PUBLIC ACTS.

ACTS

OF THE

FORTY-THIRD

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY,

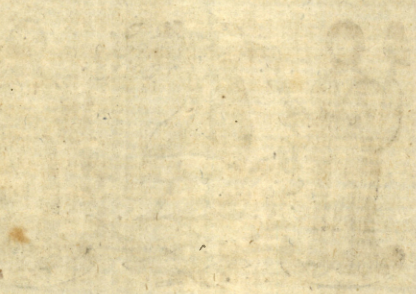
AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-SEVENTH DAY OF OCTOBER, ONE THOUSAND EIGHT HUNDRED AND EIGHTEEN.



TRENTON:

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1819.



ACTS

OF THE

FORTY-THIRD

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY.

An act to prohibit the exportation of Slaves or Servants of Colour out of this State.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That no negro, or other slave, or servant of colour, for life or years, shall hereafter be removed, exported, or carried out of this state, except as herein after provided.

Penalty for exporting slaves contrary to the provisions of this act.

Sec. 2. *And be it enacted*, That if any person shall send to sea or export, or attempt to export from this state, or send or carry out of, or attempt to send or carry out of this state, except as is by this act provided, any slave or servant of colour, for life or years, every person so exporting or attempting to export, or sending or carrying out of this state, or attempting to send or carry out of this state, such slave or servant, and his, her, or their aiders and abettors shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine, not less than one thousand, nor more than two thousand dollars, or imprisoned at hard labour for any term not less than two, nor more than four years, or both at the discretion of the court. *And further*, that every slave or servant so exported, or carried out of this state, or attempted to be exported or carried out of this state, or sent to sea, shall be free.

And slaves to be free.

Not to be transferred to non-residents; and penalty therefor.

Sec. 3. *And be it enacted*, That if any person shall hereafter sell, transfer, or assign any slave or servant of colour, for life or years, to any non-resident, or person not being an inhabitant of this state, or to any person intending to remove, or export, or

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carry such slave or servant out of this state, every person so knowingly selling, transferring, or assigning such slave or servant, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by fine not less than five hundred, nor more than one thousand dollars, or by imprisonment not less than one year nor more than two years, or both at the discretion of the court. *And further*, that every slave or servant so sold, transferred, or assigned to any non-resident, or person not being an inhabitant of this state, or to any person intending to remove, or export, or carry away such slave or servant, out of this state, shall be free.

And slaves to be free.

Sec. 4. *And be it enacted*, That if any person shall purchase or take a transfer or assignment, of any slave or servant of colour, for life or years, with a design or intent to export or send or carry such slave or servant out of this state, such person shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by fine not less than one thousand, nor more than two thousand dollars, or by imprisonment at hard labour, not less than two, nor more than four years, or both, at the discretion of the court. *And further*, that every slave or servant so purchased, transferred, or assigned, shall be free.

Penalty on the purchaser.

Sec. 5. *And be it enacted*, That if any person or persons shall fit out, equip, or man, or otherwise prepare any ship or other vessel, to sail from any port or harbour of this state, for the purpose of exporting or carrying out of this state, or sending to sea, any slave or servant of colour, for life or years, such ship or vessel, her cargo, tackle, furniture, and apparel shall be forfeited, and shall and may be seized by any justice of the peace, sheriff, or coroner within the state, and prosecuted by such justice, sheriff, or coroner, making such seizure, by information in *rem* in the Supreme Court or the Inferior Court of Common Pleas of the county in which such seizure shall be made.

The fitting out of vessels, for exporting slaves prohibited.

By whom to be seized.

Sec. 6. *And be it enacted*, That every ship or vessel, with her cargo, tackle, furniture, and apparel so seized, as aforesaid, and against which judgment shall be had and obtained, shall by order of the court in which such judgment shall be had, be sold by the sheriff of the county in which such seizure was made, or in case the said sheriff be a party to the prosecution, then by one of the coroners of such county, who after deducting all legal costs and charges, to be taxed by the court in which said judgment was had, and two per cent on the amount of such sale; shall pay one half of the nett proceeds thereof to the collector of the county in which the seizure was made, for the use of the state, and the remaining part thereof to the person or persons making such seizure and prosecuting the same to effect.

Vessels to be sold, and by whom.

To whom the proceeds to be paid.

Sec. 7. *And be it enacted*, That it shall be lawful for any justice of the peace, sheriff, or coroner of any county within this state, to go on board of or enter any ship or vessel lying in any port or harbour of the state, for the purpose of making the seizure

Officers authorized to go on board such vessel.

aforesaid, and if any master, seaman, or other person, on board such ship or vessel, shall refuse or not suffer to enter, or resist before or after entering on board such ship or vessel, any justice of the peace, sheriff, or coroner, attempting to enter on board, or being already on board such ship or vessel, for the purpose of making such seizure as aforesaid, every person so refusing or resisting, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not less than one thousand, nor more than two thousand dollars, or imprisonment at hard labour not less than two, nor more than four years, or both at the discretion of the court.

Penalty on resisting the officers.

Sec. 8. *And be it enacted*, That it shall be lawful for every person who shall have resided five years within this state, and who shall be about to remove permanently therefrom, to carry with him or her, every such slave as shall have been the property of such person, during five years next preceding: *Provided always*, that before such person shall attempt to carry away such slave, out of this state, he or she shall make satisfactory proof before the Court of Common Pleas, of the county in which he or she last resided, that such slave hath been his or her property during five years then next preceding; and shall also prove to the satisfaction of the said court, by the oath or affirmation of two credible witnesses, that such person intending to carry away such slave out of this state, hath resided within this state, five years next preceding, and that such slave hath been in the service or employ of such person, as a slave, during that time, and shall obtain from said court, a license under the seal of the court, to carry such slave out of this state; and *Provided also*, that such slave be of full age, and shall have consented to be carried out of this state, upon private examination before the presiding judge of said court, or in case of his absence, before any two other judges of the same, whose certificate of such consent shall be then and there produced to the court, before the granting of such license as aforesaid.

Who may carry away their slaves.

What is to be done previous thereto.

Sec. 9. *And be it enacted*, That every master of a vessel, who shall knowingly receive on board such vessel, for the purpose of carrying out of this state, any slave, for whose exportation a licence hath not been obtained, as herein before directed, or who having ignorantly received such slave, shall suffer such slave to depart from his said vessel, in any place out of this state, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by fine not less than one thousand, nor more than two thousand dollars, or imprisonment not less than two, nor more than four years, or both, at the discretion of the court.

Penalty on masters of vessels for breach of this act.

Sec. 10. *And be it enacted*, That it shall be lawful for any inhabitant of this state, going out of the same, on a journey to any other part of the United States, or for necessary business, to take with him or her any such slave or servant as aforesaid; but such inhabitant shall bring back such slave or servant, and in default thereof, shall be deemed guilty of a misdemeanor, and

Privilege of persons going a journey, as to their slaves.

on conviction, shall be punished by fine not less than five hundred, nor more than one thousand dollars, or by imprisonment not less than one year, nor more than two years, or both, at the discretion of the court; unless such inhabitant shall make proof, within six months after his or her return, to the satisfaction of two of the judges of the Court of Common Pleas, of the county in which he or she shall reside, that every such slave or servant not brought back as aforesaid, could not be brought back by reason of some unavoidable accident; and unless such person shall forthwith file a certificate of having made such proof as aforesaid, signed by the said judges, in the office of the clerk of said county. And every slave or servant so taken out of this state, and not brought back as aforesaid, shall be free: *Provided* that nothing herein contained shall be so construed as to authorize or allow the taking away such slave or servant in any ship or vessel going to sea.

Certain cases excepted.

Sec. 11. *And be it enacted*, That nothing herein contained shall be so construed, as to prevent the sending away or exporting out of this state, any slave who may be convicted and sentenced to transportation by virtue of the act entitled "A Supplement to the Act entitled an Act for the Punishment of Crimes," passed the eighteenth day of March, one thousand seven hundred and ninety-six, and which was passed the seventh of March, one thousand eight hundred and one.

Not to extend to travellers.

Sect. 12. *And be it enacted*, That it shall be lawful for any person, not an inhabitant of this state, who shall be travelling to or from, or passing through this state, to bring with him or her any slave, and take such slave with him or her, from this state.

Acts repealed,

Sec. 13. *And be it enacted*, That the act entitled "An Act Supplemental to the act entitled an Act respecting Slaves;" passed the first day of February, one thousand eight hundred and twelve: and so much of any other act or acts as comes within the purview of this act, be, and the same is hereby repealed. *Provided always*, that such repeal shall in no wise affect or annul any indictment or other proceeding, had or to be had under the said act or acts, for offences against the same, but that the same shall and may be proceeded in and prosecuted to effect in regard to all or any offences heretofore committed against those acts, or any of them in the same way, as if this act had not been made.

but not to affect certain proceedings.

A. Passed November 5, 1818.

An Act to repeal part of an act entitled "An act for the relief of persons Imprisoned for Debt."

Sec. 1. 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 nineteenth section of the act, entitled "An Act for the relief of persons imprisoned for debt," passed the eighteenth day of March, one thousand seven hundred and ninety-five, be, and the same is hereby repealed.

A. Passed January 13, 1819.

An Act directing the further Distribution of the Laws of this State.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the Governor of this state be, and he is hereby authorised and requested to transmit to the executive of each state and territory within the United States, for the use of the executives and legislatures of the respective states and territories, three copies of the public laws, passed during the present session of the legislature; and to transmit annually hereafter, as above directed, three copies of all the public laws that may be passed at every subsequent session thereof.

A. Passed January 22, 1819.

An Act respecting Fugitives from justice.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That whenever a person, charged in this state, with treason, felony, or other crime, shall flee from justice, and be found in another state, and the Attorney General shall recommend to the Governor, or person administering the government of this state, to demand the said fugitive, so that he may be brought into this state for trial, and the said fugitive shall on demand of the executive authority of this state, be delivered up and removed to this state, the expenses of such removal being first ascertained to the satisfaction of the Governor, or person ad-

ministering the government, shall on warrant from him, be paid by the treasurer of this state, out of any monies in his hands not otherwise appropriated.

A. Passed January 28, 1819.

An Act to repeal an act, entitled "An act to ascertain the state of Manufactories in this State, passed February eleventh, one thousand eight hundred and fourteen.

Sec. 1. 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 ascertain the state of Manufactories in this State," passed at Trenton, February eleventh, one thousand eight hundred and fourteen, be, and the same is hereby repealed.

A. Passed February 6, 1819.

A further Supplement to the act entitled "An act respecting the Court of Chancery."

When and where to be held.

Sec. 1. 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 Court of Chancery of this state shall hold annually, at Trenton, four stated terms, commencing the third Tuesday in January, the first Tuesday in April, the second Tuesday of July, and the second Tuesday of October, and such special terms, at the same or any other place, as the said court shall, from time to time, appoint; and that all writs and other process already issued and returnable to the next stated term of the said court, shall be returned on the first Tuesday in April next, the day of return in the said writs and process mentioned notwithstanding.

Relating to the sale of the mortgaged premises, and the application of the proceeds of the sale.

Sec. 2. *And be it enacted,* That when a decree of the said court shall be made for the sale of mortgaged premises, for the non-payment of any portion or instalment of the debt or demand intended to be secured by the mortgage, or for the non-payment of interest only, and it shall appear to the said court that a part of the mortgaged premises cannot be sold to satisfy the amount to be raised by virtue of the decree, without material in-

jury to the remaining part of the mortgaged premises, and that it is just and reasonable that the whole of the said premises should be sold together, it shall and may be lawful for the said court to decree a sale to be made of the whole of the said mortgaged premises, and to apply the proceeds of the sale of the said premises, or so much thereof as shall be necessary, as well to the payment of the interest, instalment or portion, and costs then due and payable, as towards the payment of the whole or residue of the debt or demand which hath not become due and payable—and the residue of the proceeds of the said sale, to be paid to the person or persons entitled to receive the same, or to be brought into court to abide the further order of the court, as the equity and the circumstances of the case may require. *Provided always*, that when the residue of the debt or demand intended to be secured by the said mortgage is payable at a future day, without interest, the said court shall deduct a rebate of legal interest for what the complainant or complainants shall receive on such residue of the debt or demand, to be computed from the actual payment thereof to the time such residue of the debt or demand would have become due and payable. Proviso.

Sec. 3. *And be it enacted*, That it shall be lawful for the Chancellor to cause any monies brought into the said court to be deposited by the clerk of the said court, in his name as clerk, in one of the banks in this state, or to be invested in any public stock of the United States, and the money so deposited, or public stock, shall be from time to time accounted for, invested, transferred or disposed of as the said court shall deem just and reasonable; and on the resignation, death or removal of any clerk of the said court, all monies deposited in either of the said banks to the credit of the said clerk, shall be carried to the account of his successor in office, and the said banks shall take notice thereof, and transfer such accounts accordingly; and the chancellor may from time to time make such rules and regulations respecting such deposits and investments, as to him shall appear just and right, and for the interest of those concerned therein. In what manner money brought into Court, shall be deposited and accounted for.

Sec. 4. *And be it enacted*, That the first section of the act entitled "An act respecting the Court of Chancery," passed the 13th of June 1799, be and the same is hereby repealed.

A. Passed February 6, 1819.

An Act relating to the publication of the Laws and Proceedings of the Legislature of this State.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the laws of this state, the votes and proceedings of the House of Assembly, the journals of Council, and minutes of Joint-meeting, shall hereafter be printed on good paper, in royal octavo form, with small pica type, in the same manner and form as the laws of the United States are now printed, and that the same be well stitched in pamphlet form.

A. Passed January 13, 1819.

A further Supplement to an act, entitled "An act to regulate the fisheries in the river Delaware, and for other purposes," passed November twenty-sixth, one thousand eight 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 whereever any fishery is occupied upon the river Delaware, from the Station Point or north-west corner of this state, down opposite to the circular boundary of the state of Delaware, either the owner or tenant, or some respectable person appointed by the owner or owners, shall apply to the clerk of the county wherein such fishery may be situated, and give a bond, with one or more sufficient sureties, to the said clerk and his successors in office, in the penal sum of three hundred dollars, conditioned for the payment to the collector of that county of all the fines and penalties created or given by this act, and the act to which this is a supplement, that shall or may be incurred and recovered for any offence against, or infraction of the said act or acts, committed at such fishery by his or their command or permission, during his or their occupying the same; and shall also give unto the said clerk, a description in writing of his or their pool or fishing place, together with the name of the township or place in which it is situated, and the number of men generally employed in fishing, which, together with the bond, the clerk shall file in his office, and give to him or them a receipt for the same, on paying him therefor seventy-five cents; which said bond shall remain as a security for all such fines or penalties as may be incurred or recovered during his or their occupying the said pool or fishing place. And, if any person or persons shall fish

Bond to be given;

condition.

Description of fishery. Where situated &c.

with any seine or net in the river Delaware, within the limits aforesaid, without having previously entered his or their fishery as aforesaid, he or they shall forfeit and pay for each person and every such offence, the sum of one hundred dollars, with costs of suit, to be sued for and recovered in any court of competent jurisdiction, by any person or persons who will sue for the same; and if any person or persons shall fish at any fishery that has been entered as aforesaid, without permission from him or them entering the same, he or they so offending shall forfeit and pay for each person and every such offence, the sum of two hundred dollars, with costs of suit, to be sued for and recovered in any court of competent jurisdiction, by him or them who have entered the same.

Penalty for not complying with the provisions of this act.

Sec. 2. *And be it enacted*, That all and each of the penalties created, given, or contained in this act, or the act to which this is a supplement, excepting the penalty of two hundred dollars, contained in the preceding section, shall be sued for and recovered by action of debt, with costs of suit, in any court of competent jurisdiction, by any person or persons who will sue for the same, one half to the use of the prosecutor or prosecutors, and the other half for the use of the state.

Penalties recovered, and to whose use.

Sec. 3. *And be it enacted*, That in all and every action or suit, for any fine or penalty given or created by this act, or the act to which this is a supplement, the person prosecuting shall and may sue by warrant or summons, in case the same is commenced in the court for the trial of small causes, or by capias ad respondendum, or summons, in case the action is commenced in any other court, any law or usage to the contrary, notwithstanding.

Manner of prosecuting for penalties.

Sec. 4. *And be it enacted*, That all and every part of the act, to which this is a supplement, and of the supplementary acts thereto, as comes within the purview of this act, be, and the same are hereby repealed: *Provided* that this act shall not be considered as valid or operative, until the legislature of the state of Pennsylvania shall approve of the same, by enacting a similar law.

Repealing clause.

When to be in force.

A. Passed February 9, 1819.

A Supplement to the act, entitled "An act for regulating references, and determining controversies by arbitration.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That in all cases where a submission shall be made

to arbitration, it shall be lawful for any justice of the peace within the county wherein such arbitration may be, to issue subpœnas for any witness or witnesses, to appear before the arbitrator or arbitrators, and for him or such arbitrator or arbitrators to swear, or affirm, such or any other witnesses before the same; and if any such witness or witnesses, shall not appear when so subpœnaed, or, if appearing, shall refuse to be sworn or affirmed, and give evidence, he or she, so defaulting or refusing, shall be liable to the same fines and penalties, as he or she would be by law, in any court of record in this state.

Relates to witnesses before arbitrators.

Sec. 2. *And be it enacted*, That if any witness sworn or affirmed as aforesaid, shall wilfully and corruptly swear or affirm falsely, he or she shall be subjected to all the pains and penalties inflicted by law for wilful and corrupt perjury.

Penalty for false swearing.

C. Passed February 10, 1819.

An Act concerning the Constitution of this State.

WHEREAS the meeting of the Legislature on the fourth Tuesday of October, annually, as prescribed in the constitution of this state, is attended with much inconvenience and expense to the people, in particular as it occasions two sittings in order to fulfil in a satisfactory manner the duties of the Legislative department; and as no method is pointed out in the said constitution, whereby the citizens of this state may obtain amendments thereof, it seems to be the duty of their representatives, where it appears to them for the public good, to propose any amendment, and prescribe the manner in which the sense of the people may lawfully be taken on the same, and it so appearing to the Legislature in this case—THEREFORE,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it be proposed and it is hereby proposed, to the people of this state to amend the constitution thereof, so that the first meeting of the members of the Legislative Council and General Assembly, after their annual election, shall be on the first Wednesday of January in every year, instead of the fourth Tuesday in October, and that the first meeting under said proposed amendment be on the first Wednesday in January one thousand eight hundred and twenty-one, and that all officers holding commissions under any Joint-Meeting appointment, whose office shall expire at the session of the Legislature in October preceding the annual meeting on the first Wednesday of January one thousand eight hundred and twenty-one, or pre-

ceding the first Wednesday in January in any year thereafter, shall continue in their several offices until the said annual meeting, and then expire. And when any such officer is a salary officer, the Legislature may by law enact a rateable compensation.

Sec. 2. *And be it enacted*, That in order to obtain the sense of the people on said proposed amendment, the several persons in this state qualified to vote for members of the Legislative Council and General Assembly in the several counties of this state, are hereby requested to express their opinion for or against the same, by inserting on their respective tickets, wherein is contained the names of members of Council and Assembly voted for, at the next annual election, the word "amendment," or the words "no amendment" as they may think fit, which words may be printed or in hand-writing.

Sec. 3, *And be it enacted*, That the votes so given in regard to amendment or no amendment as aforesaid, shall be received and counted off by the officers of election in the several townships of this state, and returned to the clerks of the courts of common pleas of their respective counties at the times and places, and in manner as required by law in respect of members of Council and Assembly: And the said clerks respectively shall make one general list of the same with the number of votes, for and against, in proper columns, and date and sign the same, and make return of such list at the expense of the state to the Governor or person administering the government thereof, on the fourth Tuesday in October next ensuing, at Trenton, which returns so made, the Governor or person administering the government as aforesaid, shall, in the same week, lay before the Council, who shall cast up the same, and ascertain whether two thirds of the votes be in favour of the proposed amendment, and shall communicate the result without delay to the House of Assembly; and if it shall appear that two thirds of the said votes are in favour of said proposed amendment, it shall thereupon be deemed part of the constitution of this state, and the Governor or person administering the government, shall by his proclamation, make known the same to the people.

Sec. 4. *And be it enacted*, That the Secretary of State shall cause a copy of this act to be published in all the public newspapers printed in this state, for the space of three months preceding the second Tuesday in October next, twice in each month.

Passed February 9, 1819.

An Act explaining the term of office of the several chosen Freeholders in the several Counties 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 the powers and authorities granted to the several Boards of Chosen Freeholders, in the several counties within this state, shall be considered to continue in each and every Board, until the organization of the new Board, at their annual meeting, on the second Wednesday of May. The election of new members to the contrary notwithstanding.

Passed February 10, 1819.

An Act respecting Persons arriving in this State from Foreign Ports.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That in all cases wherein any ship or vessel, shall arrive within any port or harbour in this state, having on board passengers coming from any foreign port or place, it shall and may be lawful for the overseer or overseers of the poor of the township, at which the said ship or vessel may arrive, or any justice of the peace, to require of the master and commander of such ship or vessel, a bond with approved security, to the inhabitants of such township, in a sum not exceeding two hundred dollars, conditioned for the maintenance and support of any passenger on board such ship or vessel as aforesaid, who may be sick, infirm, or otherwise incapable, in the opinion of said overseer or overseers, or of such justice, of providing for his or her own support.

to be

Sec. 2. *Be it enacted*, That if the master or commander of any ship or vessel, arriving as aforesaid, shall land or suffer to be landed from on board his said ship or vessel, any passenger who may be sick, infirm, or otherwise incapable of providing for his or her own support, except by license or permit from the overseer or overseers of the poor, without having first entered into bond as aforesaid, such master or commander shall forfeit and pay for each offence, the sum of one hundred dollars, to be sued for and recovered by the overseer or overseers of the poor of the township, for the use of the same, in an action of debt, with costs of suit, before any justice of the peace of said township, or in any other court having cognizance thereof.

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A. Passed February 10, 1819.

A Supplement to the act, entitled "An act respecting Writs of Error."

Sec. 1. 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 recognizance mentioned in the sixth and seventh sections of the act to which this is a supplement, when judgment has been or shall be given in the supreme court, may be acknowledged before any one of the justices of the supreme court at his chambers, or before any one of the commissioners appointed by the supreme court to take recognizance of bail, and such recognizance when acknowledged before any one of the said justices or commissioners, and filed in the said supreme court, shall be as good and effectual in law, as if the same had been acknowledged in the said supreme court before the justices thereof, in open court; and when judgment has been, or shall be given in any of the inferior courts of common pleas in this state, the said recognizance may be acknowledged before any one of the judges of the inferior court of common pleas, wherein such judgment is given, at his chambers, and said recognizance, when acknowledged as aforesaid, and filed in said court, shall be as good and effectual in law, as if the same had been acknowledged in the inferior court of common pleas, wherein such judgment was given before the judges thereof in open court.

