shall issue on such judgment, the following additional fees shall be allowed and no others, to wit: to the plaintiff for drawing the execution, twenty cents; to the attorney for drawing the bill of costs and making a copy thereof, twenty-five cents; and to the clerk for sealing and recording the same, and entering and filing the execution and return of the sheriff, seventy-five cents, and for taxing and filing the bill of costs, fifty-eight cents; and any clerk of the supreme or any county court who shall take other or greater fees than are by this section allowed, or who shall take such fees without performing the services for which such fees are allowed, shall for every offence forfeit and pay the sum of thirty dollars, to be recovered in an action of debt with costs of suit before any justice of the peace of the county wherein such offence was committed, by any person who shall think him or herself aggrieved. Fees

2. *And be it enacted*, That the fourth section of the act entitled "An act directing the mode of entering judgments upon bonds with warrants to confess judgment," passed the ninth of March seventeen hundred and ninety-eight, and the supplement to said act passed February twenty-eight, Repeal

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eighteen hundred and four, be and the same are hereby repealed.

A. Passed at Trenton, Feb. 22, 1811.

AN ACT concerning Roads.

Width of roads.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That every public road or highway which shall hereafter be laid out, shall not be more than four nor less than two rods wide; and that every private road which shall hereafter be laid out, shall not be more than thirty feet in width, but may be less at the discretion of the surveyors of the highways.

Mode of application and proceeding.

2. *And be it enacted*, That when ten or more persons, being freeholders, shall think a public road necessary, or any public road which hath been, or shall be laid out, unnecessary, or any alteration in such road necessary, in any part of the county in which they reside, it shall be lawful for the said persons to make application, in writing, to the inferior court of common pleas of the said county, having given previous notice for at least ten days of such intended application, by advertisements, under their hands, and set up at three of the most public places in the township in which the said road is proposed to be laid out, vacated or altered, and if there be more townships than one through which the said road may run, by advertisements to be set up at three of the most public places in each township, and the said court when applied to as aforesaid, on due proof being made that the advertisements have been set up according to law, on which the judgment of the court shall be final and conclusive, are hereby authorized and required to appoint six of the surveyors of the highways of the said county, ever having regard to the appoint-

ment of the surveyors of the highways of those townships where the said road shall be so applied for to be laid out, vacated or altered, provided that no surveyor shall be appointed through whose land the road may run, and the said surveyors shall meet at such time and place as the said court shall direct, a copy of which appointment shall be served by the said applicants on each of the said surveyors, at least six days prior to the time of their meeting, and two of the said applicants shall at least twelve days prior to the said time, sign and set up advertisements at three of the most public places in the said township or townships, setting forth the time and place of the meeting of the surveyors, agreeably to the directions of the court, and designating the points or places from and to which the said road is proposed to be laid out, vacated or altered.

When on a county line, &c.

3. *And be it enacted*, That when the aforesaid number of freeholders shall think a public road necessary, or any public road unnecessary, or an alteration in such road necessary, on any part of a line between two counties or part in one county and part in another, they shall make application in writing to the supreme court, having first advertised such intended application for at least three weeks at four of the most public places in each of the said counties, nearest the place where such road is to be laid out, vacated or altered, and the supreme court, on such application, shall appoint three of the surveyors of the highways in each of the said counties, having a regard to the appointment of the surveyors of the highways of those townships where the said road shall be so applied for to be laid out, vacated or altered, subject to the restrictions imposed by the second section of this act, who shall meet at such time and place as the said court shall direct; and the said applicants and surveyors shall thereupon proceed in the manner prescribed in the second section of this act.

4. *And be it enacted*, That if any person shall

Of private roads.

think a private road necessary to or from his or her land, or to a mill, market, public landing, or public road, or shall think it necessary to have a private road vacated or altered, he or she shall make application in writing to the inferior court of common pleas of the county, or to the supreme court as the case may require, having first given notice of his or her intention at least ten days, and the court shall thereupon appoint six surveyors of the highways as before directed, and the applicant and the surveyors shall be guided in all things as in the manner before prescribed, except that the signature of the applicant to the advertisements and to the notice to surveyors, shall be deemed sufficient.

Duties of Surveyors.

5. *And be it enacted*, That the said six surveyors of the highways appointed by the supreme court, or by any of the inferior courts of common pleas in the state, when met as aforesaid, or a majority of them so met, on due proof being made to them that the advertisements of their meeting have been according to law, on which the said surveyors shall decide, and their opinion be final and conclusive, shall view the premises, and may if they shall think it necessary, lay out, vacate or alter the said public or private road, and lay the same as may appear to them to be most for the public or private conveniency, having a regard to the best ground for a road, and the shortest distance, in such a manner as to do the least injury to private property, and shall cause the road so laid out or altered, to be marked, at proper distances in the line of the same, and make return thereof with a map or draught of the same, with the courses and distances, and reference to the most remarkable places, and the improvements through which it may pass, with the time when the overseers of the highway shall open the same, (if a public road) for public use, or if a private road when the applicant may open the same, which return the said surveyors or a majority of them as aforesaid, shall date, sign and deliver

to the applicant, or in case of a public road to some of the applicants, who shall transmit it to the clerk of the court of common pleas of the said county or counties, who is hereby required to record the same in a book to be kept for that purpose, and every road so laid out or altered and recorded as aforesaid, shall be a lawful highway, or private road, from the time appointed for the opening of the same, and if any road be vacated, return thereof shall be made, signed, delivered and recorded as aforesaid.

Duty of Clerk.

6. *And be it enacted*, That the clerk of the court shall not record the return of the surveyors until the expiration of fifteen days after he shall have received the same, so that any person being aggrieved thereby, may within that time enter a caveat with the said clerk against recording the said return, which caveat so entered shall operate as a supersedeas to further proceedings until the next court.

Remedy, when aggrieved.

7. *And be it enacted*, That when any person or persons shall think him, her, or themselves, injured or aggrieved by any illegality or irregularity of the surveyors of the highways, or of the applicants, or otherwise by any road which shall hereafter be laid out, vacated or altered by the said surveyors, having entered a caveat as aforesaid, he, she, or they, or their legal representatives, may make application to the said court succeeding, as expressed in the last section, and the said court shall not set aside the proceedings for irregularity or illegality, but the court shall thereupon, during the term to which the said application is made, appoint six of the chosen freeholders of the county or counties through which the said road shall have been so laid out, vacated or altered, designating the time and place of the meeting of the said freeholders, always having regard to the appointment of the chosen freeholders of the township or townships where the road shall have been laid out, vacated or altered: *Provided*, That no freeholder be appointed through whose

land the road may run, a copy of which appointment shall be served by the applicant or applicants on the said freeholders in the same way and manner, and the mode of giving public notice by advertisements, in all respects shall be the same as is directed in the preceding section in respect both to the applicants and to the surveyors of the highways; and the said chosen freeholders, having previously taken an oath or affirmation to act faithfully and impartially, shall proceed to view the said road so laid out, vacated or altered, and if they or a majority of them shall believe such laying out, vacation or alteration, or any part thereof, to be necessary and useful, they shall certify the same to the said court the term next succeeding that in which they were appointed, and the court shall thereupon cause the same to be recorded in the book kept for that purpose in the office of the clerk of the county or counties as aforesaid; which certificate and proceedings of the freeholders shall be binding and conclusive in all cases, and shall not be subject to an appeal or certiorari, or to be set aside for lack of form, either in the former proceedings either of the applicants or of the surveyors of the highways, or in that of the chosen freeholders, and no application shall be made touching such road so laid out, vacated or altered, under the term of one year after the recording of the same; but if the said freeholders shall believe such laying out, vacation or alteration, to be unnecessary or injurious, they shall certify the same to the court or courts aforesaid, and the proceedings of the surveyors shall be made null and void, and the same shall not again be applied for under the term of one year but if no caveat shall have been entered, or the person or persons entering the same, shall not proceed in the manner prescribed in this section, or the said freeholders or a majority of them shall neglect to certify that the same is unnecessary, or if the said freeholders should be equally divided, the pro-

ceedings of the surveyors shall be deemed valid and effectual, and the clerk as aforesaid shall, by order from the court, record the same, and every road so laid out or altered and recorded as aforesaid, shall be a lawful road, or highway from the time appointed for the opening of the same.

Penalty on surveyor or freeholder.

8. *And be it enacted*, That if any surveyor of the highways or chosen freeholder, who shall have due notice, or any clerk having due notice and who shall refuse or neglect to perform any duty prescribed by this act, he shall, unless he assign good reasons for such refusal or neglect, forfeit sixteen dollars, to be recovered by action of debt with costs, by any person who shall sue for the same in any court where the same is cognizable, to be paid to the county collector for the use of the county or counties.

Four surveyors or freeholders a quorum.

9. *And be it enacted*, That if any number, not less than four, of the said six surveyors or freeholders, shall attend at the time and place appointed by the said court or courts, they shall be a quorum to execute the business for which they were convened, and be competent to lay out, alter, or vacate the said road as the case may require; *Provided*, That the signature of four of them so convened shall be requisite to render the said return valid and effectual, and that the signature of two of the said surveyors or freeholders, in each of the said counties, where there are more counties than one, shall be necessary to render the said return valid or effectual, and if any number of the said six surveyors or freeholders, shall convene as aforesaid, they may, if a majority of the applicants attending consent, adjourn to a future day, giving the parties then present verbal, and the absent surveyor or surveyors, or the absent freeholder or freeholders, written notice of the time to which they have adjourned; and if any number of the said surveyors or freeholders sufficient to constitute a quorum shall convene pursuant to adjournment, they shall

Proviso.

proceed to perform the service and duty required of them, in manner herein before prescribed.

Private roads, how worked.

10. *And be it enacted*, That every private road which shall be laid out or altered by virtue of this act, shall be cleared, worked and repaired and maintained by the applicant or applicants and such other person or persons as commonly make use of the same, or in case of neglect it shall be lawful for any other person or persons who have occasion to use the said road, to clear, work and maintain the same: *And further*, That it shall be lawful for the owner of any land, over which a private road may pass, to hang swinging gates in the said road, and if any person shall stake, shore, or leave open, or cut, break, pull down or destroy, any gate, he shall for every offence forfeit two dollars, to be recovered by action of debt, with costs, by any person who shall prosecute for the same, and shall also pay to the owner of the soil, or his tenant, all damages which he may have sustained thereby, to be appraised by three neighboring freeholders or a majority of them, which damages, so assessed, shall be recovered by action of debt with costs.

Gates may be erected.

Penalty, for leaving them open.

Old bye-roads, how opened.

11. *And be it enacted*, That if any bye-road heretofore used as such by the inhabitants of this state, although not laid out agreeable to law, shall be shut up or rendered impassable, whereby the said inhabitants may be put to immediate inconvenience or difficulty, then any person so aggrieved may apply in writing to three of the chosen freeholders of the county nearest to the said bye-road, to lay out the said road, and the said freeholders are hereby authorized to lay out the same, which shall remain as a private road until it be vacated or altered as in the manner before directed in the foregoing sections in respect to the obtaining a private road.

Expenses, by whom borne.

12. *And be it enacted*, That the applicant or applicants for any road to be hereafter laid out, vacated or altered, shall, at their own expense, pro-

cure a surveyor with chain and compass to assist in laying out or altering said road and shall pay the surveyors of highways, the court and clerk's fees incident to such application: the applicant or applicants for the appointment of chosen freeholders, shall, at their own expense, procure a surveyor, with chain and compass, and pay the costs of the freeholders, the court and clerk's fees incident to such application.

Fees.

13. *And be it enacted*, That the following and no other fees shall be allowed and taken for services done and rendered by virtue of this act.

Of Courts.

Courts. For every appointment of surveyors of the highways fifty cents. For every appointment of chosen freeholders fifty cents. For every order for recording on the proceedings of the surveyors, or freeholders, fifty cents.

Of Surveyors,

Surveyors of highways. To each surveyor at the rate of one dollar per day.

Of Freeholders,

Chosen freeholders. To each freeholder at the rate of one dollar per day.

Of Clerks.

Clerks. For reading and filing every application, twelve and a half cents. For entering and filing caveat, twelve and a half cents. For entering every order for recording, twelve and a half cents. For every copy thereof, twelve and a half cents. For recording and filing the return of surveyors or freeholders, twenty-five cents. For a copy of such return, twelve and a half cents.

Repeal.

14. *And be it enacted*, That the act, entitled "An act relative to the laying out, vacating and altering of roads," passed the 1st day of June 1799, and the supplement thereto passed Dec. 3, 1807, be and the same are hereby repealed.

A. Passed at Trenton, Feb. 22, 1811.

AN additional Supplement to the acts relative to Elections.

Sec. 1. 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 future election for representatives to congress, electors of president and vice-president of the United States, and members of the legislative council and general assembly, sheriff and coroners, it shall be lawful for any person being entitled to vote at any election hereafter to be held in this state, to vote by delivering to the officers of the election a ticket either written or printed, or partly written and partly printed.

Printed tickets allowed.

2. *And be it enacted*, That the clerks of the respective townships within this state shall provide at the expense of their respective counties, one election-box for each township or precinct, for the use thereof, on or before the first Tuesday in October next; each box shall be made about a foot square, and strapped with iron at each corner so as to prevent it from being easily broken open, with a lid on the top, fastened with brass or iron hinges, and with three locks of different sizes and constructions, having an aperture of such size only as to admit a single ticket, and a sliding spring bolt placed on the inside so as effectually to exclude the admission of any thing into the box during the time of adjournment, through which aperture all the ballots shall be put separately into the box; which said boxes being so as aforesaid procured, the clerks, at the expense of their respective townships, shall keep them in good repair, and on failure thereof he or they shall forfeit and pay the sum of twenty dollars for every neglect or refusal so to provide and keep them in order as aforesaid, to be recovered with costs of suit by any person who will sue for the same, one half to the prosecutor, and the other half for the use of the township.

Election Boxes to be procured.

3. *And be it enacted*, That so much of the acts heretofore passed, as comes within the purview of this act, be, and the same are hereby repealed. Repeal.

A. Passed at Trenton, Feb. 23, 1811.

A Supplement to the act entitled An act concerning Wrecks, passed March eighth, eighteen hundred and 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 bond to be executed by the commissioner or commissioners to be appointed by the court of common pleas, agreeably to the first section of the act to which this a supplement, shall be in any sum not less than five thousand dollars and not exceeding twenty thousand dollars, at the discretion of the court.

2. *And be it enacted*, That so much of the first section of the act concerning wrecks, passed March the eighth, eighteen hundred and six, as comes within the purview of this act, shall be and the same is hereby repealed.

A. Passed at Trenton, Feb. 23, 1811.

AN ACT relative to the tax levied on the Jersey Bank.

WHEREAS the president and directors of the branch of the Newark banking and insurance company established at the city of Jersey, and commonly called the Jersey bank, have, by a pretended sale of their real estate, attempted to evade the payment of the tax levied on the said bank by an act of the legislature of this state

passed the second day of November last—but the sheriff of the county of Bergen has, notwithstanding, by virtue of a warrant issued pursuant to the provisions of the said act, levied on the said property :—I herefore—

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the treasurer of this state, be and he is hereby authorized and directed to attend the sale of the property of the Jersey bank by the sheriff of the county of Bergen as aforesaid, and to bid on the same to the amount of the said tax with the interest and cost, and to take such measures as to him shall appear proper to secure the possession thereof, if he should become the purchaser.

A. Passed at Trenton, Feb. 23, 1811.

AN ACT to authorise the confinement of the prisoners of the county of Essex in the jail 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 jail of the county of Morris be, and it is hereby constituted a jail for the confinement of all prisoners of the county of Essex, from the first day of May next until the first day of January next; and the sheriff and other civil officers of the county of Essex having the lawful custody of any prisoner or prisoners are hereby authorized to confine the same in the said jail of the county of Morris; and the keeper of the said jail is hereby required to receive and safely keep all such prisoners, during the said term unless they shall be demanded by the sheriff of the county of Essex, or be otherwise dis-

charged by due course of law: *Provided*, That the board of chosen freeholders of the county of Morris consent thereto.

2. *And be it enacted*, That the keeper of the said jail of the county of Morris shall be entitled to demand and receive from the board of chosen freeholders of the county of Essex the same compensation for the support of the prisoners of the said county, whether criminals or debtors, as he is or may hereafter during the said term be allowed by the board of chosen freeholders of the county of Morris, for the support of the prisoners of the county of Morris.

3. *And be it enacted*, That nothing in this act contained shall prevent the sheriff of the county of Essex from keeping on the present limits of the jail of the said county any prisoners committed for debt, which may at any time during the said term be entitled by law to the limits of the prison.

A. Passed at Trenton, Feb. 23, 1811.

AN ACT for the preservation of Sheep.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That every person who shall keep or harbor a dog or dogs above the age of three months, shall pay yearly and every year for one dog so kept or harbored, the sum of fifty cents, and for every additional dog above one, the sum of five dollars, and for every slut the sum of five dollars, although said slut be the only dog kept; which tax shall be levied and collected at the same time and in the same manner as the other taxes in the several townships in each county in this state, and the assessor and collector shall severally be entitled to receive six cents for

Tax on single dog.
On each additional dog.
On every slut.
How collected.

the tax on each dog or slut so assessed and collected.

Penalty for concealing dogs.

2. *And be it enacted*, That if any person shall wilfully neglect, refuse or evade to give a true account of the number or age of the dog or dogs, slut or sluts, made taxable by this act and owned or harbored by him or her, he or she shall be liable for the tax aforesaid, and also subject to a fine of ten dollars for each and every dog so kept or harbored and not returned to the assessor when by him required, to be recovered by action of debt with costs of suit, before any justice of the peace of the county, by any person who may prosecute for the same.

Persons harboring dogs, liable to the tax.

3. *And be it enacted*, That any person or persons who shall have owned, kept or harbored a dog or dogs, slut or sluts, for the term of one month, in any one year, to commence on the twentieth day of May next, shall be considered liable to the yearly tax as aforesaid, and subject to a fine of ten dollars as aforesaid, in case he, she or they, shall have neglected to make a due return thereof to the assessor as aforesaid: *Provided always*, That said person or persons who shall have paid said tax or incurred and paid said penalty, shall not again be so liable during the same year, for the tax or penalty on the same dog or slut, and every person that may possess the same dog or slut for which said tax or penalty may have been paid, shall be released from the payment of a second tax or penalty therefor in the same year, by producing a certificate from the person who may have been assessed and paid the same: *And provided also*, That it shall and may be lawful for the assessors of their respective townships to strike off his duplicate or rate book the tax assessed against any person for a dog or dogs, on its being proven to the satisfaction of the assessor by the owner thereof, that he, she or they, have killed or caused to be killed such dog or dogs before the delivery of the duplicate to the collector.

Proviso.

Further Proviso.

4. *And be it enacted*, That it shall be lawful for any person to kill any dog or slut which may be found chasing, worrying or wounding any sheep or lamb, or that shall be at any time found running at large beyond the owner's premises without a collar affixed around its neck having the initial of the christian and the whole of the surname of the owner thereof legibly inscribed thereon. In what cases dogs may be killed.

5. *And be it enacted*, That the taxes collected by virtue of this act shall be appropriated exclusively to make good any losses sustained by any of the inhabitants of any of the townships in this state, by the destruction or wounding of their sheep by dogs, and shall be kept as a fund by the township committee for said purpose, who shall pay all such damages as may be sustained by any individual of said township in such proportion (if the monies so raised by said tax will not pay the whole amount thereof) as the sum in said fund will warrant at the annual settlement of the accounts of the said township; and if there should be an excess or surplusage of money after paying the damages so as aforesaid in any one year, the said surplusage may be appropriated for any other township uses; but nevertheless the said surplusage shall be credited in the book of the said township for the purpose of paying any damages done by dogs in killing, worrying or wounding sheep, in any one year thereafter. Proceeds of tax, how appropriated.

6. *And be it enacted*, That if any dog shall be found killing, worrying or wounding any sheep or lamb, and the owner being informed thereof shall neglect or refuse to kill such dog or dogs for the space of twelve hours, such owner shall forfeit and pay to any person who shall sue for the same, the sum of ten dollars, to be recovered by an action of debt before any justice of the peace of the county, with costs, and moreover shall be liable to pay treble damages for the second offence committed by such dog or dogs. Penalty for not killing dogs worrying sheep.

Losses by dogs, how recovered.

7. *And be it enacted*, That when any person shall have sustained any loss or damage by his or her sheep being killed or maimed by a dog or dogs, it shall be lawful for such person to take two respectable freeholders of the township, who are in no wise of kin to the party so calling them, to view the sheep so killed or maimed, and if it shall appear to their satisfaction that the said sheep was or were killed or maimed by a dog or dogs, then the said viewers shall make a return thereof in writing and under oath or affirmation to a justice of the peace of the county, containing the amount of damages such person or persons may have sustained, which shall in no case exceed five dollars for one sheep so killed or maimed; whereupon the said justice shall make an entry thereof in his docket, together with the amount of costs including seventy-five cents for each one of the said freeholders for their services, a certified copy whereof shall entitle such person or persons so injured to said sum from said township committee, or such proportion thereof as may be adjudged at the annual settlement of the township accounts to be his or their due agreeably to the funds then in their possession from the taxes aforesaid: *Provided always*, That nothing herein contained shall extend to cases wherein a recovery of damages can be had or obtained against the owner or owners of the dog or dogs which may have committed the injury; *And provided also*, That no person shall be entitled to receive compensation for any sheep killed or wounded unless he or she shall declare on oath or affirmation, that he or she know not by whose dog or dogs the injury was done.

Proviso.

Further Proviso.

Former acts repealed so far as relates to certain counties.

8. *And be it enacted*, That the act entitled "An act to discourage the keeping of dogs by imposing a tax on the owners or keepers thereof," passed May the twenty-fourth seventeen hundred and eighty-seven, and the act entitled "An act concerning dogs," passed March the thirteenth, eighteen hun-

dred and six, so far as relates to the operation thereof in the counties of Essex, Somerset, Middlesex, Monmouth, Burlington, Gloucester, Salem, Cumberland and Cape-May, be, and the same are hereby repealed.

This act not to apply to certain counties.

9. *And be it enacted*, That nothing in this act, nor any matter or thing therein contained, shall be considered as applicable to or in any way affect the counties of Sussex, Hunterdon, Bergen and Morris; but in those counties where this act is in force, the assessors and collectors shall be subject to the same fines and penalties for neglect of duty as are enjoined by the act for assessing and collecting taxes for the use of the state: *Provided always*, That it shall be lawful for any inhabitant of the counties to which this act particularly applies, to kill any dog or slut that may come within their respective counties without the collar as aforesaid affixed around its neck.

Proviso.

A. Passed at Trenton, Feb. 23, 1811.

AN ACT to incorporate the Water-Gap Turnpike Company.

Commissioners.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That Levi Howell, Barnabas Swayze, Ephraim Green, jun. Joseph Demund and Jacob Kerr, be and they are hereby appointed commissioners to receive subscriptions for erecting a turnpike road four rods wide, from the Morris and Sussex turnpike, at or near the thirty-four mile post to Milton, near the Allemucha Pond, from thence through Hope to the River Delaware, at or near a place called the Water-Gap, and that the said commissioners appointed to receive subscriptions aforesaid, shall give security to the governor of the state or person

administering the government for the time being, to pay the subscription money they shall receive, to the treasurer of said turnpike company.

Stock.

2. *And be it enacted*, That such subscriptions shall consist of two thousand shares of twenty-five dollars each, that two dollars and fifty cents be paid on each share at the time of subscribing, and that as soon as four hundred shares shall be subscribed, the said Levi Howell, Barnabas Swayze, Ephraim Green, jun. Joseph Demund and Jacob Kerr, or a majority of them, or their survivors, shall call a

Meeting.

meeting of the subscribers and stockholders, to be held at the house now kept by James Kinney, at Hope, in the county of Sussex, after four weeks notice in the Trenton newspapers, to choose a president and four directors, three of whom shall constitute a board, and a treasurer, to continue in office until the third Tuesday of October next ensuing, and also on the Thursday succeeding the second Tuesday in October annually thereafter, there shall be a choice of officers for one year, at such place as the stockholders at their last meeting may have appointed; that each stockholder may

Votes.

vote in person or by proxy, and shall have as many votes as he or she shall have shares of stock; *provided nevertheless*, That no stockholder shall have more than ten votes although he or she may have a greater number of shares, and the said president and directors shall be called and known by the

Title.

name of "The Water-Gap Turnpike Company," and shall hold their offices for one year and until others are chosen, and shall have all the powers

Powers & privileges.

and privileges incident to a body politic and corporate, for the purposes herein mentioned for the term of ninety-nine years.

Agents & servants.

3. *And be it enacted*, That the president and directors shall have power to fix the time and place of all their meetings, and to appoint all such agents and servants as they shall deem necessary for carrying into effect the powers vested by this act in

said company, and if any vacancy or vacancies shall happen in said offices of president, directors or treasurer, such vacancy or vacancies shall be filled by the directors at their next meeting, to continue in office until others are elected by the company, and that the said president and directors may make such ordinances and bye-laws relative to their concerns as they may deem expedient, *provided*, the same shall not be repugnant to the constitution and laws of this state or of the United States, which ordinances and bye-laws, and all their accounts and proceedings shall be submitted, if required, to the stockholders at their annual meeting.

Vacancies.

Bye-laws.

Compensation made.

4. *And be it enacted*, That if any of the owners of land through which the said road shall pass, shall conceive themselves injured thereby and the parties cannot agree on the compensation and damages to be paid for the same, then it shall be lawful for such owners of land to meet at the house now occupied by James Kinney, at Hope, in the county of Sussex, on thirty days notice being given by advertisements set up in four of the most public places through which the said road may run, and also in the Trenton papers, to choose six respectable freeholders in the state not interested, and the said company shall also choose six respectable freeholders not interested, which twelve persons or three fourths of them agreeing thereto, shall, after having taken an oath or affirmation to act impartially, and to the best of their knowledge, determine at the expense of the turnpike company, the amount of compensation which shall be paid by the said company to such of the applicants respectively as they shall conceive to be injured; on which payment the said company shall become seized of the same estate in the lands, tenements and hereditaments, which the said owner or owners held in the same; but if the owner or owners of any lands through which the said road shall pass will not agree to any

of the provisions heretofore mentioned, or refuse or neglect to join in any such choice, or shall be feme covert, under age, non compos mentis, or out of the state, or in case the twelve freeholders chosen as above, or three fourths of them do not decide thereon, then it shall be lawful for one of the justices of the supreme court, upon application of either party and at the cost and charge of the said turnpike company, to direct a special jury of freeholders of any of the townships in the said county through which the said road shall not run, to be struck before such justice in the manner in which special juries are usually struck, who shall view, examine and survey the said lands, tenements and hereditaments, and estimate the injury or disadvantage sustained as aforesaid, and shall make an inquisition thereof under their hands and seals, to be returned to the said justice of the supreme court by the sheriff of the county in which said iniquisition is taken, and it shall be the duty of such sheriff to attend with the books of freeholders at such place as the said justice shall appoint, upon reasonable notice being given to him for the purpose of striking said jury, and also upon like notice to have the said jury upon the premises at the time mentioned in such notice, and to administer the oath or affirmation to the said jurors, and the said sheriff and jurors shall be entitled to the like fees for their services as are allowed by law in other cases of special juries, and upon the coming in of such report or inquisition and the confirmation thereof by the said justice, and the directors of said company paying the owners respectively the sums mentioned in such report infull compensation for said lands, tenements and hereditaments, privileges and appurtenances, or for the injury sustained as aforesaid, as the case may be, the said company shall become seized in the same estate, in the lands, tenements and hereditaments aforesaid, which the said owners held in the same, and which they shall

have taken possession of and paid for as aforesaid, and they and all who have acted under them shall be freed and acquitted from all responsibility for and on account of such injury: *Provided*, That the payment of damages as aforesaid for lands through which the said road may be laid, or for the gravel, stone or sand, which may be wanted for said road, be made before the company or any person under their direction or in their employ enter upon or break ground in the premises, except surveying and laying out said road, unless the consent of the owner or owners of such land be first obtained.

