PUBLIC ACTS.

ACTS

OF THE

FORTY-FOURTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY,

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



TRENTON:

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1820.



ACTS

OF THE

FORTY-FOURTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY.

An act to alter the time of holding the January term of the Courts in the county of Essex.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the next term of the Inferior Court of Common Pleas, and the Court of General Quarter Sessions of the Peace, and Orphan's Court, and Courts of Oyer and Terminer and General Jail Delivery, in and for the county of Essex, shall commence and be holden on the first Tuesday in January next, and the January term of all the said courts in and for the said county of Essex, shall always hereafter commence and be holden on the first Tuesday in January in every year instead of the second Tuesday in January as heretofore. When to be held.

Sec. 2. *And be it enacted*, That all writs and process which have been issued and are returnable on the second Tuesday in January next, shall be deemed and taken to be returnable on the first Tuesday in January next, and shall be of the same force and effect as they would have been if this law had not been passed: and in case the sheriff or other officer of the said county of Essex, shall hereafter serve or execute any writ which may have been already issued and made returnable on the second Tuesday in January next, whereon such sheriff or other officer may be required to take bail, such bail shall be for the appearance of the defendant or defendants, on the first Tuesday in January next, notwithstanding the writ or process whereon such bail may be taken, may be returnable on the second Tuesday in January next. Process returnable.

Sec. 3. *And be it enacted*, That all notices of trial heretofore given or made for the second Tuesday in January next, or for any day in term thereafter, shall be deemed and taken to be given and Notice of trial

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made for the first Tuesday in January next, or for such day thereafter as may correspond with the day in term named in such notice or rule.

Sec. 4. *And be it enacted*, That it shall be the duty of the secretary of this state to transmit a copy of this act, within ten days after its passage, to the clerk of the county of Essex, who shall cause it to be published for three weeks successively in each of the public newspapers printed and published in the said county.

A. Passed November 4, 1819.

A Supplement to the act, entitled "An act concerning Roads."

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall be the duty of the applicant or applicants to whom shall be delivered the return of the surveyors of the highways, in pursuance of the act to which this is a supplement, to deliver or transmit the said return to the clerk of the Court of Common Pleas, or of the Supreme Court, as the case may require, within fifteen days after the date thereof; and that in every case of neglect or refusal to deliver or transmit the same, within the time aforesaid, the said return shall be void.

A. Passed January 26, 1820.

An act to prevent the disturbance of Meetings held for the purpose of Religious Worship.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That from and after the passing of this act it shall not be lawful for any person or persons to erect, place, or have any booth, stall, tent, carriage, boat or vessel or other place, for the purpose or use of selling, giving, or otherwise disposing of any kind of articles of traffic, spirituous liquors, wine, porter, beer, cider, or any other fermented, mixed, or strong drink (excepting as hereinafter excepted) within three miles of any place of religious worship, in this state, during the time of holding any meeting for religious worship at such place.

Liquors not to be sold within three miles &c.

Sec. 2. *And be it enacted*, That if any person or persons shall or do violate this act by erecting, fixing, or having any booth, stall, tent, carriage, boat or vessel, or other place, for the purpose

Violations punished and in what manner.

or use aforesaid, or by selling, bartering, giving or otherwise disposing of any kind of articles or traffic, spirituous liquors, wine, porter, beer, cider, or other fermented, mixed, or strong drink, in, at, or about any such booth, stall, tent, carriage, boat or vessel, or other place, prepared or used for the purposes aforesaid, within three miles of any place of religious worship, during the time of holding any meeting for religious worship at such place, the person or persons so offending, shall first be informed of his, her, or their violation of this act, and shall be warned by any justice of the peace, constable, or two freeholders of the county where the offence is or shall have been committed, to desist from such offence, and to remove such booth, stall, tent, carriage, boat or vessel, together with all such articles of traffic, spirituous liquors, wine, porter, beer, cider, or other strong drink, belonging to, or in the possession of the person or persons so offending; and if such person or persons, on receiving such information and warning, shall forthwith cease to offend against this act, and shall remove as aforesaid, at least three miles from such place of religious worship, then no further proceeding under this act, shall be had against such person or persons; but if such person or persons shall refuse or neglect immediately to remove, as aforesaid, when informed and warned, as aforesaid, then all the said articles of traffic, spirituous liquors, wine, porter, beer, cider, and other fermented, mixed, and strong drink, and all the vessels, chests and other things containing the same, together with such booth, stall, tent, carriage, boat or vessel or other place, prepared or used for the purpose aforesaid, shall be, and are hereby declared to be forfeited; and it shall be lawful for any justice of the peace, and constable, with two freeholders of the county, to seize and take possession of all or any part of the said forfeited articles and liquors, together with such booth, stall, tent and carriage, boat or vessel, and at any time within ten days after, to advertise and sell the same—and after deducting and payingt he necessary and lawful expenses of such seizure and sale, the residue of the proceeds of such sale or sales, shall be paid to the overseers of the poor of the township, for the use of the poor of the county, where the support of the poor is a county charge, and where it is a township charge, to the poor of the township where such offence shall have been committed.

Sec. 3. *And be it enacted*, That nothing in this act contained shall be taken or construed so as to affect any licensed tavern-keeper in his or her ordinary and lawful business, at his or her usual place of residence, specified in his or her license, nor shall it be so taken and construed, as to affect any merchant, shop-keeper, farmer, mechanic, or other person, in the usual and lawful transaction of his, her, or their ordinary concerns and business, in their usual places of doing such business—neither shall it be so taken or construed as to affect any person or persons attending any religious meeting, or their property; nor shall it be so taken, construed, or understood, as to affect any person or persons, who

Who it shall affect.

shall have a permit in writing, from the person or persons, having the oversight, charge and management of any such meeting, to sell bread and other necessary articles of food for man and beast; *Provided*, the conduct of persons attending such meeting shall accord with the lawful rules and regulations of such meeting, and the property of such persons attending such religious meeting, be not of the description forbidden by this act.

Sec. 4. *And be it enacted*, That if any suit or action shall be brought against any person or persons, for doing, or causing to be done, any thing in pursuance of this act, according to the provisions thereof, the defendant or defendants may plead the general issue, and give the special matter, under this act, in evidence; and if in such suit or action, a verdict and judgment shall be given for the defendant or defendants, or the plaintiff shall be become non-suit, or discontinue his action, the defendant or defendants shall have and recover double costs of suit.

A. Passed February 2, 1820.

A Supplement to an act, entitled "An act concerning costs."

Judge to certify &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 in all actions of trespass, commenced or prosecuted in the Supreme Court, wherein the judge, at the trial of the cause, shall find and certify, under his hand, upon the back of the record, that the freehold, inheritance, or title to lands, tenements, hereditaments, or other real estate, came in question, on the trial of said cause, and the plaintiff or plaintiffs shall recover any damages, the plaintiff or plaintiffs shall recover not only his, her, or their damages, but full costs of suit.

Costs in suits removed.

Sec. 2. *And be it enacted*, That if any suit commenced in any of the Inferior Courts of Common Pleas shall be removed by writ of habeas corpus into the Supreme Court, by the defendant or defendants, and the plaintiff or plaintiffs shall recover in the Supreme Court, he, she or they, shall recover full costs, in case he, she or they would have been entitled to recover costs, had the suit remained and been tried in the Common Pleas.

Suits on foreign bills of, exchange.

Sec. 3. *And be it enacted*, That nothing in the act, entitled "an act to prevent unnecessary costs," passed the eleventh day of February, one thousand eight hundred and nineteen, shall be construed or taken to extend to foreign bills of exchange, but that the recovery of costs, on all suits arising on foreign bills of exchange, shall be and remain the same as though the said act had not been passed.

Sec. 4. *And be it enacted*, That the fourth, fifth and sixth, sections of the act, entitled "An act concerning costs," passed the eighteenth day of February, one thousand seven hundred and ninety-five, be, and the same are hereby repealed.

C. Passed February 15, 1820.

A Supplement to an act, entitled "An act concerning Landlords and Tenants."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the rent in arrear, directed by the fourth section of the act, to which this is a supplement, to be paid by the party suing out execution to the landlord of the premises, or his bailiff, shall extend to all the rent which shall have accrued up to the day of the removal of the goods from off the said premises, whether by the terms of lease the day of payment shall have come or not, making a rebate of interest on the sum, the time of payment of which, by the terms of the lease, shall not have come, but not exceeding one year's rent.