Before whom recognizances may be acknowledged.

Sec. 2. *And be it enacted*, That the recognizances mentioned in the eighth section of the act, to which this is a supplement, may be acknowledged before any one of the justices of the supreme court, at his chambers, in such reasonable sum as such justice shall think fit, and such recognizance when acknowledged before one of the justices of the supreme court as aforesaid, and filed in the said supreme court, shall be as good and effectual in law as if the same had been acknowledged in the supreme court before the justices thereof in open court.

Certain recognizances may be acknowledged before one justice of the supreme court.

Sec. 3. *And be it enacted*, That when a writ of error shall be issued, pursuant to the laws of this state, directed to the justices of the supreme court, or the judges of any of the inferior courts of common pleas, of this state, and presented to the court, such writ of error shall stay execution: *Provided* the plaintiff in error shall, within fifteen days from the time the said writ of error shall be so presented, file in the court wherein the judgment is given, such recognizance of bail, duly taken as by law is or shall be required; but such writ of error shall not stay execution as aforesaid, unless the same shall be presented in the term in which such judgment shall be given, or within fifteen days thereafter, to the chief justice, or presiding judge of the common pleas, as the case may be.

Writ of error shall stay execution on certain conditions.

A. Passed February 10, 1819.

An Act concerning Constables and their Sureties.

Sec. 1. 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 constable hath absconded or shall abscond, or become insolvent, or incapable of doing the duties of his said office, it shall be lawful for the inferior court of common pleas of the county from which said constable hath absconded or shall abscond, or become insolvent, or incapable as aforesaid, on application for that purpose, to authorize the surety or sureties of such constable, for the time being, to ask, demand, sue for and recover any monies which said constable could or might lawfully demand, levy and receive by virtue of any process of execution, or other process, in his official capacity as constable, and also all monies in the hands of any person or persons collected by said constable, on any execution or process, and which at the time of his absconding or insolvency, or incapacity as aforesaid, were not paid over to the plaintiff or person entitled to the same.

Sureties authorized to recover money due on execution.

Sec. 2. *And be it enacted,* That whereby the absconding, insolvency or incapacity as aforesaid, of such constable, executions or process in his hands remain wholly or in part unexecuted, it shall be lawful for the said surety or sureties, for the time being, authorized as aforesaid, by the inferior court of common pleas, to apply to any justice of the peace in the county where such judgment was rendered and execution issued thereon, for a summons in debt, on such judgment and execution, in the name of the plaintiff or plaintiffs in the original process against the defendant or defendants therein, and the said suit shall proceed as in other cases of summons in debt, the said surety or sureties always producing before the said justice, a transcript of the judgment and the execution or executions issued thereon, and the defendant or defendants may plead payment or satisfaction of such judgment or execution, in part or whole, to such absconding, insolvent, or incapable constable, or other lawful discharge, and in case of final judgment against the defendant or defendants, execution may be issued immediately for debt and costs, but if the judgment should be for the defendant or defendants, with costs, the said surety or sureties shall pay the same, and if recovered against the plaintiff or plaintiffs, named in the record, they may recover the same over from the surety or sureties.

In what manner sureties may institute suits.

Sec. 3. *And be it enacted,* That in case any constable shall die, before settling up all executions that shall have come to his hands by virtue of his office, his executors or administrators shall and may have full power to collect and settle up any execution or process remaining unsettled at the time of his decease, in the same manner as the surety or sureties of constables in the preceding sections; and in case of the neglect or refusal of the said

Relates to business left unsettled by deceased consta-

executors or administrators as aforesaid, the surety or sureties of the said deceased constable shall have the same power to collect and settle the said executions, as mentioned in the preceding sections of this act.

Appropriation of money recovered.

Sec. 4. *And be it enacted*, That all monies which may be recovered, or come to the hands of any surety or sureties, executor or executors, by virtue of this act or otherwise, in regard to the said absconding, insolvent, deceased or incapable constable, shall be held and appropriated by such surety or sureties, executor or administrator, to the only proper use and benefit of the person or persons who may have lawful right thereto.

A. Passed February 10, 1819.

An act to prevent unnecessary Costs.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That in suits on the same instrument, bond, or note, where several are bound, and in suits against the maker, endorser or endorsers of any note, and in suits on any bill of exchange against the drawer, acceptor, or any endorser or endorsers thereof, there shall be a taxation and recovery of the attorney and counsel fees taxable by law in one of the said suits only, at the the election of the party plaintiff; and no fees for attorney or counsel shall be allowed or taxed in any bill of costs, in any suit or suits, brought on the same instrument, bond, note, or bill of exchange, against the party or parties thereto, other than in the one where the election is made as aforesaid.

A. Passed February 11, 1819.

A Supplement to an act, entitled "An act constituting Courts of Oyer and Terminer and General Gaol Delivery."

Sheriffs to return jurors without a precept being issued.

Sec. 1. 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 respective sheriffs of the several counties of this state, shall cause to come before the said courts of oyer and terminer and general gaol delivery, at the times and places of holding their said respective courts, twenty-four good and

lawful men, to serve as grand jurors, and so many good and lawful men to serve as petit-jurors, as shall be necessary, and without any precept being issued for those purposes.

Sec. 2. *And be it enacted*, That the fifth and sixth sections of the act to which this is a supplement, passed the twenty-seventh day of November, one thousad seven hundred and ninety-four, are hereby repealed.

C. Passed February 13, 1819.

An Act to authorize the keeper and inspectors of the State-Prison to receive and safe keep, Prisoners committed under the authority 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 keeper and inspectors of the state-prison, are hereby authorized and required to receive and safe keep, in the state-prison, at the expense of the United States, all prisoners committed under the authority of the United States, until they shall be discharged by due course of the laws thereof.

A. Passed February 15, 1819.

An Act to regulate fisheries on Islands and Bars in the river Delaware.

WHEREAS disputes have arisen and may continue to arise between the owners and occupiers of certain fisheries on islands and bars in the river Delaware, and others occupying fisheries contiguous thereto, along the shores of said river, from the difficulty that exists in many cases of determining the proper limits of their respective fisheries, under the provisions of the act which defines the same—THEREFORE,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the right of fishery on all islands and bars in the river Delaware, within the jurisdiction of this state, shall be bounded by lines drawn from the extreme upper and lower points of said islands and bars, at right angles with their general course or bearing, which

Bounds of fishery.

shall and may be determined by a base line drawn through the extreme points of said islands and bars at low water mark, and if any person or persons shall cast or lay out, or suffer to drift or swing, any seine or net beyond the right angle range of either extreme point at low water mark of any island or bar in the river Delaware within the jurisdiction of this state, as aforesaid, or beyond the right angle range of his or their front on said island or bar, without the permission or consent of him or them owning beyond said limits, except by unavoidable accident; any person or persons so offending, and being thereof legally convicted, shall forfeit and pay for each and every such offence, the sum of fifty dollars, to be sued for and recovered in any court having competent jurisdiction thereof, with costs of suit, to be recovered by the person against whose fishery or right of fishery, such trespass shall have been committed. *Provided always*, That nothing in this act contained shall be so construed as to prevent any owner or occupier of any fishery, on any island or bar in the river Delaware, casting or laying out any seine or net, or suffering the same to drift or swing, in landing or drawing in, beyond said limits, in all cases where no other fishery is or may be immediately adjoining thereto—*Provided also*, That this act shall not be considered as valid or operative until the legislature of the commonwealth of Pennsylvania shall enact a law containing similar regulations.

Penalty for trespass.

When to be in force.

A. Passed February 15, 1819.

A Supplement to an act concerning wrecks, passed March 1808.

Sec. 1. 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 courts of common pleas of the counties in this state, bordering on the sea and bays, shall be authorized to lay off, from time to time, and alter them at pleasure, two or more districts on the sea and bays within their respective counties; and whenever any appointment shall be made of a commissioner of wrecks, under the act to which this is a supplement, to designate within what district he shall have sole authority as commissioner in that year—and such commissioner shall give bond and perform all the duties within the district to which he is appointed, in like manner as is now by law required—any law, usuage or custom to the contrary notwithstanding.

C. Passed February 17th, 1819.

An Act to regulate fees of the Judges, Surrogates, Clerks, and other officers of the Orphans' Court.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the officers and persons in this act named, shall be entitled to demand and receive for the services hereinafter mentioned, the fees thereto respectively annexed, and no more.

Fees to be divided among the Judges who are present in court when the service is performed.

The first motion in every cause, - - - fifty cents.
Every rule in a cause, - - - - twenty cents.
The trial and argument of every cause, - - fifty cents.
Every judgment and decree, - - - eighty cents.
Every appointment of auditors, guardians, trustees or commissioners, - - - - - eighty cents.
Taxing every bill of costs, - - - - fifty cents.

Fees of Surrogate and Clerks of the Orphans' Court.

For drawing and taking deposition on will and inventory, - - - - one dollar, thirty-three cents.
Engrossing a last will and testament, each sheet twelve cents.
Recording proof, - - - - - sixty cents.
Recording a last will and testament, each sheet eight cents.
Granting probate, - - - - - one dollar.
Engrossing probate, - - - - - eight cents.
Recording probate, - - - - - twelve cents.
In taking depositions to codicils, sixty-two and a half cents.
Recording proof, - - - - - - sixty cents.
Recording and engrossing codicil, - - the same as will.

Fees to be received by the Surrogate for services directed by law to be performed by the Register of the Prerogative Court, and to be paid over to him.

For recording the name of each testator, the year in which the will was proved, and filing the will, - - - - - - twenty-five cents.
Recording the name of each intestate, where administration hath been granted, and the year when granted, - - - - - twelve cents.
Filing every inventory, - - - - twelve cents.

Surrogate's fees.

Drawing administration bond and taking deposition thereon, - - - one dollar thirty-three cents.

Granting letters of administration, - - one dollar.
Recording do. - - - - twelve cents.
Filing administration bond, - - - - ten cents.
Recording inventory, each sheet - - - eight cents.
Drawing bond and petition for guardianship, one dollar thirty-three cents.
Reading do. do. - - - - ten cents.
Filing do. do. - - - - ten cents.
Granting letters of guardianship, - - - one dollar.
Recording do. - - - - twelve cents.
Entering rule of court on appointment of guardian, twenty cents.
Recording inventories made by guardians, each sheet eight cents.
Drawing petition, stating a list of debts and credits, on application for the sale of real estate, entering rule and making copies, - one dollar fifty-five cents.

Exhibiting proofs of advertising rule to shew cause, entering decree, copies thereof, and receiving, filing, and recording report of sales, four dollars, twenty cents.

For advertising the rule of court, when done by the surrogate, - - - - - - - one dollar.
For services enjoined by the act concerning contracts of real estate, made by testators and intestates in their life time, the same fees as allowed for the sale of land.
Drawing petition, reading, filing, and recording decree, appointing commissioners for the division of real estate, and a certified copy of such decree, three dollars, forty cents.
Recording report of commissioners, each sheet eight cents.
Recording drafts, for each and every course, three cents.
Drawing petition on application for rule to limit time of creditor's demand, entering the rule, advertising, entering the decree, making the rule absolute, and a certified copy of the decree, four dollars, twenty cents.

Drawing every citation or other process, - thirty cents.
Sealing the same, - - - - - fourteen cents.
Entering every action, - - - - - eight cents.
Entering the return of a writ, - - - ten cents.
Entering every rule or order of court, - - ten cents.
Copy of such rules or order, - - - eight cents.
Searching the records, - - - - twelve cents.
Swearing each witness, - - - - six cents.
Reading every petition or other writing given in evidence, - - - - - - - ten cents.
Filing every citation, exception, or other paper, eight cents.
Entering every discontinuance, - - - ten cents.
Entering every judgment or decree, - - ten cents.
Entering and filing appeal, - - - twenty cents.
Copies of citations, exceptions, records, and other papers, each sheet - - - - eight cents.

Seal and certificate, - - - - twenty-five cents.
Depositions taken in court, each sheet - twelve cents.
Engrossing copy, when required, - - eight cents.
Recording certified copy of proceedings in cases of lunacy, transmitted to the court, each sheet eight cents.
Transmitting bond of guardianship, in the above cases, or of trustees' bonds to the Register's office, - - - - - - - - twelve cents.
Recording discharges taken by executors and administrators on a final settlement, each sheet, eight cents.
For auditing and stating the account of executors, administrators, guardians, or trustees, and reporting the same to the court, such fees as the court shall think reasonable.

Fees of Sheriff.

Serving citation, or other process, one dollar, fifty cents.
Returning every writ, - - - - twelve cents.
Mileage the same as allowed in serving writs issued out of the Court of Common Pleas.

Cryer's Fees.

Making proclamation on insolvents' estates, or on application for the fulfilment of contracts, eight cents.
Swearing a witness, - - - - - six cents.

Sec. 2. *And be it enacted*, That a sheet or folio, shall contain one hundred words, and in all cases where an entry or copy of any writing is to be paid for, the said sheet shall consist of one hundred words.

Bills of cost.

Sect. 3. *And be it enacted*, That the clerks of the Orphans' Court, in the several counties in this state, shall draw bills of costs in all litigated suits, arising in said court, and present the same to the judges of said court, who shall determine the party liable to pay said costs, examine and correct said bill, and tax the same agreeable to the fees allowed by law, which bill of costs shall remain filed in the surrogate's office, who is hereby authorized to issue an execution against the goods and chattels, lands and tenements, of the party or parties liable to pay the same: which costs, when recovered, the surrogate shall pay the court, sheriff's and cryer's fees, and be entitled to receive fifty cents for issuing such execution, which execution shall, before the same is delivered to the sheriff, be recorded by the clerk of the county, in the book by him kept for that purpose.

Duty of clerk as to fees.

Sec. 4. *And be it enacted*, That the said clerk shall cause to be affixed and always kept up in his office, in some conspicuous place, a true list of all the fees which may be lawfully demanded; and if the clerk of the Orphans' Court shall neglect to fix up and keep in view, a true list of fees as aforesaid, or shall take other or greater fees than are by law allowed, or who shall take

such fees without performing the services for which such fees are allowed, shall, for every such 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 where such offence was committed, by any person, who shall think himself or herself aggrieved.

Sec. 5. *And be it enacted*, That all acts or parts of acts, coming within the purview of this act, and contrary thereto, be, and the same are hereby repealed.

A. Passed February 18, 1819.

A Supplement to the act constituting Courts for the trial of small causes.

Sec. 1. 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 twenty-fourth section of the act constituting Courts for the trial of small causes, passed the twelfth day of February, in the year of our Lord eighteen hundred and eighteen, as provides that no execution shall issue against the body of any man when the debt does not exceed ten dollars, be, and the same is so far as respects executions for taxes and debts contracted before the passing of the act to which this is a supplement, hereby repealed, any thing in the said twenty-fourth section to the contrary notwithstanding.

Execution may be issued against the body in certain cases.

Sec. 2. *And be it enacted*, That so much of the sixty-third section of the aforesaid act, under the title, justices, in said section as reads, each deposition taken under the fiftieth and fifty-first sections of this act one dollar, shall be taken and construed to read as referring to the fifty-second and fifty-third sections of the said act, and so much of the sixty-third section under the same title, as reads for issuing a commission under the fifty-third section of this act, to be paid by the party applying one dollar, shall be taken and construed to read as referring to the fifty-fifth section of the said act, and so much of the said sixty-third section, under the title, witnesses, as reads for their services under the fiftieth and fifty-first section of this act, fifty cents, shall be taken and construed to read as referring to the fifty-second and fifty-third sections of said act, and so much of the sixty-third section of said act under the title constables, as allows constables forty cents for serving a summons on every other person more than one, in the same precept, be and the same is hereby repealed, any thing in the said sixty-third section to the contrary notwithstanding.

Sections corrected.

New Jersey State Library

Goods levied on claimed.

Sec. 3. *And be it enacted*, That in case any claim shall be made to any goods or chattels under the twenty-sixth section of the act to which this is a supplement, and the said claimant or claimants shall not, within ten days, apply to a justice and have his, her or their right tried as is prescribed in said section, the said constable may, within five days thereafter, apply to a justice of the peace for a jury, and have the right of such claimant or claimants tried in the manner specified in said section, and if the verdict of such jury shall be against the said claimant or claimants, it shall be conclusive upon the same: *Provided always*, That the said constable shall give such claimant or claimants notice in writing of the time and place of such trial.

A. Passed February 18, 1819.

A further Supplement to the Act entitled "An act for the preservation of Oysters."—Passed the 26th of June, 1798.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That any person or persons who shall offend or shall be found offending contrary to the prohibitions contained in the fifth section of the act to which this is a supplement, such person or persons, severally, in addition to the penalties in said section contained, shall forfeit and pay the sum of ten dollars, to be recovered in an action of debt, in the name of the person suing for the same, before any justice of the peace of any county in this state, with costs; one half to be paid to the collector of the county next adjoining to the water where said offence was committed, and the other half to the person suing for the same.

Penalty for certain offences, and how recoverable.

Sec. 2. *And be it enacted*, That if any person or persons residing within or without this state, shall at any time rake for, or gather oysters in any of the rivers, bays or waters of this state, with a drudge or implement so called, or shall be on board of any canoe, boat or vessel, employed in raking with such implement, such person or persons, so offending, shall, severally, forfeit and pay the sum of fifty dollars, to be recovered in the manner and for the persons and uses mentioned in the preceding section.

Penalty for using a drudge.

C. Passed February 18, 1819.

An Act to repeal the act, entitled "An act relative to Incorporations for Manufacturing purposes.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the act, entitled "An act relative to incorporations for manufacturing purposes" passed ninth of February, one thousand eight hundred and sixteen, be, and the same is hereby repealed. *Provided* that nothing herein contained shall in any ways affect any company heretofore incorporated, by virtue of the said act.

A. Passed February 11, 1819.

An Act to repeal part of the act relative to Statutes.

Sec. 1. 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 second and third sections of the act, entitled "An act relative to statutes," passed the thirteenth of June, one thousand seven hundred and ninety-nine, be, and the same are hereby repealed.

A. Passed February 12, 1819.

A second Supplement to an act, entitled "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 from and after the passage of this act, every militia man who shall elect to become an exempt, according to the provisions of the ninth section of the supplement to the militia system, passed February the fourteenth, one thousand eight hundred and eighteen, shall be taxed five dollars instead of six. Tax on exempts.

Sec. 2. *And be it enacted,* That all monies arising from exempt taxes, when received by the treasurer of this state, shall be appropriated to the school fund.

Sec. 3. *And be it enacted,* That no militia man shall be fined

Fine on militia of the age of thirty-five.

by any company or battalion court, a greater sum than two dollars, in one and the same year, for neglect of militia duty: provided he shall prove to the satisfaction of either of said courts, that he [illegible] arrived to the age of thirty-five years, and provided also, that when such militia man shall attend at any one of the days required by law, and perform military duty, he shall be fined the sum of one dollar for each and every other day or days absence therefrom.

Sec. 4. *And be it enacted*, That whenever a brigade board shall order any company to be disbanded, said board may exempt the officers thereof from common militia duty.

Sec. 5. *And be it enacted*, That nine months absence shall be necessary to vacate the commission of any officer, except in case of a removal.

Duty of brigade board.

Sec. 6. *And be it enacted*, That it shall be the duty of the brigade board to keep accounts of all sums by them received from their several battalion paymasters and also the disbursements by them made thereof, keeping a separate account of the fees and expenses attending the militia system and the appropriations they may make for arms and other military implements, and make report thereof every year to the legislature.

Copies of this act to be distributed.

Sec. 7. *And be it enacted*, That two thousand five hundred copies of this act shall be printed under the direction of the commander in chief, and distributed by the adjutant general to the several officers of the militia, for the expense of which, he is hereby authorized to draw on the treasurer of this state.

Laws repealed

Sec. 8. *And be it enacted*, That so much of the act to which this is a second supplement, as requires the brigade and regimental staff shall be taken from the line of officers, so much of the former supplement as requires the attendance of the non-commissioned officers at the colonel's drill (the orderly sergeants excepted) so much of the same as taxes exempts six dollars, and all acts and parts of acts coming within the purview of this act, be, and the same are hereby repealed.

A. Passed February 15, 1819.

An Act for procuring a General Index to the record of Deeds.

Relates to the secretary's office.

Sec. 1. 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 secretary of this state be authorized and directed to procure a suitable book or books, and to make and enter therein an index to the books of the record of deeds in his office, in alphabetical order, according to the priority of the time

of recording; distinguishing the book in which each deed is recorded, the names of the several grantors and grantees, and if the deed be made by a sheriff, the name of such sheriff and the name of the defendant or defendants mentioned in the execution, by virtue of which the sale has been made; and if by executors or administrators, the name of such executor or administrator, and the testator or intestate; and if attornies, the name of such attornies and their constituent or constituents; and if by commissioners under a law of this state, or of the courts thereof, the name of such commissioners and the person or persons whose estate has been conveyed; for which service he shall be allowed the sum of twenty-five cents for every hundred names so indexed, to be paid by the treasurer of this state, on a certificate signed by the governor, or person administering the government.

Relates to clerks of the counties.

Sec. 2. *And be it enacted*, That the clerks of the several counties of this state, be, and are hereby directed to provide, at the expense of their respective counties, a book or books, and to make and therein to enter an index in alphabetical order, to all the books of record of deeds in their respective offices, distinguishing the book in which each deed is recorded; which index shall contain the names of the several grantors and grantees, and if the deed be made by a sheriff, the name of such sheriff and the name of the defendant or defendants mentioned in the execution by virtue of which the sale was made; and if by executors or administrators, the name of such executor or administrator, and the testator or intestate; and if by attornies, the name of such attorney and his constituents; and if by commissioners under a law of this state, or the courts thereof, the name of such commissioner and the person or persons whose estate has been conveyed; for which service such clerk shall be allowed twenty-five cents for every hundred names so indexed, to be paid by the county collector upon performance of such service to the satisfaction of the board of chosen freeholders.

Sec. 3. *And be it enacted*, That the secretary of state, and the clerks of the several counties, shall make an index of all deeds hereafter to be recorded in their respective offices, in the manner herein before directed.

A. Passed February 18, 1819.

An Act directing the investment of the annual income of the School Fund, in advance.