5. *And be it enacted*, That Richard Edsall, Robert Beaver, and Daniel Stuart, esquires, of the county of Sussex, be and they are hereby appointed commissioners to lay out the said turnpike road herein before described, having due regard to the situation and nature of the ground, and the buildings thereon, the public convenience and interest of the stockholders, so that the said road shall not pass through any burying ground, or place of public worship, nor any dwelling house without the consent of the owner or owners thereof, nor shall it pass through any out-building of the value of three hundred dollars without such consent: *Provided always*, That no toll-gate shall be erected or other obstruction be placed on such part of the said turnpike road as is at present used as a public highway, other than the road commonly called the shunpike in Independence: *And provided also*, That if the said commissioners shall lay the said turnpike road on the said shunpike or any part thereof, then it shall be the duty of the said commissioners to certify to the president and directors of the said turnpike company, the amount in which the said company will be benefitted by the money expended on said turnpike, who shall thereupon grant to the managers of the shunpike, certificates entitling them to stock in the said turnpike, to the amount so ascertained and certified by the said commissioners;

Commissioners.

and the report of the said commissioners, or a majority of them, certified under their hands, of the laying out of the said turnpike road, shall be entered on record in the secretary's office of this state, and the said commissioners shall within six months after ascertaining the route of the said intended turnpike road, cause an accurate survey of the lines of the said road to be made, a map or plot of which survey shall be correctly laid down on a scale of four inches to a mile, and filed in the secretary's office, which certificate or plot, or a certified copy thereof, shall be sufficient evidence of the course of the said road, which shall be opened, and all expenses incurred thereby shall be defrayed by the said company.

Map.

Manner of making the road.

6. *And be it enacted*, That in the middle of the said turnpike road, there shall be formed a space or artificial road not less than thirty feet in breadth, the centre of which shall be raised fifteen inches above the sides rising towards the middle by a gradual arch, which artificial road shall be drained by ditches and subterraneous passages of a sufficient depth to carry off the water, and shall be sufficiently bedded with stone, gravel or other hard substance, so as to secure a dry and solid foundation for the same at all seasons of the year, and twenty feet thereof shall be faced with gravel or broken stone, so as to form a fair and even surface, and in its progress no part of the said road shall rise above an angle of five degrees with the plane of the horizon, and the said directors shall cause good and sufficient bridges where necessary on the line of said road to be constructed not less than twenty-two feet in breadth, and whenever the said road shall be raised so much at the margin or side of the travelling path as to render carriages passing thereon liable to overset, the said company shall cause a good and sufficient railing to be erected and maintained on the sides so as to prevent horses and carriages from running off.

Railing.

7. *And be it enacted*, That full power and authority be given to the said commissioners, and the said corporation, their agents and servants, and to all persons employed by or under them for the purposes contemplated in this act, from time to time to enter upon or make use of any land which shall be deemed necessary for the laying out or making of said road, and for carrying into effect the object of this law, and also to carry away stone, sand or gravel for the use of the said road, subject always to make compensation for all damage that may be thereby occasioned, to be ascertained either by the agreement of parties or by the judgment of indifferent men chosen by the said company and the persons who may have sustained such damages. Lands may be entered on.

8. *And be it enacted*, That it shall and may be lawful for the said directors to call for and demand from the stockholders respectively all such sums of money by them subscribed, at such time and in such proportion as they shall see fit, under pain of forfeiture of their shares and of all previous payments thereon to the said company. Instalments.

9. *And be it enacted*, That as soon as the said company shall have completed six miles of said road, beginning at or near the thirty-four mile post aforesaid, then it shall be lawful for the directors to give notice to the governor of this state or person administering the government, who shall forthwith nominate and appoint three commissioners, who shall at the expense of said company review the same, and report to him in writing whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act; and if the said commissioners, or any two of them, report in the affirmative, then it shall be the duty of the governor or person administering the government, by licence under his hand, to permit the said directors to erect turnpike gates across the said road, and in like manner, when the remainder of the said road shall be made, approved Gates, when to be set up.

of, and licensed, as aforesaid, to erect other gates and turnpikes, and to demand and receive toll at the same after the following rates for each mile of said road travelled or intended to be travelled.

For every score of sheep, hogs, or calves, ... one cent.

And so in proportion for a greater or less number.

For every score of cattle, horses, jacks, or mules, . . two cents.

And so in proportion for a greater or less number.

Rates of toll.

For every horse and rider or led horse or mule, . . . five mills.

For every carriage drawn by one beast, ... one cent.

For every additional beast, . one cent.

For every sleigh or sled drawn by two horses, . . . one cent.

10. *And be it enacted*, That before the said company shall receive toll as aforesaid, they shall cause mile stones or posts to be erected, one for each and every mile of said road, and on each stone or post shall be fairly and legibly marked the distance that said stone or post is from Elizabeth-Town-Point, and shall cause to be affixed and always kept up at the gates aforesaid in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be printed in large letters, "keep to the right as the law directs." *Provided*, That nothing in this act shall be construed to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the sabbath day, or to or from any mill to which he may resort for the grinding of grain for his family's use, or horses, carriages, sleighs or sleds, solely conveying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militia man passing to or from training on a muster day appointed by law.

Exceptions.

11. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the milestones or posts so erected on said road, or shall wilfully tear down any of the printed rates of toll or directions, or shall cut, break down or destroy or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the said gates or turnpikes without having paid the legal toll at the same, such person or persons shall forfeit and pay a fine not exceeding twenty dollars, and also be subject to an action for all damages occasioned by the same, to be recovered by the corporation to their use with costs of suit, and if any person with his horse, cattle, mules, calves, sheep or hogs or carriages of burthen or pleasure, shall turn out of said road to avoid passing through such gate or turnpikes, and again enter on said road with intent to evade the payment of the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through such gate or turnpike, to be recovered by the said corporation for the use thereof, in an action of debt, with costs of suit.

Penalty for trespasses on the property of the company.

12. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveller passing at any of the gates, or shall receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so hindered or defrauded.

Penalty on toll-gatherers.

13. *And be it enacted*, That the shares in the said turnpike road shall be taken, deemed and considered as personal property, and be transfetred in such manner as the directors shall appoint, provided, if the said company shall not commence the making said road within two years from the passing of this act, or shall not within the term of seven years afterwards complete the said road according

Stock personal property.

Limitation

New Jersey State Library

to the true intent and meaning of this act, then in either of these cases this act shall cease and be of no effect, except so far as compels the said company to make reparations for damages.

Keep to the right.

14. *And be it enacted*, That all drivers of carriages, sleighs or sleds of all kinds, whether of burthen or pleasure, or persons on horseback using the said road, shall keep their horses, carriages, sleighs or sleds on the right hand of the said road, in the passing direction, leaving the other side of the road free and clear for other carriages, sleighs, sleds, and persons on horseback to pass, and if any person shall offend against this provision, such person shall forfeit and pay the sum of two dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action of damages for every such offence, to be recovered with costs of suit.

Penalty.

Repairs of road, &c.

15. *And be it enacted*, That if the said company shall not keep the said road and bridges in good repair, and complaint thereof shall be made to any justice of the peace of the county, who may be disinterested, the said justice shall immediately appoint by writing under his hand and seal, three of the township committee of the township wherein the cause of complaint arises, who shall not be interested in the said road, which three persons or a majority of them, on notice being given to the keeper of the nearest gate, shall meet at such time and place as said justice may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and report in writing under their hands and seals to the justice as soon as may be practicable, their opinion, or the opinion of any two of them, as to the state of said road, whether it be in such state as the law requires it to be kept, and if the report be unfavorable to said road, the said justice shall immediately in writing under his hand and seal order the keeper of said gate to keep open

the same until otherwise ordered, and if the said keeper shall notwithstanding the order of the justice to open said gate, exact toll from travellers, he shall for each offence forfeit and pay twenty dollars, to be sued for and recovered by any person who will prosecute for the same, in action of debt with costs of suit; and the said justice shall be allowed for his services fifty cents, and the persons so appointed the sum of one dollar each, to be paid by the said turnpike company; and it shall be the duty of the persons so appointed, or a majority, on application from said turnpike company, again to view said road and report as aforesaid their opinion to said justice, who shall if authorized by the report, by license under his hand and seal, directed to the toll-gatherer, permit the gates to be shut and toll to be collected as before, and the same fees shall be allowed and paid as before directed, but if on the first view as before mentioned the report of the persons appointed as aforesaid, shall be in favor of the turnpike company, the same fees shall be allowed as before prescribed, and paid by the persons instituting the complaint, or in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint in the manner above directed, one or more respectable freeholders of the township who may be disinterested to serve in the place and stead of any members of the township committee so disqualified.

16. *And be it enacted*, That the said company shall commence the making of the said turnpike road at the place of beginning, which may be designated by the commissioners according to the directions of the first section of this act, and proceed from thence towards the water-gap. Beginning

17. *And be it enacted*, That at the end of every ten years an account of the expenditures of the road authorised by this act, and the profits arising therefrom shall be laid before the legislature, and that the state of New-Jersey may at any time after Road may be redeemed.

the expiration of fifty years from the passing of this act repay the proprietors of the said road the amount of the sums expended thereon, and in that case the said road shall become the property of the state of New-Jersey, and be under the control of the legislature thereof, any thing in this act contained to the contrary notwithstanding.

A. Passed at Trenton, Feb. 8, 1811.

A further supplement to the act entitled An act to incorporate the New-Jersey turnpike company, passed twenty-seventh day of February one thousand eight hundred and 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 it shall and may be lawful for the president and directors of the New-Jersey turnpike company to call a meeting of such commissioners as are hereafter appointed by this act; which commissioners when so called shall have power to review, and if they or a majority of them shall deem it expedient to alter or relay that part of the said road which lies between the division line of the counties of Somerset and Hunterdon and William Kennedy, esquire's, new house in the county of Sussex, and also between captain Henry Bidleman's and the bridge across the river Delaware, from Philipsburg to Easton, subject to the provisions and restrictions of the before recited act: *Provided always*, That in cases wherein an inquisition has been held by a jury to ascertain the damages incurred by owners of land through which the said road has been laid between the points or places herein mentioned, and such owners of land shall have been thereby sub-

What part may be relayed.

Proviso.

jected to pay one half the costs of such inquisition; The said president and directors shall, in case the said road shall be relaid so as to avoid the route on which the jury of enquiry may have adjudged damages as aforesaid, be liable to indemnify and repay to the said owners of land such costs as they may have so incurred and paid.

2. *And be it enacted*, That Richard Edsall, Daniel Stewart and Peter I. Stryker, esquires, be commissioners to alter or relay such part of said road between the points aforesaid as to them or a majority of them shall appear expedient, whose duty it shall be to certify the same in the manner prescribed in the act to which this is a supplement; whereupon the said road so altered or relaid shall be deemed and taken as a part of the said New-Jersey turnpike road in the same manner as if it had been originally so laid; and so much of the same as formerly laid as shall be so altered and relaid by the said commissioners shall thereupon become vacated.

Commissioners and their duty.

3. *And be it enacted*, That if the said company shall not keep the said road and bridges in good repair, and complaint shall be made to any justice of the peace of the county who may be disinterested, the said justice shall immediately appoint by writing under his hand and seal three of the township committee of the township wherein the cause of complaint arises, who shall not be interested in the said road, which three persons or a majority of them on notice being given to the keeper of the nearest gate, shall meet at such time and place as said justice shall appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and report in writing under their hands and seals to the justice as soon as may be practicable their opinion, or the opinion of any two of them, as to the state of said road whether it be in such state as the law requires it to be kept, and if the report

Repairs, if neglected, how enforced.

be unfavorable to the said road, the said justice shall immediately in writing under his hand and seal order the keeper of said gate to keep open the same until otherwise ordered, and if the said keeper shall, notwithstanding the order of the justice, to keep open the gate, exact toll from travellers, he shall for each offence forfeit and pay twenty dollars, to be sued for and recovered by any person who will prosecute for the same, in an action of debt with costs of suit; and the said justice shall be allowed for his services fifty cents, and the persons so appointed the sum of one dollar each, to be paid by the said turnpike company, and it shall be the duty of the persons so appointed or a majority of them on application from said turnpike company, again to view said road and report as aforesaid their opinion to said justice, who shall if authorized by the report, by license under his hand and seal directed to the toll-gatherer, permit the gates to be shut and toll to be collected as aforesaid, and the same fees shall be allowed and paid as before directed, but if on the first view as before mentioned the report of the persons appointed as aforesaid, shall be in favor of the turnpike company, the same fees shall be allowed as before prescribed and paid by the persons instituting the complaint, or in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint in the manner above prescribed, one or more respectable freeholders of the township, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

A. Passed at Trenton, Feb. 22, 1811.

AN ACT to amend an act entitled "An act to incorporate the Burlington turnpike company," passed the twenty-fourth of November, eighteen hundred and eight.

WHEREAS it is represented by the president, directors and stockholders of said company, that after the passing the aforesaid act of incorporation, a highway called the river road, between the city of Burlington and Bordentown creek was by public authority lawfully vacated, and the return thereof duly confirmed and recorded, since which vacation the commissioners for laying said turnpike road, have in whole or part run the same on the said vacated line or route, as being most for the ease and advantage of all persons concerned—And whereas some doubts may arise, if the said company may put toll-gates thereon when complete by reason of the tenth section of said act of incorporation, and have prayed of the legislature by a declaratory act to remove any danger from so unreasonable a construction of said tenth section in future—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 nothing in said tenth section shall be construed to prevent the said company from erecting any toll-gate or toll-gates upon the said turnpike, lying on the route or line of the said vacated road or any part thereof; *provided*, at the time of laying the said turnpike road, and the return thereof by the said commissioners, the said highway was lawfully vacated, as set forth by the said company in their said application to the legislature. Toll-gates may be put on the old road. Proviso.

2. *And be it enacted*, That if the said company shall within the said term of seven years, complete

If ten miles are completed, this act not void.

at least ten miles of said turnpike road, between the beginning thereof at the city of Burlington and the White-Horse tavern, in one continued line, the said part as well as any greater distance which may be so completed, shall be vested in said company, and the said act of incorporation be void only as to so much of said turnpike route as shall at the end of said seven years not be completed.

A. Passed at Trenton, Feb. 6, 1811.

AN ACT to appoint trustees to sell and convey a certain farm in the county of Somerset, the property of the heirs of Michael Hagaman, deceased.

Preamble.

WHEREAS Michael Hagaman, late of the county of Butler, in the state of Ohio, died intestate, having authorised a conveyance of a certain farm, situate in the county of Somerset, in the state of New-Jersey, by Peter Smith and Sarah his wife, to Michael Hagaman, junior, Jane Hagaman and Abigail Hagaman, then being his minor children, two of whom have now arrived at lawful age, and by their petition together with Margaret Hagaman, widow and relict of said Michael, deceased, and as guardian of Abigail Hagaman, yet a minor, also by the petition of the said Abigail have represented that it will be greatly to their advantage that said farm should be sold, subject to the division of the proceeds thereof between the aforesaid Michael Hagaman, junior, Jane Piat, late Jane Hagaman, and Abigail Hagaman, by the payment of the same unto them and the guardian of the said Abigail, reserving such part thereof as may be equal to the dower or thirds for the use of Margaret Hagaman, the widow of the said Michael Hagaman, deceased, and praying that a law may be

passed to appoint and authorize trustees to make sale of the said farm so conveyed as aforesaid by said Peter Smith and Sarah his wife, by deed bearing date January the twentieth, seventeen hundred and ninety-eight; and the representation appearing to be true, and the prayer of the petitioners reasonable—Therefore—

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That James Van Derveer and Martin Schenck both of the township of Hillsborough, in the county of Somerset, be and they are hereby appointed trustees with full power to sell, dispose of and convey the aforesaid farm or lot of land and premises with its appurtenances, situate in the township of Franklin, in the county of Somerset, and described in said deed of conveyance, given and executed by the said Peter Smith and Sarah his wife to the said Michael Hagaman, Jane Hagaman and Abigail Hagaman, as soon as conveniently may be, for the highest sum or sums of money the same will bring, and for the same when thus sold to make and execute in due form of law in their own names or in the name of the survivor of them as trustees or trustee as aforesaid good and sufficient deed or deeds of conveyance, according to the estate and interest which the said Michael Hagaman, deceased, or the said Margaret Hagaman, widow as aforesaid, the said Michael Hagaman, junior, Jane Piat, late Jane Hagaman and Abigail Hagaman, had or ought to have claimed or might legally claim of in and to the same; which sale or sales being made and confirmed by deed shall entitle the purchaser or purchasers to all the estate, right, title, claim and demand which the said Michael Hagaman, deceased, or the said Michael Hagaman, junior, Jane Piat, late Jane Hagaman, and Abigail Hagaman, had to the said bargained premises.

Trustees.

Powers.

Account. 2. *And be it enacted*, That the said James Van Derveer and Martin Schenck shall keep a fair account of the said sale or sales of said land so by them sold as aforesaid, and of the expenses attending such sales, and they or the survivor of them, shall after deducting reasonable fees for their services and the costs and charges attending such sale and discharge of their said trust, distribute all the residue of monies so arising from the sale of said land and premises equally among them the said Michael, Jane and Abigail, according to the right in them vested by virtue of said deed as aforesaid, or to the guardian of the said Abigail, she being under the age of twenty-one years: *Provided, nevertheless*, That the said James Van Derveer and Martin Schenck or the survivor of them shall secure to the said Margaret the use of the one equal third part of the residue of the said monies, during the life-time of her the said Margaret, in lieu and in full satisfaction of her dower in said premises, and after her decease the said equal one third part, so secured for her use, shall be subject to an equal division between them the said Michael, Jane, and Abigail, their heirs or assigns.

Fees.

Distribution.

Proviso.

Bond. 3. *And be it enacted*, That before the said James Van Derveer and Martin Schenck do enter upon the execution of the trust assigned them by this act, they shall enter into a bond with sureties, to the governor of this state, in such an amount as shall be approved of by the orphans court of the county of Somerset, conditioned for the true and faithful performance of the trust assigned them by this act, which bond shall be deposited in the surrogate's office of the county of Somerset—*Provided always*, That no deed or conveyance of such land so sold or conveyed by the trustees aforesaid shall be valid, unless it be certified in or upon such deed or conveyance by two of the judges of the orphans court of the county of Somerset, that such sale is made bona fide and for the highest price that could

Certificate

be obtained for such property at the time of such sale.

4. *And be it enacted*, That the said James Van Derveer and Martin Schenck, or the survivor of them, shall within three months after the sale of said land as aforesaid, make, subscribe and exhibit under oath, unto the surrogate of the county of Somerset, an exact statement of the amount of said sale, to be by him recorded and filed agreeably to law; and they the said James Van Derveer and Martin Schenck shall be accountable for all monies by them received, until duly discharged in writing by the said Margaret Hagaman, Michael Hagaman, Jane Piat, late Jane Hagaman, Abraham Piat, and Abigail Hagaman or her guardian, for the receipts of all monies due them by virtue of said sale, and until the same shall be filed and recorded by the surrogate of the said county of Somerset. Statement. Accountability.

C. Passed at Trenton, Jan. 22, 1811.

AN ACT to incorporate the Franklin Company.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state and it is hereby enacted by the authority of the same*, That Stephen Gould, Robert M'Dermut, Matthias Ward, Josiah Simpson and Anthony Dey, and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic, by the name of "The Franklin Company," and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, for the purpose of importing, printing, binding, publishing, and vending books at the city of Jersey; and also of establishing and conducting a paper manufactory, and type foundery, Associates. Name. Objects.

whenever they may deem the same beneficial to themselves and this state, in accomplishing the objects aforesaid, and by that name they and their successors for twenty years hereafter, shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and cases whatsoever, and that they and their successors may have a common seal, and make, change and alter the same at their pleasure, and also that they and their successors by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided*, That the real estate so to be holden shall be such only as shall be necessary to promote or attain the object of this incorporation.

Duration.

Powers.

Proviso.

2. *And be it enacted*, That the capital stock of the said corporation may be at present five hundred thousand dollars, and if at any time hereafter the said company shall deem it beneficial to establish within this state a paper manufactory or type foundery, the said capital may be increased as much as may be deemed necessary for that purpose, not however to exceed seven hundred and fifty thousand dollars in the whole, and that a share of the said stock shall be one hundred dollars, and that the stock of the said company shall be deemed and considered personal estate, and in no case whatever shall the said company engage in any business not strictly consistent with or appropriate to the objects defined in the first section of this act, under the penalty of forfeiting this charter.

Capital.

Increase.

Restrictions.

Penalty.

3. *And be it enacted*, That for the better carrying into execution the privileges granted by this act, there shall be for the present six directors, who shall hold their office until the first Monday in May next and until others shall be elected in their stead,

that the first directors shall be Stephen Gould, Robert M'Dermut, Matthias Ward, Anthony Dey, Josiah Simpson, and John Wells, out of which number the said directors at their first meeting shall appoint their president, and a majority of whom present at any meeting shall have power to transact business. Directors. President.

4. *And be it enacted*, That the said corporation and their successors shall have full power to make, constitute, ordain and establish, by and with the consent of a majority in value of the persons interested in the said company, such bye-laws, rules, ordinances and regulations as they from time to time shall judge proper, for the election of directors, and the number of directors, not exceeding eleven, which they may judge necessary to conduct the affairs of the company, their duration in office, and the time and manner of their election; and the directors above named, or their successors in office, shall have power to make, constitute, ordain and establish all other bye-laws, rules, ordinances and regulations for the transaction of the business of the said company, not repugnant to the constitution and laws of the United States or of this state: *Provided*, That all contracts, engagements and responsibilities, entered into on the part of the said company, and signed by their president, shall be binding on the said company in like manner as any contract would be if made and entered into by any individual. Bye-Laws. Provisa.

A. Passed at Trenton, Jan. 23, 1811.

AN ACT to incorporate the Ringwood and Long-Pond 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 Charles

Commissioners. Board, John M. Ryerson, Nathaniel Board, Tunis Ryerson and James Wheeler, be and they are hereby appointed commissioners to receive subscriptions for erecting a turnpike road four rods wide, from the public road at Ringwood, at or near the house of Charles Board, esquire, or at such place as may from the nature of the ground and other circumstances be judged the most eligible by the commissioners named in the fifth section of this act, to the gap of the mountain in Long-Pond, to intersect the Milford turnpike road near the house of Joseph Woodruff, or at such other place between Woodruff's Gap and the New-York and New-Jersey line near the twenty-ninth and thirtieth mile-stones as by the commissioners may be thought proper, and that the said commissioners appointed to receive subscriptions aforesaid, shall give security to the governor of the state or person administering the government for the time being, to pay the subscription money they shall receive, to the treasurer of said turnpike company.

Stock. 2. *And be it enacted*, That such subscriptions shall consist of one thousand shares of twenty-five dollars each, that two dollars and fifty cents be paid on each share at the time of subscribing, and that as soon as four hundred shares shall be subscribed, the said Charles Board, John M. Ryerson, Nathaniel Board, Tunis Ryerson and James Wheeler, or a majority of them, or their survivors, shall call

Meeting. a meeting of the subscribers and stockholders, to be held at the house now kept by Richard G. Ryerson, at Long-Pond, in the county of Bergen, after four weeks notice in the Newark newspaper, to choose a president and four directors, three of whom shall constitute a board, and a treasurer, to continue in office until the third Tuesday of October next ensuing, and also on the Thursday succeeding the second Tuesday in October annually thereafter, there shall be a choice of officers for one year, at such place as the stockholders at their last

meeting may have appointed; that each stockholder may vote in person or by proxy, and shall have as many votes as he or she shall have shares of stock; *provided nevertheless*, That no stockholder shall have more than ten votes although he or she may have a greater number of shares. And the said president and directors shall be called and known by the name of "The Ringwood and Long-Pond Turnpike Company," and shall hold their offices for one year and until others are chosen, and shall have all the powers and privileges incident to a body politic and corporate, for the purposes herein mentioned for the term of fifty years. Votes. Title. Powers & privileges.

3. *And be it enacted*, That the president and directors shall have power to fix the time and place of all their meetings, and to appoint all such agents and servants as they shall deem necessary for carrying into effect the powers vested by this act in said company, and if any vacancy or vacancies shall happen in said offices of president, directors or treasurer, such vacancy or vacancies shall be filled by the directors at their next meeting, to continue in office until others are elected by the company, and that the said president and directors may make such ordinances and bye-laws relative to their concerns as they may deem expedient, *provided*, the same shall not be repugnant to the constitution and laws of this state or of the United States, which ordinances and bye-laws, and all their accounts and proceedings shall be submitted, if required, to the stockholders at their annual meeting. Agents & servants. Vacancies. Bye-laws.

4. *And be it enacted*, That if any owners of land through which the said road shall pass, shall conceive themselves injured thereby and the parties cannot agree on the compensation and damages to be paid for the same, then it shall be lawful for such owners of land to meet at the house now occupied by Anthony Beam, in the county of Bergen, on thirty days notice being given by adver- Compensation made.

tisements set up in four of the most public places through which the said road may run, and also in the Newark Centinel, to choose six respectable freeholders in the state not interested, and the said company shall also choose six respectable freeholders not interested, which twelve persons or three fourths of them agreeing thereto, shall, after having taken an oath or affirmation to act impartially, and to the best of their knowledge, determine at the expense of the turnpike company, the amount of compensation which shall be paid by the said company to such of the applicants respectively as they shall conceive to be injured; on which payment the said company shall become seized of the same estate in the lands, tenements and hereditaments, which the owner or owners held in the same; but if the owner or owners of any land through which the said road shall pass will not agree to any of the provisions heretofore mentioned, or refuse or neglect to join in any such choice, or shall be feme covert, under age, non compos mentis, or out of the state, or in case the twelve freeholders chosen as above, or three fourths of them do not decide thereon, then it shall be lawful for one of the justices of the supreme court, upon the application of either party and at the cost and charge of the said turnpike company, to direct a special jury of the freeholders of any of the townships in the said county through which the said road shall not run, to be struck before such justice in the manner in which special juries are usually struck, who shall view, examine and survey the said lands, tenements and hereditaments, and estimate the injury or disadvantage sustained as aforesaid, and shall make an inquisition thereof under their hands and seals, to be returned to the said justice of the supreme court by the sheriff of the county in which said iniquisition is taken, and it shall be the duty of such sheriff to attend with the books of freeholders at such place as the said justice shall appoint, upon reason-

able notice being given to him for the purpose of striking said jury, and also upon like notice to have the said jury upon the premises at the time mentioned in such notice, and to administer the oath or affirmation to the said jurors, and the said sheriff and jurors shall be entitled to the like fees for their services as are allowed by law in other cases of special juries, and upon the coming in of such report or inquisition and the confirmation thereof by the said justice, and the directors of said company paying the owners respectively the sums mentioned in such report in full compensation for said lands, tenements and hereditaments, privileges and appurtenances, or for the injury sustained as aforesaid, as the case may be, the said company shall become seized in the same estate, in the lands, tenements and hereditaments aforesaid, which the said owners held in the same, and which they shall have taken possession of and paid for as aforesaid, and they and all who have acted under them shall be freed and acquitted from all responsibility for and on account of such injury: *Provided*, That the payment of damages as aforesaid for lands through which the said road may be laid, or for the gravel, stone or sand, which may be wanted for said road, be made before the company or any person under their direction or in their employ enter upon or break ground in the premises, except surveying and laying out said road, unless the consent of the owner or owners of such land be first obtained.

Commissioners.

5. *And be it enacted*, That Major Adrian Post, Henry Van Dalsem, and Isaac Van Saun, of the county of Bergen, be and they are hereby appointed commissioners to lay out the said turnpike road herein before described, having due regard to the situation and nature of the ground, and the buildings thereon, the public convenience and interest of the stockholders, so that the said road shall not pass through any burying ground, or place of public worship, nor any dwelling house without the

consent of the owner or owners thereof, nor shall it pass through any out-building of the value of two hundred dollars without such consent: *Provided always*, That no toll-gate shall be erected or other obstruction be placed on such part of the said turnpike road as is at present used as a public highway; and the report of the said commissioners, or a majority of them, certified under their hands, of the laying out of the said turnpike road, shall be entered on record in the secretary's office of this state, and the said commissioners shall within six months after ascertaining the route of the said intended turnpike road, cause an accurate survey of the lines of said road to be made, a map or plot of which shall be correctly laid down on a scale of four inches to a mile, and filed in the secretary's office, which certificate and plot, or a certified copy thereof, shall be sufficient evidence of the course of the said road, which shall be opened, and all expenses incurred thereby shall be defrayed by the said company.