C. Passed February 15, 1820.

An act concerning Divorces 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 Court of Chancery, shall have jurisdiction of all causes of divorce, and of alimony or maintenance, by this bill directed and allowed: *Provided* the parties, complainant and defendant, or either of them, were or shall be inhabitants of this State, at the time of the injury, desertion, or neglect complained of, or where the marriage shall have been solemnized or taken place within this state, and the complainant shall have been an actual resident in this state, at the time of the injury, desertion, or neglect complained of, and at the time of exhibiting the bill; or where the adultery was committed in this state, and the parties, complainant and defendant, or either of them reside in this state at the time of exhibiting the bill: *Provided* such complainant shall make his or her oath or affirmation, to be annexed to the bill of complaint, that his or her complaint is not made by any collusion between him or her, and the defendant, for the purpose of dissolving their marriage, but in truth and good faith for the causes set forth in the bill of complaint.

In what cases the court shall have jurisdiction.

Sec. 2. *And be it enacted*, That the like process and course of practice and procedure, shall be had and pursued in all such causes, as are usually had and pursued in other causes, on the equity side of the said court, except that the answer of defendants shall not be under oath.

Causes of divorce.

Sec. 3. *And be it enacted*, That divorces from the bond of matrimony shall be decreed where either of the parties had another wife or husband living at the time of such second or other marriage; and that all marriages, where either of the parties shall have a former husband or wife living at the time of such marriage, shall be invalid from the beginning, and absolutely void, and the issue thereof shall be deemed to be illegitimate, and subject to all the legal disabilities of such issue.

Sec. 4. *And be it enacted*, That divorces from the bond of matrimony, may be decreed in case the parties are within the degrees prohibited by law, and in case of adultery in either of the parties; and also for wilful, continued and obstinate desertion for the term of five years; but the decree or sentence of divorce in such cases, shall not render illegitimate, the issue of any marriage so dissolved.

Collusion of parties.

Sec. 5. *And be it enacted*, That if it appear to the court that the adultery complained of, shall have been occasioned by the collusion of the parties, and done with an intention to procure a divorce, or that the complainant was consenting thereto, or that both parties have been guilty of adultery, then no divorce shall be decreed.

Sec. 6. *And be it enacted*, That if any persons who shall be divorced, on account of their being within the prohibited degrees, shall after such divorce, cohabit together, such persons so offending, shall be liable to all the pains and penalties provided by the then existing laws against incest.

Sec. 7. *And be it enacted*, That if any persons shall cohabit or live together in the same house, after a divorce for the cause of adultery or prior marriage, such persons so offending, shall be liable to all the pains and penalties provided by the laws against adultery.

Sec. 8. *And be it enacted*, That for extreme cruelty in either of the parties, the Court of Chancery may decree a divorce from bed and board for ever thereafter, or for a limited time, as shall seem just and reasonable.

The court may decree alimony and maintenance.

Sec. 9. *And be it enacted*, That when a divorce shall be decreed, it shall and may be lawful for the Court of Chancery, to take such order touching the alimony and maintenance of the wife; and also touching the care and maintenance of the children, or any of them by the said husband, as from the circumstances of the parties and the nature of the case shall be fit, reasonable, and just; and in case the wife is the complainant, to order the defendant to give reasonable security for such alimony and

maintenance; and upon his neglect or refusal to give such reasonable security as shall be required of him, or upon default of him and his surety, if any there be, to pay or provide such alimony and maintenance; to award and issue process for the immediate sequestration of the defendant's personal estate, and the rents and profits of his real estate, and to appoint a receiver thereof, and cause such personal estate, and the rents and profits of such real estate, or so much thereof, as shall be necessary to be applied towards such maintenance and allowance, or to such maintenance and allowance as to the said court, shall from time to time seem reasonable and just, or to enforce the performance of the said decree or orders by such other lawful ways and means as is usual, and according to the course and practice of the Court of Chancery.

Maintenance of wife and children, in case the husband abandons them.

Sec. 10. *And be it enacted*, That in case a husband without any justifiable cause, shall abandon his wife, or separate himself from her, and refuse or neglect to maintain and provide for her, it shall and may be lawful for the Court of Chancery, to decree and order such suitable support and maintenance to be paid and provided by the said husband, for the wife and her children, or any of them by that marriage, or out of his property, and for such time as the nature of the case and the circumstances of the parties render suitable and proper in the opinion of the court, and to compel the defendant to give reasonable security for such maintenance and allowance; and from time to time, to make such further orders touching the same, as shall be just and equitable, and to enforce such decree and orders in the manner mentioned in the last preceding section of this act. But during the time such maintenance shall be allowed by the decree or sentence of the court, the husband shall not be chargeable with her debts.

Indemnity for costs.

Sec. 11. *And be it enacted*, That in any such suit as is mentioned in the last preceding section, it shall and may be lawful for the Chancellor, if applied for before answer filed, to order a bond to be given in one hundred dollars, by one or more sufficient freeholders, with condition to pay such costs as shall or may be awarded by the court to be paid to the defendant.

Acts repealed.

Sec. 12. *And be it enacted*, That the act entitled "An act concerning divorce and alimony," passed the second day of December, seventeen hundred and ninety-four, and the act entitled "A suplement to the act entitled an act concerning divorce and alimony," passed the fourth day of March, seventeen hundred and ninety-five; and the act entitled "An act concerning divorces and for other purposes," passed the third day of February, eighteen hundred and eighteen, be, and they are hereby repealed: *Provided nevertheless*, that such repeal shall not affect any proceedings now depending by virtue of the before mentioned acts or either of them, but the same may be continued and proceeded upon, as if this act had not been passed.

C. Passed February 16, 1820.

An act to repeal two sections of an act concerning Sheriffs.

Sec. 1. 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 fourteenth and fifteenth sections of the act, entitled "An act concerning sheriffs," passed the eighteenth day of March, one thousand seven hundred and ninety-six, be, and the same are hereby repealed.

C. Passed February 16, 1820.

A Supplement to the act, entitled "An act respecting apprentices and servants."

Sec. 1. 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 age of any infant who shall be bound to serve as a clerk, apprentice, or servant, directed by the second section of the act to which this is a supplement, to be inserted in his or her indenture, shall not be conclusive as to the age of such infants; but the true age of such infant may be enquired into and given in evidence in any court, or before any magistrate, when the same shall or may come in question; and in case any infant shall be bound to serve beyond the time, at which said infant, if a male, shall have arrived at the age of twenty-one years; or, if a female, at the age of eighteen years, the said indenture shall be void as against such infant, so far as the age inserted in said indenture shall exceed the age aforesaid: *Provided*, that nothing in this section shall, in any way, impair the obligation of any covenant entered into by the parent or guardian of such infant, as to the age or time of service of such infant, nor shall it impair or affect any contracts, or indentures made with foreigners to serve for a term of years.

A. Passed February 18, 1820.

A Supplement to the act, entitled "An act for the limitation of actions," passed the seventh day of February, one thousand seven hundred and ninety-nine.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That if any person or persons against whom there is or shall be any such cause of action as is specified in the first, second, third, fifth, sixth and seventh sections of the act to which

this is a supplement, shall not be resident in this state when such cause of action accrues, or shall remove from this state after the same shall accrue and before the time of limitation mentioned in said sections is expired, then the time or times during which such person or persons shall not reside in this State as aforesaid, shall not be computed as part of the said limited period within which such action or actions are required to be brought as aforesaid; but the person or persons having or who may have such cause of action as aforesaid, shall be entitled to all the time mentioned in the said several sections for bringing their said actions after the cause thereof shall accrue, exclusive of the time or times during which the person or persons liable to such actions shall be not resident in this state as aforesaid.

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

C. Passed February 21, 1820.

A Supplement to the act, entitled "An act making lands liable to be sold for the payment of debts."

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That when any testator or intestate shall die posessed of any share or shares, or part or parts of a share of propriety of undivided rights, or warrant to locate any land, either in the eastern or western division of New-Jersey, and shall not leave other estate sufficient to pay all the just debts, and maintain the children of such decedent, that then and in such case, the executor or executors, administrator or administrators, shall apply to the Orphans' Court of the county where such decedent last resided, and the said court shall make an order for the sale of such share, or parts of shares, or warrants for unlocated rights, on the like exhibition and proof of the deficiency of the estate of such decedents to pay the just debts that shall appear against the same, under the same restrictions, notice and publicity, as is by law directed for the sale of real estates.

In what cases Orphans' Court may direct propriety rights, &c. to be sold.

Sec. 2. *And be it enacted*, That in case a writ of fieri facias shall be issued against the goods and chattels, lands, tenements, hereditaments and real estate, of any person or persons, and such person or persons shall desire that the whole or a part of the said lands, tenements, hereditaments and real estate, shall be sold before any of the said goods and chattels, and signify the same in writing, under his, her, or their hands, and deliver the same to the sheriff or other officer to whom the said writ of fieri facias shall be directed, within twenty days from the time of notice of

On writs of fieri facias lands may be sold before goods.

said writ, and before the goods shall be sold, and enter into bond to the said sheriff or other officer, with good and sufficient sureties, that the goods and chattels levied on in virtue of the said writ, shall be forthcoming to answer the exigencies of said writ, at a day therein named, not exceeding three calendar months from the date of said bond, then and in that case it shall be the duty of the said sheriff, or other officer to whom the said writ shall be directed, to suspend the sale of the said goods and chattels, and proceed to sell the said lands, tenements, hereditaments, and real estate, or such part thereof as the owner or owners thereof shall have desired to be sold as aforesaid, any thing contained in the sixth section of the act to which this is a supplement, the said writ of fieri facias, or any law to the contrary notwithstanding.