Money immediately to be invested.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the trustees for the support of free schools, shall, immediately after the passing of this act, cause to be in-

vested for the benefit of the fund for the support of free schools, the sum of eight thousand dollars in anticipation of the monies, receivable into the treasury during the present year, to the use of said fund, which sum the treasurer is hereby authorized and directed to pay out of any monies in his hands, not otherwise appropriated.

In future to be invested.

Sec. 2. *And be it enacted*, That the said trustees shall, on or before the first day of March, in every year hereafter, cause in like manner to be invested for the benefit of said fund, an amount as near as may be, equal to the estimated receipts into the treasury on account of the same, during such year, to be advanced by the treasurer as aforesaid.

To be drawn by warrant.

Sec. 3. *And be it enacted*, That the treasurer shall pay the monies to be invested as aforesaid, upon a warrant to be drawn by the governor or person administering the government, for that purpose, and the amount of all such advances shall be repaid to the treasury out of the monies received on account of the school fund, from time to time, during the present or any other year wherein such investment shall be made, in advance as aforesaid.

A. Passed February 18, 1819.

A Supplement to an act, entitled "An act respecting Inns and Taverns.

Whereas it appears that evils have arisen from the present practice of the several courts of quarter sessions of the peace in granting licences to persons to keep a public house of entertainment—for remedy whereof—

When application for license to be made or determined.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, all and every person applying to the court authorized by law to grant licence to keep a public house of entertainment, shall make their application to the court for said purpose, on the first day of said term, and the said court shall, on the said first, or some other day thereof, determine on said application, by either granting or refusing the same; and when any person, applying as aforesaid, shall be refused license, it shall not be lawful for any person, being so refused, to make application to said court to keep a public house at the same place during that term.

Penalty for keeping up a sign, not having a license.

Sec. 2. *And be it enacted*, That it shall not be lawful for any person or persons, not having a license under or by virtue of the

act to which this is a supplement, to put or keep up, on or near his or her dwelling house, any sign or notice usually employed to denote the keeping an inn or tavern; and every person so offending shall forfeit and pay five dollars for every month that the same shall be so kept up, to be recovered in an action of debt, by any person prosecuting for the same, before any justice of the peace in this state.

C. Passed February 18, 1819.

An Act for the appropriation of monies which may be paid into the treasury, from the proceeds of unclaimed wrecks.

Sec. 1. 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 monies now in the treasury of this state, arising from the proceeds of unclaimed wrecks, shall be forthwith invested in public six per cent stock of the United States, in the name of this state. Money now in the treasury to be invested.

Sec. 2. *And be it enacted*, That all monies which may hereafter be paid into the treasury of this state, from the proceeds of wrecks, not claimed by any person lawfully entitled thereto, and which may be for the use of the state, in conformity to the act concerning wrecks, shall, immediately thereafter, be invested by the treasurer in six per cent stock in the name of this state, as aforesaid. Money hereafter paid.

Sec. 3 *And be it enacted*, That the interest on all monies invested in stock in pursuance of this act, shall enure and be received by the treasurer, for the benefit of the fund for the support of free schools, and be credited and accounted for accordingly. Application of interest.

A. Passed February 18, 1819.

An Act to create a fund for the improvement of internal navigation, 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 from and after the first day of March next, there shall be levied on and collected from each and every pas- Passengers in steam-boats taxed.

senger in each and every steam-boat navigating waters within the jurisdiction of this state, and between this state and any other state where passsengers in steam-boats are taxed, at the rate of two cents for each and every mile the said passengers are so conveyed within the jurisdiction of this state, and that during each month thereafter in which such boat shall be employed for the conveyance of passengers, it shall be the duty of such captain or master to cause to be delivered to the collector of the county nearest to where such boat runs within this state, a return or account sworn to before some officer authorized to administer oaths, the number of trips made by such boat during such month, and the whole number of passengers conveyed on board of such boats at each of the said trips, and pay to the said county collector the amount of such tax collected during the time mentioned in the said return, deducting five per cent. thereof as a compensation for making such return, and collecting and paying over the said tax: and further, that in case of any neglect or refusal in making such return and collecting and paying over the tax as directed in and by this act, the captain or master so neglecting or refusing shall forfeit and pay the sum of three hundred dollars besides the amount of tax so directed to be collected and paid over; to be recovered in an action in the name of this state.

Duty of captain.

Sec. 2. *And be it enacted*, That the tax to be collected in pursuance of this act, shall be paid over by the county collector where the same may be collected, to the treasurer of this state, to be appropriated when necessary, for the improvement of internal navigation, or for such other purpose as the legislature may direct: and the county collector performing the duties required by this act, shall be entitled to receive from the treasurer of this state, one per cent. on all monies collected and paid over by virtue of this act.

Duty of collector.

A. Passed February 11, 1819.

A Supplement to the act entitled "An act to create a fund for the improvement of internal navigation, and for other purposes.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the provisions of the act entitled "An act to create a fund for the improvement of internal navigation, and for other purposes," be, and the same are hereby suspended, until the first day of November next.

Passed February 18, 1819.

And Act to provide for publishing the public laws of this state.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall be the duty of the secretary of this state, to cause the public laws passed at the present and every subsequent session of the legislature, to be published immediately after the passing thereof, in one or more of the public newspaper in the city of Trenton.

A. Passed February 15, 1819.

A Supplemet to the act, entitled "An act to prohibit the exportation of slaves or persons of colour out of this state."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for any person coming into this state from any other of the United States, and having a temporary residence in this state, to bring with him or her, any slave or servant, and on removal to take such slave or servant out of this state, any thing in the act to which this is a supplement to the contrary notwithstanding.

A. Passed February 19, 1819.

An Act concerning the Estates of Persons who die Insolvent.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall be the duty of the orphans' court, on application by executors or administrators, to appoint a certain time, not less than six months nor more than two years, within which all creditors shall present their demands to the executor or administrator for settlement, and the executor or administrator, immediately after obtaining such decree of the court, shall advertise the same in five public places of the county; and also shall publish it in such newspaper as the court shall direct, for any time not less than two months, and such further notice thereof as the court may direct.

Creditors demands to be presented.

Duty of executor or administrator as to accounts.

Sec. 2. *And be it enacted*, That whenever the estate of any decedent shall be likely to prove insolvent, it shall be the duty of the executor or administrator, after the limited time aforesaid shall expire, to make a settlement of his account, previously giving public notice of said settlement, and of the insolvency of the estate in the same manner that is now required by law to be given, and also render a statement of all the demands of creditors against said estate, which have been received; and if no objections are made against the accounts so rendered, or any part of them, it shall be the duty of the court, after deducting from said estate the debts entitled to priority as now established by law, to direct a distribution of the remainder among the creditors in proportion to their demands, which settlement shall be final and conclusive against all persons, and such executor or administrator shall not be liable thereafter to prosecution for any claim against said estate, except in case of fraud or discovery of other property belonging to the estate, and as such received and not before accounted for, to be distributed ratably among all the creditors as aforesaid.

Court to hear exceptions or appoint auditors.

Sec. 3. *And be it enacted*, That if exceptions are made to the statement of the nett proceeds of such estate, or of any part thereof, the court may proceed to hear and determine the same, at that or any subsequent term, or appoint one or more auditor or auditors to settle and adjust the same, whose report, when approved by the court, shall be conclusive, and the executor or administrator no further liable, unless an appeal therefrom be made within fifteen days.

Exceptions to demands of creditors.

Sec. 4. *And be it enacted*, That if any exceptions are made to the demands of any of the creditors, as allowed and reported by such executor or administrator as aforesaid, and the creditor does not elect to prosecute his claim at common law or equity: the court shall proceed to adjust and determine said claims as directed in the preceding section, subject to the same restrictions, and when the amount of such estate, and the claims against it are ascertained, proceed to a distribution as herein before directed.

Sec. 5. *And be it enacted*, That creditors whose debts and claims grow due in future, may make an exhibit thereof, and be entitled to such an amount as may be due thereon after deducting a rebate of interest therefrom.

Actions pending during settlement.

Sec. 6. *And be it enacted*, That when any action may be pending against any executor or administrator during the progress of his settlement of the estate as aforesaid, the same may be proceeded in to final judgment, execution, and sale, of any of the estate of said decedent in the hands of the executor or administrator to be administered; but the court shall have power in all cases, at their discretion, to stay execution, when to them the same may appear just and reasonable, for any time not exceeding one year after the expiration of the limited time for the

final settlement of said estate; "but where the estate proves insolvent and a ratable distribution is ordered as aforesaid, said judgment creditor shall only recover his ratable proportion."

Sec. 7. *And be it enacted*, That so much of the twenty-fourth section of the act, entitled "An act making lands liable to be sold for the payment of debts," passed the eighteenth of February, one thousand seven hundred and ninety-nine, as prevents the sale of real estate until the personal estate is applied to the payment of debts, and so much of the nineteenth section of the same act, as confines the court to the appointment of three months after the day of making an order to shew cause why lands should not be sold for the payment of debts, and so much of any act or acts as comes within the purview of this act, be, and the same are hereby repealed. Acts repealed

A. Passed February 19, 1819.

An Act for the relief of Persons confined in the Prison of this State.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the Governor and Council shall have power to liberate any criminal or criminals now in the prison of this state, or who shall hereafter be confined in said prison after their time of sentence hath expired, when said court of pardon may be satisfied that the said criminal or criminals have no property, and will continue unable to earn more than is sufficient to defray the expenses of his or her food and cloathing. In what cases they may be pardoned.

Sec. 2. *And be it enacted*, That the Governor and Council shall have power to pardon offenders, upon condition that they will leave this State or the United States, *Provided* such offender shall apply therefor upon said condition; and if any criminal or convict who shall receive pardon upon such condition, shall refuse or neglect for the space of ten days to comply therewith, or shall voluntarily return, contrary to such condition, he or she so offending shall be deemed guilty of a misdemeanor, and on conviction before any court of record in this state, shall be sentenced to be whipt by a constable, not less than twenty, nor more than thirty-nine lashes, at one time, at the discretion of the court, and to be repeated in the same way and manner every three months in any county, city, town or precinct in this state, during which said criminal shall refuse or voluntarily neglect to comply with the condition of said pardon. Conditons of pardon.

C. Passed February 19, 1819.

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ACTS

OF THE

FORTY-THIRD

GENERAL ASSEMBLY

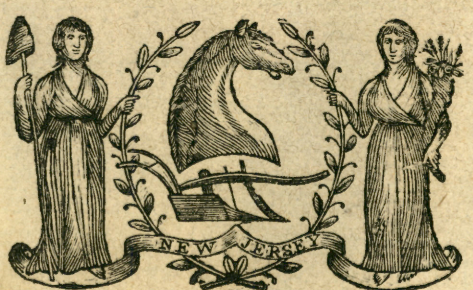
OF THE

STATE OF NEW-JERSEY,

AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-SEVENTH DAY OF OCTOBER,

ONE THOUSAND EIGHT HUNDRED AND EIGHTEEN.

BEING THE FIRST SITTING.



TRENTON:

PRINTED BY JOSEPH JUSTICE.

1819.

ACTS

OF THE

FORTY-THIRD

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY.

An act to dissolve the marriage contract between William A. B. Kinney and Catharine his wife.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the marriage contract between William A. B. Kinney, sometimes called William Kinney, and Catharine his wife, late called Catharine Parker, be, and the same is hereby declared to be dissolved, to all intents and purposes whatsoever; and the said William and Catharine are hereby declared to be set free from their matrimonial contract, as fully in all respects, as if they had never been joined in matrimony.

A. Passed November 4, 1818.

An act authorizing the executors of the last will of John Clickinger, deceased, to make sale of his real estate.

WHEREAS it hath been represented by the widow, executrix, and the executors, together with the heirs that are of age, of the said testator, and confirmed by the relatives and persons residing in the neighbourhood. That Catharine Clickinger, widow and executrix, is entirely inadequate to take upon herself the execution of said will. And that she, without re-

flection proved the same, supposing that she might at any time thereafter elect to take her dower in said estate, or make sale thereof and enjoy the use of the third part thereof. (The said will having given unto her the whole use of the real estate during her widowhood, with authority to the executors to sell after she should cease to be his widow.) By reason whereof, she made sale of the premises, and hath given possession to the purchaser, one Levi Holden; but the executors in said last will named, after taking advice in the law, refuse to join in the execution of a title for the same; they, together with said widow, executrix, having taken upon themselves the execution of said last will.

AND the said widow being desirous to surrender unto her co-executors all her right in the said real estate, for the purpose of making sale thereof, and pay unto her so much of the interest as may be sufficient for the use of herself and minors, in lieu of the possession of the farm, as contemplated by said will: and this under the circumstances set forth by all the petitioners appearing to be beneficial to all concerned. THEREFORE:

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the executrix and executors of the last will and testament of John Clickinger, deceased, and they are hereby authorized to sell and convey at any time hereafter, the farm and real estate, late the property of said testator, at a fair and bona fide price: and that Henry Blackwell and Paul Van Dervoort, the executors in said last will named, take possession of the sum or sums of money arising from said sale, and pay into the hands of Catharine Clickinger, the widow of said testator, the whole or any part of the interest arising from said sale, as she may elect, for the support and maintenance of the family of said testator, during her widowhood.

Authorized to sell.

Sec. 2. *And be it enacted*, That after the said Catharine Clickinger shall cease to be the widow of the said testator, that then the said Henry Blackwell and Paul Van Dervoort, or the survivor of them, proceed to the distribution of the sum or sums of money that may be in their hands, agreeably to and in conformity to the directions contained in said last will and testament of their testator.

Distribution of the money.

C. Passed November 5, 1818.

An act to authorize John Denn, of the county of Salem, to shorten the navigation of Salem creek by cutting a canal.

Sec. 1. 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 Denn, of the township of Mannington, in the county of Salem, be, and he is hereby authorized to cut a canal to shorten the navigation of Salem creek, beginning at Salem creek, in the township of Lower Penn's-Neck, on the line between the said John Denn's land and the land of David Ware, and to run on the course of the said line, about south six degrees west, until the said canal strikes the said creek and empties into the same. Authorized t cut a canal.

Sec. 2. *And be it enacted*, That the said canal shall be cut wholly upon the land of the said John Denn, and shall be of the breadth of at least twenty-two feet at the top, and of a sufficient width at the bottom, and of a sufficient depth of water throughout for the free passage of all vessels navigating the said Salem creek, and shall, after the same is so cut and opened, be at all times afterwards a public highway, and be kept open, at least, of the said width and of sufficient depth as aforesaid, for the passage of such vessels as navigate the said creek, at the sole and proper expense of the said John Denn, his heirs and assigns, forever; and the said John Denn, his heirs and assigns, are hereby bound accordingly. To be a publi highway.

Sec. 3. *And be it enacted*, That when the said John Denn shall have opened and completed the said canal, and shall have obtained a certificate from the chosen freeholders of the townships of Mannington and Lower Penn's-Neck, or a majority of them, that the same is completed and sufficient for the purposes aforesaid (and which certificate shall be first filed in the clerk's office of the said county of Salem) it shall and may be lawful for the said John Denn, his heirs and assigns, to build a bridge over the said Salem creek for the accommodation of himself, his heirs and assigns, opposite the mansion house of the said John Denn; provided that any land to be occupied in the construction thereof, be the proper lands of the said John Denn, his heirs or assigns; and that the said creek shall not be contracted by the abutments on each side, so as to injure or obstruct the navigation of said creek, and that the said John Denn shall place in the same a good and sufficient draw, at least twenty-two feet wide, and shall at all times, himself, his heirs and assigns, support and maintain the said bridge and draw, at his and their proper cost and charges. Bridge to be built.

Sec. 4. *And be it enacted*, That if any person or persons, shall, in any manner, obstruct the digging of the said canal, or fill up the same, or any part thereof, or obstruct the free passage of the water through the same, in any manner, or injure the bank

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or banks thereof, or shall do injury to the bridge to be erected over the said creek, or the draw or abutments thereof, any person or persons, so offending, shall, on conviction thereof, forfeit and pay, for every such offence, the sum of one hundred dollars unto the said John Denn, his heirs or assigns, to be sued for and recovered in action of debt, in any court having competent jurisdiction thereof.

enalty for ertain injues.

Sec. 5. *And be it enacted*, That when the said canal shall be completely finished and made navigable, for vessels as aforesaid, and shall be used and found sufficient for the space of three years after being first used, it shall be lawful for the said John Denn, his heirs or assigns, to stop the said creek at the place where the said bridge shall have been erected, from which time the liability of the said John Denn, his heirs and assigns, to keep up and maintain such bridge and draw, shall cease.

A. Passed November 6, 1818.

An act to authorize the sureties of Thomas Kendall to collect the monies arising by virtue of his official papers, as constable.

WHEREAS Thomas Kendall, formerly a constable of the township of Pilesgrove, in the county of Salem, hath absconded and not fulfilled the duties of his office—

Sec. 1. 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 Hackett and Thomas Davenport, 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 other persons, arising by virtue of any official paper, or papers of said constable, by virtue of his office, any law, custom or usage to the contrary, notwithstanding.

A. Passed November 6, 1818.

An act directing the mode for choosing a place in the county of Salem, at which to build a court-house and gaol.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the inhabitants of the county of Salem, qualified to vote in elections for members of the state legislature, she-

riffs, and coroners, shall be, and they are hereby authorized and required to choose by a majority of votes, a place in said county, at which a court-house, gaol, and other necessary public buildings may be erected.

Time and place of election.

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

Nominations.

Sec. 3. *And be it enacted*, That it shall and may be lawful for any person in the said county, entitled to vote in the said election, at least fourteen days before the day of election, as aforesaid, and not after, to put into the clerk's office of the said county, a ticket of nomination, signed by the said person, designating the place in said county of Salem, to be voted for as a place at which to build the said court-house, gaol, and other necessary public buildings; and the said clerk of the county shall, and is hereby required, as expeditiously as may be, and at least one week before the said election opens, to transmit to the several clerks of the several townships in the said county respectively, a certified copy of the list of nominations, so as aforesaid affixed up in his office, and the clerks of the said townships respectively, shall, at the places by law appointed for holding the said election, before the time of opening the said election for a court-house, gaol and other necessary public buildings, cause the said nomination to be put up and continued in open view, during the said election, for the information of the voters.

Sec. 4. *And be it enacted*, That the judges and inspectors of the said election, in the townships respectively, shall, previous to their entering on the duties required of them by this act, take the following oath or affirmation: I do swear (or affirm, as the case may be) that I will not receive or assent to receiving the vote of any person who is not entitled by law to vote in elections for members of the state legislature, sheriffs, and coroners.

Votes to be counted and certified.

Sec. 5. *And be it enacted*, That the judges and inspectors in the said townships respectively, shall, within the time prescribed by the act for choosing members of the legislature as aforesaid, after closing the election, certify the number of votes taken in the said townships respectively, to the clerk of the court of common pleas for the said county, in manner prescribed by the said act, and the clerk of the said county or the person acting for him, in case of death or absence, shall, in manner appointed by the said act, faithfully count the votes, and the place having a majority of

the votes as aforesaid, he shall certify under his hand and seal to the board of chosen freeholders, at their next meeting, and the same shall be entered on the book of minutes of chosen freeholders in words at length; and that the said list of votes taken down by the clerks of the several townships respectively, at the election may be preserved: the clerks are hereby required and enjoined to send forward the said list of persons whose votes were received, to the clerk of the county, at the same time that the certificates of the judges and inspectors are forwarded as aforesaid; and the said clerk is required to file the same in his office, for preservation.

Fees for services.

Sec. 6. *And be it enacted*, That the judges, inspectors, and clerks of the said election, in the townships respectively, shall be entitled to the same fees per day, as for the like services they are entitled to receive by the act before referred to, for the election of members of the legislature in said county, to be paid by the said county collector in manner as is directed by the said act, and the clerk of the said county, for the additional services required of him by this act, besides the sums payable to him under the act before referred to, shall receive such further allowances as may be deemed just by the board of chosen freeholders, at their next meeting, to be paid out of the public money of the said county.

Sec. 7. *And be it enacted*, That all officers and others acting under this law, shall for breach or neglect of duty, be liable to the same penalties and prosecutions as are provided and established by the act for regulating the election of members of the legislature, before referred to.

Money raised.

Sec. 8. *And be it enacted*, That in order to raise money for building of the said court-house, gaol, and other necessary public buildings, and for purchasing a lot to build on, if necessary, it shall and may be lawful for the assessors and collectors of the said county, and they are hereby required in their several townships, to assess and collect from time to time, within the said county, such sum or sums of money as shall be thought proper by the board of chosen freeholders of said county; which said sum or sums assessed, shall be paid into the hands of the county collector, who is hereby required to pay out the same when received for the purposes aforesaid, in such manner as the board of chosen freeholders of the county aforesaid shall direct; and if any collector or assessor shall neglect or refuse to do and perform any duty, matter or thing required of him under this act, he shall be liable to the same fines and penalties as is directed in and by the act entitled "An act to ascertain the time and mode of levying taxes, and the better to enforce the collection of the same, passed the thirteenth day of February, one thousand seven hundred and ninety-eight," and the several officers in the said acts mentioned, are hereby required to perform the several duties enjoined on them in this act, under the same pe-

nalties as in and by the said act is imposed; and they shall be allowed such compensation and fees as they are entitled to for assessing and collecting the state taxes.

Sec. 9. *And be it enacted*, That a majority of the chosen freeholders of the said county, are hereby authorized and required in their corporate name, for the use of the county, if necessary, to purchase a place on which to build the intended court-house, gaol, and other necessary public buildings, and to appoint one or more managers for conducting the building of the same, at the place appointed in the manner aforesaid; and to take all such measures for completing the same in the best manner, for the good of the said county, as to them shall appear most eligible; and that all persons by the order of the majority of the board of chosen freeholders, to be entrusted with any public money of the county aforesaid, shall be accountable to them for the expenditure thereof, as by law they are now obliged to account for any other monies belonging to the said county. Buildings to be erected.

Sec. 10. *And be it enacted*, That the said board of chosen freeholders, shall, at the next meeting after the place of building said court-house, gaol, and other necessary public buildings is determined, proceed to enter upon the performance of the several duties required of them by this act, provided there be a majority of them then present, or if not, at the first meeting after, when there shall be such majority, *Provided* also, that in case the town of Salem is the place chosen for such court-house, gaol, and other necessary public buildings, all powers of the said board of chosen freeholders, under this act, shall cease and determine. Duties of board.