Map.

Manner of making the road

6. *And be it enacted*, That in the middle of the said turnpike road, there shall be formed a space or artificial road not less than twenty-eight feet in breadth, the centre of which shall be raised fifteen inches above the sides rising towards the middle by a gradual arch, which artificial road shall be drained by ditches and subterraneous passages of a sufficient depth to carry off the water, and shall be sufficiently bedded with stone, gravel or other hard substance, so as to secure a dry and solid foundation for the same at all seasons of the year, and eighteen feet thereof shall be faced with gravel or broken stone, so as to form a fair and even surface, and in its progress no part of the said road shall rise above an angle of five degrees with the plane of the horizon, and the said directors shall cause good and sufficient bridges where necessary on the line of said road to be constructed not less than eighteen feet in breadth, and whenever the said road

is raised so much at the margin or side of the travelling path as to render carriages passing thereon liable to overset, the said company shall cause a good and sufficient railing to be erected and maintained on the sides so as to prevent horses and carriages from running off. Railing.

7. *And be it enacted*, That full power and authority be given to the said commissioners, and the said corporation, their agents and servants, and to all persons employed by or under them for the purposes contemplated in this act, from time to time to enter upon or make use of any land which shall be deemed necessary for the laying out or making of said road, and for carrying into effect the object of this law, and also to carry away stone, sand or gravel for the use of said road, subject always to make compensation for all damage that may be thereby occasioned, to be ascertained either by agreement of parties or by the judgment of indifferent men chosen by the said company and the persons who may have sustained such damages. Lands may be entered on.

8. *And be it enacted*, That it shall and may be lawful for the said directors to call for and demand from the stockholders respectively all such sums of money by them subscribed, at such time and in such proportion as they shall see fit, under pain of forfeiture of their shares and of all previous payments thereon to the said company. Instalments.

9. *And be it enacted*, That as soon as the said company shall have completed six miles of said road, then it shall be lawful for the directors to give notice to the governor of this state or person administering the government, who shall forthwith nominate and appoint three commissioners, who shall at the expense of said company review the same, and report to him in writing whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act; and if the said commissioners, or any two of them, report in the affirmative, then it shall Gates, when to be set up.

be the duty of the governor or person administering the government, by licence under his hand, to permit the said directors to erect turnpike gates across the said road, and in like manner, when the remainder of the said road shall be made, approved of, and licensed, as aforesaid, to erect other gates and turnpikes, and to demand and receive toll at the same after the following rates for each mile of said road travelled or intended to be travelled.

Rates of toll.

For every score of sheep, hogs, or calves, ... one cent.
And so in proportion for a greater or less number.
For every score of cattle, horses, jacks, or mules, . . two cents.
And so in proportion for a greater or less number.
For every horse and rider or led horse or mule, . . . five mills.
For every carriage drawn by one beast, ... one cent.
And for every additional beast, . one cent.
For every sleigh or sled drawn by two beasts, . . . one cent.

Milestones

10. *And be it enacted*, That before the said company shall receive toll as aforesaid, they shall cause mile stones or posts to be erected, one for each and every mile of said road, and on each stone or post shall be fairly and legibly marked the distance that said post or stone is from Pompton, and shall cause to be affixed and always kept up at the gates aforesaid in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be printed in large letters, "keep to the right as the law directs."

Penalty for trespasses on the property of the company.

11. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the milestones or posts so erected on the said road, or shall wilfully tear down any of the printed rates of toll or directions, or shall cut, break down or destroy or otherwise injure any gates, turnpikes or

bridges that shall be erected pursuant to this act; or shall forcibly pass the said gate or turnpike without having paid the legal toll at the same, such person or persons shall forfeit and pay a fine not exceeding twenty dollars, and also be subject to an action for all damages occasioned by the same, to be recovered by the corporation to their use with costs of suit, and if any person with his horse, cattle, mules, calves, sheep or hogs or carriages of burthen or pleasure, shall turn out of said road to avoid passing through such gate or turnpike, and again enter on said road with intent to evade the payment of the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through such gate or turnpike, to be recovered by the said corporation for the use thereof, in an action of debt, with costs of suit.

Penalty on toll-gatherers.

12. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveller passing at any of the gates, or shall receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so hindered and defrauded.

Stock personal property.

13. *And be it enacted*, That the shares in the said turnpike road shall be taken, deemed and considered as personal property, and be transferred in such manner as the directors shall appoint, provided, if the said company shall not commence the making said road within two years from the passing of this act, or shall not within the term of seven years afterwards complete the said road according to the true intent and meaning of this act, then and in either of these cases this act shall cease and be of no effect, except so far as compels the said company to make compensation for lands, and reparation for damages.

Limitation

14. *And be it enacted*, That all drivers of carts

riages, sleighs or sleds of all kinds, whether of burthen or pleasure, or persons on horseback using the said road, shall keep their horses, carriages, sleighs or sleds on the right hand of the said road, in the passing direction, leaving the other side of the road free and clear for other carriages, sleighs, sleds, or persons on horseback to pass, and if any person shall offend against this provision, such person shall forfeit and pay the sum of two dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action of damages for every such offence, to be recovered with costs of suit.

Keep to the right.

Penalty.

15. *And be it enacted*, That if the said company shall not keep the said road and bridges in good repair, and complaint thereof shall be made to any justice of the peace of the county, who may be disinterested, the said justice shall immediately appoint by writing under his hand and seal, three of the township committee of the township wherein the cause of complaint arises, who shall not be interested in the said road, which three persons or a majority of them, on notice being given to the keeper of the nearest gate, shall meet at such time and place as the said justice may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and report in writing under their hands and seals to the justice as soon as may be practicable, their opinion, or the opinion of any two of them, as to the state of said road, whether it be in such state as the law requires it to be kept, and if the report be unfavorable to said road, the said justice shall immediately in writing under his hand and seal order the keeper of said gate to keep open the same until otherwise ordered, and if the said keeper shall notwithstanding the order of the justice to open said gate, exact toll from travellers, he shall for each offence forfeit and pay twenty dollars, to be sued for and recovered by any person who

Repairs of road, &c.

will prosecute for the same, in an action of debt with costs of suit; and the said justice shall be allowed for his services fifty cents, and the persons so appointed the sum of one dollar each, to be paid by the said turnpike company; and it shall be the duty of the persons so appointed, or a majority, on application from said turnpike company, again to view said road and report as aforesaid their opinion to said justice, who shall if authorized by the report, by license under his hand and seal, directed to the toll-gatherer, permit the gates to be shut and toll to be collected as before, and the same fees shall be allowed and paid as before directed, but if on the first view as before mentioned the report of the persons appointed as aforesaid, shall be in favor of the turnpike company, the same fees shall be allowed as before prescribed, and paid by the persons instituting the complaint, or in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint in the manner above directed, one or more respectable freeholders of the township who may be disinterested to serve in the place and stead of any members of the township committee so disqualified.

16. *And be it enacted*, That the said company shall commence the making of the said turnpike road at the place of beginning which may be designated by the commissioners according to the directions of the first section of this act, and proceed from thence towards the New-York line. Beginning

A. Passed at Trenton, Feb. 9, 1811.

AN ACT to carry into effect the will of William Thatcher, deceased.

WHEREAS William Thatcher, late of the county of Hunterdon, in and by his last will and testament, did among other things will and direct that on the event of his wife's decease the whole

of his estate, real and personal, be sold by his executors therein named, and the amount thereof divided among all his children; and whereas it has been represented by the heirs of the said William Thatcher, that the executors have died, without selling and dividing the said real estate according to the true intent and meaning of the said last will and testament—Therefore,

Trustees.

Sec. 1. 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 Thatcher of the county of Bucks in the state of Pennsylvania and Peter Fox of the county of Hunterdon in this state, be and they are hereby appointed trustees to carry into effect the will of the said William Thatcher, deceased, so far as the same relates to the sale and conveyance of the said real estate of the said William Thatcher deceased, so as aforesaid directed to be sold, and the payment of the monies arising from the said sale, agreeably to the directions and intent of the said testator.

Sale.

Title.

And the said Nathaniel Thatcher and Peter Fox are hereby authorized and empowered to make all such deed and deeds of conveyance and assurance in the law for said premises, as fully, amply and effectually as the testator could have done in his life-time—*Provided*, That before the said Nathaniel Thatcher and Peter Fox shall take upon themselves the execution of the power vested in them by this act, they shall execute a bond to the governor of this state in such sum and with such sureties as shall be approved by the orphans court of the county of Hunterdon, for the faithful performance of the trust reposed in them by this act, which bond shall be filed in the surrogate's office of said county for the benefit of all concerned.

Bond.

Account.

2. *And be it enacted*, That the said Nathaniel Thatcher and Peter Fox, their executors or administrators, shall within six months after the sale

of said real estate, make, subscribe and exhibit under oath unto the surrogate of the county of Hunterdon, an exact statement of the amount of the said sale or sales of the said real estate, and of the monies arising therefrom, to be by him recorded and filed agreeably to law, and that the orphans court of said county shall make such allowance for expenses and fees to the said trustees as to the said court shall appear just and reasonable.

A. Passed at Trenton, Jan. 19, 1811.

AN ACT supplementary to an act entitled An act to authorize the sale of certain parts of the real estate of Isaac Governeur, deceased.

Preamble.

WHEREAS Nicholas Ogden by his petition to the legislature hath set forth that a law was passed the twenty-fourth of November one thousand eight hundred and six, appointing Alexander C. M'Whorter and Lewis M. Ogden, esquires, to sell and dispose of all and singular the real estate late of Isaac Governeur, deceased, which he purchased after making his last will and testament, for the use and benefit of the heirs at law of said deceased:—And whereas since the passing the said act Alexander C. M'Whorter and Lewis M. Ogden have departed this life without executing the trust vested in them by said act—To remedy which,

Commissioners.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That John N. Cumming and Silas Condit be and hereby are appointed commissioners in the place and stead of the said Alexander C. M'Whorter and Lewis M. Ogden, deceased, with full power to sell, dispose

Power.

of and convey the said real estate of the said Isaac Governeur so as aforesaid purchased by him since the making his last will, and in all respects shall execute the trust reposed in them in the same manner as is provided by said recited act, and was required of the said Alexander C. M'Whorter and Lewis M. Ogden, deceased.

Duty.

2. *And be it enacted*, That before the said John N. Cumming and Silas Condit, or either of them, do enter upon the trust assigned to them by this act, they shall enter into bond to the governor of this state, with such securities and in such amount as shall be approved of by Elias Van Arsdal and Thomas Ward, esquires, conditioned for the true and faithful performance of the trust assigned to them by this act, which bond shall be filed in the secretary's office of this state.

Bond.

A. Passed at Trenton, Jan. 29, 1811.

A Supplement to an act entitled An act to authorize the sale of the real estate of Joseph Brearley, late of the county of Hunterdon, deceased.

Preamble. WHEREAS by an act of the legislature passed the twenty-eighth of November one thousand eight hundred and six, Caleb Shreve, Israel Clarke, and James Brearley, junior, were appointed trustees to sell, dispose of and convey the real estate late of the said Joseph Brearley deceased, and appropriate the monies thence arising as in and by the said act directed, as by the said act may more fully appear: And whereas the said Israel Clarke hath declined acting in the premises: Now therefore, to supply the vacancy thereby occasioned, and to carry the intent of the said act into effect:

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That Charles Ewing be, and he hereby is appointed a trustee to carry into effect the intention of the said act in the room and stead of the said Israel Clarke, and that he be and is invested with all the powers, duties and authorities, which in and by the said act were vested in the said Israel Clarke, and that he be taken, deemed and esteemed to be a trustee for the purpose of the said act, in as full, ample and effectual manner, as if he had been originally named in the said act in the place of the said Israel Clarke. Trustee. Powers.

2. *And be it enacted*, That before the said Charles Ewing shall undertake to discharge the duties enjoined on him by this act, he shall enter into bond with such security and in such amount to the governor of the state as shall be by him approved, conditioned for his true and faithful performance of the said trust, which bond shall be filed in the surrogate's office of the county of Hunterdon, and may on a breach of the condition by order of the governor of the state for the time being be prosecuted for the benefit of those who may be aggrieved thereby. Bond.

A. Passed at Trenton, Jan. 29, 1811.

A Supplement to an act entitled An act respecting the estate of John Blackwood, deceased.

WHEREAS John S. Whitall, administrator to the estate, and Ann Blackwood, administratrix and guardian to the children of the said John Blackwood, deceased, and Samuel W. Blackwood, eldest son, and of full age, have in their petition set forth that by the death of Clement Hall one of the copartners mentioned in the

above recited law they are unable to sell and convey said lands according to the provisions of the said law; for remedy, WHEREOF,

Sec. 1. 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 S. Whitall, administrator, and Ann Blackwood, administratrix as aforesaid, be, and they are hereby authorized to sell and convey said lands, and to make and execute deeds for the same, any thing in the before recited law to the contrary notwithstanding; and to distribute the monies arising from such sale or sales as in and by said act is provided.

A. Passed at Trenton, Jan. 23, 1811.

AN ACT to appoint trustees to sell and convey certain parts of the real estate of which Reuben Freeman died seized in the county of Middlesex.

Preamble. WHEREAS Reuben Freeman, late of the city of New-Brunswick in the county of Middlesex, died intestate, seized and possessed of two lots of ground in the said city whereon are buildings, and also one other lot of ground in the said city that is vacant: And whereas it is represented by the petition of Rachel Freeman, widow of the said Reuben Freeman, deceased, and David Freeman, administrator of said deceased, that the interest arising from the remains of his personal estate, after payment of debts, is altogether insufficient for the support of herself and the maintenance and education of eight children of the deceased who are all of them under the age of fourteen years; that the said lots and buildings will sell for a sum of money the interest of which will far exceed any rent that can be ob-

tained for the same—and praying that a law may be passed to appoint trustees to sell the same—all which appearing reasonable—Therefore,

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That Rachel Freeman, widow of Reuben Freeman, deceased, David Freeman, administrator of the said deceased, and William P. Deare, and the survivors or survivor of them, be and they are hereby appointed trustees with full power to sell, dispose of and convey the said lands and real estate above described, as soon as conveniently may be, for the highest sum or sums of money the same will bring, and for the same or any part thereof when thus sold, to make, execute and deliver, in due form of law, in their own names or in the name of the survivors or survivor of them, as trustees aforesaid, good and sufficient deed or deeds of conveyance, according to the estate, title and interest which the said Reuben Freeman had in the same; which sale or sales, being made and confirmed by deed, and certified as hereinafter directed, shall entitle the purchaser or purchasers to all the estate, right, title, interest, claim and demand, which the said Reuben Freeman had in the premises at the time of his death, and which the heirs and widow of the said Reuben Freeman, deceased, now have in and to the same. Trustees. Powers. Title.

2. *And be it enacted*, That the said trustees shall keep a fair account of all their sales of the said lands and real estate so by them to be sold as aforesaid, and after deducting reasonable fees for their services to be allowed by the orphans court of the county of Middlesex, and the costs and charges attending the said sales and discharge of their trust, and after paying such just and lawful debts of the said Reuben Freeman as his personal Account.

estate may not be sufficient to answer if any such there be, distribute all the residue of the monies so arising from the sale of the said lands and real estate, to and among the heirs of the said Reuben Freeman, according to and in the manner and proportion prescribed by the law directing the descent of real estate in the state of New-Jersey, when such heirs shall be of full age, or married, and during the minority of any such heirs, or inability to receive their proportion of the real estate of the said deceased, or of their portion of the amount of the sales which by this act they would be entitled to, then to his, her or their guardian or guardians: *Provided nevertheless*, That the said Rachel Freeman, David Freeman and William P. Deare, or the survivors or survivor of them, shall or may retain and put out to use one equal third part of the net proceeds of the sales so by this act directed to be made, during the life of the said Rachel Freeman, and pay to her yearly and every year during her said life the interest arising from the said one equal third part of the said net proceeds, in lieu and full satisfaction of her dower, and that after her decease the said one equal third part shall be distributed by the said David Freeman and William P. Deare, or the survivor of them, or the executors or administrators of such survivor, to and among the heirs of the said Reuben Freeman, in the manner above directed in and by this section.

Distribution.

Proviso.

3. *And be it enacted*, That before the said Rachel Freeman, David Freeman and William P. Deare, do enter into the execution of the trust assigned them by this act, they do enter into a bond with surety and to such an amount to the governor of the state as shall be approved by the orphans court of the county of Middlesex, conditioned for the true and faithful performance of the trust assigned them by this act, which bond shall be deposited in the office of the secretary of state of this state: *Provided always*, That no deed of convey-

Bond.

ance of such lands or real estate made by the trustees aforesaid, shall be valid unless it be certified in or upon such deed or conveyance by John Neilson, Thomas Hill and John Outcalt, or the survivors or survivor of them, under their hands and seals, that such sale is made bona fide and for the highest price that could be obtained for such property at the time of such sale. Certificate

4. *And be it enacted*, That the said Rachel Freeman, David Freeman, and William P. Deare, or the survivors or survivor of them, shall within six months after the sale of the lands and real estate aforesaid, make, subscribe and exhibit under oath, unto the surrogate of the county of Middlesex, an exact statement of the amount of the sale or sales, to be by him recorded and filed agreeably to law, and that the said Rachel Freeman, David Freeman, and William P. Deare, shall be accountable for all monies by them or either of them received by virtue of this act. Statement.

A. Passed at Trenton, Jan. 29, 1811.

AN ACT to incorporate the New-Milford 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 Israel Crane, Robert Colfax, John Sanford, Johnson N. Gould, and Gilbert Smith, be authorized to receive subscriptions for erecting a turnpike road four rods wide, commencing between the twenty-ninth and thirtieth milestones on the line which divides the states of New-York and New-Jersey, thence running through the Green Woods at Woodruff's Gap, and thence to intersect the Paterson and Hamburgh turnpike between Robert Colfax's corner and George Smith's, near the toll gate, Commissioners.

New Jersey State Library

where the public convenience and the interest of the stockholders will be best promoted.

Stock.

2. *And be it enacted*, That the capital stock of said company shall not exceed three thousand dollars for each mile of said road, and be subscribed in shares of twenty-five dollars each, that one dollar and fifty cents be paid on each share at the time of subscribing, and that as soon as two hundred shares shall be subscribed the said Israel Crane, Robert Colfax, John Sandford, Johnson N. Gould and Gilbert Smith, shall call a meeting of the stockholders to be held at the house now occupied by John Mead, at Pompton, after three weeks notice to be given in the newspaper printed at Newark, and the like notice to be set up in three of the most public places on the route of said road, to choose five directors, designating one of that number, who shall be president, three of whom shall constitute a board to transact business, and a treasurer, to continue in office until the first Tuesday in October following, on which day, and also on the first Tuesday in October annually thereafter, there shall be a choice of officers for one year, at such place as the stockholders at their last annual meeting shall have appointed; that each stockholder may vote in person or by proxy, and shall have one vote for each share until the number of ten, and one vote for every five shares thereafter; that the president and directors shall be called and known by the name of "The president and directors of the New-Milford turnpike company," and shall have all the powers, rights and privileges incident to a body politic and corporate, for the purposes herein mentioned for the term of fifty years; and also that they and their successors by the same name and style shall be in law capable of suing and being sued, and of purchasing, holding and conveying any estate, real and personal, for the use of said company: *Provided*, That the real estate so to be holden shall be such only as may be requisite to

Meeting.

Votes.

Title.

Powers & privileges.

Proviso.

promote and attain the objects of this incorporation and may be relative thereto, which objects are hereby declared to be the erecting and maintaining a good and sufficient turnpike road from between the twenty-ninth and thirtieth milestones in the line which divides the states of New-York and New-Jersey, to the Paterson and Hamburgh turnpike road.

3. *And be it enacted*, That the president and directors aforesaid shall have power to appoint the time and place of all their meetings, and to appoint such agents and servants as they shall deem necessary for carrying into effect the powers vested by this act in said company, and if any vacancy or vacancies shall at any time happen in the said office of president, or among the directors, by death, resignation, removal, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by such person or persons as the directors or a majority of them may appoint, and that the said president and directors may make such ordinances, bye-laws and regulations relative to their concerns as they may deem expedient, *provided*, the same shall not be repugnant to the constitution and laws of this State or of the United States, which ordinances, bye-laws and regulations, together with all accounts, shall be submitted to the inspection of the stockholders at their annual meeting.

Agents & servants.

Vacancies.

Bye-laws.

4. *And be it enacted*, That Hiram Smith, Edward Condict and Nathan Squier, be commissioners to lay out said turnpike road, beginning between the twenty-ninth and thirtieth milestones on the line aforesaid, thence running through the Green-Woods at Woodruff's Gap, and thence to intersect the Paterson and Hamburg turnpike between Robert Colfax's corner and George Smith's, near the toll-gate, where the public convenience and the interest of the stockholders will be best promoted, having due regard to the nature and

Commissioners.

situation of the ground, said road shall not pass through or cross over any burying ground, nor place of public worship, nor any dwelling house without the consent of the owner or owners thereof, nor shall it pass through or over any out-building of a greater value than one hundred and fifty dollars without such consent; and the said commissioners or a majority of them shall within nine months thereafter cause an accurate survey of the line of said road, and a map or plot of the survey to be correctly laid down on a scale of four inches to the mile, and certify the same under their hands, which they shall file in the secretary's office of this state, to be entered of record in the said office, a certified copy of said record shall be sufficient and conclusive evidence of said road; all reasonable charges of the said commissioners for time and expences shall be paid by said company, and said commissioners shall before they enter upon the duties of their office take and subscribe an oath or affirmation faithfully and impartially to execute the same, which oath or affirmation shall be filed with the said return.

Map.

5. *And be it enacted*, That in the middle of said road there shall be formed a space or artificial road not less than twenty-four feet in breadth, the centre of which shall be raised in the middle twelve inches and decrease towards the sides thereof so as to form a gradual arch, eighteen feet thereof shall be sufficiently bedded or faced with stone, gravel or other hard substance, and shall form a fair and even surface so as to secure a good and solid road at all seasons of the year; said road shall be sufficiently drained by ditches and subterraneous passages, and in its progress no part of it shall rise above four degrees on a parallel with the horizon, except mountainous hills, which shall not exceed five degrees; and the said directors shall cause good and sufficient bridges to be erected where necessary on the line of said road to be con-

Manner of making the road

structed not less than eighteen feet in breadth, and wherever the said road in passing over low ground or other places is raised so much at the margin or side of the travelling path as to render carriages passing thereon liable to overset, the said company shall cause a good and sufficient railing to be erected and maintained on the sides so as to prevent horses and carriages from running off. Railing.

6. *And be it enacted*, That full power and authority be given to the said commissioners, and the said corporation, and to their agents and servants, and to all persons employed by or under them for the purposes contemplated in this act, from time to time to enter upon any land which shall be deemed necessary for surveying and laying out said road, and also for searching for stone or gravel for the use of said road, but no stone, sand or gravel shall be raised or taken away until the consent of the owner or owners be first obtained. Lands may be entered on. Compensation made.

7. *And be it enacted*, That if any of the owners of land through which the said road shall pass, shall conceive themselves injured thereby and the parties cannot agree on the compensation and damages to be paid for the same, then it shall be lawful for such owners of land to meet at the house of George Smith, at Charlottenburgh, on thirty days notice being given by advertisements set up in four of the most public places through which the said road may run, and also in the Newark paper, to choose six respectable freeholders in the state not interested, and the said corporation shall also choose six respectable freeholders not interested, which twelve freeholders or three fourths of them agreeing thereto, shall, after having taken an oath or affirmation to act impartially, and to the best of their knowledge, determine at the expense of the turnpike company, the amount of compensation which shall be paid by the said company to such of the applicants respectively as they shall conceive to be injured; on which payment

the said company shall become seized of the same estate in the lands, tenements and hereditaments, which the owner or owners held in the same; but if the owner or owners of any land through which the said road shall pass will not agree to any of the provisions heretofore mentioned, or refuse or neglect to join in any such choice, or shall be feme covert, under age, non compos mentis, or out of the state, or in case the twelve freeholders chosen as above, or three fourths of them do not decide thereon, then it shall be lawful for one of the justices of the supreme court, upon application of either party and at the cost and charge of the said corporation, to direct a special jury of the freeholders of any of the townships in the said county through which the said road shall not run, to be struck before such justice in the manner in which special juries are usually struck, who shall view, examine and survey the said lands, tenements and hereditaments, and estimate the injury or disadvantage sustained as aforesaid, and shall make an inquisition thereof under their hands and seals, to be returned to the said justice of the supreme court by the sheriff of the county in which said iniquisition is taken, and it shall be the duty of such sheriff to attend with the books of freeholders at such place as the said justice shall appoint, upon reasonable notice being given to him for the purpose of striking said jury, and also upon like notice to have the said jury upon the premises at the time mentioned in such notice, and to administer the oath or affirmation to the said jurors, and the said sheriff and jurors shall be entitled to the like fees for their services as are allowed by law in other cases of special juries, and upon the coming in of such report or inquisition and the confirmation thereof by the said justice, and the said directors paying the owners respectively the sums mentioned in such report in full compensation for said lands, tenements and hereditaments, privileges and ap-

purtenances, or for the injury sustained as aforesaid, as the case may be, the said company shall become seized in the same estate, in the lands, tenements and hereditaments aforesaid, which the said owners held in the same, and which they shall have taken possession of and paid for as aforesaid, and they and all who have acted under them shall be freed and acquitted from all responsibility for and on account of such injury: *Provided*, That the payment of damages as aforesaid for lands through which the said road may be laid, or for the gravel, stone or sand, which may be wanted for said road, be made before the company or any person under their direction or in their employ enter upon or break ground in the premises, except surveying and laying out said road, unless the consent of the owner or owners be first obtained.

Instalments.

8. *And be it enacted*, That it shall and may be lawful for the said directors to call and demand from the stockholders respectively all such sum or sums of money by them subscribed, at such time and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments thereon to the said company, except such stockholders as shall have contracted for making a proportion of said road to the amount of their shares, and given security to the directors that they will complete the same agreeably to contract.

Gates, when to be set up.

9. *And be it enacted*, That as soon as the said company have completed six miles of said road, then it shall be lawful for the directors to give notice to the governor of this state or person administering the government, who shall forthwith nominate and appoint three commissioners, who shall at the expense of the corporation view the same, and report to him in writing whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act; and if the said commissioners, or any two of them, report in the affirmative, then it shall

be the duty of the governor or person administering the government, by licence under his hand, to permit the said directors to erect turnpike gate one across the said road, and to demand and receive toll at the same after the following rates:

Rates of toll.

For every score of sheep, hogs, or calves, ... six cents.
And so in proportion for a greater or less number.
For every score of cattle, horses, jacks, or mules, . . twelve cents.
And so in proportion for a greater or less number.
For every horse and rider, led horse or mule, . . . three cents.
For every carriage drawn by one beast, ... six cents.
For every sleigh or sled drawn by one beast, . . . four cents.
For every additional beast, . four cents.

And in like manner, when the remainder of the said road shall be made, approved of, and licensed, as aforesaid, it shall be lawful for the said company to erect one gate across the same, and to receive in proportion to the distance the like rates of toll thereat: *Provided nevertheless*, That no person whatsoever residing in the neighborhood between the commencement and termination of this road, shall be liable to pay more toll at the gate or gates than in proportion to the distance they have travelled on the same; and it shall be lawful for any toll-gatherer to stop any persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall respectively have paid their toll as above specified: *Provided*, That nothing in this act shall be construed so as to entitle the said company to demand and receive toll of or from any person passing to or from public worship on the sabbath day, or to or from any mill to which he usually resorts for the grinding of grain for his family's

Exceptions.

use, or horses, carriages, sleighs or sleds solely conveying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militia man passing to or from training on a muster day appointed by law: And the said directors shall cause to be affixed and always kept up at the gates aforesaid in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be printed in large letters, "Keep to the right as the law directs."