Conditions to be performed.

Sec. 3. *And be in enacted*, That it shall be the duty of the sheriff or other officer to whom a writ of fieri facias may be directed, against lands, tenements, hereditaments and real estate, in addition to the notice required by the ninth section of the act to which this is a supplement, to cause the time and place of the sale of said lands, tenements, hereditaments, and real estate, levied on by virtue of said writ, to be published in one of the newspapers printed and published in this State and circulated in the neighbourhood of the said lands, tenements, hereditaments, and real estate, at least four weeks successively, once a-week, next preceding the time appointed for selling the same, and that the said sheriff or other officer, advertising as aforesaid, shall be entitled, in addition to his other fees, to the sum of one dollar and fifty cents.

In what manner notice of sale to be given.

Sec. 4. *And be it enacted*, That whenever any lands, tenements, hereditaments, and real estate, shall be directed to be sold by an order made by the Orphans' Court, in any of the counties of this State, it shall be the duty of the executor, administrator, or guardian, as the case may be, to advertise the time and place of the sale thereof, in the manner directed in the preceding section of this act, in addition to the provision already prescribed by law.

Lands ordered to be sold by the Orphans' Court to be advertised.

Sec. 5. *And be it enacted*, That in all cases wherein an order hath heretofore been made, or shall hereafter be made, by the Orphans' Court of any county in this State, in which the said court hath ordered or directed, or may order or direct, two or more executors, or administrators, to sell the whole or any part of the lands, tenements, hereditaments, and real estate of a testator or intestate, for the payment of debts, and one or more of the said executors or administrators shall or may have departed this life, before such sale shall have been made, or before a deed or deeds of conveyance may have been executed in pursuance thereof, that then and in such case the survivor or survivors of such executors, or administrators, shall be and they are hereby authorised and empowered to sell the said lands, tenements, he-

In what case surviving executors may convey lands.

reditaments, and real estate, and to make and execute good and sufficient deed or deeds of conveyance for the same, to the purchaser or purchasers, and in all respects to execute, carry into effect and fulfil the said order as fully and effectually to all intents and purposes, as if all the executors or administrators, named in the same order might if living execute and fulfil the same.

Sec. 6. *And be it enacted*, That the act entitled a supplement to the act, entitled "An act making lands liable to be sold for the payment of debts," passed the eleventh day of November, one thousand eight hundred; and the act, entitled "An act to amend the act, entitled An act making lands liable for the payment of debts," passed the twenty-sixth day of November, one thousand eight hundred and four; and the act, entitled a further supplement to the act, entitled "An act making lands liable for the payment of debts," passed the sixth day of February, one thousand eight hundred and sixteen, be, and the same are hereby repealed: *Provided nevertheless*, that nothing in this repealing section shall in any way invalidate or render null any act, matter or thing, lawfully done or transacted under them, or any of them, or impair any right required under them or any of them, but the same shall be as good, valid and effectual, as though this repealing section had not been made.

C. Passed February 21, 1820.

An act to secure to Creditors an equal and just division of the estates of Debtors who convey to Assignees for the benefit of Creditors.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That from and after the fourth day of July next, every conveyance or assignment made by a debtor or debtors of his, her or their estates, real or personal or both, in trust to the assignee or assignees for the creditors of such debtor or debtors, shall be made for their equal benefit, in proportion to their several demands to the nett amount that shall come to the hands of said assignee or assignees for distribution; and all preferences of one creditor over the other, or whereby any one or more shall be first paid, or have a greater proportion in respect of his, her, or their claim than another, shall be deemed fraudulent and void, excepting mortgage and judgment creditors when the judgment has not been by confession for the purpose of preferring creditors.

Assignments to be for the equal benefit of all creditors.

Cases excepted.

Sec. 2. *And be it enacted*, That the debtor or debtors making such assignment, shall annex to such assignment or conveyance, an inventory under oath or affirmation, of his, her, or their estate

Relating to debtors inventory and list of creditors.

real and personal, according to the best of their knowledge, and together with a list of his, her or their creditors, and the amount of their respective claims, but that such inventory shall in no wise be conclusive as to the quantum of the debtor's estate, real and personal, but the assignee or assignees shall be entitled to any other property which may belong to the debtor or debtors at the time of making the assignment, and comprehended within the general terms of the same.

What to be done by the assignees before they sell.

Sec. 3. *And be it enacted*, That the said assignee or assignees shall for the term of thirty days from the date of said assignment, give public notice by advertising in two of the newspapers printed in this state, circulating in the neighbourhood where such creditor resides, and in one or more newspapers in any other state, where it shall be known any creditor of the said assignee resides, making known thereby that such assignment has been made, and that they make their claims under oath, or affirmation. At the end of said thirty days, the said assignee or assignees shall exhibit to the surrogate of the county wherein such debtor or debtors reside, under oath or affirmation, a true inventory and valuation of said estate, as far as has come to his or their knowledge, and then and there enter into bond to the Governor of this state for the time being, in double the amount of the inventory and valuation, with sufficient security, for the faithful performance of said trust, and the said assignee or assignees may then proceed to sell said estate, and perform every other duty necessary to carry into effect the intention of said assignment, so far as respects the collection of debts, and sale of real or personal estate, and the bond shall be filed in the Surrogate's office.

Sec. 4. *And be it enacted*, That after the said assignee or assignees shall have given bond as aforesaid for the faithful performance of said trust, the Surrogate shall endorse the receipt of said bond on the deed of assignment, after which endorsement, the clerk of the county shall record the same, having been first acknowledged or proved according to law.

Assignees to file a list of creditors, &c.

Sec. 5. *And be it enacted*, That at the expiration of six months from the date of said assignment, the said assignee or assignees shall file with the clerk of the Court of Common Pleas of the county wherein such debtor or debtors resided at the time of making such assignment, a true list under oath or affirmation, of all such creditors of said debtors, as shall claim to be such, with a true statement of their respective claims, having first advertised for six weeks next preceding the end of said term, in two of the newspapers printed in this state, and by putting up advertisements in five of the most public places in the neighbourhood wherein such creditors or a majority of them reside, making known thereby that all claims against said estate must be made as hereinafter prescribed, or be for ever barred from coming in for a dividend of said estate, otherwise than hereinafter provided.

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

signee or assignees, or any creditor, or other person interested, by himself or attorney to appear at the next term of the said Court of Common Pleas, and file exceptions to the claim or demand of any creditor exhibited as aforesaid, and said court shall cause a notice to be served on said creditor, at least four weeks preceding the next term, and shall then proceed to hear the proofs and allegations in the premises, in the same or any subsequent term, as may be expedient, allowing the parties a right to have the said controversy settled by jury.

Exceptions to creditors' demands.

Sec. 7. *And be it enacted*, That at the first term of said court, succeeding the expiration of six months, as aforesaid, should there be no exceptions made to the claim of any creditor, or if exceptions have been made, and adjudicated or settled by said court, the said assignee or assignees shall then proceed to make from time to time, fair and equal dividends among said creditors of the assetts which shall come to hand, in proportion to their claims, and as soon as may be, and not exceeding one year thereafter, shall render on oath or affirmation, a final account to the Orphans' Court of said county, in like manner and upon the same notice to creditors and others interested, as directed in regard to executors and administrators in the sixteenth section of the act, entitled "An act to ascertain the powers and authority of the Ordinary and his surrogates, and to regulate the jurisdiction of the Prerogative Court, and to establish an Orphans' Court in the several counties of this State," passed the sixteenth of December, one thousand seven hundred and ninety-four, and exceptions may in like manner be filed to such accounts and proceeded in as is prescribed in said section, in regard to executors and administrators, and the settlement and decree of said court shall be conclusive on all parties except for assetts which may afterwards come to hand, or for frauds or apparent error.

Dividends to be made by the assignees, and in what manner.

Sec. 8. *And be it enacted*, That such commissions and allowance shall be made to said assignee or assignees, in the final settlement aforesaid, as the said court shall consider just and right.

Sec. 9. *And be it enacted*, That the said court may from time to time, if necessary, by citation and attachment, compel said assignee or assignees to proceed to the execution of the duties required by this act, until a final settlement and distribution as aforesaid.