Sec. 11. *And be it enacted*, That the judges of the inferior court of common pleas, and justices of the general court of quarter sessions of the peace, in and for the said county, shall hold their respective courts in the said court-house, at the term after the same shall be ready and fit; and all writs, processes, and other proceedings depending or made returnable thereto, shall be valid in all respects, any law, usage or custom to the contrary notwithstanding. Courts held.

C. Passed November 6, 1818.

An act to defray sundry incidental charges.

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

To Charles H. Boss, for eighteen cords of hickory wood, one hundred and forty-four dollars.

To Alexander Calhoun, for two dozen new chairs, and repairing others for the use of the supreme court room, fifty dollars.

To William Gould, for sawing eighteen cords of wood, and sundry articles purchased for the assembly room, twenty-one dollars and ninety-six cents.

To Ellett Howell for stationary, nineteen dollars and thirty-two and a half cents.

To Joseph Justice, for sand, ink-powder, quills, &c. two dollars and sixty-eight and three-quarters cents.

To John R. Smith, for one pair of andirons, four pair of candlesticks, one pound of black lead, two locks, &c. three dollars and ninety-eight cents.

To Samuel Brearley, for repairing two pair of andirons, one dollar and forty-seven cents.

To James J. Wilson, for printing public laws, and news papers for the legislature, twenty-five dollars and eighty-three cents.

To Joseph Broadhurst, for one cord of hickory wood, eight dollars and fifty cents.

To John Bellerjeau, for sawing one cord of hickory wood, and one sweeping brush, putting on two locks in council chamber, &c. one dollar and eighty-seven and a half cents.

To Joseph Justice, for a book for the trustees of the school fund, and for stationary for the council, fourteen dollars and fifty cents.

A. Passed November 6, 1818.

An Act for the support of the government of this State.

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

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

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

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

To the President of the Court of Common Pleas of the first district, at the rate of eleven hundred dollars by the year.

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

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

To the Adjutant-General of the State, for the time being, at the rate of one hundred and twenty dollars by the year;

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

Sec. 2. *And be it enacted*, That there shall be paid to the Vice-President of Council and Speaker of the House of Assembly, the sum of three dollars and fifty cents, and to every other member of the Council and General Assembly, the sum of three dollars for each and every day they shall have attended this or any future meeting or sitting of the Legislature, and the further sum of three dollars for every twenty miles of the estimated distance by the most usual road between his place of residence and the seat of government, in going and returning, on a certificate to be produced to the Treasurer, expressing the sum due, and the number of days and miles, signed by the President or Vice-President of the Council for the members of Council, and the Speaker of the House of Assembly, or by John Evans, jun. John Sibley, John S. Darcy, and Isaac G. Farlee, or any two of them for the members of Assembly.

Sec. 3. *And be it enacted*, That there shall be paid to the Clerks of the Council and Assembly, the sum of three dollars and fifty cents each, for every day they shall have respectively attended this or any future sitting of the Legislature, and the sum of eight cents by the sheet, computing one hundred words to the sheet, for entering the minutes of the Council or Assembly, and Joint-Meeting, fairly in the Journals, and five cents a sheet for a copy thereof for the printer, on a certificate produced to the Treasurer, signed by the President or Vice-President of Council, for the Clerk of Council, and by the President of Council or the Speaker of the House of Assembly, for the Clerk of the Assembly.

Sec. 4. *And be it enacted*, That the Treasurer pay to such person or persons as may print the law reports, and to such person or persons as shall be appointed by the House of Assembly for printing the laws of this state, and the votes and proceedings of the Assembly, and to such person as shall be appointed by Council for printing the journals of Council and minutes of the joint-meeting; for printing the said votes and proceedings, journals, minutes and law reports, thirty dollars for every sheet thereof, and that thirteen hundred copies of the same be printed; and for printing the laws, thirty-two dollars for every sheet thereof,

and that sixteen hundred copies of the same be printed, and that the printer of the laws be required to print the public and private acts, in such a manner that they may be separately bound.

Sec. 5. *And be it enacted*, That there shall be paid to the sergeant at arms, for the time being, who shall attend the Council and House of Assembly, and to the door-keepers of Council and Assembly, for the time being, the sum of two dollars each by the day, on a certificate to be produced to the Treasurer, expressing the sum and number of days they shall have respectively attended, signed by the President of Council or by the Speaker of the House of Assembly.

Sec. 6. *And be it enacted*, That there shall be paid to the Secretary of Council and Clerk of the Assembly, who shall severally engross the bills of Council and Assembly, this session of the Legislature, after the rate of eight cents by the sheet, on a certificate of the amount signed by the President or Vice-President of Council, or by the Speaker of the House of Assembly.

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

A. Passed November 6, 1818.

PRIVATE AND TEMPORARY ACTS.

ACTS

OF THE

FORTY-THIRD

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY,

AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-SEVENTH DAY OF OCTOBER,

ONE THOUSAND EIGHT HUNDRED AND EIGHTEEN.

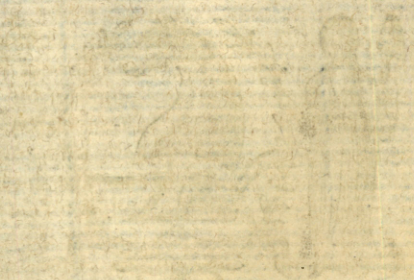
BEING THE SECOND SITTING.



TRENTON:

PRINTED BY JOSEPH JUSTICE

1819.



ACTS

OF THE

FORTY-THIRD

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY.

SUPPLEMENT to the act entitled "An act to authorize Edmund William Kingsland, Jacob W. Van Winkle and others, their heirs and assigns forever, to erect and maintain a dam, sluices and flood-gates across Kingsland Creek, and such other water works, as they may think necessary, in the county of Bergen, to improve their Salt Meadow.

Sec. 1. 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 dam or lock contemplated by virtue of the above recited act, passed January twentieth, eighteen hundred and eighteen, shall be erected on Kingsland Creek, in the county of Bergen, or in the fast land at any point in the said creek, near what is called Reed's Sprout, or further down, at the discretion of said commissioners; and that the said commissioners have full power to stop the old creek, in case they build the flood-gates or lock in the fast land; that the navigation may not be injured they shall cut the canal or creek to and from the flood-gates or lock, the full width and depth required in the eighth section of said act.

Sec. 2. *And be it enacted,* That the fourth section of the above recited act be, and the same is hereby repealed.

C. Passed January 14, 1819.

A further Supplement to the act, entitled "An act to incorporate a Bank at Jersey City, commonly called Powles Hook, to be styled and known by the name of the Jersey Bank."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the deed of conveyance directed to be made by the twelfth section of the act to which this is a supplement, by the governor of this state, or person administering the government thereof, shall be made to the president, directors and company of the Jersey Bank, their successors and assigns forever, and that such deed shall grant and convey to and vest in the said president, directors and company of the Jersey Bank and their successors and assigns forever, all the estate, right, title, and interest of this state of, in, and to the house and lots of land in the city of Jersey, formerly belonging to the president and directors of the Jersey Bank, and conveyed to this state by John T. Banta, sheriff of the county of Bergen, by deed, dated the fourteenth day of May, one thousand eight hundred and eleven, in as full and ample manner as this state can grant and convey the same; and further, that so much of the said twelfth section as is inconsistent with the provisions of this supplement, be, and the same is hereby repealed.

Sec. 2. *And be it enacted,* That the first fundamental article contained in the fifth section of the act to which this is a supplement, which requires that all the directors of the said bank shall be residents in the state of New-Jersey, and be worth one thousand dollars in real estate in the same, clear of incumbrances, be, and the same is hereby repealed.

Sec. 3. *And be it enacted,* That so much of the tenth section of the act to which this is a supplement, as provides that the president and directors of the said corporation shall not, at any time issue a greater amount of notes than double the actual amount of specie and notes of such banks as will at any time command the receipt of specie, which they may have in the vaults of their institution at the time of issuing the same, or continue in circulation any greater amount for a longer term than ninety days, be, and the same is hereby repealed.

A. Passed January 15, 1819.

A Supplement to the act, entitled "An act to incorporate the Georgetown and Franklin Turnpike Company," passed the fifteenth day of February, one thousand eight hundred and sixteen.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the president and directors of the Georgetown and Franklin 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 Elias Baker's and John Simonson's, in the county of Somerset, and also from or near the corner of Samuel Ege and Daniel Stillwell, to or near where the road now crosses the line of Ezekiel Rose and Walter Wilson, in the county of Hunterdon.

Sec. 2. *And be it enacted,* That Israel Day, Martin Schenck, and Andrew Howell, 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 Georgetown and Franklin 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.

A. Passed January 20, 1819.

An act to authorize the guardians of the minor heirs of Peter H. Conover, deceased, to execute a contract for the sale of real estate.

WHEREAS it appearing to the legislature, that Peter H. Conover, deceased, late of the county of Monmouth, who died intestate, did, in his life time, make a parol agreement with William Little and Ebenezer Scott, then being in partnership, for the sale of one moiety or equal and undivided half part of a certain lot of salt meadow, in the county of Monmouth, and received payment for them, in full therefor—AND WHEREAS

the said partnership being dissolved by mutual consent, and the said Ebenezer Scott having assigned his share of the said lot to the said William Little—AND WHEREAS the said William Little has, by his petition, prayed that the guardians of the minor heirs of the said Peter H. Conover, deceased, be empowered to make a deed to him, as the sole and lawful purchaser—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 Patience Conover, John W. Holmes, and Aaron Smock, guardians of the minor heirs of Peter H. Conover, deceased, be and they are hereby authorized to make and execute a deed of conveyance to William Little of Monmouth county, in the state of New-Jersey, for all the right and title which the said Peter H. Conover had at the time of his death, in and to one moiety or equal and undivided half part of a certain lot of salt meadow adjoining Mattavan creek and the Middletown Point mill-dam, and Gravelly Creek, containing three acres and thirty hundredths of an acre, and formerly belonging to Hendrick Conover, deceased, and which was contracted to be conveyed to the said William Little and one Ebenezer Scott, then being in partnership, by a parol agreement, made by the said Peter H. Conover, deceased, in his life time.

Sec. 2. *And be it enacted*, That such deed of conveyance shall not in any wise affect the right or title of any other person or persons of, in, and to the said lot of land, other than the heirs at law of the said Peter H. Conover, deceased.

A. Passed January 21, 1819.

An act to dissolve the marriage contract between Robert Downs and Ann his wife.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the marriage between Robert Downs of the city of New-Brunswick and county of Middlesex and Ann, his wife, be, and the same is hereby declared to be dissolved to all intents and purposes whatsoever, and the said Robert Downs and Ann, his wife, are hereby declared to be set free from their matrimonial contract as fully as if they had never been joined in matrimony.

C. Passed January 21, 1819.

An act to incorporate the Columbia and Walpack 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 Simon Cortright, esq. Daniel Shoemaker, William Hill, Gershom Courson and William Hankinson, or a majority of them, be authorized to receive subscriptions for erecting a turnpike road four rods wide, commencing at the abutment of Columbia bridge, in the township of Knowlton, in the county of Sussex, and extending up the Delaware river to the Water-gap, thence through the water-gap, keeping as near the river as possible to Pecaquary, and then still along or as near the river as the ground will admit, to near the house of Andrew Hill, thence up the Flatbrook on the south side to near Eli Fuller's mills, and from thence the nearest and best route, until it intersects the Sussex and Morris turnpike, and that they shall give security to the Governor of this 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 service they shall be paid by the Turnpike Company. Where to be erected.

Sec. 2. *And be it anacted,* That such subscriptions may consist of eight hundred shares at twenty-five dollars each, that two dollars on each share shall be paid to the commissioners before named, at the time of subscribing, and the residue shall be paid by the subscribers, their executors, administrators, or assigns, to the treasurer of the Turnpike Company, by such instalments, as the president and directors shall order and appoint. *Provided,* that no instalment to be called for, shall exceed the sum of three dollars on each share, and that four weeks notice of the time of payment, shall be given by advertisement, and that as soon as two hundred shares shall be subscribed, the said Simon Cortright, Daniel Shoemaker, William Hill, Gershom Coursen, and William Hankinson, or a majority of them, or their survivors, shall call a meeting of the subscribers and stockholders, to be held at the house now kept by George A. Sassenberg, in Columbia, after four weeks notice in the Sussex Register, printed at Newton, to choose a president and five directors, four of whom shall constitute a board to transact business, and a treasurer to continue in office until the first Tuesday in November, and until others shall be chosen; and also on the first Tuesday in November annually thereafter, there shall be a choice of officers for one year, and until others shall be chosen, at such place as the stockholders at their last meeting may have appointed, that each stockholder may vote by 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, Numbers of shares.

and the said president, directors and company shall be called and
Name. known by the name of "The President and Directors of the Columbia and Walpack 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 ninety-nine years.

Powers. Sec. 3. *And be it enacted*, That the said 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 may deem necessary for carrying into effect the power 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 relative to their concerns, as they may deem expedient: *Provided* the same shall not be repugnant to the constitution or 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 meetings.

Sec. 4. *And be it enacted*, That Samuel Johnson, Joseph Northrup and Peter B. Shafer, be, and they are hereby appoint-
Road laid out. ed commissioners, to lay out the said turnpike road, 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 or place of public worship, nor any dwelling-house without the consent of the owner thereof, nor shall it pass through any outbuildings of the value of three 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 the ascertaining the route of the said intended turnpike road, cause an accurate survey of the lines of the said road to be made, noticing thereon the principal streams, or runs of water, and public roads crossing or intersecting the same; a map or plot of which survey shall be correctly laid down on a scale of four inches to the mile, and filed in the secretary's office of this state, which certificate and plot, or a certified copy thereof, shall be a 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 disinterested person in his place.

Sec. 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 twenty-four feet in breadth, in the most rocky parts thereof, and thirty-two feet, where the soil may be free from rocks, 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 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 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 feet in breadth, and wherever 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 good and sufficient railing to be erected and maintained on the sides, so as to prevent horses and carriages from running off: *Provided*, the commissioners aforesaid do not designate in writing, under their hands, and set forth therein that that part of the road laid out by them which runs on the low sandy land near the Delaware, is not necessary to be raised and drained as aforesaid. Road how to be formed.

Sec. 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 by 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, but no stone, sand, or gravel shall be 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. Authority given.

Sec. 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 the owners of said land to meet at the house of Andrew Hill, in Walpack township, on thirty days notice being given in the newspaper named in the second section, and by advertisements signed by the president of the said company, put up in four of the most public places adjacent to the said road, and to choose one respectable freeholder in the state, not interested, and the said corporation shall also choose one respectable freeholder not interested, who, in case of their disagreement, shall How disputes to be settled.

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 the compensation, which shall be paid by the company to such of the applicants as they shall conceive to be injured, on which payment or tender thereof, to the owner or owners, the 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 thus chosen, shall not decide thereon, then it shall be lawful for one of the justices of the supreme court, upon the application of either party, and at the costs and charges of the corporation, to direct a special jury of freeholders of any township 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 generally 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 said county, in which the inquisition is taken; and it shall be the duty of such sheriff to attend before the said justice, with the book of the freeholders, at such time and place as the said justice shall appoint, upon reasonable notice being given him for the purpose of striking such jury, and also upon like notice, to have the jury upon the premises in question, at the time mentioned in said notice, and to administer the oath or affirmation to the said jurors, and the said sheriff and jurors shall be entitled to the like fees for their service, 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, and the said company paying to the owners respectively, the sums in such report, in full compensation for such 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 owner 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, or tender thereof 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 laying out said road, unless the consent of the owner of such land be first obtained.

Sec. 8. *And be it enacted*, That as soon as the said company shall have completed four miles of the said road, then it shall be lawful for the directors to give notice to the Governor or the

person administering the government of this state, who shall thereupon forthwith nominate and appoint three commissioners, who having first taken their oaths or affirmations for that purpose, 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 license 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 rates hereinafter specified, and in like manner when the remainder of the 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:

Permission to erect toll-gates.

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,	one half cent.
For every dozen of calves, sheep or hogs,	one half cent.
For every dozen of horses, mules or cattle,	two cents.

Toll.

And it shall be lawful for the toll gatherers to stop persons 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 usually 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 any training on a muster day appointed by law, or to or from any tour of militia duty, or any other military officer or soldier passing or re-passing when called to do duty by the laws of this state or of the United States, or for the waggons, carriages, beasts of burden or draught, which may be employed in conveying the persons of such militia man, officer or soldier, their baggage, ammunition or other articles necessary for their use.

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

Sec. 10. *And be it enacted*, That before said company shall receive toll for travelling said road, they shall cause mile stones or posts to be erected and maintained, one for each and every

Mile-stones.

mile on said road, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Columbia, and shall cause to be fixed 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 damage.

Sec. 11. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the mile stones 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, turnpike or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpike, such person or persons, shall forfeit and pay a fine not exceeding the sum of twenty dollars to be recovered by the corporation, to their use, with costs of suit, besides being subject to an action of trespass for the damages sustained; 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.

Sec. 12. *And be it enacted*, That if any toll gatherer shall unnecessarily hinder or delay 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 to the person so hindered or defrauded, the sum of twenty dollars, to be recovered in an action of debt with costs of suit.

Sec. 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 ten years according to the true intent and meaning of this act, then and in either of these cases this act shall cease, be void and of none effect, except so far as compels the said company to make reparation for damages.

Sec. 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 or persons on horseback to pass; and if any person shall offend against this provision, such person shall

Manner of passing.

forfeit and pay the sum of two dollars to any person who shall be obstructed in their passage and will sue for the same, to be recovered with costs of suit, and shall also be subject to an action of trespass for the damages sustained.

Duty of the board.

Sec. 15. *And be it enacted*, That the president and directors of the said company shall cause to be kept a just and true account of all monies received from the subscribers to the stock of the said company, 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 account to a general meeting of the stockholders until the said turnpike shall be completed; and if at any time previous to the completion of the said turnpike, and payment of all costs, charges and expenses thereof, it shall be found that the capital stock of the said company is not sufficient to complete the same, it shall and may be lawful for the said president, directors and company at a stated or special meeting convened for that purpose, to increase the number of shares to such extent as may be necessary to complete the same, and to demand and receive the monies subscribed for such shares in the manner herein before provided for original subscriptions.

Account to be kept of money received.

Sec. 16. *And be it enacted*, That the said president and directors shall cause to be kept, just and true accounts of all monies received by the collectors of tolls, for travelling on said road, and of all penalties and forfeitures accruing to said company, and also of all costs, charges and expenses of repairing and maintaining said road and transacting the business of said company, and shall once in every year or oftener if they shall deem it necessary, make and declare a dividend of the clear income, and profits thereof among the stockholders of the said compay, which shall be paid by the treasurer of said company to the said stockholders or their legal representatives, in such manner as the said president and directors shall appoint.

How to proceed in case the road is not good.

Sec. 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 be made to any justice of the peace in the county where the cause of complaint may arise, 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 the oath or affirmation to act impartially, shall proceed to examine the said road so complained of, and 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 a state as the law requires it to be kept, and if the report be unfavourable to the said road, the said justice shall immediate-

ly 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 that 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, one dollar each, to be paid by the 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 of said persons, or any two of them by license under their hands and seals, directed to the toll gatherer, permit the gates to be shut, and the 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 favour of the 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 described, one or more respectable freeholders in 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.

A. Passed January 21, 1819.

An act relating to the last will and testament of Thomas Hoff, late of the township of Hopewell, in the county of Hunterdon, deceased.

WHEREAS the said Thomas Hoff, by his last will and testament, bearing date the twenty-first August, one thousand seven hundred and ninety-six, did give and bequeath unto his wife Rebecca, all his real and personal estate, as long as she remained his widow, or, if not marrying, during her life, and at her decease or second marriage, did order the same to be sold by his executors, and did give and bequeath the monies arising therefrom to his son Andrew Hoff, reserving a legacy of ten pounds to Isabella Drake, to be paid as soon as the money arising from the said sale could be collected: *Provided*, that if he should die without a lawful heir, the monies remaining undisposed of by him at his decease, to be disposed of among the surviving children of the brothers and sisters of the testator, and thereof appointed the said Andrew Hoff and Na-

thaniel Temple executors, and the said Nathaniel Temple hath since died. *And whereas* the said Rebecca Hoff did in due form of law, by deed dated the fifth of January, one thousand eight hundred and nineteen, release, convey and assign unto the said Andrew Hoff, all her right, title and interest of and in the said real and personal estate under the said will; *And whereas*, the said Andrew Hoff hath three children now living, born in lawful wedlock, and is desirous of selling the said real estate, under and by virtue of the authority given for that purpose, in the said last will and testament—

Sec. 1. 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 Hoff, surviving executor of the last will and testament of Thomas Hoff, deceased, be, and he is hereby authorized to sell and convey the lands, messuages and tenements whereof the said Thomas Hoff died seized and possessed, in the same manner as in and by the said last will and testament he is authorized to sell the same, on the death or second marriage of Rebecca the widow of the testator, which sale and the conveyance or conveyances made in pursuance thereof, shall be as valid and effectual to all intents and purposes, as if the same had been made after the death or second marriage of the said Rebecca—*Provided*, that nothing herein contained shall alter, change, lessen or affect any lien, incumbrance or security made, created or given by the said Rebecca Hoff and Andrew Hoff, or either of them, or in any way affect the rights of their or either of their creditors under or by virtue of judgment, mortgage, or other lien.

A. Passed January 22, 1819.

An act to divorce Sarah Seward, from her husband Daniel Seward.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the marriage of Daniel Seward and Sarah his wife of the county of Morris, in this state, be, and the same is hereby dissolved, and annulled, and made of no effect, as fully and effectually to all intents and purposes, as if they had never been joined in matrimony.

C. Passed January 25, 1819.

An act for the temporary confinement of Prisoners taken by process, or sentenced by lawful authority in the county of Bergen, and for other purposes 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 after the old court-house is pulled down, and until the new court-house which is now building in the county of Bergen, is completed, the courts of oyer and terminer and general gaol delivery, the circuit courts, the inferior courts of common pleas, and the courts of general quarter sessions of the peace and orphans' court in and for the said county, shall be held at the house at present occupied by Morris Earle in the town of Hackensack, in the said county.

Sec. 2. *And be it enacted*, That after the old court-house is pulled down, and until the said new court-house is completed, all prisoners arrested by civil or criminal process in the said county, and all persons sentenced to imprisonment by the lawful authority of the said county, other than those sentenced to confinement in the state-prison, shall be confined in the common gaol of the county of Essex, *Provided* that the board of chosen freeholders of the said county of Essex consent thereto. And that after the new court-house, now erecting, is completed, the courts aforesaid in the said county shall be held, and the prisoners be confined in the same.