Milestones.

10. *And be it enacted*, That said company shall cause milestones or posts to be erected and continued, one for each and every mile of said road, and on each stone or post shall be fairly and legibly marked the distance said stone or post is from Pompton.

Penalty for trespasses on the property of the company.

11. *And be it enacted*, That if any person shall break, throw down or deface any of the milestones or posts or printed rates of toll or directions, so erected on said road for the information of the people travelling the same, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges, that shall be erected in pursuance of this act, or shall injure said road by hauling any trees or any other thing not wholly supported by some kind of carriage, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding twenty dollars, besides being subject to an action of damages for the same, to be recovered by the corporation to their use in an action of debt with costs of suit. If any person shall with his team, carriage, horse, or other beast, turn out of said road on private ground adjacent thereto, and pass the gate or gates, and again enter on said road, with intent to evade the toll, or do not give true information as to the distance travelled on the same, such person or persons shall forfeit and pay three times as much as the

Penalty for evading toll.

legal toll would have been for passing through said gates, to be recovered by said corporation for the use thereof, before any justice of the peace, in an action of debt, with costs of suit.

Penalty on toll-gatherers.

12. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveller passing at any of the gates, or shall receive more toll than is by this act established, he shall for every such offence pay twenty dollars, to be prosecuted for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the person so unreasonably hindered or defrauded.

Stock personal property.

13. *And be it enacted*, That the shares in the said turnpike road shall be taken, deemed and considered as personal property, and be transferred in such manner as the directors shall appoint, provided, that if the said company shall not commence the making said road within one year after the making of a turnpike road in the state of New-York, to which this is intended as a continuation, from thence in a direction for the city of New-York, or shall not within seven years afterwards complete the said road according to the intent and meaning of this act, then and in either of these cases this act shall cease and be of no effect, except so far as compels the said company to make compensation for lands, and reparation for damages.

Limitation

Keep to the right.

14. *And be it enacted*, That all drivers of carriages, sleighs or sleds of all kinds, whether of burthen or pleasure, or persons on horseback using the said road, shall keep their horses, carriages, sleighs or sleds on the right hand of the said road, while passing each other, leaving the other side of the road free and clear for other carriages or persons on horseback to pass, and if any person shall offend against this provision, such person shall forfeit and pay the sum of five dollars to any person or persons who shall be obstructed in their passage and will sue for the same, and shall also be subject

Penalty.

to an action of damages for every such offence, to be recovered with costs of suit, in any court where the same may be cognizable.

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

Repairs of road, &c.

toll to be collected as aforesaid, and the same fees shall be allowed and paid as before directed, but if on the first view as before mentioned the report of the persons appointed as aforesaid, shall be in favor of the turnpike company, the same fees shall be allowed as before prescribed, and paid by the persons instituting the complaint, or in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint in the manner above prescribed, one or more respectable freeholders of the township who may be disinterested to serve in the place and stead of any member or members of the township committee so disqualified.

Old road to remain free.

16. *And be it enacted*, That no turnpike gate or other obstruction or impediment shall be placed on any part of any old road or public highway on which said turnpike road may run, which is at present a public highway.

Place of beginning.

17. *And be it enacted*, That if the commissioners aforesaid after viewing the ground shall be of opinion that it is not advisable to lay out a road through the Green-Woods, in that case they may commence the road at or near the Green-Woods or Woodruff's gap and lay out the same to the Paterson and Hamburgh turnpike as before directed.

A. Passed at Trenton, Feb. 14, 1811.

AN ACT to authorize the sale of the real estate of Daniel Trotter, deceased.

Preamble.

WHEREAS Daniel Trotter, late of the city of Philadelphia, deceased, died intestate, seized of a certain lot or piece of ground and premises, near the village of Jobs own, in the township of Springfield, and in the county of Burlington, so situated that a division cannot be made without

diminishing the value of the respective shares belonging to the heirs of the said deceased, some of whom being minors; and it appearing that the heirs of full age, and the guardians in behalf of the minor children interested, being acquainted with the situation of the said premises, do fully unite as to the propriety of selling the said lot and premises, and dividing the monies thence arising among the heirs of the said deceased—

THEREFORE—

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That William Trotter, Joseph Trotter and Ephraim Haines, or a majority of them be, and they are hereby appointed trustees, with full power, in their discretion, to sell, dispose of, and convey all the said lot of ground and premises, and real estate of the said Daniel Trotter, deceased, situate, lying and being in the said township of Springfield, as soon as may be at private or public sale, for the highest and best sum or sums of money which can be obtained for the same; and when thus sold, to make and execute in due form of law in their own names, or in the name or names of a majority of them, as trustees, aforesaid, good and sufficient deed or deeds of conveyance, according to the estate, right, title and interest which the said Daniel Trotter, at the time of his death, had or ought to have claimed, or might have legally claimed of, in and to the said premises; which sale or sales being made and confirmed by deed or deeds, shall entitle the purchaser or purchasers to all the estate, right, title, interest, claim and demand, which the said Daniel Trotter held to the said bargained premises at the time of his death.

Trustees.

Powers.

Title.

2. *And be it enacted*, That the said William Trotter, Joseph Trotter and Ephraim Haines, or a majority of them shall within six months after the

Statement.

sale of the said real estate, make, subscribe and exhibit, under oath or affirmation to the surrogate of the county of Burlington an exact statement of the amount of the sale or sales of the said real estate and the monies arising, and shall report the same to the next orphan's court after such sale, to be held in and for the said county of Burlington.

Distribution.

3. *And be it enacted*, That the monies arising from the said sale or sales, after deducting a reasonable allowance for the services of the said trustees, to be ascertained by the said orphan's court, shall be distributed among the heirs at law of the aforesaid Daniel Trotter, deceased, in the same proportion as directed by the law of the state of New-Jersey, regulating the descent of real estates, of persons dying intestate, and the share or shares of those of the heirs who are minors, shall be paid to the guardians of the said minors, to be by them appropriated as the law of the state of New-Jersey requires.

Bonds.

4. *And be it enacted*, That before the said William Trotter, Joseph Trotter and Ephraim Haines, or either of them, do enter upon the trust assigned to them by this act they shall enter into bonds to the governor of this state, with such securities and in such amount as shall be approved by the orphans court of the county of Burlington, conditioned for the true performance of the trust assigned to them by this act; which bond shall be filed in the secretary's office of this state.

Survivor or survivors may act.

5. *And be it enacted*, That if any of the said persons herein before appointed to execute the trust created by this act, should refuse to act as such trustee, or depart this life before the execution of the trust herein before created, that such one or more of the said trustees who may be willing to take on him or them the said trust, or such one or more who may be survivors of the whole, shall be and they are hereby fully authorized and empowered to execute the said trust herein created to all intents and purposes as are herein set forth.

6. *And be it enacted*, That no sale made by virtue of this act shall affect any lien or claim upon the said real estate, other than that of the heirs at law of the said Daniel Trotter, deceased. Sale, what claims not to affect.

A. Passed at Trenton, Jan. 29, 1811.

AN ACT to repeal An act therein mentioned.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That an act entitled An act to empower the inhabitants of Lower Penn's-Neck in the county of Salem, to rebuild and keep in repair the bridge and causeway in the road leading from Stony-Island through the township of Manington to the Salem great road, passed March second one thousand seven hundred and seventy-seven, be and the same is hereby repealed.

A. Passed at Trenton, Jan. 30, 1811.

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

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the owners and possessors of all that tract of woodland in the county of Bergen, situate, lying and being between the Fort Lee road on the north, the Hudson river on the east, the Bull's ferry road on the south, and the English neighborhood and the Bergen turnpike road on the west, to enclose the same on the north and south extremes thereof with a good and lawful fence or Tract. Fence.

fences, close, strong and sufficient to prevent horses, neat cattle and sheep from going through or under the same, and that from and after enclosing the same as aforesaid, no person or persons whatsoever shall be at liberty to drive or let in any horses, cattle or sheep, with an intent to run at large in the said tract; *provided always*, That nothing in this act shall be construed to extend to the lands already enclosed and lying within the said bounds.

Cattle, &c. not to be let in.

2. *And be it enacted*, That if any person or persons whatsoever, shall drive or let in any horses, cattle or sheep, within that part of the tract after it shall have been enclosed as aforesaid, with an intent to run at large, such person or persons shall be subject to an action of trespass, to be brought in the name of any one of the owners of the said tract, and be liable to pay treble damages, to be assessed by a jury to be summoned in any court having cognizance of the cause, and shall also be liable to pay all costs of suit incurred in the prosecution thereof.

Penalty.

3. *And be it enacted*, That if any horse or horses, cattle or sheep, shall be found running at large on any part of the tract enclosed as aforesaid, it shall and may be lawful for any of the owners or possessors thereof to take and drive the same to the nearest pound in either of the townships of Hackensack or Bergen; and the person so taking or driving the same shall be entitled to the same compensation for such taking or driving as is allowed in cases of distress for damage feasant by the twelfth section of the act entitled "An act regulating fences," passed January the twenty-third one thousand seven hundred and ninety-nine—and the pound keeper is hereby directed to receive such beast, and to proceed therewith in the same manner as is directed by the aforesaid act, and shall be entitled to the same fees and subject to the same

Pounding.

penalties for a neglect of duty as are allowed and imposed in and by the said act.

Damage, how applied.

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

Meeting.

5. *And be it enacted*, That it shall and may be lawful immediately after the passing of this act, for any one concerned in the aforesaid tract to call a meeting of the owners and possessors thereof, by putting up advertisements in three of the most public places in the township of Hackensack, at least ten days previous to the time of meeting, on which notice being given the owners and possessors of the said tract shall convene at the house now occupied by Cornelius Vreeland, junior, in the township of Hackensack, which owners and possessors, or such as shall assemble in pursuance of the said notice, shall when met, proceed to elect by a plurality of votes three persons, being owners of some part of the said tract, to make and repair the fences necessary to enclose the aforesaid tract, and for the purpose of making assessments and superintending the expenditure of all monies to be received and paid for the purpose aforesaid, which said persons so elected, shall continue in office until the first Saturday in April next, when a new election shall take place between the hours of ten and twelve in the morning of that day, and an election for that purpose shall be had on the first Saturday in April in each year afterwards, at the house aforesaid, between the hours aforesaid.

First Election.

Annual election.

Duty of superintendants.

6. *And be it enacted*, That the persons so elected as aforesaid, shall by virtue of this act be authorized to make an estimate of the part of the tract, benefited by such enclosure, shall ascertain the number of acres as accurately as they can, which each individual owns or possesses therein, and which may receive benefit from such enclosure,

either by an actual survey or otherwise, as shall be agreed on by a majority of the owners or possessors met at their first or any subsequent meeting; which estimate when made shall be by the persons so elected as aforesaid fairly entered in a book to be kept for the purpose, in which book shall be entered the names of the persons from time to time elected to superintend the expenditures of the monies assessed for making and repairing the fences aforesaid, and other of the proceedings relative to the enclosing of the said tract; which book shall be kept by the persons elected as aforesaid; and all assessments shall be made according to the first estimate, until the same is altered by a majority of the owners and possessors of the said tract.

Assessments, how recovered.

7. *And be it enacted*, That as soon as any assessment is made and the sum which each individual is to pay is ascertained, it shall be the duty of the persons elected as aforesaid to demand from each individual his proportion, either personally or by leaving a statement of the sum he is to pay with some white person at his dwelling-house; and on failure of payment thereof for ten days after such demand, which shall and may be proved by the oath of the person making it, it shall be lawful for the said persons elected as aforesaid, to sue for and recover the same in their own names from each individual so assessed and notified as aforesaid, together with the costs of prosecuting for the same before any justice of the peace in the township of Bergen or Hackensack, or before the nearest justice to either of the said townships.

Annual account, &c.

8. *And be it enacted*, That the persons so elected shall annually account to the owners for all monies which shall have come to their hands as aforesaid, and shall pay over the balance remaining in their hands to their successors, together with the book directed to be kept by them, immediately on their going out of office, under the penalty of one hundred dollars on the defaulter to be sued for and re-

covered by their successors, with costs of suit, and to be applied by them when recovered, to the purposes contemplated by this act.

A. Passed at Trenton, Jan. 30, 1811.

AN ACT to incorporate the Farmer's 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 Jonas Wade, John Annin, John Colwell, John G. Cooper, Solomon Doughty, and William M'Eowen, be authorized to receive subscriptions for erecting a turnpike road four rods wide, commencing at or near Springfield, and thence running through or near New-Providence, Long-Hill, and Pluckamin, until it intersects the Jersey turnpike at or near the White House, or Potter's Town, where the public convenience and the interest of the stockholders will be best promoted. Commissioners.

2. *And be it enacted*, That the capital stock of said company shall not exceed two thousand dollars for each mile of said road, and be subscribed in shares of twenty-five dollars each, that one dollar and fifty cents be paid on each share at the time of subscribing, and that as soon as one hundred shares shall be subscribed the said Jonas Wade, John Annin, John Colwell, John G. Cooper, Solomon Doughty and William M'Eowen, shall call a meeting of the stockholders to be held at the house now occupied by Richard Runyan, in New-Providence, after three weeks notice being given in the paper printed in Morristown, and the like notice set up in three of the most public places on the route of said road, to choose five directors, designating one of that number, who shall be president, three of whom shall constitute a board to transact Stock. Meeting.

business, and a treasurer, to continue in office until the second Wednesday of May then next ensuing, on which day, and also on the second Wednesday in May annually thereafter, there shall be a choice of officers for one year, at such place as the stockholders at their last meeting shall have appointed; Votes. that each stockholder may vote in person or by proxy, and shall have one vote for each share until the number of ten, and one vote for every five shares thereafter; that the president and directors shall be called and known by the name of "The Title. president and directors of the Farmer's turnpike company," and shall have all the powers, rights and privileges incident to a body politic and corporate, Powers & privileges. for the purposes herein mentioned for the term of fifty years; and also that they and their successors by the same name and style shall be in law capable of suing and being sued, and of purchasing, holding and conveying any estate, real and personal, for the Proviso. use of said company; *Provided*, That the real estate so to be holden shall be such only as may be requisite to promote and attain the objects of this incorporation and may be relative thereto, which objects are hereby declared to be the erecting and maintaining a good and sufficient turnpike road from the place it is joined to the Morris turnpike at or near Springfield, and thence running through or near New-Providence, Long-Hill, and Pluckamin, until it intersects the Jersey turnpike at or near the White House, or Potter's Town.

3. *And be it enacted*, That the said president Agents & servants. and directors shall have the power to appoint the time and place of all their meetings, and to appoint such agents and servants as they shall deem necessary for carrying into effect the powers vested by Vacancies this act in said company, and if any vacancy or vacancies shall at any time happen in the said office of president, or among the directors, by death, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year

in which they may happen, by such person or persons as the directors or a majority of them may appoint, and the said president and directors may make such ordinances, bye-laws and regulations relative to their concerns as they may deem expedient, *provided*, the same shall not be repugnant to the constitution and laws of this State or of the United States, which ordinances, bye-laws and regulations, together with all accounts, shall be submitted to the inspection of the stockholders at their annual meeting. Bye-laws.

4. *And be it enacted*, That Charles Clark, James Wilson, and Jeptha B. Munn, be commissioners to lay out a turnpike road, beginning at or near Springfield, on the Morris turnpike, and thence running through or near New-Providence, Long-Hill, and Pluckamin, until it intersects the Jersey turnpike at or near the White House, or Potter's Town, where the public convenience and the interest of the stockholders will be best promoted, having due regard to the situation and nature of the ground, public convenience, and the interest of the stockholders; said road shall not pass through or cross over any burying ground, nor place of public worship, nor dwelling house without the consent of the owner or owners thereof, nor shall it pass through or over any out-building of a greater value than three hundred dollars without such consent; and the said commissioners or a majority of them shall within nine months thereafter cause an accurate survey of the line of said road, and a map or plot of the survey to be correctly laid down on a scale of four inches to the mile, and certify the same under their hands, which they shall file in the secretary's office of this state, to be entered on record in the said office, a certified copy of said record shall be sufficient and conclusive evidence of said road; all reasonable charges of the said commissioners of time and expences shall be paid by said company, and said Commissioners. Map.

commissioners shall before they enter upon the duties of their office take and subscribe an oath or affirmation faithfully and impartially to execute the same, which oath or affirmation shall be filed with the said return.

Road to be divided & disposed of.

5. *And be it enacted*, That the directors, after the said road is laid out, shall cause so much of it as they deem expedient, to be divided into lots or parts, of not less than a quarter of a mile nor more than two miles in length, and after giving public notice of at least three weeks by advertisements set up in four of the most public places near where the road is laid out, and also in the Morris paper, they shall proceed to dispose of the same at public vendue, subject to adjournment, to the lowest bidder, subject also to such conditions as shall be made known by the directors, touching the time and manner of offsets, or instalments, and of constructing said road, which in every instance shall be completed agreeably to the provisions in this act, and in like manner the said directors may from time to time proceed to dispose of any remaining parts of the said road.

Manner of making the road.

6. *And be it enacted*, That in the middle of said road, shall be formed a space or artificial road not less than twenty-eight feet in breadth, the centre of which shall be raised in the middle twelve inches and decrease towards the sides thereof so as to form a gradual arch, eighteen feet thereof shall be sufficiently bedded or faced with stone, gravel or other hard substance, and shall form a firm and even surface so as to secure a firm and solid road at all seasons of the year; said road shall be sufficiently drained by ditches and subterraneous passages, and in its progress no part of it shall rise above four degrees on a parallel with the horizon, except Springfield and Pluckamin mountains, which shall not exceed five degrees; and the said directors shall cause good and sufficient bridges to be erected on the line of said road to be con-

structed not less than eighteen feet in breadth, and wherever the said road in passing over low ground or other places is raised so much at the margin or sides of the travelling path as to render carriages passing thereon liable to overset, the said company shall cause a good and sufficient railing to be erected and maintained on the sides so as to prevent horses or carriages from running off. Railing.

7. *And be it enacted*, That full power and authority be given to the said commissioners, and the said corporation, and to their agents and servants, and to all persons employed by or under them for the purposes contemplated in this act, from time to time to enter upon any land which shall be deemed necessary for surveying and laying out said road, and also for searching for stone, sand or gravel for the use of said road, but no stone, sand or gravel shall be raised or taken away until the consent of the owner or owners be first obtained. Lands may be entered on.

8. *And be it enacted*, That if any of the owners of land through which the said road shall pass, shall conceive themselves injured thereby and the parties cannot agree on the compensation and damages to be paid for the same, then it shall be lawful for such owners of land to meet at the house now occupied by Richard Runyan, in New-Providence, on thirty days notice being given by advertisements set up in four of the most public places through which the said road may run, also in the Morris paper, to choose six respectable freeholders not interested, and the said corporation shall also choose six reputable freeholders not interested, which twelve persons, or three fourths of them, agreeing thereto, shall, after having taken an oath or affirmation to act impartially, and to the best of their knowledge, determine at the expense of the turnpike company, the amount of compensation which shall be paid by said company to such of the applicants respectively as they shall conceive to be injured; on which payment Compensation made.

the said company shall become seized of the same estate in the lands, tenements and hereditaments, which the owner or owners held in the same; but if the owner or owners of any land through which the said road shall pass will not agree to any of the provisions heretofore mentioned, or refuse or neglect to join in any such choice, or shall be feme covert, under age, non compos mentis, or out of the state, or in case the twelve freeholders chosen as above, or three fourths of them do not decide thereon, then it shall be lawful for one of the justices of the supreme court, upon application of either party and at the cost and charges of the said corporation, to direct a special jury of the freeholders of any of the townships in the said county through which the said road shall not run, to be struck before such justice in the manner in which special juries are usually struck, who shall view, examine and survey the said lands, tenements and hereditaments, and estimate the injury or disadvantage sustained as aforesaid, and shall make an inquisition thereof under their hands and seals, to be returned to the said justice of the supreme court by the sheriff of the county in which said iniquisition is taken, and it shall be the duty of such sheriff to attend with the book of freeholders at such place as the said justice shall appoint, upon reasonable notice being given to him for the purpose of striking said jury, and also upon like notice to have the said jury upon the premises at the time mentioned in such notice, and to administer the oath or affirmation to the said jurors, and the said sheriff and jurors shall be entitled to the like fees for their services as are allowed by law in other cases of special juries, and upon the coming in of such report or inquisition and the confirmation thereof by the said justice, and the said directors paying the owners respectively the sums mentioned in such report in full compensation for said lands, tenements and hereditaments, privileges and ap-

purtenances, or for the injury sustained as aforesaid, as the case may be, the said company shall become seized in the same estate, in the lands, tenements and hereditaments aforesaid, which the said owners held in the same, and which they shall have taken possession of and paid for as aforesaid, and they and all who have acted under them shall be freed and acquitted from all responsibility for and on account of such injury: *Provided*, That the payment of damages as aforesaid for lands through which the said road may be laid, or for the gravel, stone or sand, which may be wanted for said road, be made before the company or any person under their direction or in their employ enter upon or break ground in the premises, except surveying and laying out said road, unless the consent of the owner or owners of such land be first obtained.

Instalments.

9. *And be it enacted*, That it shall and may be lawful for the said directors to call and demand from the stockholders respectively all such sum or sums of money by them subscribed, at such time and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments thereon to the said company, except such stockholder or stockholders as shall have contracted for making a proportion of said road to the amount of their shares, and given security to the directors that they will finish the same agreeably to contract.

Gates, when to be set up.

10. *And be it enacted* That as soon as the said company have completed six miles of said road, commencing at the place it is joined to the Morris turnpike at or near Springfield, then it shall be lawful for the directors to give notice to the governor of this state or person administering the government, who shall forthwith nominate and appoint three commissioners, who shall at the expense of the corporation view the same, and report to him in writing whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act; and

it the said commissioners, or any two of them, report in the affirmative, then it shall be the duty of the governor or person administering the government, by licence under his hand, to permit the said directors to erect turnpike gates across the said road, and in like manner when the remainder of the road shall be made, approved of and licensed as aforesaid, to erect other gates and turnpikes, and to demand and receive toll at the same after the following rates:—For each mile of said road travelled or intended to be travelled.

Rates of toll.

For every score of sheep, hogs, or calves, ... one cent.
And so in proportion for a greater or less number.
For every score of cattle, horses, jacks, or mules, . . two cents.
And so in proportion for a greater or less number.
For every horse and rider, or led horse or mule, . . five mills.
For every carriage, sleigh or sled drawn by one beast, . one cent.
For every additional beast, . one cent.

And it shall be lawful for any toll-gatherer to stop any person or persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall respectively have paid their toll as above specified: *Provided*, That nothing in this act shall be construed so as to entitle the said company to demand and receive toll of or from any person passing to or from public worship on the sabbath day, or to or from any mill to which he usually resorts for the grinding of grain for his family's use, or horses, carriages, sleighs or sleds solely conveying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militia man passing to or from training on a muster day appointed by law: And the said directors shall cause to be affixed and al-

Exceptions.

ways kept up at the gates aforesaid in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be printed in large letters, "Keep to the right as the law directs."

Old road to remain free.

11. *And be it enacted*, That no toll-gate shall be erected, or other obstruction placed on any part of said turnpike road which is at present a public highway.

Milestones.

12. *And be it enacted*, That said company shall cause milestones or posts to be erected and continued, one for each and every mile of said road, and on each stone or post shall be fairly and legibly marked the distance said stone or post is from Springfield.

Penalty for trespasses on the property of the company.

13. *And be it enacted*, That if any person shall break, throw down or deface any of the milestones or posts or printed rates of toll or directions, so erected on said road for the information of the people travelling the same, or shall cut, break down, destroy, or otherwise injure any gates, turnpikes or bridges, that shall be erected in pursuance of this act, or shall injure said road by hauling any trees or any other thing thereon not wholly supported by some kind of carriage, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding twenty dollars, besides being subject to an action of damages for the same, to be recovered by the corporation to their use in an action of debt with costs of suit. If any person shall with his team, carriage, horse, or other beast, turn out of said road on private ground adjacent thereto, and pass the gate or gates, and enter again on said road, with intent to avoid the toll, or do not give true information as to the distance travelled on the same, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said corporation for

Penalty for evading toll.

the use thereof, before any justice of the peace, in an action of debt, with costs of suit.

Penalty on toll-gatherers.

14. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveller passing at any of the gates, or shall receive more toll than is by this act established, he shall for every such offence pay twenty dollars, to be prosecuted for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the person so unreasonably hindered or defrauded.

Stock personal property.

15. *And be it enacted*, That the shares in the said turnpike road shall be taken, deemed and considered as personal property, and be transferred in such manner as the directors shall appoint, provided, that if the said company shall not commence the making said road within the term of two years after passing this act, or shall not within ten years afterwards complete the said road according to the meaning and intent of this act, then and in either of these cases this act shall cease and be of no effect, except so far as compels the said company to make reparation for damages.

Limitation

Keep to the right.

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

Penalty.

17. *And be it enacted*, That if the said company shall not keep the said road and bridges in good

repair, and complaint thereof shall be made to any justice of the peace of the county, who may be disinterested, the said justice shall immediately appoint by writing under his hand and seal, three of the township committee of the township wherein the cause of complaint arises, who shall not be interested in the said road, which three persons or a majority of them, on notice being given the keeper of the nearest gate, shall meet at such time and place as said justice shall appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and report in writing under their hands and seals to the justice as soon as practicable, their opinion, or the opinion of any two of them, as to the state of said road, whether it be in such state as the law requires it to be kept, and if the report be unfavorable to the said road, the said justice shall immediately in writing under his hand and seal order the keeper of said gate to keep open the same until otherwise ordered, and if the said keeper shall notwithstanding the order of the justice to keep open said gate, exact toll from travellers, he shall for each offence forfeit and pay twenty dollars, to be sued for and recovered by any person who will prosecute for the same, in an action of debt with costs of suit; and the justice shall be allowed for his services fifty cents, and the persons so appointed the sum of one dollar each, to be paid by the said turnpike company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said turnpike company, again to view said road and report as aforesaid their opinion to said justice, who shall if authorized by the report, by license under his hand and seal, directed to the toll-gatherer, permit the gates to be shut and toll to be collected as before and the same fees shall be allowed and paid as before directed, but if on the first view as before mentioned the report of the persons appointed as aforesaid, shall be in fa-

Repairs of road, &c.

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vor of the turnpike company, the same fees shall be allowed as before prescribed, and paid by the persons instituting the complaint, and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint in the manner above prescribed, one or more respectable freeholders of the township who may be disinterested to serve in the place and stead of any member or members of the township committee so disqualified.

Account to the Legislature.

18. *And be it enacted*, That at the end of every ten years an account of the expenditures of said road and the profits arising therefrom shall be laid before the legislature of this state for their inspection and information.

C. Passed at Trenton, Feb. 9, 1811.

AN ACT to authorize Joseph T. Baldwin and James Vanderpool, administrators of Edward Badgely deceased, late of the town of Newark in the county or Essex, to convey certain lands therein mentioned.