Sec. 10. *And be it enacted*, That any creditor may not only exhibit any debt due, but those to grow due, making in such case a reasonable rebate when interest is not accruing on the same.

Sec. 11. *And be it enacted*, That if any creditor shall not exhibit his, her or their claims within the term of six months, as aforesaid, such claim shall be barred of a dividend, unless the estate shall prove sufficient after the debts exhibited and allowed are fully satisfied, or such creditor shall find some other estate not accounted for by the assignee or assignees before distribu-

Claims to be exhibited within six months.

tion, in which case such barred creditor shall be entitled to a rateable proportion therefrom.

Manner of making sale.

Sec. 12. *And be it enacted*, That whenever any assignee or assignees, as aforesaid, shall sell any real estate of such debtor or debtors as is conveyed in trust as aforesaid, he or they shall proceed to advertise and sell the same in manner as is prescribed in the case of an executor, by the twenty-first section of the act, entitled "An act making lands liable to be sold for the payment of debts," passed eighteenth of February, one thousand seven hundred and ninety-nine, and the supplement to said act, passed the twenty-sixth of November, one thousand eight hundred and four.

Power of assignees.

Sec. 13. *And be it enacted*, That every assignee as aforesaid, shall have as full power and authority to dispose of all estate, real and personal, assigned, as the said debtor or debtors had at the time of the assignment, and to sue for and recover in the proper name of such assignee or assignees, every thing belonging or appertaining to said estate, real or personal, of said debtor or debtors, and shall have full power and authority to refer to arbitration, settle and compound, and to agree with any person concerning the same, and to redeem all mortgages and conditional contracts, and generally to act and do whatsoever the said debtor or debtors might have lawfully done in the premises.

How far the debtor is protected by his assignment.

Sec. 14. *And be it enacted*, That nothing in this act shall be taken or understood as discharging said debtor or debtors from liability to their creditors, who may not choose to exhibit their claims, either in regard to the persons of such debtors, or to any estate real or personal, not assigned as aforesaid, but with respect to the creditors who shall come in under said assignment, and exhibit their demands as aforesaid, for a dividend, they shall be wholly barred from having afterwards any action or suit at law or equity against such debtors or their representatives; unless on the trial of such action or hearing in equity, the said creditor shall prove fraud in the said debtor or debtors, with respect to the said assignment, or concealing his estate real or personal, whether in possession, held in trust, or otherwise.

Fees allowed.

Sec. 15. *And be it enacted*, That the same fees shall be allowed in all proceedings under this act, to the judges and officers of the Orphans' Court as are allowed for like services performed in the settlement of accounts of executors or administrators, under the laws of this state.

In case of the assignees' death, sureties may act.

Sec. 16. *And be it enacted*, That if the assignee or assignees who have been appointed, and have given surety according to the provision of this act, should die before the final settlement of said estate, it shall be lawful for said surety to proceed to the final settlement of said estate, and perform every duty the said assignee or assignees could rightfully have performed, the said surety having first given additional surety for their faithful performance as aforesaid.

Sec. 17. *And be it enacted*, That in case the said surety should die, or reasonable objections be made by the creditors against his acting as aforesaid, or refuse to act, the said Orphans' Court shall proceed to appoint some suitable person or persons to settle the same. When the Orphans' Court may appoint a person to act.

C. Passed February 23, 1820.

An act to incorporate part of the townships of Woolwich and Greenwich, in the county of Gloucester, into a separate township, to be called the township of "Franklin."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all that part of the townships of Woolwich and Greenwich, in the county of Gloucester, lying within the following boundaries, to wit: beginning at the head of Oldman's creek, in the line between the counties of Gloucester and Salem, and also the line of the south side of Woolwich township, thence running a straight line to Mantua creek, to intersect said creek below James Jessup's mill, opposite the dwelling house of Andrew Dilks, distance about seven miles; thence up said creek the several courses thereof, being the boundary line between Greenwich and Deptford townships, to the head thereof; thence still along the said boundary line to the line of Hamilton township, distance about twelve miles; thence along the line of the west side of Hamilton township to the line between the counties of Gloucester and Cumberland, distance about six miles; thence along the said county line westwardly to the place of beginning, shall be, and the same is hereby set off from the said townships of Woolwich and Greenwich; and the same is hereby established a separate township, to be called by the name of the township of "Franklin." Boundaries.

Sec. 2. *And be it enacted*, That the inhabitants of the township of Franklin, are hereby vested with, and entitled unto all the powers, privileges, and authorities, and shall be and are hereby made subject to the like regulations and government which the inhabitants of the aforesaid townships of Woolwich and Greenwich are subject and entitled to, and the inhabitants of the said township of Franklin be, and they are hereby incorporated, styled, and known by the name of "The inhabitants of the township of Franklin in the county of Gloucester," and entitled to all the privileges, advantages, and authorities that the other townships in the said county are entitled unto by virtue of an act, entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," passed the twenty-first day of February, in the year of our Lord, one thousand seven hundred and ninety-eight. Incorporated.

Town Meetings, when and where to be held.

Sec. 3. *And be it enacted*, That the first town meeting of the inhabitants, after the passing of this act, shall be on the second Wednesday in March next, at the house now occupied by George Cake, in the village of Little Ease, and that all town meetings thereafter, shall be held on the second Wednesday of March annually, at such place as the electors of the said township shall from time to time, direct and appoint.

Township committees to meet, &c.

Sec. 4. *And be it enacted*, That on the second Tuesday after the first town meeting in the said township, the township committees of the said townships of Woolwich, Greenwich, and Franklin, shall meet at the place aforesaid, at two o'clock in the afternoon of said day, and then and there proceed to the settlement of such business as is or may be necessary to be settled between the said townships: *Provided*, that if either of the committees as aforesaid, shall neglect or refuse to meet as aforesaid, it shall and may be lawful for such committees as do meet, to proceed to such settlement.

A. Passed January 27, 1820.

A Supplement to the act, entitled "An act for the publication of law-reports."

Sec. 1. 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 Law-Reporter hereafter appointed under or by virtue of the act to which this is a supplement, shall hold his office for five years, and be commissioned by the Governor accordingly, any thing in the before recited act to the contrary notwithstanding.

Term of office.

Compensation

Sec. 2. *And be it enacted*, That the Law-Reporter appointed as aforesaid, shall receive as a compensation for his services, the sum of two hundred and fifty dollars for the present year, to end the fourth Tuesday of October next, to be paid by the Treasurer of this State on a certificate signed by the Governor or Vice-President, by order of Council, seven of whom shall be a quorum.

Acts repealed.

Sec. 3. *And be it enacted*, That the third section of the act, entitled "An act for the publication of law-reports," passed March twelfth, one thousand eight hundred and six, and the supplement to said act, passed February the twelfth, one thousand eight hundred and eighteen, be, and the same are hereby repealed.

C. Passed March 1, 1820.

An Act to incorporate a company for making a Canal or water communication in this State, between the tide-waters of the Delaware and Raritan rivers.

Sec. 1. 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 to open books for receiving and entering subscriptions by the United States or body corporate or individual, to the amount of eight hundred thousand dollars, in shares of one hundred dollars each, for the making said Canal and perfecting the navigation thereof, at the places and by the following commissioners:

Books to be opened for entering subscriptions and commissioners appointed.

At Philadelphia, by Samuel Breck and William J. Duane, esquires.

At New-York, by Nathaniel Prime and Joseph G. Swift, esquires.

At Newark, by John Rutherfurd and William S. Pennington, esquires.

At New-Brunswick, by John N. Simpson and Thomas Hill, esquires.

At Trenton, by Garret D. Wall and Israel Taylor, esquires.

That the books shall be opened on the fourth Monday in April next, and continue open until the fourth Monday in June next following, when there shall be a general meeting of the subscribers at the city of Trenton, in this state, of which meeting notice shall be given by the said commissioners, or any of them, in two of the newspapers of Philadelphia, New-York, and this state, at least thirty days before such meeting; which meeting shall be continued from day to day until the business is finished, and the commissioners at the time and place aforesaid, shall lay before such of the subscribers as shall meet or be represented there, the said books of subscription; and if half of the said capital sum should appear not to be subscribed, then the said commissioners, at said meeting, are empowered to receive and take subscriptions to make up the deficiency; and in case more than eight hundred thousand dollars shall be subscribed, the said commissioners shall deduct the amount of such excess from the largest subscriptions, in such manner as that no subscription shall be reduced in amount while any one remains larger: *Provided*, that if the subscriptions received before and at such meeting, shall not amount to at least half the said capital sum, then the subscribers so meeting, or a majority of them, or their representatives present, are authorised to adjourn the said meeting to such further time, and from time to time, as they may deem proper; and in the mean time the said books shall be continued open by the commissioners aforesaid, or any one or more of them, and they shall be authorised to take subscriptions as aforesaid, until half the said capital sum or more shall be subscribed: *Provided*, that at least thirty days notice in the newspapers afore-

said, shall be given by the said acting commissioners, or a majority of them, of the time and place of every meeting of the subscribers; and whenever, whether at first or any other meeting of the subscribers as aforesaid, it shall appear that the subscriptions in said books amount to at least half the capital sum aforesaid, then such of the subscribers as are present at such meeting, or their representatives, shall and may proceed to elect by ballot, a president and eleven directors for conducting, directing and completing said Canal, and managing the business of the corporation under this act, for and during a term not exceeding two years, as the said subscribers or a majority of them may deem proper; at which election (and so at every future election) each subscriber or stockholder shall be allowed one vote for every share not exceeding five shares, and one vote for every two shares not exceeding ten, and one vote for every three shares above ten, held by such stockholder in the said company, and the said subscription books shall then be closed and deposited with the said president; and subscriptions for the residue of said capital stock, if any, shall and may be taken and received by the said president and directors or their successors, in whole shares as aforesaid, from such persons as shall first offer from time to time thereafter to subscribe for the same.