Sec. 3. *And be it enacted*, That nothing in this act contained, shall be construed to extend to persons giving bond to the sheriff for the liberty of walking in the limits of the gaol.

C. Passed January 16, 1819.

An act to authorize a Draw-Bridge over Menantico creek in the county of Cumberland.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the board of chosen freeholders of the county of Cumberland to build and maintain a good and sufficient bridge over Menantico creek in said county, at or near the place where the road lately laid out leading from Millville to Port Elizabeth, crosses the same, with a draw therein not less than twenty-two feet in width for the convenient passage of vessels navigating said creek.

Sec. 2. *And be it enacted*, That if any shallop-man or other person or persons shall hoist the draw in said bridge, and leave the same hoisted so as to prevent travellers and others from passing over the same, for more than fifteen minutes, when the same is not absolutely necessary for the passage of some vessel through the same; or if any person or persons shall cut, remove or destroy any piece or pieces of timber, or any plank or planks belonging to or a part of said bridge, draw, posts, or piles, or shall remove any piece or pieces of timber, or plank or planks off said draw, bridge, or any iron work belonging to the same, or otherwise wilfully damage or injure said bridge or draw unnecessarily, he, she, or they so offending shall for each and every offence, forfeit and pay the sum of twenty dollars, over and above the damage done thereto, 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 of the county where such suit shall be brought, to and for the use of said county.

C. Passed January 15, 1819.

An act to authorize Tunis Melick, administrator of Peter Melick, deceased, to fulfil a contract for the sale of land made by the said Peter Melick, deceased, with Nicholas E. Melick.

WHEREAS it appears that Peter Melick, late of the county of Hunterdon, deceased, did in his life-time contract and sell by verbal contract, to Nicholas E. Melick, a certain tract of woodland, situate in the township of Tewksbury, in said county, containing twelve acres and seventy-eight hundredths of an acre, or thereabouts, and now in possession of the said Nicholas E. Melick, and that a principal part of the consideration money has been paid by the said Nicholas E. Melick, and obligations given for the residue, to the said Peter Melick in his life-time, as appears by the petition of the widow and heirs of the said deceased, all which appearing just and 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 the said Tunis Melick, administrator of Peter Melick, deceased, be, and he is hereby authorized and empowered to make a deed of conveyance in fee-simple, unto the said Nicholas E. Melick, for a certain lot of land, in the township of Tewksbury in the county of Hunterdon, containing twelve acres

and seventy-eight hundredths of an acre, and now in possession of the said Nicholas E. Melick, the same being part of a large lot conveyed to the said Peter Melick by Robert R. Livingston, and which the said Peter Melick by a verbal contract, in his life-time, agreed to convey unto the said Nicholas E. Melick, which deed, when duly executed and delivered, shall be as good and effectual for the conveyance of said land as if the same had been made and executed by the said Peter Melick in his life-time.

C. Passed January 26, 1819.

An act for the relief of Ann Rogers.

WHEREAS it hath been represented to the Legislature, by Ann Rogers, that her husband, William Rogers, died seized of certain real estate in the county of Bergen, which it is supposed may escheat in default of an heir at law competent to inherit the same,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all the right, title, and interest of this state, of, in, and to a certain tract of land in the township of Hackensack, in the county of Bergen, which was purchased by William Rogers of Henry Banta, on the first day of June eighteen hundred and fourteen, containing fifty-three acres, one rood, and thirty-five perches, be, and the same is hereby fully and entirely released and quit-claimed unto Ann Rogers, widow of the said William Rogers, to her, her heirs and assigns forever: *Provided,* that nothing in this act shall in any wise affect the right, title, or claim of any other person or persons, in law or equity, to said premises.

A. Passed January 27, 1819.

A further Supplement to the act, entitled "An act to incorporate a company to erect a turnpike from Bordentown to South-Amboy.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the president and directors of the Bordentown and South-Amboy turnpike company, shall so construct the

bridge to be erected, or now erecting over the South river authorized by an act, entitled " An act supplementary to the act entitled An act to incorporate a company to erect a turnpike from Bordentown to South-Amboy," passed November sixth, eighteen hundred and seventeen, that one part of it not less than twenty-two feet shall hoist or draw for the free passage of such vessels, with fixed standing masts as shall from time to time have occasion to pass up and down the said South river, and the bent whereon the said draw is to be constructed, shall be set and placed in such part of the said bridge, as will render the passage of vessels through the same, the most easy, safe and convenient, and be the most conducive to the free navigation of the said South river; and the better to facilitate the passage of vessels through the said bridge, two or more posts or piles shall be set or driven on both sides of the entrance of the said draw in such place as will best conduce to the most easy and safe entrance of vessels into and passage through the said draw; and being so set, shall forever hereafter be supported and maintained by the said The president and directors of the Bordentown and South-Amboy turnpike company and their successors.

Sec. 2. *And be it enacted*, That the said president and directors of the said company shall at all times after the building of the said bridge, support, maintain and uphold, and if occasion shall require, rebuild the said draw, and at all times keep it in good and perfect repair, and fit and convenient for the passage of all vessels, and also shall give good and faithful attendance at the draw of the said bridge and as speedily as the nature of the case will admit, shall hoist or raise the draw for all masted vessels for which a passage through the same may be required, without any toll or exaction therefor. And on neglect or failure of the said president and directors of the said company, their successors or assigns to support, uphold and maintain the said draw in the said bridge, and at all times to keep it in good and perfect repair, or of giving attendance at the draw as aforesaid, the said The president and directors of the Bordentown and South-Amboy turnpike company, shall be liable to be indicted and on conviction to be fined in any sum not exceeding one hundred dollars; and also shall be liable to be sued by any person or persons aggrieved by the said neglect or failure, in an action of trespass on the case.

C. Passed January 29, 1819.

A Supplement to the act, entitled "An act relative to the toll bridge over Rancocus creek, in the county of Burlington," passed the twenty-third day of January one thousand eight hundred and eighteen.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That notwithstanding the payment, or tender of the money in the sixth section of the act, to which this is a supplement, the said corporation of "The president, managers and company of the Rancocus toll bridge," shall be deemed as continuing so far as respects any estate, real or personal, vested in or belonging to said corporate body, other than the bridge in said act mentioned, for the space of three years from the said twenty-third of January one thousand eight hundred and eighteen, and no longer, to enable the said president, managers and company to dispose of the same, and to settle the concerns of the company; and all acts lawfully done or to be done by the said company in regard to such other property, and the conveyance thereof within the said three years, shall be valid, any thing in the said act to which this is a supplement to the contrary notwithstanding.

C. Passed January 11, 1819.

An act to dissolve the marriage contract between Elizabeth Williams and Linus Williams 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 contract between Elizabeth Williams of the county of Essex, (late of the county of Morris) and Linus Williams, her husband, be, and the same is hereby dissolved to all intents and purposes whatsoever, and the said Elizabeth Williams and Linus, her husband, are hereby declared to be set free from the matrimonial contract, as fully as if they had never been joined in bonds of matrimony.

A. Passed January 26, 1819.

An act to incorporate the Newton Turnpike Company, in the county of Sussex.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That William T. Anderson, Job S. Halsted, Joseph Northrup, David Ryerson, Daniel Stuart, Ephraim Green, jun. and John Johnson, or a majority of them, be authorized to receive subscriptions for erecting a turnpike road four rods wide, commencing at the north end of the second district of the Morris and Essex turnpike near Andover Furnace, from thence through Newton to the south end of the third district of the said Morris and Essex turnpike near the Blue Mountain, in the county of Sussex, and that they shall give security to the Governor of this state, to pay the subscription money they shall receive, to the treasurer of the said Turnpike Company, and to perform the other duties required of them by this act, for which service they shall be paid by the Turnpike Company. Where to be erected.

Sec. 2. *And be it enacted*, That such subscriptions may consist of four hundred shares of twenty-five dollars each, that two dollars on each share shall be paid to the commissioners at the time of subscribing, and the residue shall be paid by the subscribers, their executors, administrators, or assigns, to the treasurer of the Turnpike Company, by such instalments, as the president and directors shall order and appoint. *Provided*, that no instalment to be called for, shall exceed the sum of three dollars on each share, and that four weeks notice of the time of payment, shall be given by advertisement, and as soon as one hundred shares shall be subscribed, the said William T. Anderson, Job S. Halsted, Joseph Northrup, David Ryerson, Daniel Stuart, Ephraim Green, jun. and John Johnson, or a majority of them, or their survivors, shall call a meeting of the subscribers and stockholders, to be held at the house now kept by Nathan Drake, in Newton, after four weeks notice in the Sussex Register, printed at Newton, to choose a president and five directors, four of whom shall constitute a board to transact business, and a treasurer to continue in office until the first Tuesday in November, and until others shall be chosen; and also on the first Tuesday in November annually thereafter, there shall be a choice of officers for one year, and until others shall be chosen, at such place as the stockholders at their last meeting may have appointed, that each stockholder may vote by 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, directors and company shall be called and known by the name of "The President and Directors of the Newton Turnpike Company," and shall have all the powers Numbers of shares.

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

Powers.

Sec. 3. *And be it enacted*, That the said 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 may deem necessary for carrying into effect the power 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 relative to their concerns, as they may deem expedient: *Provided* the same shall not be repugnant to the constitution or 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 meetings.

Road laid out.

Sec. 4. *And be it enacted*, That Robert W. Rutherford, William Little, jun. and Abraham Shaver, jun. be, and they are hereby appointed commissioners, to lay out the said turnpike road, 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 or place of public worship, nor any dwelling-house without the consent of the owner thereof, nor shall it pass through any out-buildings of the value of three 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, after ascertaining the route of the said intended turnpike road, cause an accurate survey of the lines of the said road to be made, noticing thereon the principal streams, or runs of water, and public roads crossing or intersecting the same; a map or plot of which survey shall be correctly laid down on a scale of four inches to the mile, and filed in the secretary's office of this state, which certificate and plot, or a certified copy thereof, shall be a sufficient evidence of the course of the said road, and all the expenses incurred thereby, shall be defrayed by the said company; and the said certificate and map shall be delivered into the secretary's office, to be there recorded and filed as aforesaid, as soon as the said road shall be opened, and before taking any toll thereon. *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 disinterested person in his place.

Sec. 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, 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 or faced with stone, gravel, or other hard substance, so as to secure a 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 wherever 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 good and sufficient railing to be erected and maintained on the sides, so as to prevent horses and carriages from running off. Road how to be formed.

Sec. 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 by 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, but no stone, sand, or gravel shall be 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. Authority given.

Sec. 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 the owners of said land to meet at the house of Nathan Drake, in Newton, on thirty days notice being given in the newspaper named in the second section, and by advertisements signed by the president of the said company, put up in four of the most public places adjacent to the said road, and to choose one respectable freeholder in the state, not interested, and the said corporation shall also choose one respectable freeholder not interested, who, in case of their disagreement, shall have power to choose an umpire, and who, together with 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 in- How disputes to be settled.

jured, on which payment or tender thereof, to the owner or owners, the 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 thus chosen, shall not decide thereon, then it shall be lawful for one of the justices of the supreme court, upon the application of either party, and at the costs and charges of the corporation, to direct a special jury of freeholders of any township 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 generally 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 said county, in which the inquisition is taken; and it shall be the duty of such sheriff to attend before the said justice, with the book of the freeholders, at such time and place as the said justice shall appoint, upon reasonable notice being given him for the purpose of striking such jury, and also upon like notice, to have the jury upon the premises in question, at the time mentioned in said notice, and to administer the oath or affirmation to 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, and the said company paying to the owners respectively, the sums in such report, in full compensation for such 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 owner 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, or tender thereof 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 laying out said road, unless the consent of the owner of such land be first obtained.

Sec. 8. *And be it enacted*, That as soon as the said company shall have completed four miles of the said road, then it shall be lawful for the directors to give notice to the Governor or the person administering the government of this state, who shall thereupon nominate and appoint three commissioners, which commissioners having first taken an oath or affirmation to perform the duties hereby enjoined, 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, ac-

cording 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 license 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 rates hereinafter specified, and in like manner when the remainder of the 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:

Permission to erect toll-gates.

Toll.

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, one half cent.
For every dozen of calves, sheep or hogs, one half cent.
For every dozen of horses, mules or cattle, two cents.

And it shall be lawful for the toll gatherers to stop persons 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 usually 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 any training on a muster day appointed by law, or to or from any tour of military duty, or any other military officer or soldier passing or re-passing when called to do duty by the laws of this state or of the United States, or for the waggons, carriages, beasts of burden or draught, which may be employed in conveying the persons of such militia man, officer or soldier, their baggage, ammunition or other articles necessary for their use.

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

Mile-stones.

Sec. 10. *And be it enacted*, That before said company shall receive toll for travelling said road, they shall cause mile-stones 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 stone or post is from Andover Furnace, or Elizabeth-Town Point, and shall cause to be fixed 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."

Sec. 11. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the mile stones 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, turnpike or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpike, such person or persons, shall forfeit and pay a fine not exceeding the sum of twenty dollars to be recovered by the corporation, to their use, with costs of suit, besides being subject to an action of trespass for the damages sustained; 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 an 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 damage.

Sec. 12. *And be it enacted*, That if any toll gatherer shall unnecessarily hinder or delay 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 to the person so hindered or defrauded, the sum of twenty dollars, to be recovered in an action of debt with costs of suit.

Sec. 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 ten years according to the true intent and meaning of this act, then and in either of these cases this act shall cease, be void and of none effect, except so far as compels the said company to make reparation for damages.

Sec. 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 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, to be recovered with costs of suit, and shall also be subject to an action of trespass for the damages sustained.

Manner of passing.

Sec. 15. *And be it enacted*, That the president and directors of the said company shall cause to be kept a just and true account of all monies received from the subscribers to the stock

Duty of the board.

of the said company, 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 account to a general meeting of the stockholders until the said turnpike shall be completed; and if at any time previous to the completion of the said turnpike, and payment of all costs, charges and expenses thereof, it shall be found that the capital stock of the said company is not sufficient to complete the same, it shall and may be lawful for the said president, directors and company at a stated or special meeting convened for that purpose, to increase the number of shares to such extent as may be necessary to complete the same, and to demand and receive the monies subscribed for such shares in the manner herein before provided for original subscriptions.

Account to be kept of money received.

Sec. 16. *And be it enacted*, That the said president and directors shall cause to be kept, just and true accounts of all monies received by the collectors of tolls, for travelling on said road, and of all penalties and forfeitures accruing to said company, and also of all costs, charges and expenses of repairing and maintaining said road and transacting the business of said company, and shall once in every year or oftener if they shall deem it necessary, make and declare a dividend of the clear income, and profits thereof among the stockholders of the said compay, which shall be paid by the treasurer of said company to the said stockholders or their legal representatives, in such manner as the said president and directors shall appoint.

How to proceed in case the road is not good.

Sec. 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 be made to any justice of the peace in the county where the cause of complaint may arise, 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 examine the said road so complained of, and 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 a state as the law requires it to be kept, and if the report be unfavourable 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 that 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, one dollar each, to be paid by the

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 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 the 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 favour of the 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 described, one or more respectable freeholders in 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.

A. Passed February 6, 1819.

An act for the relief of Jaques Coulon Meuron, Joseph Richards, and others.

WHEREAS certain monies have been paid into the treasury of this state, from the sales of part of the cargo of the brig Perseverance, wrecked on the coast of Cape May, in the year one thousand eight hundred and sixteen, and it appearing that Jaques Coulon Meuron is justly entitled to receive eleven hundred and twenty-eight dollars and eighty-three cents, and that Joseph Richards is entitled to receive one hundred and nine dollars and ninety cents of said monies, but which they have been prevented from receiving by reason of their not being able to make due proof of their respective claims within the time limited by law—THEREFORE,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the treasurer of this state, be, and he is hereby directed to pay unto the said Jaques Coulon Meuron and Joseph Richards, or to their duly authorized attorneys in fact, the sums so as aforesaid due to them respectively, any thing in the act concerning wrecks, passed March the eighth, one thousand eight hundred and eight, to the contrary notwithstanding.

Sec. 2. *And be it enacted*, That the treasurer shall, and he is hereby authorized to pay to any other owner or owners, or to the lawful attorney in fact, of such owner or owners, such sum

or sums of money as may be in the treasury, arising from the sales of said cargo, belonging to such owner, at any time within one year after the passing of this act, on due proof being made of such ownership, according to the provisions of the said act concerning wrecks.

C. Passed January 26, 1819.

An act for removing obstructions and straitening part of Pepocotton creek, in the county of Sussex.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Richard M. Laurence, Peter Decker, and Frederick Hayne, be, and they are hereby appointed commissioners to ascertain the number of acres of meadow or land overflowed with water lying on or near Pepocotton creek, in the township of Wantage, in the county of Sussex, and between the drowned lands and the line of the township of Frankford, which may in their opinion be benefitted by removing the obstructions in the said creek, and straitening the course thereof; which said commissioners, after having ascertained the same, shall make and subscribe a roll thereof, containing a statement of the several lots, with the number of acres in each, and the names of the owners repectively, and having finished the same, shall file a copy thereof, signed by them, in the clerk's office in the county of Sussex.

Sec. 2. *And be it enacted*, That it shall be lawful for the owners and possessors of the lands and meadow aforesaid to meet at the house now kept by Samuel Decker in Deckertown, on the first Monday in April next, at one o'clock in the afternoon, and then and there by a majority of votes of the persons so met to choose three managers to direct the removal of obstructions and straitening the course of said creek, and to make an estimate of the expense of the same, which shall be laid before the commissioners aforesaid.

Sec. 3. *And be it enacted*, That the commissioners aforesaid, shall, upon the receipt of such estimate, signed by the said managers, proceed to assess the amount thereof upon the said meadow and lands overflowed with water, in proportion to the benefit each tract or lot of land may receive thereby, and having made such assessment, they shall deliver the same to the managers to be by them collected and applied to the purpose aforesaid, and in case the sum so assessed shall be found insufficient to defray the expenses of removing the obstructions aforesaid, the said commissioners may on due proof thereof assess such further sum or sums as may be necessary to complete the same.

New Jersey State Library

Sec. 4. *And be it enacted*, That if any person or persons who shall be assessed, as aforesaied, shall neglect or refuse, for the space of forty days after notice given them by one of the managers, to pay the amount so assessed, that then it shall be lawful for the managers, or any one of them, to make returns of the name or names of the person or persons, with the sums, he, she, or they were assessed to the said commissioners, who, on due proof of such notice and neglect or refusal to pay, shall let out or lease at public sale, after ten days notice thereof by advertisement, the meadow or land overflowed with water, on which the said sum so due shall have been assessed, for such term or terms, as will be sufficient to pay the sum so assessed, and the costs and charges arising on such sale.

Sec. 5. *And be it enacted*, That the said managers shall keep a regular account of the money they may have received, the payments they have made, and the expenses they have been at, which account they shall lay before a committee to be chosen by the owners or possessors of said land yearly and every year, on the first Monday in April, until said obstructions shall be removed, and said managers shall be liable for all monies by them received, but not applied for removing said obstructions, and shall pay the balance in their hands over to their successors in office, and on their neglect or refusal to do the same, shall be liable to an action of debt, to be sued for and recovered by said committee in their own names, in any court where the same may be cognizable, to, and for the use of the several persons who have paid the same.

Sec. 6. *And be it enacted*, That the owners and possessors of said meadows and swamps shall and may yearly, and every year, on the first Monday in April, at one o'clock afternoon, meet and assemble at the house of Samuel Decker, in Deckertown, or at such other place as a majority of those met at their first or any subsequent meeting shall determine by a majority of votes of those met, to choose three persons for managers for the ensuing year, and also three persons as a committee to examine and settle the accounts of said managers.

Sec. 7. *And be it enacted*, That if the owners and possessors of said land shall neglect or refuse to meet and elect managers, that in such case the managers for the preceding year shall continue in office, and have the same power as before until others are chosen.

Sec. 8. *And be it enacted*, That if any person or persons shall fall any tree or bushes, or cut any logs and leave the same in any part thereof, or by any means whatever dam or obstruct the free course of the waters and shall not remove the same within six days thereafter, shall forfeit and pay twenty dollars, to be recovered by the managers for the time being, in any court where the same may be cognizable, with costs of suit, to be applied for the purposes of this act.

C. Passed January 26, 1819.

An act to authorize the banking and improving certain salt marshes or meadows on Lake's creek, in the township of Eggharbour, in the county of Gloucester.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the owners and possessors of the salt marsh and meadow upon Lake's creek in the township of Eggharbour, in the county of Gloucester, or a majority of them, their heirs and assigns, to erect, keep up and maintain a bank, sluice, and flood-gates across said creek, so as to prevent the said meadow from being overflowed by the tide.

When the owners to meet.

Sec. 2. *And be it enacted,* That it shall and may be lawful for the said owners and possessors, or a majority of them, to meet at the house now occupied by John Perry, at the request of any one or more of the said owners and possessors, upon fourteen days notice being given to all the owners and possessors who may be interested; and at such meeting by a majority of votes by ballot of the owners and possessors met to appoint three managers to have the direction of procuring materials and building said bank, sluices, flood-gates, and other water-works; a treasurer to receive and pay out all monies which are to be collected and paid by and for the use of the said owners and possessors, and a clerk to keep the records of the proceedings, and all papers belonging to the said owners and possessors, which said managers, treasurer and clerk, shall hold their respective offices until the first Saturday in April after they are elected, and thence until others are appointed; and it shall be lawful for the said owners and possessors to meet on the first Saturday of April annually, at such time and place as shall from time to time be appointed at their first or any subsequent meeting, to vote for officers, make bye-laws and transact such other business as may be necessary for the promotion of the objects of this act.

Officers to be appointed, and their duty.

Commissioners appointed, and their duty

Sec. 3. *And be it enacted,* That Joseph Risley, Thomas Garwood and James English, of said township, or any two of them, be, and they are hereby appointed commissioners to value all the marsh or meadow ground which shall or may be secured from the overflow of the tide by the said bank and other water works, and if necessary, cause all the lots or parcels of meadow lying within the bounds of the same, to be measured, and a plot of the same to be made, shewing the quantity of marsh or meadow held by each person, and the value of the same, and to make an estimate of the sum or sums of money necessary to defray the expenses of the different services done or required to be done by or for the said owners and possessors, and for making the bank and other water works, necessary to keep the tide from overflowing the said meadow until the same shall be put in a proper state of improvement, and the said commissioners shall there-

upon assess the same on the said meadows according to the value and quantity each owner may have within the said bank and water works and the benefit to be derived thereby, and they, or any two of them, shall state in the said assessment the name of each owner and possessor, the number of acres or parts of acres held by each, the sums assessed on each of them severally, and the time or times of payment, which assessment shall be by them delivered to the treasurer of the said owners and possessors.