WHEREAS it appears to the legislature that Josiah Tichenor, deceased, late of Camp-Town in the township of Newark in the county of Essex, died seized and possessed of the following lots of land, situate lying and being in the county of Essex, to wit: A tract or lot of land in Camp-Town, adjoining lands of Joseph Bruen and Joseph Camp, containing about twenty acres—also a parcel of salt meadow land, adjoining Maple-Island-creek and meadow land of David Brown and Josiah Johnson, containing six acres: And whereas it appears to the legislature that the judges of the orphans court of the county of Essex did order and direct Sarah Tichenor and

Joseph Camp, administrators of all and singular the goods and chattels, rights, and credits of the said Josiah Tichenor, deceased, to sell the several parcels of land aforesaid for the payment of the debts of the said Josiah Tichenor deceased —And it also appearing to the legislature that the said Sarah Tichenor and Joseph Camp, administrators aforesaid, in pursuance of the order of the orphans court aforesaid, sold the several parcels of land aforesaid to one Edward Badgely, late of the town of Newark, in the county of Essex, deceased, and that the said Edward Badgely died intestate after paying for and entering into possession of the said land, and before any deed or conveyance was made to him of the same by the said Sarah Tichenor and Joseph Camp, administrators aforesaid :—And whereas it further appears to the legislature that the judges of the orphans court of the county of Essex did order and direct Joseph T. Baldwin and James Vanderpool, administrators of all and singular the goods and chattels, rights and credits, of said Edward Badgely, deceased, to sell the lands aforesaid for the payment of the debts of the said Edward Badgely, deceased—And it also appearing to the legislature that the said Joseph T. Baldwin and James Vanderpool, administrators aforesaid, in pursuance of the last mentioned order of the judges of the orphans court of the county of Essex have sold the aforesaid several lots of land and have not yet conveyed the same—And whereas doubts have arisen whether as the said lots of land were not conveyed by the said Sarah Tichenor and Joseph Camp, administrators aforesaid, to the said Edward Badgely in his lifetime, the said Joseph T. Baldwin and James Vanderpool, administrators as aforesaid, can convey to the purchasers any title for the same :—For remedy whereof—

Sec. 1. 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 T. Baldwin and James Vanderpool, administrators of all and singular the goods, chattels, rights and credits of Edward Badgely deceased, late of Newark in the county of Essex, shall and may make and execute such deed or deeds of conveyance to the purchaser or purchasers of the aforesaid several lots of land by them sold as aforesaid by virtue of an order of the orphans court of the county of Essex, as they would by law have been authorized to make and execute in case the legal title of the said lands had been vested in the said Edward Badgely at the time of his death—and that such deed or deeds of conveyance shall vest in the person or persons respectively to whom made the same estate in and to the said several lots of land as would have been vested in case the title to the said several lots of land had been conveyed to the said Edward Badgely in his lifetime.

A. Passed at Trenton, Jan. 29, 1811.

AN ACT to enable the Chosen Freeholders of the county of Monmouth to repair, rebuild, and keep in good order the bridge over Manasquan 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 board of chosen freeholders of the county of Monmouth to repair, rebuild and keep in good order, a good and sufficient bridge over Manasquan river, in the township of Howell, where the bridge is now built, from the land of Samuel Allen, to the land of John Havens.

Bridge.

Place.

so as to meet the road now laid out to and from said bridge, and the said freeholders shall have full power to direct and order a draw or hoisting place to be put in said bridge whenever they think it expedient, which draw shall be of sufficient width so as to admit all vessels navigating therein to pass, which draw shall be fixed in the most convenient place for the passing of said vessels navigating in said river. Draw.

2. *And be it enacted*, That if any boatman 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 to or a part of said bridge, draw, posts or piles, or shall remove any piece or pieces of timber, or any plank or planks of said draw-bridge, or any iron work belonging to the said draw, posts or piles, or otherwise wilfully damage or do any act which may have a tendency to injure said bridge and draw unnecessarily, he, she or they so offending shall for each and every offence forfeit and pay the sum of ten 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 Monmouth. Penalty for leaving the draw open, Or injuring the bridge.

A. Passed at Trenton, Jan. 30, 1811.

AN ACT to alter the name of the second Presbyterian Church in Newark.

WHEREAS by an act of the legislature of this state, passed on the eleventh day of June in the year of our Lord one thousand seven hundred and eighty-three, sundry persons in the township of Newark and county of Essex and their successors were created a body politic and corporate, under the name of "The trustees of the second Presbyterian Church in Newark"—And whereas a new township has since been erected out of a part of the said township of Newark by the name of the township of Orange, which new township comprehends the greater part of the said society, and the present name of the said society is thereby rendered improper and inconvenient—THEREFORE,

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That in lieu of the said name of "The Trustees of the second Presbyterian Church in Newark," the said body corporate and politic and their successors shall hereafter be known in law by the name of "The Trustees of the first Presbyterian Church in Orange," any thing in the aforementioned act, or in the supplement thereto, passed in the year of our Lord seventeen hundred and ninety, to the contrary notwithstanding: *Provided*, That nothing in this act contained shall in any manner or degree invalidate or impair any rights, powers, privileges or immunities to which the said body politic and corporate are entitled by the said act of incorporation and the said supplement thereto.

A. Passed at Trenton, Jan. 31, 1811.

AN ACT to authorize the building of a toll-bridge at or near the Little Falls of Passaic 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 Anthony Dey, the present proprietor of the land in the county of Bergen adjoining the Little Falls of Passaic, his heirs or assigns, shall and may at his or their expense erect a bridge across the Passaic river at or near the place where the late bridge was erected by Richard Dey. Bridge may be erected.

2. *And be it enacted*, That the bridge to be built by virtue of this act, shall be at least fourteen feet in breadth, and shall from time to time be kept and maintained in good repair. Width.

3. *And be it enacted*, That it shall and may be lawful for the proprietor of the said bridge to demand, receive and take for the use of the bridge, a toll not exceeding the following rates: Toll.

For every four wheel pleasure carriage drawn by four horses, . ten cents.
For every two wheel pleasure carriage drawn by two horses, . eight cents.
For every chair or pleasure carriage drawn by one horse, . six cents.
For every waggon drawn by four horses, mules or oxen, . six cents.
For every waggon drawn by two horses, mules or oxen, . . four cents.
For every sleigh or sled drawn by two horses or oxen, . four cents.
For every sleigh or sled drawn by one horse, . . . three cents.
For every horse cart with one horse, three cents.
For every man and horse, . two cents.
For every horse, cow, or other neat cattle, . . . one cent.

4. *And be it enacted*, That if at any time hereafter the chosen freeholders of the counties of Bergen and Essex, shall be of opinion that the said bridge is of such public convenience as will authorize the maintaining the same at the expense of the said counties without receiving any toll and shall indemnify and pay the proprietor thereof for any expense he may have been put to in erecting the then bridge over said river, then the bridge over said river shall be declared a public bridge free from toll, and thereafter to be kept and maintained in the same manner as other bridges are kept and maintained between the said counties.

County may take the bridge.

5. *And be it enacted*, That if the chosen freeholders of the said counties of Bergen and Essex cannot agree to and with the owner or proprietor of the said bridge as to the indemnity to be paid and received as aforesaid, then the said parties shall elect, choose and name, each one person, as arbitrator, to arbitrate, award, order, adjudge and determine as to the amount to be paid the proprietor of the said bridge as aforesaid, and if they two arbitrators shall not be able within thirty days after they shall so be elected chosen and named as aforesaid, to determine, then they two shall elect an umpire, whose award of and concerning the premises, if set down in writing and ready to be delivered in thirty days after he shall so be chosen as aforesaid, shall be binding and conclusive between the said parties.

Price how to be settled.

A. Passed at Trenton, Feb. 4, 1811.

AN ACT to incorporate the Vernon 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 William

Winants, Thomas Decay, esquire, and Joseph Edsall, be authorized to receive subscriptions for erecting a turnpike road four rods wide, commencing on the division line between the state of New-York and this state, in the county of Sussex, near the house of Thomas Decay, the third, from thence to the house of William Winants, and from thence to intersect the Paterson and Hamburg turnpike road, near where John Vangelder now lives. Commissioners.

2. *And be it enacted*, That the capital stock of said company shall not exceed three thousand dollars for each mile of said road, that the capital stock be subscribed in shares of twenty-five dollars each, that one dollar and fifty cents be paid on each share at the time of subscribing, and that as soon as two hundred shares shall be subscribed the said William Winants, Thomas Decay, esquire, and Joseph Edsall, shall call a meeting of the stockholders to be held at the house of William Winants, in the township of Vernon, after three weeks notice being given in the Newark Centinel, and one of the Goshen papers, and a like notice set up in three of the most public places on the route of said road, to choose five directors, designating one of that number, who shall be president, three of whom shall constitute a board to transact business, and a treasurer, to continue in office until the first Tuesday in November then next ensuing, on which day, and also on the first Tuesday in November annually thereafter, there shall be a choice of officers for one year, at such place as the stockholders shall at their last meeting have appointed; that each stockholder may vote in person or by proxy, and shall have one vote for each share until the number of ten, and one vote for every five shares thereafter; that the said president and directors shall be called and known by the name of "The Vernon turnpike company," and shall have all the powers, rights and privileges incident to a body Stock. Meeting. Votes. Title.

Powers & privileges. politic and corporate, for the purposes herein mentioned for the term of fifty years; and also that they and their successors by the same name and style shall be in law capable of suing and being sued, and of purchasing, holding and conveying any estate, real and personal, for the use of said company: *Provided*, That the real estate so to be holden shall be such only as may be requisite to promote and attain the objects of this incorporation and may be relative thereto, which objects are hereby declared to be the erecting and maintaining a good and sufficient turnpike road from the division to the Paterson and Hamburg turnpike road as aforesaid.

Proviso.

3. *And be it enacted*, That the president and directors aforesaid shall have the power to appoint the time and place of all their meetings, and to appoint such agents and servants as they shall deem necessary for carrying into effect the powers vested by this act in said company, and if any vacancy or vacancies shall at any time happen in the said office of president, or among the directors, by death, resignation, removal, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by such person or persons as the directors or a majority of them for the time being may appoint, and that the said president and directors may make such ordinances, bye-laws and regulations relative to their concerns as they may deem expedient, *provided*, the same shall not be repugnant to the constitution and laws of this State or of the United States, which ordinances, bye-laws and regulations, together with all accounts, shall be submitted to the inspection of the stockholders at their annual meeting.

Agents & servants.

Vacancies.

Bye-laws.

4. *And be it enacted*, That Daniel Stuart, John Linn, of the county of Sussex, and Edward Condict of the county of Morris, be commissioners to lay out said turnpike road, beginning as aforesaid, having due regard to the situation and nature of

Commissioners.

the ground, public convenience, and the interest of the stockholders; said road shall not pass through or cross over any burying ground, nor place of public worship, nor dwelling house without the consent of the owner or owners thereof, nor shall it pass through or over any out-building of a greater value than two hundred dollars without such consent; and the said commissioners or a majority of them shall within nine months thereafter cause an accurate survey of the line of said road, and a map or plot of the survey to be correctly laid down on a scale of four inches to the mile, and certify the same under their hands, which they shall file in the secretary's office of this state, to be entered of record in the said office, a certified copy of said record shall be sufficient and conclusive evidence of said road; and all reasonable charges of the said commissioners for time and expences shall be paid by said company, and said commissioners shall before they enter upon the duties of their office take and subscribe an oath or affirmation faithfully and impartially to execute the same, which oath or affirmation shall be filed with the return aforesaid. Map.

5. *And be it enacted*, That in the middle of said road, shall be formed a space or artificial road not less than twenty-four feet in breadth, which shall be raised in the centre twelve inches and decrease towards the sides thereof so as to form a gradual arch, eighteen feet thereof shall be sufficiently bedded or faced with stone, gravel or other hard substance, and shall form a firm and even surface so as to secure a good and solid road at all seasons of the year; said road shall be sufficiently drained by ditches and subterraneous passages, and in its progress no part of it shall rise above five degrees on a parallel with the horizon; and the said directors shall cause good and sufficient bridges to be erected where necessary on the line of said road to be constructed not less than twenty-two feet in Manner of making the road.

breadth, which road and bridges shall be kept in good and sufficient repair by said company, and wherever the said road in passing over low ground or other places is raised so much at the margin or sides of the travelling path as to render carriages passing thereon liable to overset, the said company shall cause a railing to be erected and maintained on the sides so as to prevent horses and carriages from running off.

Railing.

6. *And be it enacted*, That full power and authority be given to the said commissioners, and the said corporation, and to their agents and servants, and to all persons employed by or under them for the purposes contemplated in this act, from time to time to enter upon any land which shall be deemed necessary for surveying and laying out the said road, and also for searching for stone, sand or gravel for the use of the said road, but no tsone, sand or gravel shall be raised or taken away until the consent of the owner or owners be first obtained.

Lands may be entered on.

7. *And be it enacted*, That if the owners of land through which the said road shall pass, shall conceive themselves injured thereby and the parties cannot agree on the compensation and damages to be paid for the same, then it shall be lawful for such owners of land to meet at the house now occupied by William Winants, in Vernon, on thirty days notice being given by advertisements set up in four of the most public places through which the said road may run, also in the Newark Centinel and one of the Goshen papers, to choose six respectable freeholders in the state not interested, and the said corporation shall also choose six respectable freeholders not interested, which twelve persons, or three fourths of them, agreeing thereto, shall, after having taken an oath or affirmation to act impartially, and to the best of their knowledge, determine at the expense of the turnpike company, the amount of compensation which shall be paid by the said company to such of

Compensation made.

the applicants respectively as they shall conceive to be injured; on which payment the said company shall become seized of the same estate in the lands, tenements and hereditaments, which the owner or owners held in the same; but if the owner or owners of any land through which the said road shall pass will not agree to any of the provisions heretofore mentioned, or refuse or neglect to join in any such choice, or shall be feme covert, under age, non compos mentis, or out of the state, or in case the twelve freeholders chosen as above, or three fourths of them do not decide thereon, then it shall be lawful for one of the justices of the supreme court, upon application of either party and at the cost and charge of the said corporation, to direct a special jury of the freeholders of any of the townships in the said county through which the said road shall not run, to be struck before such justice in the manner in which special juries are usually struck, who shall view, examine and survey the said lands, tenements and hereditaments, and estimate the injury or disadvantage sustained as aforesaid, and shall make an inquisition thereof under their hands and seals, to be returned to the said justice of the supreme court by the sheriff of the county in which said inquisition is taken, and it shall be the duty of such sheriff to attend with the book of freeholders at such place as the said justice shall appoint, upon reasonable notice being given to him for the purpose of striking said jury, and also upon like notice to have the said jury upon the premises at the time mentioned in such notice, and to administer the oath or affirmation to the said jurors, and the said sheriff and jurors shall be entitled to the like fees for their services as are allowed by law in other cases of special juries, and upon the coming in of such report or inquisition and the confirmation thereof by the said justice, and the said directors paying the owners respectively the sums mentioned

in such report in full compensation for said lands, tenements and hereditaments, privileges and appurtenances, or for the injury sustained as aforesaid, as the case may be, the said company shall become seized in the same estate, in the lands, tenements and hereditaments aforesaid, which the said owners held in the same, and which they shall have taken possession of and paid for as aforesaid, and they and all who have acted under them shall be freed and acquitted from all responsibility for and on account of such injury: *Provided*, That the payment of damages as aforesaid for lands through which the said road may be laid, or the gravel, stone or sand, which may be wanted for the said road, be made before the company or any person under their direction or in their employ enter upon or break ground in the premises, except surveying and laying out said road, unless the consent of the owner or owners of such land be first obtained.

Instalments.

8. *And be it enacted*, That it shall and may be lawful for the said directors to call and demand from the stockholders respectively all such sum or sums of money by them subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments thereon to the said company, except such stockholder or stockholders as shall contract for making a portion of said road to the amount of their shares, and give security to the directors that they will complete the same agreeably to contract.

Gates, when to be set up.

9. *And be it enacted*, That as soon as the said company shall have completed five miles of said road, then it shall be lawful for said directors to give notice to the governor of this state or person administering the government, who shall forthwith nominate and appoint three commissioners, who shall at the expense of the corporation view the same, and report to him in writing whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act; and

if the said commissioners, or any two of them, report in the affirmative, then it shall be the duty of the governor or person administering the government, by licence under his hand, to permit the said directors to erect one turnpike gate across the said road, subject to be removed at pleasure, and to demand and receive toll at the same after the following rates, per mile, to wit:

Rates of toll.

For every score of sheep, hogs, or calves, ... one cent.
And so in proportion for a greater or less number.
For every score of cattle, horses, jacks, or mules, . . one cent.
And so in proportion for a greater or less number.
For every carriage, drawn by one beast, one cent.
And for every additional beast, . one cent.
For every sleigh or sled drawn by two beasts, . . . one cent.
For every horse and rider, led horse or mule, . . . five mills.

Provided always, That an abatement of one quarter on the above toll shall be made for and upon any carriage above mentioned, if the fellars and tire are flat and five inches wide, and of one half of said toll if nine inches wide; and it shall be lawful for said directors, after complying with the requisitions above mentioned, to erect one gate, and to receive the above rates of toll; and in case the directors shall choose to erect a less number of gates on the whole distance of the road than one to every three miles, the toll shall be regulated and proportioned accordingly. And it shall be lawful for any toll-gatherer to stop any person or persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have respectively paid their toll as above specified: *Provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any

Exceptions.

person passing to or from public worship on the sabbath day, or to or from any mill to which he may resort for the grinding of grain for his family's use, or horses, carriages, sleighs or sleds solely conveying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militia man passing to or from training on a muster day appointed by law: And the said directors shall cause to be affixed and always kept up at the gates aforesaid in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be printed in large letters, "Keep to the right as the law directs."

Milestones

10. *And be it enacted*, That the said company shall before they receive toll, cause milestones or posts to be erected and continued, one for each and every mile of said road, and on each stone or post shall be fairly and legibly marked the distance said post or stone is from Pompton.

Penalty for trespasses on the property of the company.

11. *And be it enacted*, That if any person shall break down or deface any of the milestones or posts or printed rates of toll or directions, so erected on said road for the information of the people travelling the same, or shall cut, break down, destroy, or otherwise injure any gates, turnpikes or bridges, that shall be erected in pursuance of this act, or shall injure said road by hauling any trees or any other thing thereon not wholly supported by some kind of carriage, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding twenty dollars, besides being subject to an action of damages for the same, to be recovered by the corporation to their use in an action of debt with costs of suit. And if

Penalty for evading toll.

any person shall with his team, carriage, horse, or other beast, turn out of said road to pass a gate or gates, on ground adjacent thereto, and again enter on said road, with intent to avoid the toll, such

person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by said corporation for the use thereof, before any justice of the peace, in an action of debt, with costs of suit.

Penalty on toll-gatherers.

12. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveller passing at any of the gates, or shall receive more toll than is by this act established, he shall for every such offence pay twenty dollars, to be prosecuted for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the person so unreasonably hindered or defrauded.

Stock personal property.

13. *And be it enacted*, That the shares in the said turnpike road shall be taken, deemed and considered as personal property, and be transferred in such manner as the directors shall appoint, provided, that if the said company shall not commence the making said road within two years after the passing of this act, or shall not within seven years afterwards complete the said road according to the intent and meaning of this act, then and in either of these cases this act shall cease and be of no effect, except so far as relates to compensation for lands taken or damages done by said company.

Limitation

Keep to the right.

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

Penalty.

Repairs of road, &c.

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

on the first view as before mentioned the report of the persons appointed as aforesaid, shall be in favor of the turnpike company, the same fees shall be allowed as before prescribed, and paid by the persons instituting the complaint, and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint in the manner above prescribed, one or more respectable freeholders of the township who may be disinterested to serve in the place and stead of any member or members of the township committee so disqualified.

A. Passed at Trenton, Feb. 14, 1811.

AN ACT concerning the meadow and marsh lying on the westerly side of Rackoon creek, and near the mouth thereof, in the township of Woolwich and county of Gloucester.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the owners of the meadow and marsh lying on the westerly side of Rackoon creek, within a certain bank heretofore established, beginning at the fast land of Joseph Kille, and running thence to the river Delaware, thence up the same to the mouth of Rackoon creek, thence up said creek to the line of the thoroughfare company, thence along the said line to the fast land of Samuel Luallen, shall be formed into a company and known by the name of "The Lower Meadow Company on Rackoon creek." Bounds. Name.

2. *And be it enacted,* That every owner of meadow, marsh or swamp, within the bounds of the said company, shall at all times hereafter, make and maintain at their own cost, all the bank belonging to such meadow or marsh, and that all sluices Owners to make and maintain their own banks, &c.

now laid, or which may hereafter be laid by virtue of this act, with two rods of the bank over each sluice, shall be laid and maintained at the expense of all the owners, according to the quantity of acres which may be drained by the said sluices, and all necessary water courses shall be opened and kept clear by the persons through whose land they may pass.

Meeting.

3. *And be it enacted*, That a meeting of the owners in said company shall be held on the first Tuesday in April in each year, the first meeting to be held at the house now occupied by Martin Turner, and afterwards at such place as the said meeting may direct, and then and there by plurality of voices, to choose two managers for the ensuing year, each to be an owner of at least ten acres of meadow within the said company, that Samuel Cooper and James Stratton shall be managers until the annual meeting next after the passing of this act, and in case of any omission to choose managers at any annual meeting, the old managers shall be continued until others are chosen, and in case of neglect to choose managers, or in case of the death, refusal or inability of any person chosen, it shall be lawful for either of the managers, or any three of the owners, to call a meeting of the said company by advertisements in three of the most public places in the said township of Woolwich, and when met to choose a manager or managers as the case may require, who shall be vested with all the powers and subject to the same penalties, as if chosen at the annual meeting.

Managers.

Vacancies.

If owner neglects, managers to act.

4. *And be it enacted*, That if any owner shall neglect to repair his bank, or to open his water courses, in the case of a bank for one day, and in case of a water course in ten days after notice given, or left at his place of abode in writing by either of the managers, it shall be lawful for the said managers or either of them, to enter upon the premises of the delinquent and cause such work

to be done, observing in cleaning of line ditches to throw the mud equally on both sides, and in repairing or throwing a new bank, they shall take mud or earth any where on the premises of the person to whom the bank may belong, and for the repairs of sluice dams on the premises of any person or persons, and in case any owner may not reside in the township of Woolwich, nor any person to lawfully represent him, the managers or either of them may proceed to repair or throw a new bank, or clear their water courses without notice, and sell and execute a lease on the premises without presenting his or their accounts to the owner for the expense thereof, and the lease so made shall be good and effectual in law, and it shall be fawful for either of the managers at any time within six months after such work has been done by them, for any owner residing in said township to present to the owner so residing, an account of the expense thereof, which shall be attested on oath or affirmation of the said manager, presenting the same if required, and if the same shall not be paid unto the manager as aforesaid in ten days after the account shall have been rendered, the manager or managers after giving ten days notice by advertisements in three of the most public places in said township, may sell for any term of years so much of the meadow, marsh or swamp to which the said bank or water course may belong, as may be sufficient to pay the said expenses and costs of sale with the commissions due on the same constituted by this act, and they are authorised to make and execute a lease to the purchaser for such meadow and for such term as the same may be bid off at, and such lease shall be as good and effectual in the law as if made and executed by the owner; but if hay, grass or grain belonging to such delinquent owner sufficient to pay the demand shall be found on the meadow, it shall be the duty of the managers, instead of selling of a lease on the soil, to

May lease the premises.

May sell for a term.

Hay, grass &c may be sold.

sell so much of the grass, grain or hay as may pay the sum demanded and the costs of sale with the commissions due thereon, giving notice of the time and place of such sale as before directed, and the managers shall render a true account of the sale, and pay the overplus if any to the owner of the property so sold.

If owners neglect,

5. *And be it enacted*, That it shall be the duty of the owners of meadow and marsh within said company to cut and keep open all water courses and leak-water-drains through their respective meadows, and in such places as the managers may direct, and in case of neglect in opening the same for ten days after notice from either of the managers, it shall be lawful for either of the managers to enter upon the premises and cause the necessary work to be done, also, it shall be the duty of the owners to cause their banks to be mown and cleared of all rubbish twice in every year, once between the tenth day of June and the first day of July, and once between the first day of September and the first day of October, and if neglected ten days after that time the managers or either of them are required to enter on the banks and cause the work to be done, and they are authorized to recover the amount of the expenses which may accrue as directed in the fourth section of this act.

managers duty.

Tide to be let in.

6. *And be it enacted*, That for the purpose of improving the said meadows, it shall be the duty of the managers to let the tide upon the same every year between the first and twentieth days of December, by cutting the banks or providing such water ways as they may judge necessary, so that the meadow may be under water during the winter in each and every year, unless the company shall by a vote at their annual meeting determine to the contrary, and when the tide has been let into the meadow the vote of the annual meeting shall fix the time for shutting the water off, and the managers shall act accordingly; the expenses of letting in the tide and stopping it off shall be levied

upon all the meadow and marsh within the said company, and be recovered as directed in the fourth section of this act.

7. *And be it enacted*, That if any person duly appointed a manager as aforesaid shall neglect or refuse to perform any of the duties required of him by this act, he shall for every refusal forfeit the sum of ten dollars, to be recovered by action of debt by any owner who may sue for the same, with costs of suit, and the fine so recovered, shall be paid to the succeeding managers for the use of the company; *provided*, That no manager shall be liable to be fined until after ten days notice in writing from an owner of the case requiring his attention. Penalty on managers.

8. *And be it enacted*, That it shall be lawful for the said company at every annual meeting to choose three disinterested men as commissioners to settle any dispute which may arise, in case any owner shall think himself aggrieved by the charge of the managers for any work which they may cause to be done by virtue of this act, in any of which cases the party aggrieved may apply to the said commissioners and appoint the time and place of their meeting in writing, which in the case of an account shall be within ten days after the same has been rendered, and shall notify in like manner the managers and all persons convened; and the said commissioners after hearing the parties shall give a judgment thereon in writing, but if either party shall think himself aggrieved by the said judgment, three other commissioners shall be chosen, that is to say, the disputing parties shall each choose one, and the commissioners one, who together with the original commissioners shall give them a rehearing, and the judgment of any four of them given in writing and signed by them shall be conclusive to the parties as well with respect to costs, as the matters in dispute, and the present and future managers shall act accordingly, *provided*, That judgment be rendered within twenty days after the Commissioners. Appeal. Rehearing

account be presented, which in case of default of the owners the managers shall proceed to sell as before directed.

Cross bank

9. *And be it enacted*, That if it should be found necessary to have a cross bank between the Thoroughfare company and the company established by this act, that the expense of making and maintaining such bank shall be paid equally, that is, one half by each company, to be assessed by the managers of their respective companies on all the meadow and marsh in each company, and recovered as directed in the fourth section of this act.

Assessments.

10. *And be it enacted*, That it shall be lawful for the managers to make assessments and raise such sums of money as may be found necessary for the use of the said company, by a tax upon all the meadow, marsh and swamp which may be improved within the said company, and shall produce the duplicates containing their assessments to the annual meeting, and at the same time render a true account of all monies by them received and expended for the use of the company for settlement, and shall pay the balance if any be found in their hands to the succeeding managers, who are authorized on failure of payment to sue for and recover the same by action of debt, in any court having cognizance thereof, with costs of suit: and the managers shall provide a book, in which shall be entered the proceedings of the annual and other meetings, and in which shall be recorded all judgments or decisions which may be rendered by the commissioners under the eighth section of this act.

Record.

Meadow liable.

11. *And be it enacted*, That all the meadow, marsh and swamp within the said company shall be held liable for all the money which may be assessed thereon for the use of the said company, and all the meadow, marsh and swamp of any individual shall be held liable for the repayment of any money which may be expended by the managers on the banks or water courses belonging

thereto agreeably to the directions of this act, any judgment, execution, sale or alienation thereof notwithstanding; and the managers shall be entitled to receive ten per centum upon all sums assessed and collected for the use of the said company, and the same commissions upon all sums by them expended for the use of individuals pursuant to the directions of this act. Commissions.

12. *And be it enacted*, That all line or division ditches between owners shall be considered as water courses, and being ten feet wide at the top, and three feet deep, shall be taken and esteemed to be lawful fences within the said company, and for all trespasses done over or through them, damage shall be recoverable as if done over any other lawful fence. Division Ditches.

13. *And be it enacted*, That the act entitled "An act to enable the owners and possessors of a certain body of meadow and marsh, lying on the westerly side of Rackoon creek in the county of Gloucester, to keep up and maintain the banks and other water works around the same, and to constitute all ten feet ditches therein lawful fences," passed in the year of our Lord one thousand seven hundred and sixty-six, be and the same is hereby repealed. Repeal.

A. Passed at Trenton, Feb. 5, 1811.

AN ACT to authorize Isaac Kay and Benjamin Rulon, executors of the last will and testament of Isaac Kay (miller) deceased, to fulfil a contract made by the said Isaac Kay (miller) with John Tice, for the sale of lands.