Money to be paid at the time of subscribing, and where deposited.

Sec. 2. *And be it enacted*, That every subscriber, at the time of subscription, shall pay to the commissioners receiving the same, five dollars on each share, in part, of such share or shares, which monies shall be deposited in some convenient bank of good credit, in the name of said commissioners, for the use of the Canal Company. And the said commissioners shall make out true accounts of all monies received from subscribers, and monies expended as aforesaid, and deliver the same with vouchers, into the hands of the president aforesaid, and transfer the monies in bank to the president and directors of the company for the use of the same; and the said company shall be liable to pay to each of the said commissioners respectively, a reasonable allowance for his services, as also to reimburse such commissioner all monies laid out and expended by him in and about the premises.

Company Incorporated.

Sec. 3. *And be it enacted*, That from and immediately after the said election, the subscribers, their heirs, successors and assigns shall be, and hereby are incorporated by the name of "The New-Jersey Delaware and Raritan Canal Company," and by that name they and their successors and assigns are hereby constituted a body politic and corporate in law, and shall be capable of holding their capital stock and the increase and profits thereof from time to time, and in such manner and form as they shall see proper, and also to sue or be sued, implead and be impleaded in courts of justice or any other place whatever, to make and use a common seal, and the same to alter and renew at their pleasure, and also to ordain, establish and put in execution such bye-laws, ordinances and regulations as shall seem necessary and convenient for the government of the said corporation, provided the

same are not contrary to the laws and constitution of the United States, and of this state or of this act, and the president and directors so chosen as aforesaid, shall be the first president and directors of the said Canal Company for and during the term of their being chosen as aforesaid, and until the next meeting of stockholders hereinafter provided for.

Powers of the President and Directors.

Sec. 4. *And be it enacted*, That the said president and directors so elected, and their successors, or a majority of them assembled, shall have full power and authority to agree with any person or persons on behalf of the said company, to cut such Canal, and erect and make such dams and locks, and perform such other works as may be necessary in their opinion for opening, improving and extending the navigation between the rivers aforesaid, as they shall think fit: *Provided* such Canal shall be cut for not less than nine feet depth of water and be at least fifty-six feet wide on the surface of the water therein; and out of the money from subscriptions and tolls and other aids hereinafter given to pay for the same; and to repair and keep in order the said Canal, locks, dams and other works necessary thereto, and to defray all incidental charges; and also to appoint a treasurer, clerk and such other officers and toll gatherers, managers and servants as they shall deem requisite, and to agree for and settle their respective allowances and wages, and settle, pass and sign their accounts, and also make and establish rules and proceedings, and to transact all other business and concerns of said company, in and during the intervals between the general meetings of the same, and they shall be allowed for their trouble as shall be determined in a general meeting of the subscribers: *Provided always*, that the treasurer shall give bond in such penalty and with such security as the said president and directors or a majority of them shall direct, for the faithful discharge of the trust reposed in him, and no officer of the company shall have a vote in settling and passing his own account.

Their powers as to money subscribed.

Sec. 5. *And be it enacted*, That the said president and directors, or a majority of them, shall have full power and authority from time to time, as money shall be wanted, to make and sign orders for that purpose, and direct in what manner and what proportions, and at what time the subscribers shall advance and pay the sums by them respectively subscribed, and the said president and directors, or a majority of them are authorised and empowered to demand and receive of the said subscribers respectively, the sums of money so ordered to be advanced, for carrying on and executing or repairing and keeping in order the said Canal, dams, locks and other works, until the sum subscribed shall be fully paid, and to order the said sums to be deposited in the hands of the treasurer, to be by him disbursed as the said president and directors, or a majority of them shall order and appoint: *Provided*, that the said president and directors shall give thirty days notice of such orders, and if any subscriber shall refuse or neglect to pay the sum which he or she ought to pay according to

such order, in one month after the time appointed by such order for that purpose, the same may and shall be recovered by action of debt in any court of record in this state, in the name of the said company, against the subscriber, his heirs, executors, administrators or assigns.

When and where directors to be chosen.

Sec. 6. And to continue the succession of said president and directors, and keep up the same number, *Be it enacted*, That on the first Monday in May after the expiration of the term for which the said first president and directors shall be chosen as aforesaid, and so in every year thereafter, there shall be a general meeting of the stockholders at the city of Trenton, in this state, who shall then and there proceed to elect by ballot and plurality of votes then and there actually given in person, or by proxy, according to the scale of voting herein before prescribed, twelve directors for the management of the affairs of the said company; and the directors so appointed, shall serve until the first Monday in May next ensuing, and the board of directors so chosen, shall at the first meeting after their election, proceed to elect one of the said directors to be president of the corporation, who shall hold the said office during the same period for which the said directors are appointed and elected as aforesaid: *Provided*, that if an appointment of directors or election of a president should for any cause happen not to be so made as to take effect on any day when in pursuance of this act they ought to take effect, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful at any other time to make such appointments and hold such elections as the case may be, and the manner of holding the elections in such case, shall be regulated by the bye-laws and ordinances of the corporation, and until such appointments or elections be made, the directors and president for the time being shall continue in office: *And provided also*, that in case of the death, resignation, incapacity or removal of the president, the directors shall proceed to elect another president from the directors aforesaid.

Sec. 7. *And be it enacted*, That every president and director, before he acts as such, shall take an oath or affirmation for the due execution of his office.

Directors to report their proceedings.

Sec. 8. *And be it enacted*, That at the said annual meeting of the stockholders, the president and directors shall make report, and render distinct and just accounts of all their proceedings, and on finding them fairly and justly stated, the stockholders then present, or a majority of them, shall give a certificate thereof, a duplicate of which shall be entered on the said company's books, and at such yearly general meetings, after leaving in the hands of the treasurer such sum as the stockholders, or a majority of them shall judge necessary for repairs and contingent charges, an equal dividend of all the nett profits arising by the tolls hereby granted, shall be ordered and made to and among the stockholders of the said company in proportion to their several shares.

Sec. 9. *And be it enacted*, That for and in consideration of the expense the said stockholders will be at, not only in cutting the said Canal and other works for opening the said navigation, but in maintaining and keeping the same in repair, the said Canal works with all their profits, under the limitations aforesaid, shall be and the same are hereby vested in the said corporation for ever, subject nevertheless to the conditions hereafter mentioned, and that it shall and may be lawful for the said president and directors, after the said Canal shall be made navigable, to demand and receive the following tolls at such place or places in the Canal as they may hereafter direct: *Provided*, that the whole toll received shall not amount to more than the rates fixed by this act—that is to say:

Every pipe of wine or French brandy, one dollar and sixty-six cents. Tolls allowed,

Every hogshead of wine or rum or other spirits, one dollar thirty-three and one third cents.

Every hogshead of tobacco, one dollar thirty-three and one third cents.

Every barrel, thirty-three cents.

And all other casks in proportion according to the quantity and quality of their contents.

For casks of linseed oil, one dollar thirty-three cents.

Every bushel of wheat, beans, peas or flaxseed, five cents.

Every bushel of indian corn or other grain or salt, three cents.

Every barrel of beef, pork or fish, forty cents.

Every barrel of flour, twenty-six cents.

Every ton of hemp, flax, potash, bar or manufactured iron, two dollars sixty-six cents.

Every ton of pig iron or castings, one dollar thirty-three cents.

Every ton of copper, lead or other ore, other than iron ore, one dollar thirty-three cents.

Every ton of stone or iron ore, sixty-six cents.

Every chaldron of coals, forty-nine cents.

Every hundred, pipe or hogshead staves, or pipe or hogshead heading, thirteen cents.

Every hundred barrel staves or barrel heading, eight cents.