Where bank to be erected

Sec. 4. *And be it enacted*, That the bank contemplated to be built by virtue of this act, shall begin at and extend from a certain pine stump standing on David Somers' fast land above high water mark, thence south twenty degrees west, to an island in the marsh, thence from the south-east side of said island, near the old salt-works, south thirteen degrees east, crossing Lake's creek to a stake, thence south fifty degrees east, to another stake, thence south eighty-five degrees east, to the fast land of Joseph Scull, or as near to the said lines as the commissioners named in this act, or any two of them, may think most beneficial to all persons interested.

Sec. 5. *And be it enacted*, That if any owner or possessor of any meadow lying within such bank or other water works, or any other person or persons by his or her order, shall wilfully open any of the flood-gates or sluices without the consent or direction of one or more of the managers, or shall do any damage to any of the said water works of the said owners and possessors, such person or persons so offending shall make good all damages occasioned thereby and be recovered by the owners and possessors receiving the damages, in any court in which the same may be cognizable, with costs of suit.

Manner of collecting the sums assessed.

Sec. 6. *And be it enacted*, That the said treasurer, on the receipt of the duplicate from the said commissioners, shall in person, or in notice left at the usual place of abode of each owner or possessor, demand of and from each owner and possessor, at least twenty days before the time of payment, the sum assessed as aforesaid, and if any of the owners and possessors shall neglect or refuse to pay the sums assessed, or any part thereof, for the space of twenty days after the time fixed for the payment thereof, it shall and may be lawful for the said treasurer to seize and rent out at public vendue to the highest bidder, for so long a time as may be requisite, and no longer, so much of the meadow ground within the said bank and water works, belonging to or in possession of such delinquent owner and possessor, as may be sufficient to discharge such assessment, or such part thereof as may remain unpaid, and all expenses that may attend the recovery thereof, having first advertised the same for the space of two weeks in three of the most public places in the neighbourhood of the said meadows.

Sec. 7. *And be it enacted*, That if the estimate made by the commissioners should not produce a sufficient sum of money to

fulfil the purposes intended to be performed by this act, then the said managers shall from time to time make assessments of such further sum or sums of money as may be necessary to answer the purposes aforesaid, which shall be by them assessed and collected in like manner as is herein before directed.

Manner of constructing the flood-gates, &c.

Sec. 8. *And be it enacted*, That the sluices, locks, or flood-gates to be erected in the said bank, in pursuance of this act, shall not be less than sixteen feet wide in the clear, and not less than five feet in depth, below the level or surface of the meadow adjoining said bank, and the said flood-gates, lock, or sluices shall be constructed in such manner as to swing open, so that scows or other vessels may pass the same, if occasion shall require.

Managers to inspect the works, &c.

Sec. 9. *And be it enacted*, That the managers elected by virtue of this act, shall from time to time, and at least once in every three months, inspect the said bank, sluices, flood-gates, locks, and other water works, and if they should require any repair, forthwith to procure such materials and employ such workmen as may be necessary, and repair the same, and all such repairs shall be paid for by the said owners and possessors.

C. Passed January 20, 1819.

An act to incorporate the president, directors and company of the Pennsylvania and New-Jersey Communication Company.

WHEREAS a large number of the inhabitants of this state, have, by their petition, prayed the passage of an act of the legislature, to incorporate a company for erecting a permanent and convenient bridge from a new street on the New-Jersey shore, at or near Camden, in the county of Gloucester, being about three hundred feet south of Wildes's ferry, to the island or sand bar in the river Delaware, opposite the city of Philadelphia, in the state of Pennsylvania. *And whereas*, it appears that the completion of the said bridge, and the investing of the said corporation with further powers to erect and maintain wharves upon the said island, and open convenient ferries from thence to the said city, to Southwark and to the Northern Liberties, in the said state of Pennsylvania, by steam-boats or other boats, will be of great utility to the inhabitants of both states—THEREFORE,

Commissioners appointed and their duty

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Pierce Butler, Robert Waln, William Merrideth, Andrew Bayard, Charles Penrose, Edward Pennington, Edward Sharp, Caleb Newbold, Isaac Mickle, Samuel L. Howel,

Samuel Harris, and Henry Chew, be, and they are hereby appointed commissioners to do and perform the several acts and duties hereinafter mentioned, that is to say, the said commissioners shall procure at least two books for the subscription of twelve thousand shares of the capital stock, at fifty dollars for each share, and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay to the commissioners, or to the president, directors and company of the Pennsylvania and New-Jersey communication company, at the time of subscribing, five dollars on each share of stock set opposite our respective names, and forty-five dollars on each share in such manner and proportions, and at such times as shall be determined by the said president, directors and company, in pursuance of an act, entitled 'An act to incorporate the president, directors and company of The Pennsylvania and New-Jersey Communication Company," and the said commissioners shall thereupon give notice in two or more of the public newspapers printed in the city of Philadelphia, and in one or more of the public newspapers printed in Trenton, for at least ten days, of the times and places when and where the said books shall be opened to receive subscriptions for the stock of the said company, at which times and places one or more of the said commissioners shall attend, and it shall and may be lawful for any person, firm, or body politic to subscribe for as many shares, as he, she, or they may think fit, not exceeding one thousand shares, on any one day; and the said stock shall be deemed personal property, and shall be transferable according to the bye-laws of the company. And the said commissioners, as soon as the corporation shall be organized in the manner hereinafter mentioned, shall pay and deliver over to the said company and their successors, for the use of the said company, all monies, books, papers and documents which they may receive or have in their possession, deducting thereout the incidental expenses of obtaining such subscriptions.

When the ompany to e incorpo- ated.

Sec. 2. *And be it enacted*, That when four thousand or more shares of the said stock shall have been subscribed, the said commissioners or a majority of them, shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the governor of this state, who thereupon shall, by letters patent under his hand and the seal of the state, create and erect the said subscribers (and if the said subscription be not full at the time, then also those who shall afterwards subscribe to the said stock,) into one body politic and corporate, in deed and in law, by the name, style and title of "The president, directors and company of the Pennsylvania and New-Jersey communication company," 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 purchasing, taking and holding to them, and their successors and assigns, in fee simple, or for any less estate, all such

lands, tenements hereditaments, estate real and personal, as shall be necessary and convenient for them in the prosecution of their works, and for obtaining the object of this act, 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 in the premises, but nothing herein contained shall be so construed as to admit of transactions in the nature of banking operations, or other operations varying from the purposes of this act.

Organization of the company.

Sec. 3. *And be it enacted*, That the twelve persons first named in the said letters patent, or a majority of them, shall as soon as conveniently may be, after sealing the same, give notice in at least two news-papers in Philadelphia, and one of the news-papers in Trenton, of the time or times and places by them to be appointed, not less than ten days from the issuing of the first notice, at which time or times and places the said subscribers shall proceed to organize the said corporation, and choose by a majority of votes by ballot, to be delivered in person or by proxy, duly authorized, sixteen directors out of the stockholders, of whom, at least one third shall be residents of each of the said states, to conduct the business of the company for one year, and until other officers shall be legally chosen. The said directors shall choose a president, secretary and treasurer from their number, and shall have power to make such bye-laws, rules, orders and regulations not inconsistent with the laws of the United States or of this state, as may be necessary for the well ordering the affairs of the said company: *Provided always*, That at any election or in determining any question arising at any election, the stockholders shall be entitled to votes as follows: for every share under ten shares, one vote; for every ten shares exceeding that number three votes; and that no person shall have more than one hundred votes at any one election or meeting.

Sec. 4. *And be it enacted*, That the stockholders shall meet on the first Monday in October in every succeeding year, as shall be fixed by the rules and orders of the said company, to be made as aforesaid, for the purpose of choosing such officers for the ensuing year, and until others shall be legally chosen.

What number to constitute quorum, and their duty.

Sec. 5. *And be it enacted*, That at the meetings of the president and directors, convened in such manner and at such times and places as shall be agreed on for transacting their business, five members shall be a quorum, who in the absence of the president, may choose a chairman, and shall keep minutes of 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 superintendants and other agents as they shall think necessary to superintend the erection of the said bridge, ferries and other improvements, and to fix their salaries or wages; to ascertain the times, manner and proportions in which the stockholders shall pay the monies due on their respective shares, to draw or-

ders on their treasurer for all monies, which orders shall be signed by the president, or, in his absence, by the chairman, and countersigned by the secretary; and to do all such acts, matters and things as by the bye-laws, orders and regulations of the company shall be committed to them.

ertificates of ock.

Sec. 6. *And be it enacted*, That it shall be the duty of the said president, directors and company to procure and issue to the stockholders certificates of their stock, signed by the president and countersigned by the treasurer, and sealed with the common seal of the company, which certificates shall be transferable on the books of the company. But if any stockholder, after thirty days notice, in one of the public newspapers printed at Philadelphia, and at Trenton respectively, of the time and place appointed for the payment of any proportion of the said capital stock, shall neglect to pay such proportion at the time and place appointed for the space of thirty days after the time so appointed, every such stockholder or his assignee shall pay after the rate of five per centum for every delay of such payment, and in addition thereto, the said stock may be forfeited to the company, and may thereupon be sold by the said company for the account of such defaulter to any person or persons willing to purchase the same, for such price as can be obtained therefor.

nalty for glect of pay- ent.

Sec. 7. *And be it enacted*, That the said company are required to build, or cause to be built, within five years from the date of this act, a good and permanent bridge of convenient width, and with stone piers, about one hundred and seventy-five feet apart, from a new street at or near Camden on the New-Jersey shore, about three hundred feet south of Wildes's ferry, and from thence to the island or sand bar in the river Delaware opposite the city of Philadelphia, together with wharves, ferries, and boats proper and necessary for the transporting and carrying from the said island to the city of Philadelphia, all passengers, goods, wares and merchandises, and other articles usually transported or carried across the said river, and to do and perform all such other acts as may be necessary for carrying into effect the purposes of this act, and on their failing so to do, all the rights, authorities and privileges herein granted to them and their successors, shall forthwith cease and determine. And the said bridge shall in the middle thereof, and for a distance of at least three hundred feet between the piers be raised so high as to leave the space of twelve feet clear between the lowest part of the same and the usual high-water mark, for the passage of boats with struck masts. And if the said company shall complete or cause to be completed, the erection of the said bridge as aforesaid, within the said period of five years, then they shall have authority to ask, demand, sue for, recover and receive the following charges or tolls from travellers, and all other persons or commodities passing or conveyed across the said bridge and ferries, or a proportional part for each, to be fixed by the company for either bridge or ferry, viz.

For each passenger, without baggage, six and a quarter cents.

Market people who shall be privileged to carry with them as many as six bushel baskets or what is equivalent to them, of any article of marketing not hereinafter rated, twelve and a half cents.

A barrel to be rated equal to two baskets, and tubs, chests and scow baskets to be rated according to the number of bushels they hold; and for every bushel basket, or what is equivalent to one, over six, to pay - - - one cent each.

For a two-horse load, - - - - fifty cents.

A barrel of flour, plaster, salt, &c. twelve and a half cents,

do. containing any liquid, twelve and a half cents.

A hogshead, - - - thirty-seven and a half cents.

Salt and plaster per bushel, - - - three cents.

Grain, - - - - - - - - two cents.

Flour, not in barrels, beef, pork, iron, &c. per hundred, four cents.

Coffee by the bag, - - - six and a quarter cents.

Chests and large trunks, each six and a quarter cents.

Middle sized do. - - - - three cents.

Small do. - - - - two cents.

Candles, soap, glass, &c. by the box, - - three cents,

Lumber by the hundred, - - - - ten cents.

Live calves per head, - - six and a quarter cents.

Sheep, - - - - - - - three cents.

Hogs, - - - - - - - four cents.

Store cattle, - - - - - twenty-five cents.

Fat, do. - - - thirty-seven and a half cents.

Horses, mules, &c. per head, eighteen and three quarter cents.

Man and horse, - - - - twenty-five cents.

Pleasure carriages and drivers, with four horses, eighty-seven and a half cents.

with two horses, - - fifty cents,

with one horse, thirty-one and a quarter cents.

Stage with four horses, - - sixty-two and a half cents.

With two horses, - - thirty-seven and a half cents.

Market carriages. For every four wheel carriage and driver going to or returning from market, drawn by two horses, twenty-five cents.

For every four wheel carriage, drawn by one horse, twenty cents.

For every two wheel do. drawn by one horse, twenty cents.

Every passenger with a carriage, except the driver, to pay six and a quarter cents.

Market carriages taking in merchandize on their return, to be charged as carriages of burden.

Carriages of burden. For every carriage and driver drawn by one horse, loaded with articles not otherwise rated, thirty-one and a quarter cents.

Unloaded do. - - - - - twenty cents.

For every carriage and driver with two horses, loaded, forty-four cents.

Unloaded, - - - - - twenty-five cents.

do. for carrying hay, straw, hemp, flax, charcoals, and other bulky articles, drawn by one horse, loaded, thirty-seven and a half cents.

Unloaded, - - - - - - twenty cents.

do. for two horses, loaded, - - seventy-five cents.

Unloaded, - - - - - twenty-five cents.

Additional horse, each, eighteen and three quarter cents.

Bricks on carriages to be rated at one dollar and twenty-five cents per thousand, including the passage of the empty carriage, and not more than five hundred to be admitted at one load on two wheels.

Oxen or mules, in draught, to be rated the same as horses: a load for each horse is calculated not to exceed half a ton, other goods, commodities, and animals not herein enumerated, to be charged in like proportion, with the privilege of charging double the above ferry rates, from the tenth of December to the tenth of March, in each year. No cart, carriage, or other vehicle to be admitted to pass which may be particularly injurious to the boats or bridge, by reason of its great weight or extraordinary construction: all which rates are fixed with this special proviso: that market carts, waggons and wheelbarrows, conveying marketing or other goods over the bridge to or from the ferries, shall pass the bridge free, provided the persons marketing, and goods they convey, shall pay the regular charges herein assessed for crossing from shore to shore; and also that carriages of any kind, loaded or partly loaded with ashes or manure only, to be rated as empty carriages.

nalty for king illegal ll, &c.

Sec. 8. *And be it enacted*, That if the said company, their successors and assigns, and whosoever shall own or possess the said bridge, shall collect or demand any greater rates or prices for the passing over the said bridge, and ferries, than what is herein before prescribed and specified, or shall neglect to keep the same in good repair, he, she or they so offending, shall forfeit and pay the sum of twenty-five dollars, for every such offence, 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. *And provided also*, That nothing herein contained, shall be construed to prevent the said company from making agreements with any person or persons for quarterly or other periodical payments, in place of the tolls herein before specified.

Penalty for injuring bridge.

Sec. 9. *And be it enacted*, That every person driving or riding over said bridge, faster than a walk, shall forfeit and pay to the company, for every such offence, the sum of five dollars. *Provided*, That notice of this provision be printed in large letters, and put up in a conspicuous place at each end of the bridge; and if any person or persons shall cut, injure, or destroy any piece or pieces of timber, or any plank or planks belonging to, or being a part of the said bridge, or its abutments, or appurtenant to the same, or the wharves connected therewith, or shall pull down, injure, or remove any stone or stones, or other materials belonging to the said bridge, wharves or abutments, or shall otherwise voluntarily damage the same, or any part thereof, or shall in any way obstruct the passage of the said bridge or ferries, he, she or they shall forfeit and pay for every such offence, the sum of fifty dollars, over and above the amount of damage done to the said bridge, abutments, materials or wharf; which sum shall be recovered in like manner as debts under one hundred dollars are recoverable. *Provided*, That a suit or suits be instituted for the recovery of the penalties herein mentioned, within ninety days after the offence shall be committed.

No other bridge to be erected, &c.

Sec. 10. *And be it enacted*, That in order to afford the said company a reasonable prospect of advantage from the investment of their funds, to the extent necessary for the erection of a permanent bridge and ferries as aforesaid, no other authority shall hereafter be given to any person or persons to erect, or cause to be erected, a bridge over any part of the river Delaware, within three miles of the city of Philadelphia, for the term of twenty years from the date of this act. *Provided always*, That the bridge herein authorized to be built, shall be actually completed within five years from the date hereof.

Accounts to be kept.

Sec. 11. *And be it enacted*, That the said president, directors and company, shall keep fair and just accounts of all monies received by them from the said commissioners, and from the subscribers to the said stock, and of all penalties for the delay of payment as aforesaid, and of all voluntary contributions, and also of all monies expended by them in the prosecution of the said work; and shall, at least once a year, exhibit the said accounts to a general meeting of the stockholders, until the said bridge is completed, and the cost, charge and expense of the same fully paid; and after the said bridge is completed, they shall keep fair and just accounts of all the monies received for crossing the said bridge and ferries; and shall, at least twice in each year, make and declare a dividend of the profits and income thereof among all the holders of the stock of the said company, first deducting all con-

tingent costs and charges, and reserving such a growing fund as they shall deem prudent to provide for the decay, repair, and rebuilding of the said bridge.

When to be in force.

Sec. 12. *And be it enacted*, That this act shall not take effect or become a law until the legislature of the commonwealth of Pennsylvania shall pass an act so far corresponding herewith as to authorize the erection of a bridge on the scite, herein before described, under such further provisions, restrictions and limitations, as they may think proper for laying out roads, and other improvements on the said island which may be necessary to carry into effect the objects of this act, and not inconsistent with its general tenor.

C. Passed January 26, 1819.

An act to authorize the banking and improving certain marsh, meadow, and swamp, in the township of Downs, in the county of Cumberland.

Owners when to meet.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the owners and possessors of the marsh, meadows, and swamps lying on Oronocon creek, above the old fishing ditch in the township of Downs, in the county of Cumberland, which said owners or possessors shall be denominated and known by the name of "The Oronocon Meadow Company," to meet at the inn of Auley Lore, in said township, on the second Monday in March next, at two o'clock in the afternoon; and yearly thereafter on the second Monday of March of every year, (every future meeting to be held at such place, as may by a majority of votes of the owners and possessors present at the meeting be appointed; and, in failure of such appointment, then at the place where the last meeting was held) and then and there by plurality of votes of the said owners and possessors present, personally, or by proxies in writing duly executed, to choose out of the said owners and possessors, three managers for the ensuing year, or until others be chosen in their place; and in case of the death, removal, inability, or refusal of the said managers, or either of them to serve, then it shall and may be lawful for any two of the owners or possessors, by public advertisement under their hands, set up in three of the most public places in the neighbourhood of the said marsh, giving eight days notice to call a meeting of the said owners and possessors at the place where the last annual meeting was held, and there and then by plurality of votes of the persons so met personally, or

by regular proxies as aforesaid, choose one or more managers, as the case may require, who shall serve until the next annual meeting, or until others be chosen. *And it is hereby directed and appointed by the authority aforesaid*, That each owner or possessor of said marsh, meadow and swamp, shall be entitled to one vote (whether in person or by proxy, duly executed) for every three acres which he or she may have enclosed by said bank.

Land to be surveyed.

Sec. 2. *And be it enacted*, That it shall be the duty of the managers, chosen as aforesaid, to employ a well known and respectable surveyor, who shall forthwith proceed to measure, ascertain, and determine each owner or possessor's number of acres of marsh, meadow, and swamp enclosed by the said bank, and make a regular return, plot, and drawing of the same, which shall be given to the said managers, and shall remain in their possession during their continuance in office, and upon the expiration of such time, be delivered to their successors in office; which said return of the said surveyor shall be received as evidence of each owner or possessor's quantity, and all assessments and votes shall be made and given according thereto.

Banks, &c. to be made.

Sec. 3. *And be it enacted*, That it shall be the duty of the managers, and they are hereby authorized and empowered to make or cause to be made, good and sufficient banks, dams, sluices and every other work necessary and proper to keep out the tide at all times, and prevent said marsh, meadow and swamp from being overflowed, and to begin the bank at or near the fast land called Mikes' point, thence across said creek to the fast land called Scrub island, in which said Oronocon creek and marsh adjoining, shall be erected a sluice or sluices with gates sufficient to stop the tide from flowing up the said creek, and which said gates shall open a sufficient width to discharge at low tide all the back water.

Money to be collected.

Sec. 4. *And be it enacted*, That it shall and may be lawful for the said managers, and they are hereby authorized and empowered to assess and collect from the several owners of the marsh, meadow and swamps, lying within the bounds of the above described bank, who shall be benefitted thereby, all such sum or sums of money as may be necessary to pay the expense of making such banks, dams, sluices and other water-works necessary for the above mentioned purpose, and also the expenses attending the obtaining this act in proportion to the number of acres which each one may have included by said bank, and the benefit which they shall or may receive therefrom.

Banks, &c. be kept in repair.

Sec. 5. *And be it enacted*, That it shall be the duty of said managers, and they are hereby authorized and empowered, from time to time, and at all times to amend, uphold, maintain and keep in good order and repair the said banks, dams, sluices and works respectively, so by them erected for the purposes aforesaid, and to assess and collect from each and every of the said owners and possessors of the said marsh, meadows and swamps,

from time to time, all such sum or sums of money as may be necessary to pay for amending, upholding, maintaining and repairing said banks, dams, sluices and other water-works necessary to the aforesaid purposes, in proportion to the number of acres which each one may have included by the said bank, and in the same ratable proportion, as provided for in the preceding section.

Sec. 6. *And be it enacted*, That it shall and may be lawful for the managers, and they are hereby authorized and empowered, from time to time, to dig and take for the purposes aforesaid, any earth, marsh, mud or sod in any part of the said marsh or meadow most convenient, and least detrimental to the owners thereof, and also to employ skilful artificers to make and construct the works aforesaid, and to purchase materials for the purposes aforesaid, and to have free ingress, egress and regress for themselves, their teams and workmen, through any part of the said meadow, when it may be deemed necessary.

Sec. 7. *And be it enacted*, That it shall be the duty of the said managers, from time to time to examine the condition of the bank, dams, sluices and other works, and make such improvements thereon as may be deemed necessary.

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Sec. 8. *And be it enacted*, That if any of the said owners or possessors shall neglect or refuse to pay any sum or sums of money assessed as aforesaid, for the space of four weeks after notice to him, her or them, given or left at the usual place of their abode, it shall and may be lawful for the said managers, in the name of "The managers of the Oronocon meadow company," to recover the amount thereof in an action of debt, in any court having cognizance thereof, and to give the said assessment and this act in evidence, and on proof of such service having been made as aforesaid, the court in which, or the justice before whom such action may be brought, shall give judgment for the sum so assessed, with costs of suit, and issue execution thereon for the same.