IT having been represented to the legislature, that Isaac Kay, (miller,) late of Gloucester, deceased,

made a contract with John Tice of the same county, for the sale of a certain tract of land situate in the township of Deptford in the county aforesaid; that the said contract had been so far carried into execution that the said John Tice had paid part of the purchase money, but that the said Isaac Kay (miller) departed this life without executing any deed for the said land: and it appearing that the executors, one of whom being guardian of the children of the said Isaac Kay, (miller,) are desirous that the contract should be fulfilled, they having by petition prayed the aid 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 upon the said John Tice's paying or securing to be paid to the aforesaid executors, Isaac Kay and Benjamin Rulon, or either of them, the balance of the purchase money for the above tract of land and premises, it shall and may be lawful for the said Isaac Kay and Benjamin Rulon, executors as aforesaid, and they are hereby authorized and empowered to make a deed of conveyance to the said John Tice, his heirs and assigns, for the said tract of land, with the improvements thereon, situate in the township of Deptford in the county of Gloucester, said to contain two hundred and eighty-two acres and twenty-seven perches, with allowance for highways, surveyed October twelfth one thousand eight hundred and ten by Elijah Burdsall, deputy-surveyor, and now occupied by the said John Tice; which same deed, so executed and delivered to the said John Tice, shall operate as effectually for the conveyance of the said two hundred and eighty-two acres and twenty-seven perches of land and premises, with the allowance as aforesaid, to the said John Tice, his heirs and assigns, as if the

said Isaac Kay (miller) in his lifetime had made and executed the same.

A. Passed at Trenton, Feb. 6, 1811.

AN ACT to incorporate the Hacketstown Aqueduct 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 Hampton, Benajah Gustin, William Little, junior, James Stewart and Ziba Osborn, and their associates, for the purpose of supplying the village of Hacketstown with pure and wholesome water; their successors and assigns shall be a body politic and corporate, in deed, law, fact and name, by the name, style and title of "The Hacketstown Aqueduct Company," and by the said name shall have continual succession for the term of thirty years from the passing of this act, and enjoy all the privileges and franchises incident to a corporation during the said term, and shall be capable of holding their capital stock and the increase and profits thereof not exceeding twelve per cent from time to time, and in such manner and form as they shall think proper; and of disposing of and using the water which they may purchase or procure by the mode hereinafter mentioned for ascertaining the value of such property, privileges and damages, from the owner or owners of the soil whereon the springs may be found; and also of purchasing, taking and holding to them, their successors and assigns, in fee simple, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary and convenient to them in the prosecution of their works, and the same to sell and dispose of at their pleasure; and also that the said proprietors, their successors and assigns, be and

Associates.

Purpose.

Name.

Powers.

shall be able in law and capable to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all courts of judicature whatsoever, and of doing all and every other matter, act or thing, which a corporation or body politic may lawfully do: *Provided*, that the real estate and capital stock so to be holden shall be such only as may be requisite to promote and attain the objects of this corporation and may be relative thereto, which objects are hereby declared to be the bringing into and supplying the village of Hackettstown with pure and wholesome water: *And provided also*, that the said company commence their operations within three years, and carry them into useful operations within seven years from the passing of this act.

Provisos.

2. *And be it enacted*, That it shall and may be lawful for the said corporation to lay and extend the said aqueduct to such places, and through any lands that may be by them, their managers or officers, thought necessary, first giving notice of their intention to the owner or owners in writing, and making satisfaction for any damages that may be sustained by the owner or owners of such ground, according to a reasonable agreement between the parties; but in case of disagreement between the parties as to the value or sum to be paid for such damages, then and in such case it shall be the duty of the said parties, each to choose a reputable freeholder, and they two a third, whose judgment, or the judgment of any two of them, made in writing, as to the amount to be paid to the owner or owners by the said company, shall be conclusive: and in case such owner or owners shall neglect or refuse to choose a person as aforesaid, then it shall be lawful, on the application of the said company, or their officers, for any justice of the peace of the county of Sussex, not interested, to issue his venire to any constable of the county, who shall summon twelve good and lawful men of the county, not being

Extending Aqueduct.

Settling Damages.

members of this corporation, who upon examining the facts and premises, shall render such verdict as to them shall appear just and right, which verdict shall be conclusive between the parties.

Permitted to dig in streets.

3. *And be it enacted*, That it shall and may be lawful for such corporation to lay and extend the said aqueduct through such of the highways or streets of the village of Hacketstown as they may think necessary, and for that purpose to take up and remove so much of the earth in the said streets or highways as may be convenient and necessary for the purposes aforesaid: *Provided nevertheless*, that not more than four rods in the said highways or streets shall be dug up at one time, nor kept up more than six days: *And provided also*, that the said earth shall be replaced at the expense of the said company in as good condition as if the same had not been removed.

Provisos.

Company to meet.

4. *And be it enacted*, That the said company shall meet together as soon as may be in the village of Hacketstown, of which three weeks notice shall be given by some one of the company by advertisements put up in three of the most public places in said village, appointing the time and place of the meeting, at which meeting the members present shall choose by plurality of votes, a president, two managers, a treasurer and secretary, who shall conduct the affairs of the said company for one year, and until others shall be chosen in their stead, at which meeting and every subsequent meeting each proprietor shall have one vote for each share held in his or her name in the stock of the company. And the said corporation at their meeting, shall make such bye-laws, rules and regulations, as shall be necessary for the well ordering the affairs of the company: *Provided always*, that the same be not repugnant to the constitution or laws of this state or of the United States: *And further*, that the said corporation and their successors, may make have and use a common seal with such device and

Elections.

Bye-laws.

Seal.

New Jersey State Library

devices as they shall think proper for sealing all and singular their deeds, contracts and other writings touching and concerning the said corporation, and may as often as they shall think fit alter and change the same.

A. Passed at Trenton, Feb. 6, 1811.

AN ACT to dissolve the marriage contract between Abigail Brant, late Abigail Conkling, and Moses Brant her husband.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That the marriage of Moses Brant and Abigail his wife, late Abigail Conkling, of the county of Morris, be and it is hereby declared to be dissolved to all intents and purposes whatsoever, and the said Moses Brant and Abigail his wife, shall be and they are henceforth respectively declared to be separated, set free and discharged from their matrimonial contract, and from all duties and obligations to each other as husband and wife, as fully, effectually and absolutely as if they had never been joined in matrimony.

A. Passed at Trenton, Feb. 7, 1811.

A Supplement to an act entitled An act to authorize the owners and possessors of a certain tract of wood-land therein named, to prevent horses, cattle and sheep, from running at large therein—passed November the nineteenth, eighteen hundred and 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 latter proviso in the first section of the act to which this is a supplement, which proviso is in the following words, viz. *Provided also*, that all the owners of the aforesaid tract of wood-land shall be liable to keep one half of all the partition fence butting on the said tract or lying within the said bounds each in proportion to the number of acres they respectively hold in the said tract—be and the same is hereby repealed.

A. Passed at Trenton, Feb. 8, 1811.

AN ACT to incorporate the Newark and Morris 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 John Doughty, Benjamin Pierson, Caleb Campbell, Seth Woodruff, Moses N. Combs, and Jabez Pierson, be authorized to receive subscriptions for erecting a turnpike road, four rods wide, from the entrance of the South-Orange road into Market-street, south of the house of Colonel Stephen Hays in Newark, and from thence through South-Orange to Bottle-Hill, or Morristown, in the county of Morris, and that they shall give security to the governor of the state to pay the subscription money they shall receive to the treasurer of the turnpike company, and to perform the other duties required of them by this act, for which services they shall be paid by the turnpike company. Commissioners.

2. *And be it enacted*, That such subscriptions shall consist of two thousand shares, of twenty-five dollars each, that one dollar and twenty-five cents shall be paid on each share at the time of subscribing, and that as soon as six hundred shares shall be subscribed, the said John Doughty, Benjamin Stock.

Pierson, Caleb Campbell, Seth Woodruff, Moses N. Combs, and Jabez Pierson, or a majority of them, or their survivors, shall call a meeting of the subscribers and stockholders to be held in South-Orange, after four weeks notice in the Newark and Morristown newspapers, and in one of the newspapers printed in the city of New-York if there should be any subscribers there, to choose a president and seven directors, five of whom shall constitute a board to transact business, and a treasurer, to continue in office until the third Tuesday in October next ensuing, and also on the third Tuesday in October annually thereafter there shall be a choice of officers for one year, at such place as the stockholders at their last meeting may have appointed, that each stockholder may vote in person or by proxy, and shall have as many votes as he or she shall have shares of stock: *Provided nevertheless*, that no stockholder shall have more than ten votes, although he or she may have a greater number of shares. And the said president and directors shall be called and known by the name of "The President and Directors of the Newark and Morris Turnpike Company," and shall have all the powers and privileges incident to a body politic and corporate, for the purposes herein mentioned, for the term of fifty years.

Meeting.

Votes.

Title.

Powers & privileges.

3. *And be it enacted*, That the said president and directors shall have the power to fix the time and place of all their meetings, and to appoint all such agents and servants as they shall deem necessary for carrying into effect the powers vested by this act in the said company; and if any vacancy or vacancies shall happen in the said offices of president, directors or treasurer, such vacancy or vacancies shall be filled by the directors at their next meeting, and the person or persons so chosen shall continue in office until others are elected by the said company; and that the said president and directors may make such ordinances and bye-laws

Agents & servants.

Vacancies.

Bye-laws.

relative to their concerns as they may deem expedient, provided the same shall not be repugnant to the constitution and laws of this state or of the United States, which ordinances and bye-laws and all their accounts and proceedings shall be submitted to the inspection of the stockholders at their annual meeting.

4. *And be it enacted*, That Benjamin Ludlow, John Outwater, and Abraham Akerman, be and they are hereby appointed commissioners to lay out the said turnpike road as aforesaid, they having due regard to the situation and nature of the ground and of the buildings thereon, the public convenience and the interest of the stockholders, and so as to do the least damage to private property; and the said road shall not pass through any burying ground nor place of public worship, nor any dwelling house without the consent of the owner thereof, nor shall it pass through any outbuilding of the value of two hundred dollars without such consent. And the report of said commissioners or a majority of them, certified under their hands and seals, shall be entered on record in the secretary's office of this state; and the said commissioners shall within six months after ascertaining the route of the said intended turnpike road, cause an accurate survey of the lines of the said road to be made, a map or plot of which survey shall be correctly laid down on a scale of four inches to a mile, and filed in the secretary's office of this state, which certificate and plot or a certified copy thereof, shall be sufficient evidence of the course of the said road, which shall then be opened, and all the expenses incurred thereby shall be defrayed by the said company: *Provided*, that in case of the death, resignation, refusal or inability of either of the said commissioners to fulfil the duties of his appointment, that then it shall be lawful for the governor of this state, or the person administering the government thereof, to appoint some other dis-

Commissioners.

Map.

interested person in his place: *And provided also*, that the said commissioners shall first take and subscribe an oath or affirmation faithfully and impartially to execute the duties enjoined on them by this act.

Manner of making the road.

5. *And be it enacted*, That in the middle of said turnpike road there shall be formed a space or artificial road not less than thirty feet in breadth, the centre of which shall be raised fifteen inches at least above the sides, arising towards the middle by a gradual arch, which artificial road shall be drained by ditches and subterraneous passages of a sufficient depth to carry off the water, and shall be sufficiently bedded or faced with stone, gravel or other hard substance so as to secure a dry and solid foundation for the same at all seasons of the year, and twenty feet thereof shall be faced with gravel or broken stone so as to form a firm and even surface, and in its progress no part of it shall rise above an angle of five degrees with the plane of the horizon; and the said directors shall cause good and sufficient bridges where necessary on the line of said road to be constructed not less than twenty-two feet in breadth; and whenever the said road in passing over low ground is raised so much at the margin or side of the travelling path as to render carriages passing thereon liable to overset, the said company shall cause a good and sufficient railing to be erected and maintained on the sides so as to prevent horses and carriages from running off.

Railing.

Lands may be entered on.

6. *And be it enacted*, That full power and authority be given to the said commissioners, and the said corporation, their agents and servants, and all persons employed by or under them for the purposes contemplated in this act, to enter upon any land which shall be deemed necessary for laying out said road, and also for the purpose of searching for stone, sand or gravel for the use of said road, but no stone, sand or gravel shall be

raised or taken away from any land without the consent of the owner thereof, until compensation for the same be ascertained and paid, which compensation if the parties cannot agree thereon, shall be ascertained in the manner hereinafter prescribed as to the compensation for lands over which said road may be laid.

7. *And be it enacted*, That if any of the owners of land through which the said road shall pass, shall conceive themselves injured thereby and the parties cannot agree for the compensation and damages to be made for the same, then it shall be lawful for such owners of land to meet at South Orange, in the county of Essex, on thirty days notice being given in the newspapers printed in Newark and Morristown, and by advertisements signed by the president of the directors, put up in six of the most public places adjacent to the said road, and to choose one reputable freeholder in the state not interested, and the said company shall also choose one reputable freeholder in the state not interested, who in case of their disagreement shall have power to choose an umpire, and who together with said umpire if chosen, or a majority of them after having taken an oath or affirmation to act impartially, and to the best of their knowledge, shall determine at the expense of the turnpike company, the amount of compensation which shall be paid by the company to such of the applicants as they shall conceive to be injured; on which payment the said company shall become seized in the same estate in the said lands, which the owner or owners held in the same; but if the owner or owners of any land through which the said road shall pass will not agree to any of the provisions heretofore made, or refuse or neglect to join in such choice, or shall be feme covert, under age, non compos mentis, or out of the state, or in case the men so chosen do not decide thereon, then it shall be lawful for one of the justices of

Compensation made.

the supreme court, upon the application of either party and at the cost and charges of the said corporation, to direct a special jury of the freeholders of any of the townships in the said county through which the said road shall not run, to be struck before such justice in the manner in which special juries are usually struck, who shall view, examine and survey the said lands, tenements and hereditaments, and estimate the injury or damage sustained as aforesaid, and shall make an inquisition thereof under their hands and seals, to be returned to the said justice of the supreme court by the sheriff of the said county in which the said inquisition is taken, and it shall be the duty of such sheriff to attend before the said justice with the book of freeholders at such time and place as the said justice shall appoint, upon reasonable notice given to him for the purpose of striking such jury, and also upon like notice to have the jury upon the premises in question at the time mentioned in said notice, and to administer the oath or affirmation to the said jurors, and the said sheriff and jurors shall be entitled to the like fees for their services as are allowed by law in other cases of special juries, and upon the coming in of such security or inquisition and the confirmation thereof and the said company paying to the owners respectively the sums mentioned in such report in full compensation for the said lands, or for the injury sustained as aforesaid, the said company shall become seized in the same estate in the said lands which the said owners held in the same, and they and all who have acted under them shall be acquitted and freed from all responsibility for and on account of such injury: *Provided*, That the payment of damages aforesaid, for land through which the said road may be laid, be made before the said company or any person under their direction or in their employ, enter upon and break ground in the premises, except surveying and lay-

ing out said road unless the consent of the owner of such land be first obtained.

8. *And be it enacted*, That as soon as the said company shall have completed seven miles of the said road, beginning at South-Orange and running towards Bottle-Hill or Morristown aforesaid, then it shall be lawful for the directors to give notice to the governor or person administering the government of this state, who shall thereupon forthwith nominate and appoint three commissioners, who shall at the expense of the corporation view the same, and report to him in writing whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act; and if the said commissioners, or any two of them, report in the affirmative, then it shall be the duty of the governor or person administering the government, by licence under his hand, to permit the said directors to erect gates and turnpikes across the said road, and to demand and receive toll at the same at the rates hereinafter specified, and in like manner when the remainder of the said road or any part thereof shall be made, approved of and licensed as aforesaid, to erect other gates and turnpikes, and for passing through the same, to demand and receive toll for travelling each mile of the said road, after the following rates, to wit:

Gates, when to be set up.

Rates of tol.

For every carriage, sleigh or sled, drawn by one beast, . .	one cent.
For every additional beast, .	one cent.
For every additional beast exceeding four, . . .	two cents.
For every horse and rider, or led horse or mule, . . .	five mills.
For every dozen of calves, sheep, or hogs, ...	five mills.
For every dozen of horses, mules, or cattle, . . .	two cents.

And it shall be lawful for the toll-gatherers to stop any person riding, leading or driving any horse,

cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have respectively paid the toll as above specified: *Provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the sabbath day, or to or from any mill to which he may resort for the grinding of grain for his family's use, or horses, carriages, sleighs or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militia man passing to or from training on a muster day appointed by law, or any military officer or soldier passing or repassing when called to do duty by the laws of this state or of the United States.

Exceptions.

Old road to remain free.

9. *And be it enacted*, That no toll-gate shall be erected, or other obstruction placed on such part of said road as is at present a public highway.

Milestones

10. *And be it enacted*, That before the said company shall receive toll for travelling said road, they shall cause milestones or posts to be erected and maintained, one for each and every mile on said road, and on each stone or post shall be fairly and legibly marked the distance the said post or stone is from Newark, and shall cause to be affixed and always kept up at the gates aforesaid in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be printed in large letters, "Keep to the right as the law directs."

Penalty for trespasses on the property of the company.

11. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the milestones or posts so erected on the said road for the information of the people travelling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges, that shall be erected pursuant to

this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding twenty dollars, besides being subject to an action of damages for the same, to be recovered by the corporation to their use, with costs of suit. And if any person with his carriage, team or horse, turn out of said road to pass a gate or gates, on private ground adjacent thereto, and again enter on said road, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said corporation for the use thereof, in an action of debt, with costs of suit.

Penalty for evading toll.

12. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveller passing at any of the gates, or shall receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered and defrauded.

Penalty on toll-gatherers.

13. *And be it enacted*, That the shares in the said turnpike road shall be taken, deemed and considered as personal property, and be transferred in such manner as the directors may appoint; provided, that if the said company shall not commence their operations within three years from the passing of this act, and complete the said road within seven years, according to the intent and meaning of this act, then and in either of these cases this act shall cease, be void and of no effect, except so far as compels the said company to make reparation for damages.

Stock personal property.

Limitation

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

Keep to the right.

sleighs or sleds on the right hand of the said road, in the passing direction, leaving the other side of the road free and clear for other carriages or persons on horseback to pass, and if any person shall offend against this provision, such person shall forfeit and pay the sum of two dollars to any person who shall be obstructed in their passage, and will sue for the same, and shall be subject to an action of damages for every such offence, to be recovered with costs of suit.

Penalty.

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

Repairs of road, &c.

pointed the sum of one dollar each, to be paid by the said turnpike company; and it shall be the duty of the persons so appointed, or a majority of them, on application from the said turnpike company, again to view said road and report as aforesaid their opinion to said justice, who shall if authorized by the report of said persons, or any two of them, by license under his hand and seal, directed to the toll-gatherer, permit the gates to be shut and toll to be collected as before, and the same fees shall be allowed and paid as before directed, but if on the first view as before mentioned the report of the persons appointed shall be in favor of the turnpike company, the same fees shall be allowed as before prescribed, and paid by the persons instituting the complaint, and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint in the manner above prescribed, one or more respectable freeholders of the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

18. *And be it enacted*, That at the end of every ten years an account of the expenditures upon the said road and the profits arising therefrom shall be laid before the legislature of this state for their inspection and information. Account to the legislature.

A. Passed at Trenton, Feb. 11, 1811.

AN ACT to incorporate the Proprietors of the Trenton Aqueduct 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 Andrew Reeder, Charles Rice, Stacy Potts, Joseph Broadhurst, Peter Howell, and their present and future associates, their successors and assigns, for the Associates

Purpose. purpose of supplying the inhabitants of Trenton and its vicinity with pure and wholesome water, be and they hereby are created a body politic and corporate, by the name, style and title of "The President and directors of the Trenton Aqueduct Company," and they are hereby constituted and declared to be for the term of twenty years hereafter a body politic and corporate, in fact and in name, and by that name they and their successors and assigns shall and may have continual succession during the said term, and shall be persons able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts and places whatsoever; and that they and their successors and assigns may have and use a common seal, and may make, change and alter the same at their pleasure; and also that they and their successors and assigns, by the name and style aforesaid, shall be in law capable of holding their capital stock, and the increase and profits thereof, and of conducting, directing and disposing of the same from time to time in such manner and form as they shall think proper, and of disposing of the use of the water to such as may apply for the same, for such annual rent, not exceeding twelve per cent on the capital stock expended, and under such restrictions as they may think proper, and of purchasing, taking and holding to them, their successors and assigns, for the use of the said corporation, all such estates, real and personal, as shall be necessary or convenient for them, and of selling, disposing and conveying of the same at their pleasure, and generally of making all such laws, rules and regulations for the better conducting the affairs of said company as they may from time to time find necessary or convenient, *Provided* the same be not inconsistent with the constitution or laws of this state or of the United States.

Name. Term. Powers. Stock. Rent. Estate. Bye-laws.

Directors. 2. *And be it enacted*, That Andrew Reeder, who hath been chosen president, and Charles Rice,

treasurer, and Stacy Potts, Joseph Broadhurst and Peter Howell, who have been chosen directors of said company, shall be and continue to be president, treasurer and directors of the said company until others shall be chosen in their stead, and that all their legal acts and contracts entered into since and in virtue of their appointment, shall be good and valid as if this act of incorporation had then been in existence; and that it shall and may be lawful for the said president, treasurer and directors, for the time being, to lay and extend their aqueduct through such of the streets of the said city as they may think necessary, and for that purpose to open and dig in such parts of the said streets as may be convenient and necessary for the purposes aforesaid: *Provided always*, that not more than four rods in any of the said streets shall be open at any one time, nor the same be kept open for more than three days, and the same shall be filled up again at the expense of the company, and rendered as good and sufficient as if the same had not been taken up or removed: *Provided also*, that said company shall not lay their main trunk through the streets of Trenton upon the same level with the trunks of the present company of the Trenton water works, but either higher or lower, that they may not impede them in carrying off their cross trunks.

Acts and Contracts.

Extending Aqueduct.

3. *And be it enacted*, That the capital stock of said company shall not exceed three thousand dollars, and shall be appropriated exclusively to the purpose of supplying the city of Trenton and its vicinity with pure and wholesome water, and in no case whatever shall the said company engage in banking or turnpiking institutions, or any kind of speculations that are not immediately connected with the purposes of this act.

Amount of capital.

Restrictions.

4. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, either directly or indirectly, any act whatsoever whereby

Penalty for injuring works, &c.

the works of the said company, or any pipe, conduit, canal, water-course, plug, cock, reservoir, or any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened or injured, the person or persons so offending shall forfeit and pay to the said company double the amount of the damages sustained by means of such offence or injury, to be recovered by said company with costs of suit, and by action of debt, in any court of competent jurisdiction in this state: *Provided*, that nothing in this act contained shall impair the rights of any individual or body corporate.

Provisos.

A. Passed at Trenton, Feb. 8, 1811.

AN ACT to authorize the enclosure of a certain tract of woodland in the township of Westfield in the county of Essex.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the owners and possessors of all that tract of Woodland in the county of Essex, situate, lying and being in the township of Westfield, known by the name of the Big-woods, to enclose the same on the southwesterly side thereof with a good and lawful fence or fences, close, strong and sufficient to prevent horses, neat cattle and sheep from going through or under the same, and that from and after enclosing the same as aforesaid, no person or persons whatsoever, shall be at liberty to drive or let in any horses, cattle or sheep, with an intent to run at large in the said tract.

Tract.

Fence.

Cattle, &c. not to be let in.

2. *And be it enacted*, That if any person or persons whatsoever, shall drive or let in any horses, cattle or sheep within said tract after it shall have been enclosed as aforesaid, with an intent to run at

Penalty.

large, such person or persons shall be subject to an action of trespass, to be brought in the name of any one of the owners of the said tract, and be liable to pay treble damages, to be assessed by a jury to be summoned in any court having cognizance of the cause, and shall also be liable to pay all costs of suit incurred in the prosecution thereof.

3. *And be it enacted*, That if any horse or horses, cattle or sheep, shall be found running at large on any part of the tract enclosed as aforesaid, it shall and may be lawful for any of the owners or possessors thereof, to take and drive the same to the nearest pound in the aforesaid township; and the person so taking or driving the same shall be subject to the same duties and entitled to the same compensation for such taking or driving as is allowed in cases of distress for damage feasant by the twelfth section of the act entitled "An act regulating fences," passed January twenty-third one thousand seven hundred and ninety-nine; and the pound keeper is hereby directed to receive such beast, and to proceed therewith in the same manner as is directed by the aforesaid act, and shall be entitled to the same fees and subject to the same penalties for a neglect of duty as are allowed and imposed in and by the said act. Pounding.

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

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

Charles Gilman now lives, in the township of Westfield, which owners and possessors, or such as shall assemble in pursuance of the said notice, shall when met proceed to elect by a plurality of votes, three persons being owners of some part of the said tract, to make and repair the fences necessary to enclose the aforesaid tract, and for the purpose of making assesments and superintending the expenditure of all monies to be received and paid for the purpose aforesaid, which said persons so elected shall continue in office until the first Saturday in April next when a new election shall take place between the hours of ten and twelve in the morning of that day, and an election for that purpose shall be had on the first Saturday in April in each year afterwards, at the house aforesaid, between the hours aforesaid.

First Election.

Annual Election.

Duty of superintendants.

6, *And be it enacted*, That the persons so elected as aforesaid, shall by virtue of this act be authorized to make an estimate of the part of the tract benefitted by such enclosure, shall ascertain the number of acres as accurately as they can, which each individual owns or possesses therein, and which may receive benefit from such enclosure, either by an actual survey or otherwise, as shall be agreed on by a majority of the owners or possessors met at their first or any subsequent meeting; which estimate when made, shall be by the persons so elected as aforesaid, fairly entered in a book to be kept for the purpose, in which book shall be entered the names of the persons from time to time elected to superintend the expenditures of the monies assessed for making and repairing the fences aforesaid, and other of the proceedings relative to the enclosing of the said tract; which book shall be kept by the persons elected as aforesaid; and all assessments shall be made according to the first estimate, until the same is altered by a majority of the owners and possessors of the said tract.

7. *And be it enacted*, That as soon as any assessment is made and the sum which each individual is to pay is ascertained, it shall be the duty of the persons elected as aforesaid to demand from each individual his proportion, either personally or by leaving a statement of the sum he is to pay with some white person at his dwelling-house, and on failure of payment thereof for ten days after such demand, which shall and may be proved by the oath of the person making it, it shall be lawful for the said persons elected as aforesaid, to sue for and recover the same in their own names from each individual so assessed and notified as aforesaid, together with the costs of prosecuting for the same before any justice of the peace in the county of Essex. Assessments, how recovered.

8. *And be it enacted*, That the persons so elected shall annually account to the owners for all monies which shall have come to their hands as aforesaid, and shall pay over the balance remaining in their hands to their successors, together with the book directed to be kept by them, immediately on their going out of office, under the penalty of one hundred dollars on the defaulter, to be sued for and recovered by their successors, with costs of suit, and to be applied by them when recovered, to the purposes contemplated by this act. Annual account, &c.

A. Passed at Trenton, Feb. 9, 1811.

AN ACT to authorize the administrators of Henry Disborough, to fulfil certain contracts made by the said Henry Disborough with William Cale and Joseph Craig, for the sale of land—and also to authorize the sale of the real estate of the said intestate, late of the county of Somerset, deceased.

Preamble. WHEREAS Henry Disborough, late of the township of Franklin in the county of Somerset, died seized and possessed of a considerable real estate, situate in the county of Somerset, and had also contracted for the sale of certain real estate, situate in the county of Burlington; and it having been sufficiently testified to the legislature, that it was the intention of the said intestate that the whole of his real estate should be sold and distributed according to law, and that the said contracts for the sale of certain parts of the same should be complied with:—Therefore,

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That upon William Cale and Joseph Craig, of the county of Burlington, in the state of New-Jersey, paying or securing to be paid to the representatives or heirs of the said Henry Disborough, such sum or sums of money as may be still due by reason of certain articles of agreement for the sale of two certain tracts or parcels of land and premises, situate in the county of Burlington, entered into by and between them the said William Cale and Joseph Craig and the said Henry Disborough during his lifetime, it shall and may be lawful for Henry Disborough, Daniel Disborough and John Disborough, administrators of Henry Disborough, deceased, and they or the survivor or survivors of them is and are hereby authorized and empowered to make a deed

Articles to be fulfilled.

or deeds of conveyance to William Cale for the said tract or tracts of land and premises as aforesaid agreed to be conveyed to him, and also a deed or deeds of conveyance to Joseph Craig for the tract or tracts of land and premises, agreed to be conveyed to him in conformity with and agreeable to a certain article of agreement entered into as aforesaid between the said William Cale and Henry Disborough deceased, bearing date the nineteenth day of December eighteen hundred and one, and also in conformity with and agreeable to a certain article of agreement entered into as aforesaid by and between the said Joseph Craig and Henry Disborough deceased, bearing date the seventh day of June eighteen hundred and six, which said deed or deeds, so executed and delivered to the said William Cale and Joseph Craig, shall operate as effectually for the conveyance of the said tracts or parcels of land so agreed to be conveyed, as if the said Henry Disborough in his lifetime had made and executed the same.