Every thousand shingles two feet long or more, one dollar.

Every thousand shingles less than two feet long, sixty-six cents.

Every hundred cubic feet of plank or scantling, one dollar.

Every hundred cubic feet of other timber, fifty-three cents.

Every gross hundred weight of all other commodities or packages, thirteen cents. And for all other commodities the same proportion, agreeably to the articles herein enumerated, and every boat or vessel which has not commodities on board, to pay the sum of five dollars thirty-three cents, shall pay so much as with the commodities on board will yield the sum aforesaid. And every empty boat or vessel, five dollars thirty-three cents, except an empty boat or vessel returning, whose load has already paid the tolls affixed, in which case she shall re-pass tolls free: *Pro-*

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vided, such boat or vessel shall return within thirty days after paying such tolls.

Provides in case the toll should not be paid.

Sec. 10. *And be it enacted*, That in case of the refusal or neglect to pay the toll at the time of offering to pass through the said Canal, and previous to the vessel passing through the same, the collectors of the said tolls may lawfully refuse passage to such vessel, and if any vessel shall pass without paying the said toll, then the said collectors may seize such vessel wherever found, and sell the same at auction for ready money, which so far as necessary, shall be applied towards paying said toll, and all expenses of seizure and sale; and the balance, if any there be, shall be paid to the owner; and the person having the direction of such vessel, shall be liable to such tolls, if the same is not paid by the sale of such vessel aforesaid: *Provided*, that the said stockholders or a majority of them, holding at least one half the capital stock, shall have full power and authority at any general meeting, to lessen the said tolls or any of them: *Provided also*, that the same rate of tolls shall be paid on articles passing from Delaware to Raritan, as upon those paid from Raritan to the Delaware.

To be a highway.

Sec. 11. *And be it enacted*, That the said Canal and the works to be erected thereon, in virtue of this act, when completed, shall forever thereafter be esteemed a public highway, free for the transportation of goods, commodities or produce whatsoever, on payment of the tolls imposed by this act.

May purchase land, and manner of proceeding in certain cases.

Sec. 12. *And be it enacted*, That it shall and may be lawful for the president and directors, or a majority of them, to contract and agree with the owner or owners of any lands and tenements, for the purchase of so much thereof as shall be necessary for making, digging, and perfecting the said Canal, and of erecting and establishing all the necessary locks, works and devices to such navigation belonging, if they can agree with such owner or owners; but in case of disagreement, or in case the owner thereof shall be feme covert, under age, not compos mentis, or out of the state, then it shall and may be lawful to and for the said president and directors to apply to one of the justices of the Supreme Court of this state, who upon such application, is hereby authorised and empowered, enjoined and required to frame and issue one or more writ or writs, as occasion shall require, in the nature of a writ of *ad quod damnum*, to be directed to the sheriff of the county in which the lands to be enquired of or do lay, commanding him that by the oaths or affirmations of twelve good and lawful men of his bailiwick, who shall be indifferent to the parties, he shall inquire whether the person or persons owning any lands and tenements necessary to be used by the said president and directors, or which may be injured in establishing the said Canal (which person or persons shall be named, and which lands and tenements shall be described in such writ or writs) will suffer and sustain any and what damages, by reason or means of taking any lands or tenements necessary for the use of such Canal, and

to return the same writ, together with the finding of the said jury to the next Supreme Court of this state, after such finding, and upon such writ being delivered to the said sheriff, he shall give at least fifteen days notice in writing to all and every the owners of the lands and tenements in the said writ described, or to so many of them as can be found, or to the agent or agents of such owners, of the time of executing the same, and shall cause to come upon the premises at the time appointed, twelve good and lawful men of his bailiwick, to whom he shall administer an oath or affirmation, that they will diligently inquire concerning the matters and things in the said writ specified, and a true verdict give according to their skill and judgment, without favour or partiality, and thereupon the said sheriff and inquest shall proceed to view all and every the lands and tenements, in such writs specied, and having considered the quantity of land and lands covered with water, that shall be necessary to be vested in the said company for the purpose aforesaid, they shall cause the same to be minutely and exactly described by metes and bounds or other particular descriptions, and shall value and appraise the injury or damages, if any, which the owner or owners of the said lands and tenements will, according to their best skill and judgment, sustain and suffer by means of so much of said lands and tenements being vested in the said company, defining and ascertaining as well all such lands and tenements so to be vested in the said company, as the several sums at which the said injuries and damages shall be so assessed, and the said sheriff and jury shall make inquisition under their hands and seals, distinctly and plainly setting forth all the matters and things aforesaid, and the sheriff shall forthwith return the same, together with the said writ, to the office of the Supreme Court, and at the first Supreme Court which shall be held next after the return of any such writ, the justices of the said Supreme Court shall examine the same, and if the said writ shall appear to have been duly executed, and the return thereof be sufficiently certain to ascertain the lands and tenements intended to be vested in the said company, and the several compensations awarded the owners thereof, then the said Court shall enter judgment that the said company paying to the several owners, as aforesaid, the several sums of money in the said inquisition assessed, or bringing the same into the said Court over and above the costs of such writ, and of executing and returning the same, shall be entitled to have and to hold to them and their successors and assigns for ever, all and every the lands and tenements in the said inquisition described, as fully and effectually as if the same had been granted to them by their respective owners thereof; and if any return so to be made shall not be sufficiently certain for the purposes aforesaid, the said Court shall award an inquisition denovo, and upon payment or bringing into Court all such monies as by such judgment is required to be paid or brought into Court, all such lands and tenements shall be fully and absolutely vested in the said corporation, which shall

become seized and possessed thereof in like manner as the then late owner or owners was or were seized, or possessed thereof: *Provided nevertheless*, that the jurors making the inquest aforesaid, shall take into consideration in forming their verdict, the benefits and advantages which the respective holders of the lands and tenements to be taken as aforesaid, will derive from the said Canal, and the improvement and increase of the value of the said lands, in consequence thereof; and if the said jury shall consider that the benefits and advantages, improvements, or increase in value, will be equal to the value of the lands to be taken, then they shall return the fact and not assess any damages.

May purchase land for the erection of necessary buildings, &c.

Sec. 13. *And be it enacted*, That the said president and directors, or a majority of them, are hereby authorised to agree with the proprietors for the purchase of a quantity of land and lands covered with water, not exceeding in all over and above the land and lands covered with water, which may be set out, contracted for, and taken for the Canal as aforesaid, one thousand acres for the purpose of convenient places for the receipt of tolls and the erection of necessary buildings, and for securing reservoirs and supplies of water for the said Canal and other necessary purposes, and in case of disagreement, or any of the disabilities aforesaid, or the proprietors being out of the State, then such land may be valued, taken, and paid for as aforesaid, for the purposes aforesaid, and the said company shall, upon payment of the valuation of the said lands, be seized thereof in fee simple as aforesaid.

Manner of transferring shares.

Sec. 14. *And be it enacted*, That the shares of capital stock at any time owned by any person or persons, shall be transferable only in the books of the said company, according to such rules as may be lawfully prescribed in the bye-laws of the said corporation: *Provided*, that no transfer whatever shall be made, except for one or more whole share or shares, and not for part of such shares, and that no share shall at any time be sold, conveyed, transferred, or held in trust for the use and benefit, or in the name of another, whereby the said president, directors, or stockholders of said company, or any of them, shall or may be challenged, or made to answer concerning any trust; but that every person appearing as aforesaid, to be a stockholder, shall, as to others of the said company, be to every intent taken absolutely as such, but as between any trustee and the person for whose benefit any trust shall be created, the common remedy may be pursued.

The capital stock may be increased, and in what manner.

Sec. 15. *And be it enacted*, That if the said capital stock and other aids already granted by this act, shall prove insufficient, it shall and may be lawful for the said company, from time to time, to increase the said capital by the addition of so many more whole shares as may be judged necessary by the said stockholders, or a majority of them, holding half the said capital stock at the least, present at any general meeting of the said company, and the said president and directors, or a majority of them, are

hereby empowered and required, after giving at least one month's notice in the newspapers aforesaid, to open books at such place or places as shall be directed by the said meeting, for receiving and entering such additional subscriptions, in which the stockholders of the said company for the time being, shall, and are hereby declared to have the preference of all others for the first twenty days after the said books shall be opened as aforesaid, and of taking and subscribing for as many whole shares as any of them shall choose, and the said president and directors are hereby required to observe in all other respects, the same rules therein, as are by this act prescribed for receiving and adjusting the first subscriptions, and all stockholders of such additional shares, shall be, and they are hereby declared to be from thence forward, incorporated into the same company.

Omissions not to destroy this charter.