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Sec. 9. *And be it enacted*, That for the security of monies expended or to be expended or assessed, by virtue of this act, all the marsh, meadow and swamps aforesaid, that shall be included by the said bank, shall be a pledge for the payment thereof, (or for each owner's share thereof) into whose hands soever the same may come, notwithstanding any judgment, execution, sale or alienation thereof, and the said managers may for the recovery of the sum or sums of money so assessed, and for the said debt and cost, after judgment is obtained as aforesaid, enter upon and take the rents, issues and profits thereof, or sell or dispose of the grass, hay, or grain thereon, or may sell by public vendue, for a year or term of years, the marsh, meadow or swamp of each delinquent, and make a good and valid lease for the same during such term, taking care to sell the same for the shortest period of time, that will raise the so unpaid sum or sums, with costs and expenses attending such delinquency;

and it shall be the duty of the managers to give at least one month's previous notice in three of the most public places of the neighbourhood of said marsh, meadow and swamps, by advertisement, before they proceed to sell or lease the property of any delinquent.

Accounts to be kept.

Sec. 10. *And be it enacted*, That the said managers shall provide, at the expense of said company, a suitable book, in which shall be entered, by the said managers, all the assessments made by them as aforesaid, and shall, at every annual meeting, produce and lay before the said company the same, for the inspection of the different members, and shall produce and shew the same to any of the said members, at any reasonable time when thereto required, and shall also provide, at the expense of the said company, another suitable book, in which the said managers shall enter all their proceedings, and a just and true account of all the monies they shall receive and expend or lay out in the said business, and shall, at every annual meeting, produce and lay the same before the said company, with fair vouchers, for all the monies by them received and expended by virtue of this act, and shall deliver the balance, if there be any remaining in their hands, together with the said books and all other necessary papers, to their successors; and on default thereof, and every wilful neglect in any part of their several duties prescribed by this act, they, the said managers, shall forfeit and pay for a breach of their trust, and such wilful neglect of their duty, in an action of trespass, in any court of competent jurisdiction, the sum of fifteen dollars, and also pay all damages that may arise by their negligence, to be sued for and recovered by any member of the company who shall be aggrieved or injured by such negligence of the said managers, in and with the above action of trespass, and said managers shall be accountable for any money remaining in their hands at the end of every year, and if the said managers shall refuse to pay such balance in their hands to their successors, then their successors shall sue for and recover the same in an action of debt, with costs of suit.

Penalty for injuring the works, &c.

Sec. 11. *And be it enacted*, That if any person or persons shall wilfully do any injury or damage to the said banks, dams, sluices, or any of the works authorized by this act, he, she, or they, shall for every such offence, forfeit and pay twenty dollars, together with all damages, to be sued for and recovered in an action of trespass, in any court, or before any justice having cognizance of the same, with costs of suit, to be applied to repairing said works so injured, and the managers, for the time being, are hereby enjoined and authorized to prosecute the same.

C. Passed February 2, 1819.

An act to authorize the inhabitants of the town of Newark, to raise money for certain purposes.

Owners of houses to meet, and when.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the inhabitants of the town of Newark in the county of Essex, being owners of dwelling houses and other edifices and buildings in the said town of Newark, and within the bounds or limits hereinafter prescribed, to meet annually at some convenient place, in the said town, on the first Monday in April or on some other day in the month of April, for the purpose of taking into consideration the propriety and expediency of raising money by a tax on such houses, edifices and buildings as aforesaid, to be applied to the purchase of a fire engine or fire-engines for the use of the said town, with hose, ladders, fire-hooks, ropes, buckets, and other necessary and usual apparatus and implements for extinguishing fires, and for keeping the same, together with the engines now belonging to the said town, and their apparatus, in good and sufficient repair. *Provided always*, That public notice of the time and place of such meeting, signed by at least five respectable freeholders, being inhabitants of the said town and owners of dwelling houses or other buildings therein, be given by posting up the same, in at least five of the most public places in the said town, and by publishing the same in the news papers printed in the said town for at least fifteen days previous to such meeting.

Moderator and clerk to be chosen.

Sec. 2. *And be it enacted*, That the persons assembled in pursuance of said notice, being not less than forty in number, being such inhabitants and owners of houses and buildings as aforesaid, shall, between the hours of two and three o'clock in the afternoon of the day of meeting, elect by plurality of voices, a person then present to be moderator of the meeting, and another person, then being also present, to be clerk of the meeting, that after the moderator and clerk are chosen, and before the meeting proceed to any further business, a copy of the notice which may have been given of the said meeting, shall be produced and read by the clerk, and the posting up and publication of the same, in the manner prescribed by this act, shall be proved by the oath or affirmation of one or more persons, which oath or affirmation the moderator of such meeting is hereby authorized to administer, and the same being reduced to writing and signed by the moderator, shall together with a copy of the notice of the meeting, be fairly entered at large in a book to be provided for recording the proceedings of such meeting and all other proceedings that may be had and adopted by virtue of this act.

Manner of raising money.

Sec. 3. *And be it enacted*, That the meeting so convened and organized may proceed to determine whether they will raise money by tax on dwelling houses and other buildings in the said

town of Newark, for the purposes mentioned in the first section of this act: *Provided always*, That no such tax shall be levied unless a majority of the persons assembled shall agree to the same, and for the more orderly conducting of such meeting and to prevent all mistakes, it shall be the duty of the clerk to record the name of every person present who may be entitled to vote at such meeting, and upon every question relating to the raising of money by tax, and the amount to be raised, the votes shall be taken by yeas and nays, the clerk calling upon every person present entitled to vote, by name, and recording his answer in the affirmative or negative: *Provided always*, That no person shall be entitled to vote at such meeting who shall not be at the time an inhabitant of the said town and the owner of a dwelling house or other building or buildings within the limits hereinafter prescribed, of the value of two hundred dollars at least.

Duty of moderator and assessor.

Sec. 4. *And be it enacted*, That if a majority of the persons so assembled, shall determine to raise any sum of money by tax for the purposes aforesaid, or for any of them, a copy of such resolution signed by the moderator and clerk of the meeting, shall, within ten days thereafter, be delivered by the moderator to the assessor of the township of Newark, for the time being, whose duty it shall be to assess the same upon dwelling houses and other buildings of the value of two hundred dollars and upwards in the town of Newark within the limits hereinafter prescribed, having due regard to their value and relative exposure to injury or destruction by fire, from which assessment, any individual considering himself aggrieved may appeal to the commissioners of appeal for the time being, of the township of Newark, who shall hear and determine such appeals at the same time and in the same manner as appeals in other cases of taxation are heard and determined.

Duty of assessor.

Sec. 5. *And be it enacted*, That it shall be the duty of the assessor of the township of Newark, for the time being, to make out such assessment, and deliver a copy thereof to the collector of the township of Newark, at the same time, when by law he is or may be required, to make and deliver to him a duplicate of his assessment in the case of state taxes; and also, at the same time to deliver a duplicate of said assessment to the chairman of the committee of fire wardens, herein after directed to be appointed.

Collector's duty.

Sec. 6. *And be it enacted*, That the township collector shall proceed in the collection of the said tax in all respects as is directed in the act, entitled "an act concerning taxes," and in case of non-payment, shall make the like return of delinquents to a justice of the peace, as by that act is directed; which justice shall issue a like warrant, and the constable to whom the same may be directed, shall proceed in like manner as in and by the said act is directed.

Sec. 7. *And be it enacted*, That the township officers and the magistrate, and constable who may be called upon to perform

Officer's fees and penalties.

any of the duties required of them by this act, shall be entitled to the same fees, and subject to the same penalties and responsibilities, as are given and prescribed for similar services and neglects, in the act entitled "an act concerning taxes."

Wardens to be appointed.

Sec. 8. *And be it enacted*, That in case the inhabitants of the town of Newark, shall, at any meeting authorized by this act, vote, or determine to raise money for the purposes aforesaid, or for any of them, such meetings shall forthwith proceed to the election of seven persons entitled to vote at such meeting, who shall be called the committee of fire wardens, who shall continue in office until a new election shall take place at some future meeting, pursuant to this act. *Provided always*, That in case any of the persons so elected fire wardens, shall resign, remove, or die, the surviving or remaining wardens may supply such vacancy or vacancies, and the person or persons so appointed, shall continue in office until new ones shall be appointed, at some future meeting, pursuant to this act.

Duty of the wardens.

Sec. 9. *And be it enacted*, That the fire wardens so appointed, shall meet on the evening of the day of their first appointment, and afterwards upon their own adjournments: that four of them shall be a quorum to transact business: that they shall have power to appoint a chairman of their own body, a treasurer and a clerk: that they shall have the management and superintendance of the appropriation of all monies that may be raised in pursuance of this act, under such regulations and restrictions as may be adopted by the meeting who appointed them; and that they shall keep, or cause to be kept a record, of all their proceedings, and a regular account of all monies that may be collected and received by virtue of this act, and of the manner and objects in and for which they shall be expended, and lay the same before the next subsequent meeting of the inhabitants that may be held pursuant to this act.

Collector to settle his accounts.

Sec. 10. *And be it enacted*, That it shall be the duty of the township collector to settle his accounts in relation to the tax hereby authorized, with the said committee of fire wardens, and to pay over the money received by him to the treasurer of the said committee on or before the first day of January next, after the laying of any such tax by virtue of this law.

Treasurer to give security.

Sec. 11. *And be it enacted*, That it shall be the duty of the committee of fire wardens, to require and take from their treasurer, before he enters upon the duties of his office, such security, and for such sum of money as may be directed by the meeting who appointed them.

Bounds described.

Sec. 12. *And be it enacted*, That this act shall extend to, and comprehend all the houses and buildings within the following bounds, that is to say, extending from the bridge, over the first river, in front of the house formerly occupied and owned by Samuel Ogden, esquire, deceased, at the north end of the town to the brook or run of water near David Hayes' at the south end of

the town, including the west side of high street on the west, and extending to the Passaick river on the east, from where the first river enters into the Passaick down to the south corner of the commercial dock, and then up market street, including both sides thereof, to Mulberry street, and thence down Mulberry street to the neck gate, including the east side of said street: and in case of any dispute whether any house or building that may be assessed, shall be within the limits above mentioned, such dispute shall be settled and determined by the commissioners of appeal in manner aforesaid.

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

C. Passed February 4, 1819.

An additional supplement to the act entitled "An act to incorporate the Ringwood and Long-Pond turnpike company," passed February ninth, eighteen 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 the time to continue and complete the operations in erecting the Ringwood and Long-Pond turnpike road, in conformity to the act incorporating said company, passed February ninth, eighteen hundred and eleven, and the supplement thereto, passed February tenth, eighteen hundred and thirteen, be extended to the term of five years from and after the passing of this act, any thing contained in said act and the supplement thereto to the contrary notwithstanding.

Sec. 2. *And be it enacted*, That it shall and may be lawful for said company to receive for every carriage drawn by one horse at the rate of ten cents for every six miles travelled on said road, any thing in the act aforesaid to the contrary notwithstanding.

C. Passed February 6, 1819.

An act to divorce Elizabeth Post, of the county of Morris, from her husband Philip Post.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the marriage contract now subsisting between Philip Post and the said Elizabeth Post, shall be, and the same is hereby declared to be dissolved, annulled and made of no effect as fully and effectually to all intents and purposes as if they had never been joined in matrimony.

C. Passed February 9, 1819.

A Supplement to the act entitled "An act to enable the owners of the tide swamp and meadows already banked in and held by different persons, to keep the same in good repair."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That in all cases where there are or may be any cross or line banks between two or more companies created by virtue of the act to which this is a supplement, it shall and may be lawful for the managers of either company to enter upon said cross or line bank, and repair and keep up the same in such manner as to prevent the water from passing and repassing through or over said bank: *Provided,* That nothing herein contained shall interfere with any contract or agreement heretofore made, or which shall be made in relation to cross or line banks as aforesaid.

A. Passed February 10, 1819.

An act making provision for a compilation and revision of the laws of this state.

Person to be employed to compile, &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 some fit and proper person skilled in the laws of this state be employed to examine, compile and prepare for the press, all such legislative acts and parts of acts as are general

and of a permanent nature and affect the community at large, and which are in force or shall be enacted at the present or next annual session of the legislature, and all acts of incorporation of cities or towns, which by their charters are declared to be public acts, with authority to correct all errors in the orthography of the said laws, and to prepare and report to the legislature at their next session for their consideration, such bills as in his judgment shall be necessary or advisable to be passed into laws for forming and consolidating into one act, or into two or more consistent acts, all public acts or clauses of public acts, relating to the same subject matter, with such corrections and amendments thereof, as he shall think proper to recommend to the legislature for their adoption.

Sec. 2. *And be it enacted*, That where it may appear to such compiler that any public act or acts in force, is, or are defective and could be rendered more effectual by amendment, he shall prepare and report to the legislature at their next session, such supplemental bill or bills as he may deem necessary for remedying such defects, accompanying the said bill or bills, with concise explanations and reasons therefor, and he shall also report a bill or bills repealing all such public acts and parts of public acts as shall then be virtually repealed or supplied by existing laws or provisions on the same subject.

Order of printing the acts.

Sec. 3. *And be it enacted*, That the acts be printed in chronological order, with marginal notes of the contents of each law opposite the sections thereof, and with particular references to the other acts on the same subject or relating thereto in the new edition, and also references to the pages in former compilations or editions of the laws, and to the pages and years in the pamphlet acts since Bloomfield's edition, where the same act or acts relating to the same subject may be found; and that the constitution of this state and of the United States, be printed in the first part of the first volume, together with a full alphabetical index of all the matters contained in the said volumes.

Sec. 4. *And be it enacted*, That the work be published in octavo form in one or two volumes as may be required, and on paper and with types as good as those of the edition of the laws of the United States lately published.

Sec. 5. *And be it enacted*, That the compiler have free access to and be permitted to examine any of the public records, papers and books of this state for the purposes aforesaid, without fee or reward, and that the legislature give a sanction and authority to this new edition of the laws, as published under their authority.

Sec. 6. *And be it enacted*, That John Frelinghuysen, David Thompson, jun. and Thomas S. Kinney, be, and they are hereby authorized to employ some fit person, willing to undertake the said compilation, and to agree with the said compiler on such reasonable terms of compensation as to them may seem

proper for the execution of the said work, and to subscribe on the part of this state, for such number of copies and at such price as may be agreed upon, and if preferred by the person undertaking the same, to leave the compensation to be made for the labour of compiling the said laws, to the discretion of the legislature, when the same is finished.

A. Passed February 2, 1819.

An act to dissolve the marriage contract between George Ring and Elizabeth Ring his wife.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the marriage contract between George Ring, formerly of the state of New-York, and Elizabeth his wife, of the county of Essex, be, and the same is hereby declared to be dissolved, to all intents and purposes whatsoever, and the said George Ring and Elizabeth his wife, are hereby declared to be set free from their matrimonial contract, as fully as if they had never been joined in matrimony.

A. Passed February 15, 1819.

An act concerning the draw in the bridge over Rancocus creek, on the road leading from Burlington to Cooper's ferry, in the county of Burlington.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That if any person or persons shall hereafter raise or hoist the draw in the said bridge, or shall cause the same to be done, and shall not immediately after the passage of the vessel or vessels through the said bridge (on account of which it was opened or hoisted) lower down, replace, and fasten the said draw, or cause it to be so done, each and every person or persons so offending, on conviction thereof, shall forfeit and pay the sum of twenty dollars, to be recovered with costs of suit, by any person suing for the same.

A. Passed February 16, 1819.

An act authorizing the erection of a draw or hoist, in a bridge over Salem creek.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it may be lawful for the board of chosen freeholders, in and for the county of Salem, whenever they shall repair the old and uppermost bridge, across Salem creek, to build and maintain a sufficient draw or hoist, in the same, not less than twenty-two feet wide: *Provided*, that if, at the next time of repairing or rebuilding said bridge, they should not put in the said draw, then, in that case, this act shall cease and be of no effect.

Sec. 2. *And be it enacted*, That after said draw or hoist shall be placed in said bridge, if any master of a vessel, or any 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 actually 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 off said bridge, or any iron-work belonging to the same, or otherwise wilfully damage any part thereof unnecessarily, he, she or they, so offending, shall for each and every offence, forfeit and pay the sum of twenty dollars, over and above the damage done to said bridge or draw, to be recovered in an action of debt, before any court having jurisdiction, with costs, by any person who shall sue for the same, one half thereof to be for the use of the prosecuter, and the other half to be paid to the county collector, for the use of the county.

A. Passed February 15, 1819.

An act for the relief of Joseph Munn and Silas Munn.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the governor of this state be authorized and requested to examine the work done by order of William S. Pennington, esquire, when governor of this state, by the persons above named in mounting and fitting for use, two brass field pieces, the property of this state, and if it shall to him appear that the work shall have been well executed, and no compensation made therefor, he is hereby authorized to draw on the treasurer of this state for such a sum of money as he may think them entitled to.

A. Passed February 16, 1819.

A supplement to the act for the support of government.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That there shall be paid to the persons appointed to print the Votes and Proceedings of the House of Assembly, the Journals of Council, and the Minutes of Joint-Meeting and Law Reports, nine dollars for each and every sheet thereof, in addition to the sum already ordered and appropriated for that purpose, by the act to which this is a supplement; and to the person appointed to print the Laws, nine dollars for each and every sheet thereof, in addition to the sum appropriated for that purpose as aforesaid.

A. Passed February 18, 1819.

An act to authorize Margaret Bowers, administratrix, and John Clarke and Andrew Bowers, administrators, to the estate of Jacob Bowers, jun. deceased, to carry into effect a contract made between the said Jacob Bowers, jun. and Christopher Bowers.

WHEREAS it appears to the Legislature, that Jacob Bowers, senior, late of the township of Greenwich, in the county of Sussex and state of New-Jersey, deceased, did by his last will and testament, duly made and published on the sixteenth day of October, in the year of our Lord, one thousand eight hundred and sixteen, bequeath unto his two sons, Jacob Bowers, junior, and Christopher Bowers all his real and personal estate, subject, however, to the payment of certain legacies named in said will, and did therein appoint the said Jacob Bowers, junior, and Christopher Bowers, executors of said will; and it also appearing that the said Jacob Bowers, junior, late of the township of Oxford, county and state aforesaid, hath since died intestate, and did in his life-time, on or about the first day of September, in the year of our Lord, one thousand eight hundred and seventeen, by parol agreement, agree to sell all his right and title to the real and personal estate so devised to him by his father, as aforesaid, unto Christopher Bowers, his co-executor, for the sum of two thousand four hundred and fifty dollars, and part of the purchase money has been paid by the said Christopher to the said Jacob, in his life-time; *And whereas*, the widow and one of the heirs and the guardians of the minor heirs of the said Jacob Bowers, junior, deceased, have by their petition, requested that the ad-

ministrators of the said estate be empowered to make title for the estate sold as aforesaid, subject to the payment of the legacies aforesaid, and it appearing just and reasonable that the said contract should be carried into effect—THEREFORE,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Margaret Bowers, administatrix, John Clarke and Andrew Bowers, administrators to the estate of Jacob Bowers, junior, deceased, be, and they are hereby authorized and empowered to convey unto the said Christopher Bowers, his heirs or assigns, all the right and title which the said Jacob Bowers, junior, deceased, had at the time of his death, in and to a certain undivided half part of an estate in the township of Greenwich, county and state aforesaid, and formerly belonging to Jacob Bowers, senior, and by him devised as aforesaid, contracted to be conveyed to the said Christopher Bowers by a parol agreement made by the deceased in his life-time, upon the payment or security for payment to the said administrators of the balance of the consideration money due on the same, and that a deed or conveyance for the same, made and executed by the said Margaret Bowers, administatrix, John Clarke and Andrew Bowers, administrators, as aforesaid, shall be valid and effectual to convey to and vest in the said Christopher Bowers, his heirs and assigns, all the estate, right and title late of him, the said Jacob Bowers, junior, and his heirs therein: *Provided always*, that such deed and conveyance shall in no ways affect the right, title, or interest in the said estate of any person other than the heirs of the said Jacob Bowers, junior, deceased.

Sec. 2. *And be it enacted*, That the said Margaret Bowers, administatrix, John Clarke and Andrew Bowers, administrators of the estate of Jacob Bowers, junior, deceased, shall, previous to the execution of the deed or conveyance aforesaid, cause to be filed with the governor of this state, a bond with approved security in the penal sum of three thousand dollars, conditioned for the faithfully paying and distributing according to law the balance which shall remain in their hands after the payment of the just debts of the said Jacob Bowers, junior, deceased.

A. Passed February 10, 1819.

New Jersey State Library

An act authorizing the enclosure of a certain tract of wood land, in the township of Franklin, 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 the owners and possessors of all that tract of wood land, situate, lying and being in the township of Franklin, and county of Bergen, known by the name of the Campgaw mountain, beginning opposite John Ward's dwelling house, on the road leading from Campgaw to Ramapaugh, thence along the road leading from Ramapaugh, on the southerly side of the mountain, to the mills of Martin Van Houten, and from thence along the road, on the northerly side of the mountain, to the place of beginning, be, and they are hereby required, respectively, to erect, uphold and maintain his, her, or their respective share or shares, of a good, substantial, and lawful fence, to enclose the same.

Sec. 2. *And be it enacted*, That if any of the owners or possessors of the said tract of wood land, shall refuse or neglect to erect, uphold, and maintain his, her, or their respective portion or share of the fence aforesaid, such person shall forfeit and pay the sum of ten dollars, to be recovered by action of debt, in the name or names of the person or persons hereafter to be appointed in any court having cognizance thereof, to be applied towards the repairs of the said fence.

Manner of proceeding on neglect of repairing, &c.

Sec. 3. *And be it enacted*, That if any owner or possessor of the said tract of wood land, shall so refuse or neglect to erect, uphold, and maintain his, her, or their respective share or shares of the said fence, it shall and may be lawful for any one concerned in the said tract, to call a meeting of the owners and possessors thereof, by putting up advertisements in three of the most public places in the said township of Franklin, at least ten days previous to the time of meeting, who shall convene at the house of John J. Vanriper, in the said township, which owners and possessors so met, or a majority of them, shall by plurality of votes of such as shall be then present, choose from among themselves three persons, being owners, and the persons so chosen shall cause the said fence to be erected or repaired, as the case may require, and the said owner or possessor so neglecting or refusing to erect or repair his share of the said fence, shall be liable to pay the expense of erecting or repairing the same, and on refusal so to do, the same be recovered in any court of this state, having cognizance thereof, in the name of the person or persons appointed as aforesaid, in an action of debt, with costs of suit.