2. *And be it enacted*, That if William Cale and Joseph Craig or either of them, should upon Henry Disborough, Daniel Disborough and John Disborough, administrators of Henry Disborough deceased, tendering a deed or deeds for the lands and premises so unto them or either of them agreed to be sold by their intestate, refuse to comply with the articles of agreement, by them or either of them entered into with the said Henry Disborough in his lifetime, that then they the administrators aforesaid are hereby vested with power to sell dispose of and convey the said tract or tracts of land, with the improvements thereunto belonging, situate in the county of Burlington, as soon as conveniently may be thereafter, at public or private sale, for the highest sum or sums of money the same will bring: *Provided*, They shall repay or refund such sum or sums of money as may have been paid on account of the principal, unto the said Henry

In what case land may be sold.

Proviso.

Disborough in his lifetime by the said William Cale and Joseph Craig, or either of them, on said original sum so as aforesaid agreed by them to be paid for said land and premises in said agreements mentioned.

Real Estate to be sold.

3. *And be it enacted*, That the said Henry Disborough, Daniel Disborough, and John Disborough, be vested with full power also to sell, dispose of and convey, a certain tract of land and premises situate in the township of Franklin in the county of Somerset, containing about two hundred and fifty-four acres, and of which the said Henry Disborough died seized and possessed; and also to sell, dispose of and convey such other real estate to which the said Henry Disborough, deceased, might have had a legal title at the time of his death, if any there may be, for the highest sum or sums of money which the before-mentioned real estate will bring; and for the same or any part thereof, when thus sold, to make and execute in due form of law, in their own names, or the names of the survivors or survivor of them, good and sufficient deed or deeds of conveyance, according to the estate, title and interest which the said Henry Disborough at the time of his death had or ought to have claimed, or might legally claim, of in and to the same; which sale or sales, being made and confirmed by deed, and certified as hereinafter directed, shall entitle the purchaser or purchasers to all the estate, right, title, claim and demand, which the said Henry Disborough, deceased, had to the said bargained premises at the time of his death.

Conveyance.

Statement.

4. *And be it enacted*, That the said administrators, or the survivors or survivor of them, shall within six months after the sale of the said lands and real estate, make subscribe and exhibit under oath unto the surrogate of the county of Somerset or Burlington, or in the county in which the said lands may lie, an exact statement of the amount of the said sale or sales of said lands or real estate,

and of the monies arising therefrom, who shall report the same to the next orphans court to be held in and for the counties aforesaid.

5. *And be it enacted*, That the monies arising from the said sale or sales, after deducting a reasonable allowance for the services of the said administrators, shall be distributed among the heirs of the aforesaid Henry Disborough, deceased, in the same proportion and divided as the same would have been by the law directing the descent of real estates of persons dying intestate, had this act not have been passed: And that the share of each minor shall be put out at interest on good security by their guardian, to be approved of by the same court, until they respectively arrive to the age of twenty-one years, the interest of which to be annually received by the said guardian or guardians of the said children for their use, and if necessary, to be appropriated for the education and maintenance of them respectively. Distribution.

6. *And be it enacted*, That before the said Henry Disborough, Daniel Disborough and John Disborough, administrators as aforesaid, or any of either of them, do enter upon the trusts assigned them by this act, they do enter into bonds with such sureties and in such an amount to the governor of this state as shall be approved of by the orphans court of the county of Somerset, conditioned for the faithful performance of the said trust, and which shall be filed in the surrogate's office of the county of Somerset. Bond.

7. *And be it enacted*, That no deed or conveyance of such lands and real estate made by the administrators aforesaid, or the survivors or survivor of them, shall be valid, unless it be certified in or upon such deed or conveyance, by Martin Schenck and Edward Van Harlingen, as to the sale of lands in the county of Somerset, and Charles Ellis and Thomas Adams as to the sale of lands in the county of Burlington, or the survivor of them, Certificate

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under their or either of their hands and seals, that such sale is bona fide and for the highest price that could be obtained for such property at the time of the sale.

C. Passed at Trenton, Feb. 8, 1811.

AN ACT to authorize Sarah Ryerson and Abraham Ryerson, junior, to sell certain Real Estate.

Preamble.

WHEREAS Abraham Ryerson, late of the township of Saddle-River, Bergen county, deceased, died intestate, seized of a certain small farm containing about twenty acres with the buildings thereon, situate in Saddle-River aforesaid, formerly the property of Andrew Bowman, and which was conveyed to the said Ryerson in trust for the purpose of selling and conveying the same for the purpose of paying the debts of the said Bowman—And whereas the said Ryerson died without having sold the said estate, whereby the contract has not been carried into effect—THEREFORE,

Trustees.

Sec. 1. 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 Ryerson, administratrix, and Abraham Ryerson, junior, administrator to said Abraham Ryerson, deceased, be and they are hereby authorized with full power, in their discretion, to sell and dispose of all the said farm and buildings thereon, situate in the township of Saddle-River, Bergen county, formerly the property of Andrew Bowman, and which was conveyed to the said Ryerson in trust,

Sale.

for the purpose of raising money to pay the debts of the said Bowman, at private or public sale for the highest sum or sums of money which can be obtained for the same, and when thus sold, to make

and execute in due form of law, in their own names, a good and sufficient deed or deeds of conveyance, according to the estate, right, title and interest which the said Abraham Ryerson, at the time of his death had, or ought to have claimed, in and to the said premises; which sale or sales being made and confirmed by deed or deeds, shall entitle the purchaser or purchasers to all the estate, right, title, interest, claim and demand which the said Abraham Ryerson held to the said premises at the time of his death. Deed. Title.

2. *And be it enacted*, That the said Sarah Ryerson and Abraham Ryerson, junior, their executors or administrators, shall within six months after the sale of said estate, make, subscribe and exhibit under oath to the surrogate of the county of Bergen, an exact amount of said sale or sales of the said estate, and of the monies arising therefrom, to be by him recorded and filed agreeably to law, and that the orphans court of said county shall make such allowance for expences to the said Sarah Ryerson and Abraham Ryerson, junior, as to the said court shall appear just and reasonable; and that all monies that may be left in the hands of the said Sarah Ryerson and Abraham Ryerson, junior, after paying the debts of said Bowman, and all lawful costs and expenses, shall be returned to the said Andrew Bowman or his heirs. Account. Fees. Residue.

A. Passed at Trenton, Feb. 16, 1811.

AN ACT to authorize the building a dam across Patconck's Creek.

WHEREAS it has been represented to the legislature by sundry owners of the tide-marsh and meadows lying upon Patconck's creek, in the county of Gloucester, that the said marsh and meadows are rendered of little use, by the over- Preamble.

flowing of the tide, praying that a law may be passed to enable the said owners to erect a dam and water-works across the said creek, sufficient to keep the tide from overflowing the same—And whereas it appears that public notice of this application has been given to the inhabitants of said township, THEREFORE,

Banks, Dam, &c.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the owners of the said meadows and marsh to erect and keep up in good repair, or cause to be erected and kept up, a sufficient bank, dam, and other water-works over the said creek and marsh necessary for keeping out the tide, from the fast land, and on the line between the lands of John Scull, senior, and Elijah Ireland, on the east side of said creek, to the fast land of Andrew Blackman, senior, directly opposite, on the west side of said creek.

How maintained.

2. *And be it enacted*, That the bank, dam, and other water-works, that may be found necessary to be erected for the effectual preventing the tide from overflowing the meadows and marsh enclosed within the same, shall be erected, supported and maintained at the equal expense of the owners thereof, in proportion to the quantity of meadow and marsh, that each owner now doth or hereafter may hold within the said bank and dam so erected.

Meeting.

3. *And be it enacted*, That it shall and may be lawful for the owners of the said meadows and marsh, and they are hereby authorized to meet on the last Monday in March next, at the house of Daniel Leeds, and then and there to choose one or two of the owners as managers for the ensuing year.

Annual Election.

4. *And be it enacted*, That the owners and possessors of the aforesaid meadow and marsh, shall and may meet and assemble, yearly, and every

year, on the last Monday in March, at the now dwelling-house of the aforesaid Daniel Leeds, or at any other place where a majority of the owners and possessors shall appoint, and there choose by plurality of votes, of those so met, one or more managers for the ensuing year; and if the said owners and possessors shall neglect to meet on the times aforesaid for choosing managers, in such case the managers for the preceding year, shall continue and have the same powers until new ones are chosen as aforesaid.

5. *And be it enacted*, That the expense of erecting and repairing, maintaining and amending the said dam, water-works, drains and ditches from time to time, shall be paid by the owners of the said meadows and marsh, in proportion to the quantity which each person doth or may possess; and the managers so appointed as aforesaid, are hereby authorized and empowered from time to time to assess the said owners in all such sums as may be necessary for the purpose aforesaid, agreeably to the proportion above mentioned, and a proper demand of all such sums so assessed to make, and on refusal or neglect of payment for thirty days after such demand, to sue for and recover the same with costs of suit, in any court where the same may be cognizable; and the said managers shall render accounts to the owners yearly and every year, at their annual meeting as aforesaid, of all monies by them received and paid by virtue of this act, with the proper vouchers for the same, and shall pay the balance in their hands, if any there be, to their successors, which successors, upon failure thereof are hereby authorized to ask, demand, sue for and recover the same in any court where the same may be cognizable, with cost of suit.

Expenses, how to be defrayed.

A. Passed at Trenton, Feb. 16, 1811.

AN ACT to authorize the sureties of John Vanstavern to collect the monies arising by virtue of his official papers as constable.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That whereas John Vanstavern, formerly a constable of the township of Pilesgrove in the county of Salem, hath absconded and not fulfilled the duties of his office—Therefore, John Dickenson, Henry S. Cozens and Ephraim Barnes, the sureties of the said absconded constable, are hereby empowered to sue for, receive and collect all the monies that are unpaid or have been collected and in the hands of any other person, arising by virtue of any official paper or papers of said constable for which the aforesaid John Dickenson, Henry S. Cozens and Ephraim Barnes, as sureties, have become accountable, any law, custom or usage to the contrary notwithstanding.

A. Passed at Trenton, Feb. 18, 1811.

AN ACT authorizing commissioners to fix upon a scite for the erection of a bridge over the river Delaware, between Black's Eddy (above Bull's Island) and Wells's Falls, and for other purposes.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That Isaac Mickle of the county of Gloucester, Jacob Hufty of the county of Salem, and Caleb Newbold of the county of Burlington, be and they are hereby appointed commissioners, together with a like number of commissioners to be appointed by the legis-

Commissioners,

lature of the state of Pennsylvania, for the purpose of fixing upon a scite for the erection of a bridge over the river Delaware, between Black's Eddy (above Bull's Island) and Wells's Falls. And the said commissioners or a majority of them shall be and they are hereby authorized to view such parts of the adjoining country and such places on the river Delaware as they shall think proper, between Black's Eddy (above Bull's Island) and Wells's Falls, and a majority of the said commissioners, having so viewed, may fix and determine such scite whereon the erection of a bridge shall in their opinion best promote the public good; but if a majority of the commissioners above mentioned cannot agree upon any one scite, then in that case they or a majority of them may nominate and appoint one other person in addition to their number as an umpire; whereupon the commissioners aforesaid, and such person by them so appointed, or a majority of them, shall proceed to view the said river and adjoining country as aforesaid, and they or a majority of them may thereupon fix and determine on a scite for a bridge as aforesaid; and if it should so happen that any one or more of the commissioners appointed by this act as aforesaid should depart this life before the scite for the said bridge shall have been fixed on and determined as aforesaid, then it shall and may be lawful for the governor of this state or the person administering the government for the time being, by writing under his hand and seal, to appoint another commissioner or commissioners in the place and stead of the deceased, who together with the surviving commissioners shall have the like power and authority as if they had all been named and appointed in and by this act, and shall proceed to execute the same accordingly. And the said commissioners shall be entitled to receive the sum of four dollars per day each, together with their expenses, for their services in viewing and determining the scite

To fix a scite.

Umpire.

Vacancies

Pay.

for the erection of the said bridge, which shall be paid by the applicants who shall call them to view the places proposed, and shall be refunded to the said applicants out of the first monies received on the subscriptions to the stock of said bridge.

2. *And be it enacted*, That as soon as the scite for the said bridge shall have been fixed upon, the commissioners appointed for that purpose shall proceed to name fourteen persons, seven of whom shall reside in the state of Pennsylvania and seven in the state of New-Jersey, for the purpose of receiving subscriptions to the stock of the company hereinafter incorporated, who are hereby authorized to do and perform the several duties hereinafter mentioned, that is to say, they shall and may at or within thirty days after the time of their appointment as aforesaid, procure at least three books, and therein enter as follows:

Subscriptions.

Books.

"We whose names are hereunto subscribed do promise to pay to the president managers and company for erecting a bridge over the river Delaware at the sum of fifty dollars for every share of stock in said company set opposite our respective names, in such manner and proportions and at such times as shall be determined by the president and managers, in pursuance of an act of the legislature entitled 'An act authorizing commissioners to fix upon a scite for the erection of a bridge over the river Delaware between Black's Eddy (above Bull's Island) and Wells's Falls, and for other purposes.' Witness our hands the day of in the year of our Lord one thousand eight hundred and ."

Notice.

And shall thereupon give notice in one or more of the public newspapers printed at Philadelphia and at Doylestown in the state of Pennsylvania, and at Trenton in the state of New-Jersey, for one calendar month at least, of the times and places in the city of Philadelphia, county of Bucks, and state of New-Jersey, when and where the said books shall

be opened to receive subscriptions for the stock of said company, at which respective times and places some one of the commissioners shall attend and permit all persons who shall offer, to subscribe in the said books, which shall for that purpose be kept open at least six hours in every juridical day, for at least three juridical days, if three shall be necessary, and on the first juridical day within the hours aforesaid, any person of the age of twenty-one years shall have liberty to subscribe in his own name or in the name of any person by whom he shall be authorized, for any number not exceeding five shares, on the second day for any number not exceeding ten shares, and on any succeeding day while the books shall remain open for any number of shares in the said stock; and if at the expiration of the said three first days the said books opened at Philadelphia shall not have three hundred shares therein subscribed, or the books opened in Bucks county shall not have three hundred shares therein subscribed, or the books opened in the state of New-Jersey shall not have three hundred shares therein subscribed, the said commissioners respectively may adjourn from time to time until the said number of shares be subscribed, of which adjournment public notice shall be given at each place: and when the said subscriptions in the said books shall amount to the respective numbers aforesaid the same shall be respectively closed; and if before the said subscriptions shall be declared to be full, application shall be made to subscribe more shares than will fill the said books, or either of them, then the said commissioners respectively shall apportion the whole number of shares at such respective place, among all those who shall have subscribed or offered to subscribe as aforesaid on that day at such place, by deducting from the subscribers of more shares than one, such proportion of the shares by them respectively subscribed as will leave every person one or more shares; but if

Places and manner of subscribing.

Closing the books.

Surplus.

after any of the said books shall have been opened at any of the respective places aforesaid for the space of one calendar month, the whole number of shares to the said places herein before respectively allotted shall not have been subscribed, the said book or books may respectively be transferred to any other of the said places, and there kept open as aforesaid, public notice being given thereof at the place whence and whereto the said book or books shall be respectively transferred: *Provided always*, that every person offering to subscribe in the said book or books, in his own name or any other name, shall previously pay to the attending commissioner or commissioners, five dollars for every share to be subscribed, out of which shall be defrayed the expense of fixing upon the scite as aforesaid, of attending taking of such subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers chosen as is hereinafter mentioned.

Transfer of books.

First payment.

3. *And be it enacted*, That when forty persons or more shall have subscribed four hundred shares in the said stock, the said commissioners respectively may, and when the whole number of shares shall be subscribed, shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by or apportioned to each subscriber to the governor of this state, and shall also certify to the governor the name by which the said company shall choose to be called and known, which latter certificate shall be recorded in the office for recording deeds, in the county of Hunterdon, whereupon the governor shall by letters patent under his hand and the seal of the state, create and erect the subscribers, (and if the said subscription be not full at the time then also those who shall afterwards subscribe to the numbers aforesaid) into one body politic and corporate in deed and in law, by the name, style and title so

Certificate to the Governor.

Governor to incorporate the subscribers.

chosen and certified as aforesaid, and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to 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, estates, real and personal as shall 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. Privileges.

4. *And be it enacted*, That the nine persons first named in the said letters patent shall as soon as conveniently may be after sealing the same, give notice in one or more of the public newspapers printed in Philadelphia, and in Doyletown, in the state of Pennsylvania, and in Trenton in the state of New Jersey, of a time and place by them to be appointed, not less than thirty days from the time of publishing the said notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers by ballot to be delivered in person or by proxy, duly authorized, one president, six managers, 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 chosen, and may make such bye-laws, rules, orders and regulations not inconsistent with the constitution or laws of this state, or of the United States, as shall be necessary for the well-ordering the affairs of the Meeting. Election. Bye-Laws.

said company: *Provided always*, That no person shall have more than ten votes at any election or in determining any question arising at such meeting, whatever number of shares he may hold, and that each person shall be entitled to one vote for every share by him held under the said number.

Votes.

5. *And be it enacted*, That the said stockholders shall meet on the last Monday in April in every succeeding year, at such place as shall be fixed by the rules and orders of said company, to be made as aforesaid, for the purpose of choosing such officers as aforesaid for the ensuing year and until others shall be chosen.

Annual election.

6. *And be it enacted*, That the president and managers first to be chosen as aforesaid shall procure certificates to be written or printed for all the shares of the stock of the said company, and shall deliver one such certificate signed by the president and counter-signed by the treasurer, and sealed with the seal of the corporation, to each person for every share by him subscribed and held, he paying to the treasurer in part of the sum due thereon the sum of ten dollars for each share, which certificate shall be transferable at his pleasure, in person or by his attorney in presence of the president or treasurer, subject however to the payments due, and that may grow due thereon, and the assignee holding any certificate having first caused the assignment to be entered in a book of the company, to be kept for that purpose, shall be a member of the corporation, and for every certificate by him held shall be entitled to one share of the capital stock, and of all estates and emoluments of the company, and to vote as aforesaid at the meeting thereof.

Certificates.

Assignments.

7. *And be it enacted*, That the said president and managers at such times and places, and being 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

Quorum of Managers.

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, superintendants, artists and other officers as they shall think necessary to carry on the said bridge, and to fix their salaries and other wages, to ascertain the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, in order to carry on the work, to draw orders on the treasurer for all monies to pay the salaries or wages of persons by them employed, and for the materials and labour done and provided, which orders shall be signed by the president, or in his absence by a majority of a quorum, and counter-signed by their clerk, and to do and transact all other such acts, matters and things as by the bye-laws, orders and regulations of the company shall be committed to them. Powers & duties.

8. *And be it enacted*, That if any stockholder after thirty days notice in some one of the public newspapers printed at Philadelphia, at Doyletown, and at Trenton, aforesaid, respectively, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, shall neglect to pay such proportion for the space of forty days after the time so appointed, every such stockholder or his assignee shall in addition to the dividend so called for pay after the rate of five per centum per month for every delay of such payment, and if the same and the additional penalties shall remain unpaid for such space of time that the accumulated penalties shall become equal to the sums before paid on account of such shares, the same shall be forfeited to the said company, and may and shall be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor. Neglect of payment. Penalty. Forfeiture.

9. *And be it enacted*, That after the place for the erection of the said bridge shall be fixed, and before

the said president and managers shall begin or proceed to build or erect the same, it shall and may be lawful for the said president and managers to contract and agree with the owner of any ferry whereon the said bridge is intended to be erected for the purchase of the same, and also with the 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 causeways to and from the same, if they can agree with the said owner and owners; but in case they cannot agree, then it shall and may be lawful for the said president and managers to apply to the supreme court of judicature of this state, who upon such application are hereby authorized and directed to appoint three discreet intelligent 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 carefully proceed to view and examine the said ferry 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 the necessary works and causeways to and from the same, and shall according to the best of their skill and judgment ascertain and estimate the value of the said ferry and the injury and damage which will be sustained by the owners thereof by erecting the said bridge, and also the injury and damage which will be sustained by the owner or owners of said lands and tenements so necessary to be taken as aforesaid, and having estimated the advantages as well as disadvantages which may be sustained by any owner or owners of such ferries, lands and tenements, shall make an appraisement thereof in writing under their hands and seals, and the same shall return, together with a map describing the metes and bounds of such lands and tenements, to the supreme court

Compensation for ferries, &c.

Appraisers.

Duties.

Return.

next after they shall have agreed upon and signed the same, and the said appraisement, having been confirmed by the said court, shall be filed in the clerk's office of the said court with the map aforesaid, and the said president and managers and company having paid to the said owners respectively the several sums awarded to be paid unto them, in and by the said appraisement, together with the costs of the said appraisors, at the rate of two dollars each and for every day employed in the said business, and their necessary expenses, the said corporation shall be entitled to have and to hold to them and their successors and assigns forever, the said ferry and 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 managers to enter upon the said lands and tenements, and to begin the building and erection of the said bridge.

Confirmation.

Title

10. *And be it enacted*, That it shall and may be lawful to and for the president and managers aforesaid, their superintendants, engineers, and artists of every kind, to enter into and upon all the lands, tenements and enclosures near to the place where the said bridge is to be built, and to examine the ground for the purpose of obtaining gravel or sand necessary for the building the said bridge, and that it shall and may be lawful for the said managers, overseers, superintendants, or any other person employed in building the said bridge, to enter with waggons, carts, sleds or sleighs, or beasts of burthen or draught, of any kind whatsoever, first giving notice to the owners, doing as little damage as possible, and repairing any breaches of fences they may have occasion to make, and first making amends for any damages that may be done, which damages shall be ascertained by the parties if they can agree, or if they cannot agree then by appraisement thereof to be made upon oath or affirmation

Lands may be entered on.

Damages.

by three indifferent freeholders of the neighborhood, or any two of them, to be mutually chosen, or if the owners, or managers, superintendants, 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 the said bridge.

Accounts.

11. *And be it enacted*, That the president and managers of the said company shall keep fair and just accounts of all the monies received by them, from the said commissioners, and from the subscribers to the stock of the said company, and of all penalties for delay in the payment thereof, and of the amount of profits, or shares that may be forfeited as aforesaid, and of all voluntary contributions, and also of all monies by them expended in the prosecution of the said work, and shall at least once in every 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, and if upon such liquidation, or whenever the whole capital stock of the company shall be nearly expended, it shall be found that the capital stock is not sufficient to complete the said bridge according to the true intent and meaning of this act, it shall and may be lawful for the president, managers and company, at a stated or special meeting to be convened according to the provisions of this act or their own bye-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand

Report.

Increase of stock.

and receive the monies subscribed for such shares in like manner and under the like penalties as are hereinbefore provided for the original subscription.

12. *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, and the said company, their successors and assigns may demand and receive toll from travellers and others agreeably to the following rates, to wit:—For every coach, landau, chariot, Phaeton, or other pleasurable carriage with four wheels, drawn by four horses the sum of seventy-five cents, and for the same carriages with two horses the sum of fifty cents; for every waggon with four horses the sum of sixty-three cents, and 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-eight cents, and for the same with one horse the sum of twenty-five cents; for a single horse and rider the sum of twelve and a half cents; for every led horse or mule the sum of six cents; for every foot passenger the sum of three cents; for every head of horned cattle the sum of three cents; for every sheep and swine the sum of one cent: *Provided always*, That the said bridge shall in no wise injure, stop or interrupt the navigation of the said river, or prevent boats or rafts from passing up or down, or boats from crossing or persons from fording the said river; *Provided also*, That no person shall receive any compensation for ferrying at any ferry which shall have been paid for by the said company.

Rates of Toll.

Proviso.

13. *And be it enacted*, That in fixing the toll of all carriages to be drawn wholly by oxen, or partly by horses and partly by oxen, two oxen shall be estimated equal to one horse, and the said

Toll for oxen.

company shall cause to be affixed and always kept up at the gates of the said bridge in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded.

Penalty for injuring bridge, &c.

14. *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, or iron, plank or planks, stone or stones, chain or chains, bolt or bolts or any other materials belonging to said bridge, or otherwise voluntarily 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, with costs of suit, to be paid to the treasurer aforesaid, and applied to the use of the said company.

Penalty for taking illegal toll, &c

15. *And be it enacted*, That if the said company, their successors and assigns, and whoever shall own or possess the said bridge shall collect or demand any greater rates or prices for the passing over the said bridge than what is hereinbefore 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 moiety thereof for the use of the poor of the township of Amwell, in the county of Hunterdon, in the state of New-Jersey, and of the township of Solebury, in the county of Bucks, in the state of Pennsylvania, and the other moiety for the use of the person who may sue for the same; *Provided always*, That no suit or action shall be brought unless within thirty days after such offence shall be committed.

Account of toll.

16. *And be it enacted*, That the said president, managers and company shall also keep a just and true account of all and every the monies 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 subscribers to the said company's stock, 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 the said bridge, and shall on every first Monday in April and October in every year publish the dividend to be made of the said clear profits thereof among the stockholders, and of the time and place where and when the same shall be paid, and shall cause the same to be paid accordingly. Dividend.

17. *And be it enacted*, That nothing in this act shall be deemed, taken or construed to authorize or empower the governor to incorporate or empower any persons subscribing as aforesaid to do any act, matter or thing herein mentioned until such time as the legislature of the Commonwealth of Pennsylvania shall by law vest the like power and authority in such subscribers to erect the said bridge and extend the same from the shore on the west side of the said river across the same to its opposite shore, with as full and ample powers, privileges, franchises and emoluments as to the subscribers are hereby given, and the said subscribers having such authority shall be incorporated as aforesaid, and shall proceed in the said work with all convenient speed, and if the said company shall not proceed to carry on the said work within the space of three years after they shall have been incorporated, or shall not within the space of eight years from the passing of this act complete the said bridge, it shall and may be lawful for the legislature of this state to resume all and singular the rights, liberties and privileges hereby granted to the said company. This act not to take effect till ratified by Pennsylvania. Charter how forfeited.

18. *And whereas*, The legislature of the state of Pennsylvania have not passed acts to meet and correspond with the acts of the legislature of this state, the one entitled "An act to authorize the

governor of this state to incorporate a company for the erection of a bridge over the Delaware river, at Mitchell's and Howell's ferry," passed the twenty-seventh day of November, one thousand eight hundred and nine, and the other entitled "An act to authorize the governor of this state to incorporate a company for erecting a bridge over the river Delaware at Joseph Lambert's, formerly Coryell's ferry," passed the 27th day of November one thousand eight hundred and nine, Therefore,

Former acts repealed.

Be it enacted, That the said recited acts be and they are hereby repealed.

C. Passed at Trenton, Feb. 18, 1811.

AN ACT to authorize the inhabitants of the township of Rahway in the county of Essex to rebuild a certain wharf therein mentioned.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the township committee of the township of Rahway, in the county of Essex, for and in behalf of the inhabitants thereof, to cause to be erected a good and sufficient wharf, on the public ground for that purpose formerly set apart, or laid out by the surveyors of the highway, at a place commonly known by the name of Shotwell's landing in said township, and to keep the same in repair, and when so erected and finished, they or their agent, or agents, shall be entitled to demand and receive wharfage at the following rates, viz.

Wharf.

Toll.