Sec. 16. *And be it enacted*, That if the stockholders or the president and directors aforesaid, should neglect, or omit, or be by accident prevented from performing any act or thing on the particular day which it is directed by this act to be done and performed, such neglect or omission shall not be construed or taken in any manner to destroy or invalidate this charter, but the said act may be done the next convenient day, and the said president and directors shall continue until new ones are chosen.

Power as to passing over lands to view, &c.

Sec. 17. *And be it enacted*, That the commissioners appointed under this act, and the said president and directors chosen under the same, or any of them, or their agents, at any time after the passing thereof, shall have full power and authority to enter upon and view, and pass, and re-pass over any lands on and adjacent to the contemplated route of said Canal, for the purpose of ascertaining and fixing on the most eligible route for the same, and to take with them such engineer, surveyor, and other assistants as may be necessary for that purpose: *Provided*, that the same be done without injury to the fences or enclosures thereon, or to the said land or any thing growing thereon, more than will arise from the mere passing over the same.

Canal crossing roads, bridges to be built.

Sec. 18. *And be it enacted*, That whenever said Canal shall cross any public road, it shall be the duty of the said company, at the proper expense of the same, to make and keep good and sufficient bridges across the said Canal, so as to prevent any inconvenience in the usage of the said road or roads by reason of the said Canal crossing the same, and that it shall be lawful for the Legislature of this State at all times hereafter to enact laws for the erecting and maintaining bridges across the said Canal, at the expense of the said company, and to subject the said company to forfeitures, pains and penalties, for not complying with such laws.

No taxes to be laid upon the estates or stock of the company.

Sec. 19. *And be it enacted*, That no state, county, township, or other public assessments, taxes, or charges whatsoever, shall at any time be laid or imposed upon the said Canal Company, or upon the stocks and estates which may become vested in them

under this act; but this exemption shall not extend to any other estate or property of the company than such as is possessed, occupied, and used by the said company for the actual purposes of said Canal navigation under this act, according to the true intent and meaning thereof.

Penalty for injuring the Canal, &c.

Sec. 20. *And be it enacted*, That if any person shall in any manner wilfully injure or obstruct the said Canal, locks, erections, or other part or parts thereof, by any manner of ways or means, every person so offending, and being convicted thereof, shall be fined in a sum not less than one hundred dollars, and such prosecution and fine shall in no case impair the right of action for damages by a civil suit, to be brought by the company.

Sec. 21. *And be in enacted*, That the funds of the said company shall never be employed in any other operation, or for other purposes than those provided for in this act.

Action for damage done by the company.

Sec. 22. *And be it enacted*, That nothing in this act shall be taken to impair the right of any person to an action against the said company for damages to his or her water-rights, lands, tenements, or hereditaments, by the erection of said Canal, where such person hath not been agreed with by the said company, or his or her damages, right and estate, satisfied and vested in the said company under the provisions of the twelfth section of this act.

Sec. 23. *And be it enacted*, That if at the end of twenty-one years from the incorporation of the said company, or at any time after, the nett proceeds arising from the said Canal to the said company, shall amount to fifteen per centum per annum, on the capital stock, or any greater sum, then in that case the said company shall pay into the treasury of this State, one fifteenth part of the said nett profits annually, so long as the said nett profits shall amount to or exceed fifteen per centum per annum; and that at the end of twenty-one years, from the time of the incorporation of the said company, and at the end of every ten years thereafter, the said company shall exhibit to the Legislature an account of their expenditures, and of the profits arising from the said Canal, and the books, papers, and transactions of the said company shall at all times after the end of the said term of twenty-one years, be open to the inspection and examination of the Treasurer of this State, or such other person or persons as shall be appointed by the Legislature of this State for that purpose.

To render an account to the State, &c.

When the Canal may be vested in the State, and upon what conditions.

Sec. 24. *And be it enacted*, That the State of New-Jersey may at any time after the expiration of fifty years, from the time of the incorporation of the said company, repay to the proprietors of the said Canal, the amount of the sums expended thereon, together with such further sum as may be necessary, in addition to the nett amount of tolls received within said period, to insure to the proprietors aforesaid, an average interest of twelve per centum per annum on such expenditures, and from thenceforth the said Canal and its appurtenances, and all the estate real and personal of

the said company acquired under this act, shall be vested in, and belong to this State, and be under the controul of the Legislature thereof, any thing in this act contained to the contrary notwithstanding.

Maps, &c. may be delivered to the commissioners.

Sec. 25. *And be it enacted*, That it shall be lawful for the Secretary of State, to deliver to any of the commissioners named in this act, such maps, surveys, reports, or other documents relating to the contemplated Canal as may be in his office or keeping, for any space of time not exceeding one month, taking from the commissioner or commissioners receiving the same, an obligation in the sum of five hundred dollars conditioned to return the said surveys, reports, or other documents within the time agreed upon, in good order.

Copies of this act to be transmitted to the commissioners.

Sec. 26. *And be it enacted*, That the Secretary of State do cause to be printed and transmitted to each of the commissioners, three copies of this act, and also that he do transmit to each of them three copies of the Report of certain commissioners made to the Legislature on the subject of said Canal, dated January twenty-second, one thousand eight hundred and seventeen.

Time of being incorporated, and opening the Canal.

Sec. 27. *And be it enacted*, That unless the said company shall be incorporated under the provisions of this act, within two years from the passing hereof, or if being so incorporated shall not open the said Canal fit for use, within ten years thereafter, the charter hereby granted to the said company shall be void, and the estates of the said company in the said Canal shall thereupon become vested in this State for ever.

C. Passed March 2, 1820.

A Supplement to the act, entitled "An act relative to toll and chain bridges."

Sec. 1. 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 first section of the act to which this is a supplement, as relates to any kind of carriage, waggon, cart, sled or sleigh drawn by one horse, and also to single horses and mules, be and the same is hereby repealed, *Provided nevertheless*, that nothing in this act contained, shall be construed to extend to or affect the toll bridges already built over the river Delaware.

C. passed February 21, 1820.

A Supplement to an act entitled "An act for the preservation of deer and other game, and to prevent trespassing with guns," passed December twenty-first, one thousand seven hundred and seventy-one.

Sec. 1. BE IT ENADTED *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 kill, destroy, hunt, or take any doe, buck, fawn, or any sort of deer whatsoever, at any other time or season, except only between the last day of August and the second day of January, yearly and every year, he, she or they, so offending, shall forfeit and pay the sum of twenty dollars, for each and every such offence, to be sued for and recovered with costs of suit, in an action of debt, by any person, before any justice of the peace of the county wherein such offence shall have been committed, one half of the forfeit money shall be for the benefit of the person prosecuting for the same, and the remainder paid to the collector of the township wherein the offence shall have been committed, for the use of the township: *Provided*, that nothing in this supplement shall be construed, or taken to extend to restrain the owners of parks or tame deer, from killing, hunting, or driving their own deer.

When Deer may be killed.

Penalty.

To whom forfeited.

Proviso.

Sec. 2. *And be it enacted*, That if any person or persons who shall hunt for the purpose of killing, or to destroy or take, or kill any moor-fowl, grouse, partridge, quail, or rabbit, except only between the first day of September and the first day of February, and any wood-cock, except only between the twenty-fifth day of June and the first day of February, yearly and every year, he, she or they, so offending, shall forfeit and pay for each moor-fowl, grouse or partridge, two dollars, and for each wood-cock, rabbit, or quail, one dollar, for each and every offence, to be sued for and recovered in an action of debt, with costs of suit, by any person who shall sue for the same; and any person or persons in whose hands or custody any moor-fowl, grouse, partridge, quail or rabbit, shall be found that shall have been killed contrary to the provisions of this act, shall be deemed taken and adjudged to be the killer or destroyer of such game, and liable to the penalties aforesaid, unless such person or persons shall make it appear who it was that killed the same, or from whom such person, so thereof possessed, received the same: *Provided nevertheless*, that no person shall be prohibited from gunning on his own land.

When certain fowl, &c. may be killed.

Penalty.

Possession of the game, evidence of the killing.

Sec. 3. *And be it enacted*, That the fourth and sixth sections of the act to which this is a supplement, and so much of the fourteenth section of the same act, as makes it a duty of the justices of the General Quarter Sessions of the peace to cause the said act to be read and given in charge to the grand jury, at every Quar-

Acts repealed.

ter Sessions of the peace, and also the supplement to said act, passed the eleventh day of February one thousand eight hundred and eighteen, be, and the same are hereby repealed.

A. Passed February 21, 1820.

An act supplementary to an act, entitled " An act establishing a Militia System," passed February the eighteenth one thousand eight hundred and fifteen.

Fines for not performing militia 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 the fines imposed for non-performance of militia duty, required by the act to which this is a supplement, shall be as follows:—on a field officer, six dollars; on every commissioned officer, three dollars; on every non-commissioned officer, musician and private, one dollar, for each and every day's absence from militia duty required by law.