Sec. 4. *And be it enacted*, That if any person or persons whomsoever, shall drive or let in any horses, cattle, or sheep, within the said tract of land, after it shall be enclosed as aforesaid, with an intent to let them run at large, such person or persons

shall be subject to an action of trespass, to be brought in the name of any owner or possessor of the said tract of land, and be liable to treble damages, to be assessed by a jury of the county, in any court having cognizance of the same, with costs of suit.

Cattle, &c. may be impounded.

Sec. 5. *And be it enacted*, That if any cattle, horses or sheep, shall be found running at large on any part of the said tract of land, it shall and may be lawful for any owner or possessor of any part of the same, to take and drive the said cattle, horses or sheep, to any public pound in the township of Franklin, and shall, as soon as may be thereafter, make affidavit, setting forth that the same were taken running at large in the said tract, and giving a description of the cattle, horses, or sheep so taken, which affidavit shall be delived to the pound-keeper where they are impounded, and the person impounding them shall be entitled to receive for every head, the sum of thirty-seven cents, if not exceeding four, and if more than four, for each and every head the sum of twenty-five cents, to be collected by the pound-keeper of the owner or owners, or from the sale of said horses, cattle, or sheep, and the pound keeper is directed to receive such horses, cattle or sheep, and to proceed as in case of distress, for damage feasant by the twelfth section of the act, entitled "An act regulating fences," passed the twenty-third of January, seventeen hundred and ninety-nine, and he shall be entitled to the same fees, and subject to the same penalties for neglect of duty, as are allowed and imposed in and by the said act.

A. Passed February 5, 1819.

An act to raise the sum of thirty thousand dollars, for the year of our Lord one thousand eight hundred and nineteen.

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

Quotas of the several counties.

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

The county of Bergen, shall pay the sum of one thousand nine hundred thirty six dollars and thirty-nine cents.

The county of Essex, shall pay the sum of two thousand seven hundred thirty dollars and forty-eight cents.

The county of Middlesex, shall pay the sum of two thousand five hundred thirty dollars and twenty-six cents.

The county of Monmouth, shall pay the sum of two thousand eight hundred eleven dollars and eighty-three cents.

The county of Somerset, shall pay the sum of one thousand nine hundred ninety-three dollars and fifteen cents.

The county of Burlington, shall pay the sum of three thousand two hundred eighty-seven dollars and sixteen cents.

The county of Gloucester, shall pay the sum of two thousand four hundred thirty-one dollars and thirty-seven cents.

The county of Cumberland, shall pay the sum of one thousand two hundred dollars and sixty-three cents.

The county of Salem, shall pay the sum of one thousand seven hundred ninety-eight dollars and eighty-six cents.

The county of Cape-May, shall pay the sum of four hundred thirty-six dollars and fifty-nine cents.

The county of Hunterdon, shall pay the sum of three thousand three hundred seventy-six dollars and two cents.

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

The county of Sussex, shall pay the sum of three thousand thirty-seven dollars and thirty-five cents.

ssessment of orses, &c.

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

Every covering horse, above three years old, any sum not exceeding six dollars, to be paid by the person where such horse is kept.

All other horses and mules, three years old and upwards, six cents.

All neat cattle three years old and upwards, three cents.

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

All tracts of land held or owned by deed, patent, occupancy, survey or otherwise, any sum not exceeding one hundred dollars by the hundred acres. *Provided always*, That houses and lots of ten acres and under, shall not be included in the above valuation, but shall be valued by the respective assessors, at their discretion, having regard to the yearly rent and value thereof, proportioning the same as nearly as may be to the valuation of the land aforesaid.

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

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

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

All saw mills, any sum not exceeding eight dollars.

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

All furnaces, any sum not exceeding ten dollars.

All forges that work pig iron, and all forges and bloomaries that work bar iron immediately from the ore, for each fire, any sum not exceeding six dollars.

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

All paper mills, any sum not exceeding eight dollars.

All snuff mills, any sum not exceeding five dollars.

All powder mills, any sum not exceeding ten dollars.

All oil mills, any sum not exceeding six dollars.

All plaister mills, any sum not exceeding five dollars.

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

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

Every single man, whether he live with his parents or not, any sum not exceeding one dollar.

Provided, That every single man possessed of ratable estate, the tax whereon amounts to the sum he is above directed to be rated, shall be assessed for that estate only, and not as a single man. *And provided also*, That any one taxed as a single man, shall not be taxed as a householder.

Every male slave between the age of sixteen and fifty years, any sum not exceeding fifty cents.

Provided, That no slave shall be taxed, who is usually unable to labour.

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

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

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

Every phæton, coachee or four wheel chaise, and every light waggon with steel or iron springs, any sum not exceeding two dollars.

Every four horse stage waggon, any sum not exceeding two dollars and fity cents.

Every two horse stage waggon, any sum not exceeding one dollar and fifty cents.

Every covered waggon, with a fixed or framed top, any sum not exceeding forty cents.

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

Every riding chair, gig or sulky, stuffed and lined, any sum not exceeding forty cents.

Every windsor riding chair or sulky, any sum not exceeding fifteen cents.

Sec. 5. *And be it enacted*, That the said sum of thirty thousand dollars shall be assessed, levied and collected, in the manner prescribed by the act, entitled "An act concerning taxes," passed the tenth day of June, one thousand seven hundred and ninety-nine; and the several officers therein mentioned are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duty imposed by said act, and the assessors, collectors, and other officers concerned in the assessment and collection of the said tax, shall be entitled to the fees and compensation allowed by the before recited act.

A. Passed February 10, 1819.

An act for the sale of the government house and lot, in the city of Trenton.

Commissioners appointed.

Sec. 1. 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 Beatty, James Parker, and David Thompson, junior, or any two of them, be, and they are hereby appointed commissioners on the part of this state, to sell the government house and lot of land and premises, in the city of Trenton.

Sec. 2. *And be it enacted*, That the said commissioners shall be and are hereby authorized to sell the said property all together or in parts, and at public or private sale, as they may judge expedient, and most for the interest of the state.

Credit may be given for part of the purchase money.

Sec. 3. *And be it enacted*, That the said commissioners shall be, and hereby are authorized to give a credit for three-fourths of the amount of the purchase money to any purchaser not exceeding five years in the whole, on his entering into bond to the treasurer of this state, for the payment of the same, with interest annually thereon, or in such instalments as may be agreed upon, together with a mortgage on the premises sold, for securing the payment or payments in such bond.

Sec. 4. *And be it enacted*, That the said commissioners, upon making sale of said property, or any part thereof, shall certify

the same to the governor of this state, with the price and terms of such sale, and upon payment of the said one-fourth of the consideration money to the treasurer of this state, and security by bond and mortgage as aforesaid, for the residue, the governor, or person administering the government, shall be, and hereby is authorized to make and execute a deed or deeds to the purchaser or purchasers conveying all the right, title, and interest, whatsoever, of this state in the premises, in fee-simple. Governor to execute deed.

Sec. 5. *And be it enacted*, That the monies which may arise from the sale of the said property, shall be, and hereby are appropriated to the school fund, and as the same may be paid in and received by the treasurer of the state, for the time being, shall be carried to the credit of said fund, and for no other use or purpose whatsoever. Money appropriated.

A. Passed February 9, 1819.

An act to incorporate the Morristown Fire Company.

WHEREAS the citizens of Morristown have, by petition to the legislature, expressed the desire and necessity they feel of being incorporated, for the purpose of guarding, by more effectual provisions, against the destruction of lives and property by fire.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all the proprietors of dwelling houses or other buildings liable to injury by fire, in Morristown in the county of Morris, within the following boundaries and limits, to wit, beginning at the dwelling house now occupied by Charles Carmichael, in South street, in Morristown aforesaid, and including the same, and thence running in a direct line to George P. M'Cullock's dwelling house, thence to the dwelling house of John Doughty, esquire, thence to the first bridge on the Washington turnpike road to the westward of John Mills' dwelling house, thence to Jedythan Condict's dwelling house, thence to Joseph Cutler's dwelling house, thence to the late residence of Doctor Timothy Johnes, thence to Gabriel H. Ford's, and thence to the place of of beginning, including all the aforesaid houses, be, and are hereby constituted, ordained, and declared to be forever hereafter a body corporate and politic, in fact and in name, by the name of "The Morris Fire Association," and by that name, they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending Boundaries. Incorporated.

and being defended, in all courts and places whatsoever, and that they and their successors may have a common seal, and shall make, change, and alter the same at pleasure, and by their name aforesaid and under their seal, make, enter into, and execute any contracts, agreements, and other writings touching and concerning the objects of said corporation, and shall have full power and authority to make, form, and adopt such constitution, and such bye-laws and regulations, for their government, not inconsistent with the laws of this state, or of the United States, as they shall think proper.

Capital stock.

Sec. 2. *And be it enacted*, That the capital stock of said association shall not exceed the sum of five thousand dollars, and shall be solely and exclusively applied to the procuring, maintaining, and repairing such engines, reservoirs of water, ladders, buckets, fire-hooks, and other implements and machines, and to such other incidental expenses, as shall in the opinion of the officers of said corporation hereinafter named be best calculated to secure the said town from fire.

Board of managers to be chosen.

Sec. 3. *And be it enacted*, That for the purpose of effecting the objects of this corporation, it shall and may be lawful for the members thereof, to assemble on the first Monday in April next, and on the first Monday in April of every succeeding year, public notice of the place of such meeting being previously published in the newspaper printed at Morristown, for the space of one week next before the day of such meeting, and then and there, by plurality of persons so assembled, to elect from the members of said corporation, a president, a treasurer, secretary, accomptant and five managers, which officers thus elected shall constitute the board of managers of The Morris Fire Association, and in whose hands the active powers of this corporation are hereby vested, and who shall take the charge and care of all the property belonging to said corporation, and the members aforesaid at the time and place aforesaid, shall determine the sum of money to be raised in the year next ensuing each meeting, and a majority of the board of managers aforesaid shall have power to fill all vacancies of officers at any time arising until the next annual election thereafter.

Assessors and their duty.

Sec. 4. *And be it enacted*, That the board of managers so elected as aforesaid, shall at their first meeting after such election, appoint one or more proper person or persons as assessor or assessors, whose duty it shall be to take a fair and correct list of all buildings within the aforesaid limits liable to destruction by fire, with the names of the owners and occupants of such buildings, and the value thereof, and shall assess such sum thereon as may be deemed just and equitable in proportion to the whole sum to be raised by the members of said incorporation at their annual meetings, such assessor or assessors making such allowance as may be just on account of the various dangers and hazards to which such building may be subject by reason of its local situation, the materials of which it is composed, or any other

circumstance; which list and estimate shall be returned by the assessor or assessors, within sixty days after such assessment shall be ordered, to the said board of managers.

Sec. 5. *And be it enacted*, That the members of the said corporation, shall, at their annual meetings as aforesaid, elect three members of said corporation, whose duty it shall be to hear and determine all complaints of any person or persons who shall think himself or themselves aggrieved by any assessment made by virtue of the preceding section, who shall meet within twenty days after such assessment shall be returned as aforesaid, of which meeting public notice shall be given, at least one week in the news paper printed at Morristown.

Treasurer to collect assessments.

Sec. 6. *And be it enacted*, That after the assessments shall have been fairly made, it shall be the duty of the treasurer of the said corporation to demand of the person or persons assessed as aforesaid, if they can be found within the limits of said corporation, the amount of such assessment, and in case of non-payment he is hereby authorized to prosecute all such persons neglecting or refusing to pay the same, in the name of the said corporation, in an action of debt before any justice of the peace of the county of Morris, who is hereby required to render judgment for the same, with costs of suit.

Company of firemen, &c.

Sec. 7. *And be it enacted*, That the said corporation shall have power to raise and organize from among the members thereof, and from other persons residing within the limits of the same, a company of firemen not exceeding twenty, which firemen and each of them, while belonging to the said company, shall be exempt from serving as jurymen in justices' courts, and that the said corporation have power to make all necessary bye-laws for the organization and regulation of said company, provided they shall not be inconsistent with the laws of New-Jersey or of the United States.

Firing of guns squibs, &c. punished.

Sec. 8. *And be it enacted*, That any person who shall be found firing guns, squibs, crackers, rockets, or making bonfires, fire-balls, or other means whereby the property of the citizens may be endangered, within the limits aforesaid, shall, on due proof thereof before any justice of the peace, be punished by fine not exceeding five dollars, or imprisonment in the county gaol not exceeding five days: *Provided*, that nothing herein contained shall be construed to prevent any person or the family of such person from firing guns or other fire-arms on his own land, nor to prevent the firing of guns on the fourth of July or any day appointed by law for military parade.

Sec. 9. *And be it enacted*, That it shall be lawful for the Council and General Assembly of this state, at any time hereafter, to amend, repeal or modify this act, as they shall think fit.

A. Passed February 12, 1819.

An act for the removal of certain obstructions to the navigation of the river Delaware.

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orized.

Sec. 1. 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 Stevens, Robert L. Stevens, and James A. Stevens, proprietors of the steam boat Philadelphia, be, and they are hereby authorized and empowered to remove certain obstructions to the navigation of the river Delaware, at or near a small island commonly called Perriwig, about three miles below Trenton, and extending nearly down to Bordentown; and, in performance of said work, to employ such vessels and machinery, and to erect such wing-dam or wing-dams, as may be necessary to the attainment of said object; and any person or persons wilfully or negligently damaging said vessels or machinery so employed, or in any manner obstructing the progress of said work, shall be liable to an action for damages, recoverable by the said proprietors of the steam boat Philadelphia, in any court of justice having cognizance thereof. *Provided*, That the machinery used in the removal of said obstructions, shall be taken from the channel every evening before dark, and not replaced again until day light next morning. *And provided further*, that said machinery shall be removed at high tide, when required, so as to allow vessels and river craft to pass and repass.

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Sec. 2. *And be it enacted*, That in consideration of the said John Stevens, Robert L. Stevens, and James A. Stevens, beginning their operations within six months after the passing of this act, and a similar one by the legislature of Pennsylvania, and continuing from time to time to prosecute the same, so as to effect the removal of said obstructions, within five years after the passing of this act, so as that a passage or channel for vessels be formed through the same, of at least sixty feet in width and four feet of water in depth, at all times of tide, and keeping the same always open, the said John Stevens, Robert L. Stevens, and James A. Stevens, their heirs and assigns, be, and they are

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hereby vested with an exclusive right of navigating with steam boats, for the transportation of passengers and their baggage, to and from any point situated above said obstructions, and below the head of the falls, in the river Delaware, near Trenton aforesaid, for the term of fifteen years, from and after the passing of this act, upon the express condition that the rate of fare for the passage up and down between Philadelphia and Trenton shall continue the same as it is at present in the steam boat Philadelphia, unless the fare in other steam boats plying between Bordentown, Bristol, and Burlington, and Philadelphia, shall be raised; in such case, the fare of each passenger to and from Trenton and Philadelphia, be also raised in a proportionate ratio.

Sec. 3. *And be it enacted*, That should any other steam boat, during the term aforesaid, land, or take up any passenger or passengers within the aforesaid limits, above said obstructions, and

below the head of the falls, the captain thereof, or any other person navigating the same, shall forfeit and pay to the said proprietors of the steam boat Philadelphia, the sum of fifty dollars for the first offence, seventy-five dollars for the second offence, and one hundred dollars for each and every subsequent offence, together with costs of suit, to be recovered by action of debt before any justice of the peace, or in any court having jurisdiction competent to the sum due. *Provided nevertheless*, That steam boats passing up and down through said passage or channel, to and from any landing above said falls without landing or taking up passengers at any point within the aforesaid limits, above said obstructions, and below the head of the falls, shall not be subject to any of the forfeitures contained in this section.

Penalties on other steam boats for navigating within certain limits

Sec. 4. *And be it enacted*, That if at any time the steam boat or steam boats to be employed in conveying passengers through said channel to Trenton, shall cease to run in consequence of the neglect or inability of the proprietors thereof to support the same, or because the said steam boat or steam boats is, or are undergoing repairs, it shall be lawful for any other steam boat or steam boats navigating other parts of the Delaware, to pass through said channel with passengers to Trenton, until the steam boat or steam boats of the said John Stevens, Robert L. Stevens, and James A. Stevens, their heirs or assigns, shall be in a condition to carry passengers through said channel to Trenton, and do perform the same agreeably to the intention of this act.

In what cases other steam boats may pass through the channel.

Sec. 5. *And be it enacted*, That if after the said work is completed, the said John Stevens, Robert L. Stevens, and James A. Stevens, their heirs or assigns, shall neglect, during the seasons that steam boats usually navigate the said river, to keep the said channel of the full width of sixty feet, and of the full depth of four feet at low tide, in such case all other steam boats carrying passengers may lawfully pass through said channel during the time said channel shall not be kept in repair, without incurring any penalty under this act; and if at the expiration of the said term of fifteen years, the said John Stevens, Robert L. Stevens, and James A. Stevens, their heirs or assigns, shall not have the said channel of the full width and depth before mentioned, they shall forfeit to the state any sum that shall be found necessary to make the said channel of the width and depth aforesaid; and the legislature of this state shall have power at any time they may deem expedient to appoint a commissioner to examine the channel, and report accordingly, at the expense of the said John Stevens, Robert L. Stevens, and James A. Stevens.

Width and depth of channel and the consequence of neglect.

Sec. 6. *And be it enacted*, That the governor of this state is hereby directed to transmit an attested copy of this act to the legislature of the commonwealth of Pennsylvania, and so soon as they shall concur in and ratify the same, with all and singular the provisions therein contained, then this act shall be in full force and operation, and not otherwise.

When to be in force.

A. Passed February 12, 1819.

An act reviving part of an act, entitled "An act to clear out and improve the navigation of the north main branch of Rancocus creek, between the town of Mount Holly and the south main branch of said creek, in the county of Burlington, and for other purposes," passed January twenty-first, one thousand eight hundred and seventeen.

Managers appointed.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Lucius Q. C. Elmer, Joshua Brick, John Trenchard, junior, and Elias P. Seeley, or a majority of them, be, and they are hereby appointed managers and authorized to raise in the manner directed by the second section of the act, which is revived by this act, a net sum not exceeding five thousand dollars, which sum when raised, shall be paid over by them to Daniel Parvin, Timothy Elmer, Moses Bateman and Ebenezer Seeley, who are hereby appointed commissioners to carry into effect the provisions of the act of the legislature of New-Jersey, passed the first day of November, one thousand eight hundred and eleven, entitled, "An act authorizing a canal in the county of Cumberland" and to appropriate said monies accordingly.

Powers of the managers.

Sec. 2. *And be it enacted*, That the said managers and commissioners or a majority of them, shall have the same powers, perform the same duties, have like compensation, account, and in every respect proceed and govern themselves respectively, in regard to raising said five thousand dollars, making the said canal, and appropriating said money therefor, as the managers of the lottery and commissioners of the canal, named in the second section of the act revived by this act, were vested with respectively, or required or authorized to do and perform in the premises respectively.

Bond to be executed.

Sec. 3. *And be it enacted*, That the commissioners aforesaid, before they enter on the duties of their office, shall execute a bond with sufficient security, in the sum of ten thousand dollars, to the governor of the state for the time being, conditioned for the faithful performance of the trust reposed in them by this act; and the managers aforesaid shall give a like bond and security with like condition before they enter upon the duties of their office, which bonds shall be approved by any three judges of the court of common pleas for the county of Cumberland, and be filed in the clerk's office of said county, and be prosecuted if need be, in manner and for the purposes as directed in the act revived by this act; and the said managers shall take the oath required in the fifth section of said act, as therein required.

Sec. 4. *And be it enacted*, That whatsoever was to be done and performed by the managers in the act revived by this act, in

the court of common pleas for the county of Burlington, shall be done and performed by the managers appointed in this act in regard to raising and accounting for the said five thousand dollars in the court of common pleas for the county of Cumberland."

Time allowed

Sec. 5. *And be it enacted*, That the managers named in this act, shall have two years from the passing of this act for performing the duties required of the managers in the ninth section of the act revived by this act; and the commissioners appointed in this act shall have five years from the passing thereof, for carrying into effect the act, entitled "An act authorizing a canal in the county of Cumberland.

Repeals part of an act and revives part.

Sec. 6. *And be it enacted*, That so much of the act of the first November, one thousand eight hundred and eleven, authorizing a canal, as appoints other persons managers or commissioners, or limiting the time or times for the completion of their duties, be, and the same are hereby repealed; and so much of the act or acts herein referred to, as may have expired, be, and the same are hereby revived, for the fulfilment of the purposes contained and expressed in this act.

A. Passed February 18, 1819.

An act to defray sundry incidental charges.

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

1. To Ellett Tucker, Quarter Master General, for expenses of transporting and repairing ordnance, cleaning and repairing arms and military accoutrements fifty-seven dollars and nine cents. For his compensation, thirty dollars.

2. To Peter Gordon, Treasurer, for postage of letters on public business and other expenses, from November eighteen hundred and sixteen until January eighteen hundred and nineteen, ninety-six dollars, forty-two and a half cents.

3. To Ellett Howell, for stationary, &c. twenty-six dollars, thirty-two and a half cents.

4. To E. G. M'Kay, six days waggon hire collecting arms, &c. and for his services twelve days, thirty-six dollars.

5. To William Gould, for cash paid for sundry articles furnished the Assembly, seven dollars, eighty-one cents.

6. To James J. Wilson, for printing and for news papers furnished the legislature during the present session, two hundred and forty-five dollars, sixty-two cents.

7. To George Sherman, for printing and news papers, thirty-four dollars and fourteen cents.

8. To His Excellency Isaac H. Williamson, esquire, for postage, thirty-four dollars, eighty-seven cents.

9. To William P. Paxson, for conveying Lewis Compton from Philadelphia to the gaol in New-Brunswick, forty-five dollars, fifty cents.

13. To Thomas Cain, for candles for Council and Assembly, seven dollars, seventeen cents.

11. To Joshua A. Jones, for repairing screw-press for secretary's office, and making six window-hooks for said office, six dollars, fifty cents.

12. To John R. Smith, for nails, locks, glass, putty, candlesticks, &c. for the state-house, five dollars, fifty-one cents.

13. To Joseph Justice, for printing and stationary for Council, eighty-seven dollars, forty-three and three-quarter cents.

14. To John Davisson, for six blank-books for the clerk of Assembly, one dollar, fifty cents.

15. To Joseph B. Green, for repairing yard fence, three dollars, eighty-five cents.

A. Passed February 18, 1819.

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