For each and every vessel of from ten to twenty tons burthen, six cents.
From twenty to thirty-five tons, eighteen cents.
From thirty-five to seventy-five tons, twenty-five cents.
And all vessels over seventy-five tons, thirty cents.

For every twenty-four hours they shall remain at said wharf, and in the same proportion for a longer or shorter time.

2. *And be it enacted*, That the monies arising from said wharf, shall be lodged in the hands of the clerk of said township for the time being, and shall, after defraying the expense of building said wharf, be applied to any public improvement in said township, as the inhabitants thereof shall at their annual town meetings from time to time order and direct. Proceeds.

3. *And be it enacted*, That no buildings or any obstructions, shall be erected or placed on said wharf, that shall have a tendency to prevent any vessel or vessels, who may resort to said wharf, from loading and unloading freely as formerly, by paying wharfage as aforesaid. Obstruction.

A. Passed at Trenton, Feb. 18, 1811.

AN ACT relative to the real estate of Derrick C. Westervelt, deceased.

WHEREAS it is represented to the Legislature that Derrick C. Westervelt, late of the township of Hackensack in the county of Bergen, died seized and possessed of certain real estate, situate in the township and county aforesaid, without having made any disposition thereof either by last will or testament, or otherwise, whereby the same descends to and amongst a number of children whom the said Derrick hath left to inherit the same. And whereas it is also represented that application hath been made to the orphans court of the county of Bergen, for the purpose of obtaining a partition of the said estate, and that commissioners were appointed for that purpose; but that the said real estate is so situated, an equal division of the same can- Preamble.

not be made, and all the children of the said Derrick who have come of age excepting Benjamin Westervelt, the eldest son, having joined in such representation, together with the widow of the said Derrick, the guardians and relatives of the minor children, and praying the interference of the Legislature in the premises; for remedy whereof--

Sec. 1. 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 Outwater, Isaac Kipp, and Christian A. Zabriskie, or any two of them, be and they are hereby appointed Trustees to take charge of, and in case the said Benjamin Westervelt, the eldest son of the said Derrick Westervelt, will consent to join them, to sell and dispose of all the real estate of the said Derrick C. Westervelt, whereof he died seized, situate lying and being in the county of Bergen, excepting that part which has by an order of the orphans court in and for the county of Bergen, been decreed to be sold for the payment of his debts, and that they or any two of them be and they are hereby vested with full power to join the said Benjamin in making any deed or deeds which may be necessary to carry such sale into effect which deed or deeds so executed and approved of as in this act hereafter directed, shall vest in the purchaser such right and title as the said Derrick C. Westervelt had in the premises at the time of his death, and all the right and title which his heirs now have, or at any time hereafter may have, of, in, and to the same.

Trustees.

Sale.

Title.

2. *And be it enacted*, That if the said Benjamin Westervelt shall refuse to join in the sale of the real estate aforesaid, or of any part thereof, that then and in such case it shall and may be lawful for the said John Outwater, Isaac Kipp, and Christian A. Zabriskie, or any two of them, and they or

Division.

any two of them, are hereby empowered to set off and apportion by metes and bounds a proportion of the said real estate, equal in value to what he is entitled to, by the act regulating the descent of real estates, which share or proportion so set off to the said Benjamin, shall be held by him, his heirs and assigns forever in severalty, and shall be in full satisfaction of, and a complete bar to, any claim which he the said Benjamin, his heirs or assigns now hath or may hereafter have to any other part of the said real estate of his father Derrick C. Westervelt, subject nevertheless to his mother's right of dower therein, any thing herein to the contrary notwithstanding.

3. *And be it enacted*, That if the said Benjamin shall refuse to join in the sale of the said real estate, and after the share or proportion thereof has been set off to him as aforesaid, that then it shall and may be lawful for the said John Outwater, Isaac Kipp, and Christian A. Zabriskie, or any two of them, to sell and dispose of the residue of the real estate aforesaid, situate in the county of Bergen, to execute any conveyance or conveyances, deed or deeds, necessary to effect such sale of the whole or any part of such residue, which conveyance or deed so executed and approved of as in this act hereafter directed, shall vest in the purchaser or purchasers as full complete and ample right and title to the said premises as the said Derrick C. Westervelt had at the time of his death or might legally claim of, in and to the same. Sale of Residue.

4. *And be it enacted*, That the said John Outwater, Isaac Kipp, and Christian A. Zabriskie, or any two of them, shall be entitled to receive all monies arising from the sale of any part or the whole of the real estate aforesaid, excepting such part if any, as shall be set off to the said Benjamin, and that they shall keep a just and true account of all sales so made as aforesaid, and of the monies arising therefrom, which account shall within six months after Account.

the sale of the real estate aforesaid, be by them exhibited to the orphans court of the county of Bergen, signed and sworn to by them before the surrogate of the said county.

Distribution.

5. *And be it enacted*, That the monies arising from the sale of the real estate aforesaid shall be appropriated as follows under the direction of the orphans court of the county of Bergen: The one third of the whole of the said monies shall be put out at interest on good security to be approved of by the said court, in the name of Mary Westervelt, the widow of the said Derrick C. Westervelt, in trust for herself, to have, take and receive the interest thereof during her life for her own use, which if she chooses to accept it shall be in lieu or satisfaction of her right of dower in the premises, out of which the same is raised, and after her death the principal to be divided amongst such of the children as are entitled to a share of the monies arising from the sale of the said real estate.

Settlement.

6. *And be it enacted*, That the said trustees shall have a reasonable allowance for their services and expences in the execution of the trust by this act delegated to them, of which they shall render an account to the orphans court aforesaid, under oath, to be examined by the said court, liquidated and taxed at what they think right and proper, and the amount so taxed shall be retained by the said Trustees out of the monies arising from the sale of the real estate aforesaid.

Distribution of residue.

7. *And be it enacted*, That after the deductions so directed to be made as aforesaid, the residue of the monies arising from the sale of the real estate aforesaid, and after the death of the widow the principal sum so as aforesaid put out for her use, shall be distributed amongst the heirs at law of the said Derrick C. Westervelt by the provisions of this act, entitled to the same in the same proportion as directed by the law regulating the descent of real estates of persons who die intestate, and

that the shares of the children who are minors shall be paid to the guardians of the said minors and by them appropriated agreeably to law: *Provided always*, That nothing in this section contained shall be so construed as to authorize Benjamin Westervelt to claim or recover any part of the said monies if his part of the estate shall be set off to him as directed in the second section of this act.

Limitation of this act.

8. *And be it enacted*, That nothing in this act contained shall be construed to affect any lien which any creditor may have on the premises directed to be sold, nor to include or affect any part of the real estate of the said Derrick C. Westervelt, heretofore ordered to be sold by the orphans court of the county of Bergen, for the payment of his debts.

Bond.

9. *And be it enacted*, That the said trustees or such or either of them, who shall accept of the trust delegated to them by this act, shall before he or they accept the same, give a bond to the Governor of this state, in such amount as shall be approved of by the orphans court aforesaid, conditioned for the faithful performance of the said trust, to be filed in the Surrogate's office of the county of Bergen, and if either of the trustees appointed as aforesaid, shall refuse to act, or depart this life, then and in such case, such one or more as shall accept or survive the other, shall, and he or they are hereby fully authorized and empowered to execute the trust by this act delegated to all intents and purposes contemplated by the same.

Discretion

10. *And be it enacted*, That the said trustees or trustee who shall accept the trust aforesaid, shall have full power in their or his discretion to sell or dispose of any part or the whole of the real estate aforesaid either for cash or on such payments as they or he may think advantageous, not to exceed two years, to be secured by a mortgage on the premises, with bond accompanying the same, bearing lawful interest.

11. *And be it enacted*, That no deed or convey-

ance so made as aforesaid, shall be deemed valid
Certificate or pass any right in the premises sold, unless a certificate be written on the same, signed by John I. Ackerman, Albert C. Zabriskie and Benjamin Westervelt, the eldest son of Derrick C. Westervelt, deceased, all of the township of Hackensack, or any two of them or the survivors of them, stating that the sale of the premises therein mentioned, and described, was bona fide made, and for the highest price that could be obtained for the same at the time such sale was made.

A. Passed at Trenton, Feb. 20, 1811.

AN ACT to authorize the ditching and draining of the Bog and Fly Meadow in Morris county.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby*
Company. *enacted by the authority of the same*, That the owners of the Bog and Fly Meadow, situate in Paquanonk township, Morris county, near Pompton plain church, shall be formed into a company
Name. and known by the name of the Bog and Fly Meadow Company.

2. *And be it enacted*, That Robert Colfax and Isaac Mead of the county of Morris, and Simeon Mead, of Bergen county, be and they are hereby
Managers. appointed managers until the annual meeting of the owners and others are chosen to serve in their
Meeting. places, that a meeting of the owners of said meadow shall be held on the fifteenth day of January in each year, the first meeting to be held at the house now occupied by John Mead, innkeeper, on Pompton Plains, and afterwards at such place as the said meeting may direct, and then and there by a plurality of votes to choose three managers for the
Election. ensuing year, and in the choice or election of man-

agers as aforesaid, every person owning and possessing ten acres of land shall have one vote, and one vote for every additional twenty acres of land to the number of four hundred acres, and one vote for every fifty acres above that quantity, and in case of neglect to choose managers, or in case of the death, refusal or inability of any person chosen, it shall be lawful for either of the managers or any three of the owners to call a meeting of the said company by advertisement in three of the most public places in the said township of Paquanack, and when met to choose a manager or managers as the case may require, who shall be vested with all the powers and subject to the same penalties as if chosen at the annual meeting.

Votes.

Special meeting.

3. *And be it enacted*, That all costs and expences the managers shall be at in ditching and draining said meadow shall be equally assessed from time to time by the managers, or a majority of them for the time being, upon the owners and possessors of the said meadow, in proportion as well to the quantity each person owns, or is possessed of as the benefits each shall receive therefrom.

Assessment.

4. *And be it enacted*, That if any person or persons shall think him, her or themselves aggrieved by any assessment made on him, her or them by virtue of this act, it shall and may be lawful for such person or persons to apply to John Debow, esquire, and John D. Piatt, of the county of Morris, and Cornelius Mersales, esquire, of the county of Bergen, who are hereby appointed commissioners of appeal in all such cases, to meet upon the land supposed to be over-taxed, giving notice to the managers of the time and place of meeting, the business of which commissioners shall be to view the land, and if it appears to them that any such person is over-taxed, to strike off such part of said tax as appears too much, and also such part of the additional expense of their attending and

Appeal.

viewing the same as shall appear to them just and reasonable, and the judgment of the commissioners or any two of them in writing shall be conclusive to the parties to all intents and purposes.

Collection.

5. *And be it enacted*, That if any person or persons who shall be assessed by the managers in manner aforesaid, shall neglect or refuse for the space of forty days after notice thereof to pay the money to said managers, or if they think themselves over-taxed to procure the commissioners to meet and determine the same, that then it shall and may be lawful for the managers or any two of them to make return of the names of the persons so taxed, with the sum which they were taxed, or which shall be adjudged due by the commissioners aforesaid to any justice of the peace of the county where such person resides, which justice upon the managers making oath that the tax has been demanded forty days previous thereto, shall immediately issue his warrant of distress, directed to any of the constables of said county, commanding him within thirty days to seize upon the goods and chattels of such delinquent, and to make sale of the same, or so much thereof as may be sufficient to pay the same so assessed, together with costs, and to pay forward the amount of such tax to the managers for the time being, and the justice and constable shall receive the same fees, and be liable to the same penalties as in actions of debt.

Lands liable.

6. *And be it enacted*, That where no goods can be found, or where the delinquent lives out of this state, all and singular the land and meadow lying within the bounds of the bog and fly meadow aforesaid, of every such owner or possessor shall be esteemed a pledge for the payment of the tax into whosoever hands they may come, and the manager or managers may enter into, and after giving forty days notice by advertisement in three public places in that vicinity, sell the same at pub-

Sale.

lic vendue, to the highest bidder for such a term of time as will discharge the tax and cost: *Provided always*, That such owner or owners by themselves or agents shall at any time after sale as aforesaid have the privilege of redeeming the lands so sold by paying the taxes and costs incurred thereon. Redemption.

7. *And be it enacted*, That the managers shall procure a proper and sizeable book, in which they shall make fair entries of all their proceedings, and state a fair account of all monies by them received and expended by virtue of this act, which book and the balance of the money remaining in their hands they shall deliver over to their successors in office, and the managers shall be allowed out of the monies by them received by virtue of this act, one dollar for every day each of them shall necessarily attend in and about the several matters enjoined on them by this act. Record.

8. *And be it enacted*, That it shall not be lawful for the managers to lay more than two principal ditches through the meadow, and shall clear up and straighten the Beaver-dam brook from the Pequanonk river to where the ditch or ditches empty into the said Beaver-dam brook, and thus extending up the brook to the western line of said meadow according to a survey or map made thereof by Theunis Ryerson, twentieth September eighteen hundred and ten. Managers duty.

9. *And be it enacted*, That the said managers shall commence their operations at Pequanonk river, and shall clear, straighten and ditch the Beaver-dam brook from said river to the meadow (at the expense of the owners of the Bog and Fly Meadows) before they proceed to open any ditch within the meadow. Commencement.

A. Passed at Trenton, Feb. 20, 1811.

AN ACT to incorporate the New-Jersey Copper-Mine Company.

Preamble.

WHEREAS John A. Schuyler and Arent Schuyler, citizens of the state of New-Jersey, by their petition to the legislature of this state, have set forth that they are the owners of eight ninth parts of the copper mine, situate in the county of Bergen, in this state, which mine was held under lease from the petitioners by Nicholas J. Rooswelt, who with his associates were incorporated by an act of the legislature of this state, passed the twenty-seventh day of November, in the year of our Lord one thousand eight hundred and one, under the name of the Soho Company, for the purpose of working and carrying on the said mine, but that nothing was ever done by the said company in working and carrying on the said mine, and that the said Nicholas J. Rooswelt hath since surrendered to the petitioners his said lease, by reason whereof the said company is dissolved, and whereas the said petitioners, by their said petition have represented to this Legislature that they believe and expect that they will be able to work and carry on the said mine with the assistance of persons who will associate with them for that purpose, provided they can obtain an act of incorporation, by means of which the private property of adventurers will be secure from loss, and whereas it will be of great public benefit in the opinion of this Legislature that the said mine should be worked—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 A. Schuyler, Arent Schuyler, Elisha Boudinot, Samuel Boyd, David B. Ogden, Edward Blackford, Edmund William Kingsland, and such other per-

Associates

sons as have or may associate with them for the purpose, shall and hereby are declared to be a body corporate and politic in name and in fact, by the name and style of the New-Jersey copper-mine company, and that they and their successors by such name shall have power and be capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts of judicature whatsoever and wheresoever, and also of contracting and being contracted with relative to the purposes and business for which the said corporation is hereby created as hereafter declared, and the said corporation shall and may have a common seal, and may destroy and renew or alter the same at their pleasure. Name. Powers.

2. *And be it enacted*, That the said corporation hereby created, is so created for the sole purpose of working, carrying on and conducting the business and operations of a copper mine and metal company, and for no other purpose whatever; and that the capital stock of the said corporation shall not exceed two hundred and fifty thousand dollars, and shall be divided into shares of twenty-five dollars each. Purpose. Stock.

3. *And be it enacted*, That the said corporation hereby created shall have power to purchase and hold such and so much real estate as shall be necessary and convenient for the use of the said corporation, its officers and servants for transacting its business and the accommodation of the persons employed therein, not exceeding in value in the whole, the sum of two hundred thousand dollars; and also to receive, take and hold as mortgagee any real estate or chattles real bona fide mortgaged or pledged to the said corporation either to secure the payment of shares in the capital stock thereof or to secure the payment of any debt which may become due to the said corporation by any means howsoever, and the said corporation shall also have power to proceed in the said mortgages for the recov- Privileges.

ery of the money thereby secured either at law or in 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 either by virtue of a judgment at law, or decree or order of a court of equity, or otherwise, to receive and take any real estate in payment, or towards satisfaction of any debt due to the said corporation, and to hold such real estate so to be purchased, received or taken as last aforesaid, until they can conveniently sell and convert the same into money or other personal property.

Directors.

4. *And be it enacted*, That the affairs of the said corporation shall be under the direction and controul of seven directors, to be chosen by and selected from the stockholders for the time being, by a plurality of votes, each share of the said stock being entitled to one vote; and the said directors shall by plurality of votes choose one from among themselves to be their president, which president and directors shall continue in office for one year, and until others shall be duly elected to supply their place, and shall enter upon the duties of their said offices; *Provided always*, That whenever the said president or any of the said directors shall cease to be a stockholder in the said company, his or their office shall cease and determine, and another or others shall be chosen in his or their stead by the directors for the time being, by a plurality of the votes of the said directors or such of them as shall be present at a meeting of the directors to be convened for that purpose, and in like manner whenever the said president or any other of the said directors shall die or resign, another or others shall be chosen in his or their stead as last aforesaid, and the said person or persons to be chosen as aforesaid, shall continue in office until the next election of directors shall be made by the stockholders.

President.

Proviso.

First Directors.

5. *And be it enacted*, That the first directors of the said company shall be John A. Schuyler, Arent

Schuyler, Elisha Boudinot, Samuel Boyd, David B. Ogden, Edward Blackford and Edmund W. Kingsland, who shall continue in office until others shall be chosen in their stead, in manner hereinafter directed and provided.

6. *And be it enacted*, That the future directors of the said company shall be annually chosen by the stockholders of the said company in manner aforesaid, on the first Tuesday of May in every year, who shall enter upon the duties of their office on the first Tuesday of June thereafter; that the said election shall be at such place and at such time of the day as the directors for the time being, or a major part of them shall direct and appoint, and which shall be notified in two or more public newspapers printed in the city of New-York for at least thirty days previous to the said election. Elections.

7. *And be it enacted*, That the said president and directors for the time being, or a major part of them shall have power and authority from time to time to appoint and employ a secretary and such other officers, ministers and artificers and servants as they may think proper for the transaction of the business and concerns of the said corporation; and to pay them such wages or compensation for their services as they shall think fit, and to displace and discharge them at pleasure; and also to make and establish such bye-laws, rules and regulations as they shall think expedient for the better management and government of the concerns, officers, artificers and servants of the said corporation, so that such byelaws, rules and regulations be not inconsistent with the constitution and laws of the United States and this state; and to abolish or alter such bye-laws, rules and regulations at pleasure, and to declare and make dividends of the profits accruing to the said corporation, by such business as they may lawfully follow or transact, among the stockholders, and at such times and in such portions as to them shall seem meet. Officers. Bye laws.

8. *And be it enacted*, That if it should happen

Special Meetings.

that an election of directors should not take place in any year on the day herein for that purpose mentioned, the said corporation shall not for that reason be dissolved, but such election may thereafter be held on such convenient day as may for that purpose be fixed on by the directors, they causing such public notice thereof to be given as is hereinbefore required for an election on the days hereby designated for that purpose.

A. Passed at Trenton, Feb. 22, 1811.

AN ACT authorizing the President and Trustees of Haynesburg School to execute a certain trust therein mentioned.

WHEREAS Henry Haines late of the township of Knowlton, in the county of Sussex, deceased, in and by his last will and testament, bearing date the eighth day of April, in the year of our Lord one thousand seven hundred and ninety-one, amongst other things did give and bequeath unto a certain school in the township of Knowlton aforesaid, by the name of a school near Jonathan Hill's bridge, the sum of fifty pounds, which sum was directed to be placed on interest and the interest thereof to be laid out for books and learning of poor children, whose parents were not able to pay for them—which benevolent purpose has not been carried into effect by the executors of the said last will and testament. —And whereas since the decease of the testator the said school has become a body politic and corporate, in fact, name and law, by virtue and in pursuance of the act of the legislature of this state, entitled An act to incorporate societies for the promotion of learning, passed the twenty-seventh day of November in the year of our Lord one thousand seven hundred and ninety-four, by the name, style and title of "The Haynesburg School;" and have prayed the aid

of the legislature for the purposes of enabling them to avail themselves of the benefits of the said donation—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 president and trustees of the Haynesburg school, and their successors by the name, style and title of "The Haynesburg School" shall have full power and authority to ask, demand, sue for, recover and receive of and from the executors or administrators, or other persons holding, or who may hold the same, all the said principal sum or donation of fifty pounds, together with the interest thereof, from within one year after the decease of the said Henry Haines, or the residue of the said interest which shall not have been expended pursuant to the will of the said testator.

2. *And be it enacted*, That the said president and trustees of the said school and their successors, by the name, style and title of "The Haynesburg School," shall have full power and authority to ask, demand, sue for and recover and receive of and from the executors of the said Henry Haines, deceased, their executors or administrators, or other person or persons holding, or who may hold the same, all the said principal sum or donation of fifty pounds, together with the interest thereof from within one year after the decease of the said Henry Haines, or the residue of the said interest which shall not have been expended pursuant to the will of the said testator,

3. *And be it enacted*, That the said president and trustees by the name, style and title aforesaid, shall have full power and authority after receiving the said sum of money with the interest due or that may grow due thereon, to loan or place the same out to interest, and take such good and sufficient notes, bonds, obligations, mortgages and sureties for the same, payable at such time and in such manner as they shall see fit, and to call in the same, and again loan or place out on interest from

time to time as they shall find it expedient, and to apply the interest accruing thereon, or such parts thereof as they may think necessary to the purpose of providing school books and paying for the education of poor children in the said school, and to no other purpose.

A. Passed at Trenton, Feb. 22, 1811.

AN ACT to appoint Trustees to sell and convey the real estate of Samuel Corey late of the county of Essex, deceased.

Preamble.

WHEREAS Samuel Corey late of the township of New Providence in the county of Essex died intestate and without issue seized and possessed of a plantation or tract of land situated in the counties of Somerset and Essex containing about one hundred acres of land—And whereas it is represented by the petition of Betsy Townley, late widow of the said Samuel Corey, and of Benjamin Corey, junior, in behalf of himself and as guardian of the children of Andrew Corey, deceased, and of three of the children of Joseph Corey, deceased, Polly Pierson, late Corey, wife of Sylvanus Pierson, William Corey and Joseph Corey heirs at law of the said Samuel Corey, that the said real estate cannot be sold on account of a number of the said heirs being minors and that the same is not susceptible of division, or if divided would greatly lessen the value thereof, and praying that a law may be passed to appoint trustees to sell the same, all which appearing reasonable—THEREFORE,

Trustees.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That Benjamin Corey, junior, and David Osborne, administrators of the said deceased, and the survivor of them, be, and they are hereby appointed trustees with full power to sell dispose of and convey the

said lands and real estate above described, as soon as conveniently may be for the highest sum or sums of money the same will bring, and for the same or any part thereof when thus sold to make execute and deliver in due form of law in their own names or in the name of the survivor of them as trustees aforesaid good and sufficient deed or deeds of conveyance according to the estate, title and interest which the said Samuel Corey had in the same, which sale or sales being made and confirmed by deed and certified as hereinafter directed shall entitle the purchaser or purchasers to all the estate, right, title, interest claim and demand which the said Samuel Corey had in the premises at the time of his death and which the heirs and widow of the said Samuel Corey, deceased, now have in and to the same. Sales. Title.

2. *And be it enacted*, That the said trustees shall keep a fair account of all their sales of the said lands and real estate so by them to be sold as aforesaid, and after deducting reasonable fees for their services to be allowed by the orphans court of the county of Essex and the costs and charges attending the said sales and discharge of their trust, and after paying such just and lawful debts of the said Samuel Corey as his personal estate may not be sufficient to answer if any such there be, distribute all the residue of the monies so arising from the sale of the said lands and real estate to and among the heirs of the said Samuel Corey according to and in the manner and proportion prescribed by the law directing the descent of real estate in the state of New-Jersey, when such heirs shall be of full age or married, and during the minority of any of such heirs or inability to receive their proportion of the real estate of the said deceased or of their portion of the amount of the sales which by this act they would be entitled to, then to his her or their guardian or guardians : *Provided nevertheless*, That the said Benjamin Corey, junior, and David Osborne, or the survivor of them shall or may retain and put out to use one equal third part of the net proceeds Account. Distribution. Proviso.

of the sales so by this act directed to be made during the life of the said Betsey Townley, and pay to her yearly and every year during her said life the interest arising from the said one equal third part of the said net proceeds, in lieu and full satisfaction of her dower, and that after her decease the said one equal third part shall be distributed by the said Benjamin Corey, junior, and David Osborne, or the survivor of them, or the executors or administrators of such survivor to and among the heirs of the said Samuel Corey in the manner above directed in and by this section.

Bond.

3. *And be it enacted*, That before the said Benjamin Corey, junior, and David Osborne do enter into the execution of the trust assigned them by this act they do enter into a bond with surety and to such an amount to the Governor of this state as shall be approved of by the orphans court of the county of Essex, conditioned for the true and faithful performance of the trust assigned them by this act, which bond shall be deposited in the office of the Secretary of state of this state; *Provided always*, That no deed or conveyance of such land or real estate made by the trustees aforesaid shall be valid unless it be certified in or upon such deed or conveyance by Charles Clark, Jonathan Woodruff and Samuel B. Miller, or the survivors or survivor of them under their hands and seals, that such sale is made bona fide for the highest price that could be obtained for such property at the time of such sale.

Certificate

Statement.

4. *And be it enacted*, That the said Benjamin Corey and David Osborne or the survivor of them shall within six months after the sale of the lands and real estate aforesaid make subscribe and exhibit, under oath, unto the Surrogate of the county of Essex an exact statement of the amount of the sale or sales, to be by him recorded and filed agreeably to law, and that the said Benjamin Corey, and David Osborne shall be accountable for all monies by them or either of them received by virtue of this act.

A. Passed at Trenton, Feb. 22, 1811.

AN ACT relative to certain parts of the real estate of John Abbott, late of the county of Burlington, deceased.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That Joseph Abbott and Susan Abbott, administrator and administratrix of the estate of John Abbott, of the county of Burlington, deceased, be and they are hereby authorized to make deeds severally to William Pearson, Abraham Suydam, and Philip Mershon of the county of Burlington, and John Welsh, of the county of Cumberland, for lands sold them by said John Abbott during his life, but for which no deeds were given; which deeds so made by the administrator and administratrix aforesaid, shall be as good and valid in law as if the same had been made by said John Abbott during his life.

A. Passed at Trenton, Feb. 22, 1811.

AN ACT for the relief of James Steward.

Sec. 1. 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 bona fide purchases of land and real estate within this state, made by James Steward, of the township of Newark in the county of Essex, Brewer, before the second day of January, in the year of our Lord one thousand eight hundred and eleven, being the day on which the said James Steward signified his desire to become a citizen of the United States of America, and made report thereof agreeably to the direction of the act of Congress in such case made and provided; and all deeds and conveyances of land and real estate within this state, made before that day, to the said James Steward shall be as good and valid, and have the same operation and effect as if the said James Steward had been a naturalised citizen of the said United States at the

time of signifying his desire to become a citizen thereof as aforesaid.

2. *And be it enacted*, That all deeds and conveyances which shall hereafter be made by the said James Steward of any of the lands and real estate by him purchased as aforesaid within this state previous to the second day of January in the year of our Lord one thousand eight hundred and eleven, shall be as good, and have the same operation and effect as if the said James Steward had been a naturalized citizen of the United States, at the time of the purchase thereof.

A. Passed at Trenton, Feb. 23, 1811.

AN ACT to confirm the last will and testament of William Brown, late of the city of Philadelphia, deceased.

WHEREAS William Brown late of the state of Pennsylvania having duly made his last will and testament agreeably to the laws of that state, by executing the same in the presence of two subscribing witnesses, which cannot be proceeded on agreeably to the laws of New-Jersey as to the disposition of the real estate therein mentioned, by reason of the same requiring three witnesses—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 last will and testament of William Brown bearing date the twenty-seventh day of January eighteen hundred and seven, shall be and the same is hereby declared to be as good and valid in every respect as if the same had been executed in the presence of three subscribing witnesses agreeably to the laws of New-Jersey, any act or acts to the contrary thereof notwithstanding.

A. Passed at Trenton, Feb. 23, 1811.

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