Duty of commanding officers as to the annual meeting of the officers for military improvement, &c.

Sec. 2. *And be it enacted*, That it shall be the duty of the commanding officer of each regiment, independent battalion and squadron, in this State, to call a meeting of the commissioned officers under his command, once in each year, at which meeting he shall order the orderly sergeant of each of the companies composing such regiment, independent battalion, or squadron to attend for the purpose of military improvement, notice of which meeting shall be given by advertisements set up in at least six of the most public places within the bounds of such regiment, independent battalion, or squadron, appointing the time and place of such meeting, at least two weeks previous thereto, and at which meeting the commanding officer of such regiment, independent battalion, or squadron, may, if he think proper, order the attendance of one of the companies under his command, by giving notice of his intention to the commanding officer of such company, previous to the time appointed by law for advertising company trainings, which meeting shall be advertised by such commanding officer in the same manner as company trainings are required by law to be advertised, and such meeting shall be in lieu of company training, and the fines and penalties for non-attendance shall be the same as on other days of military service.

Who to make returns of officers absent at trainings directed by law.

Sec. 3. *And be it enacted*, That it shall be the duty of the orderly or first sergeant of each company of the militia of this State, to make return of any officer or officers of his company who may be absent at any company training appointed by law, to the adjutant of the regiment, independent battalion or squadron, to

which such company may belong, and it shall be the duty of the adjutants of the respective regiments, independent battalions and squadrons, of this State, or the persons charged with their duty, to make accurate returns of all delinquent commissioned and staff officers who shall have been absent at the last battalion, regimental and independent battalion, or squadron trainings appointed by law; also of all such officers or non-commissioned officers as shall have been absent at the training ordered agreeably to the second section of this act, which return, together with the returns made to him by the respective sergeants as aforesaid, he shall lay before the brigade board at their annual meeting, and unless satisfactory excuses are offered, the said brigade board shall thereupon proceed to assess on each delinquent, the same fines and penalties for such non-attendance as is imposed by the first section of this act; and it shall be the duty of the brigade judge-advocate to make a certified return of the fines so assessed, to the brigade paymaster, within ten days thereafter, who shall proceed to collect the same, as directed in the sixteenth section of the act to which this is a supplement; and if any brigade judge-advocate, adjutant or sergeant, shall neglect or refuse to make returns required of him or them by this act, or to perform any of the duties of their office, he or they shall be liable to be fined by the brigade board in any sum not exceeding fifteen nor less than two dollars, which fines shall be collected in the manner prescribed by law for collecting the fines of delinquent officers.

Brigade board to assess fines.

In case of absence of orderly sergeant or clerk, commanding officer may appoint.

Sec. 4. *And be it enacted*, That if the orderly sergeant or clerk of any company, shall be absent from any training, which by law it may be his duty to attend, the commanding officer of such company for the time being, shall appoint some fit person of his company to the office, who shall execute the duties of orderly sergeant or clerk for the day, whose acts shall be as valid to all intents and purposes as though such acts were performed by an orderly sergeant previously appointed.

Rifle companies, &c.

Sec. 5. *And be it enacted*, That the rifle companies of this State, shall on battalion and regimental days of parade, form with the battalions or regiments to which they respectively belong, and perform such evolutions as may be ordered by the commanding officer of the day, and not leave the line without his permission.

Fees for services, when to be demanded.

Sec. 6. *And be it enacted*, That no fees shall be allowed to battalion, company, staff, or non-commissioned officers for services to which by law they may be entitled, unless demanded in the same year in which the services were performed.

Uniform of officers.

Sec. 7. *And be it enacted*, That all commissioned officers hereafter appointed, shall within six months thereafter, on all days of parade, appear in full and complete uniform, agreeably to that worn by the officers of the army of the United States.

Sec. 8. *And be it enacted*, That the commandants of regiments hereafter to be appointed, shall be commissioned as full colonels and rank accordingly.

Sec. 9. *And be it enacted*, That the commandants of regiments, independent battalions and squadrons, shall annually account to the brigade board for all monies they may receive for teaching music and other purposes.

Penalty for admitting substitutes, &c.

Sec. 10. *And be it enacted*, That if the captain or commanding officer of any company or troop, shall on any day appointed by law for military improvement, admit of any substitute, for each and every such offence, he shall forfeit the sum of ten dollars, and the battalion paymaster upon information thereof, shall prosecute for and may recover the same in his own name as paymaster aforesaid, in an action of debt, before any justice of the peace of the county in which they may reside, one half of which sum shall be paid to the person giving such information, and the balance, after paying the necessary expenses of the prosecution, shall be paid to the brigade paymaster for the use of the brigade: *Provided*, that this section shall not be construed to interfere with the twenty-fifth section of the act to which this is a supplement, allowing musicians under the age of eighteen to perform military duty in lieu of their parents.

Proviso.

Sergeants to be paid.

Sec. 11. *And be it enacted*, That every sergeant who shall attend the meetings of the officers, agreeably to the second section of this act, shall be entitled to receive from the battalion paymaster seventy-five cents per day for such services, upon his producing the certificate of the adjutant of his having performed said duty.

Captains to enrol, &c.

Sec. 12. *And be it enacted*, That it shall be the duty of the captain or commanding officer of any company of militia, to enrol all persons subject to militia duty by the first section of the act to which this is a supplement, within the bounds of his company, except those who belong to some uniform company, and furnish a copy thereof to the orderly sergeant of his company.

Brigade board may exempt, &c.

Sec. 13. *And be it enacted*, That the brigade board may at their discretion, exempt from common militia duty any officer who has held a commission for one year in the army of the United States, and also any soldier who may have faithfully served for the term of eighteen months in the late war; and the said board shall also calculate and consider the ten years' service of any officer or private of any uniform company, to commence from the date of the act passed February sixth, one thousand eight hundred and eleven, and grant a discharge from common militia duty according thereto.

By-standers may be punished, &c.

Sec. 14. *And be it enacted*, That if any by-stander shall interrupt, molest or insult by abusive words or behaviour any officer or soldier while on duty, at any training or meeting for military improvement, he shall be immediately put under guard, and may

be fined by a regimental court-martial in the same manner as if he was at the time on duty, and any fine imposed shall be collected as is directed in the fifty-first section of the act to which this is a supplement.

Horse Artillery.

Sec. 15. *And be it enacted*, That in addition to the military corps now authorised to be formed in the several counties of this State, troops of horse-artillery may be formed; each troop shall consist of one captain, four lieutenants, one quarter-master sergeant, four sergeants, four corporals, one saddler, one farrier, one bugler, one trumpeter, and not more than one hundred, nor less than forty privates; and the commander in chief of this State is hereby authorised to commission the officer of any such troop of horse-artillery, as is now formed, as such, who shall rank in the order of seniority, according to the date of the commissions they now hold as cavalry officers, and such troops of horse-artillery as are already formed or may hereafter be formed, shall be attached to the squadron of cavalry in whose bounds a majority of said troop may reside, be subject to the marching orders of their superior commanders, rendezvous at the regimental and squadron parade, and be inspected by the proper officer of the brigade, subject to be trained by the commanding officer or officers, agreeably to such rules of discipline as are or may be hereafter laid down for the government of horse-artillery.

Aid-de-camps and Brigade staff, by whom appointed.

Sec. 16. *And be it enacted*, That each major-general for the time being, in case of vacancy, shall appoint his two aid-de-camps; each brigadier-general for the time being, shall appoint his aid-de-camp; all other brigade staff shall be appointed by the brigade board and commissioned by the commander in chief.

Brigade board to keep accounts of money received and expended, and to report to the Legislature.

Sec. 17. *And be it enacted*, That it shall be the duty of the brigade board to keep accounts of all sums by them received and expended, 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.

Sec. 18. *And be it enacted*, That all officers hereafter appointed or elected, shall take rank from the date of such appointment or election.

Duty of quarter master general.

Sec. 19. *And be it enacted*, That it shall be the duty of the quarter-master general, where public arms have heretofore been distributed to any company of militia, to inquire into the state and condition of such arms, and in whose custody or possession remaining; and to take all legal measures for bringing to account such person or persons as are accountable for such arms, and make report of his proceeding in this respect to the next Legislature.

Sec. 20. *And be it enacted*, That the annual returns of the brigade inspectors required by the twenty-first section of the act to which this is a supplement, shall be made to the adjutant-general, on or before the first day of September in every year.

Sec. 21. *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, and also to have it inserted in the two newspapers printed in the city of Trenton, for the expense of which he is hereby authorised to draw on the treasurer of this State.

Copies of this act to be distributed.

Sec. 22. *And be it enacted*, That the fifth section of the act to which this is a supplement, so much of the seventh section of said act as specifies the amount of fines for non-attendance on days of exercise, so much of the fourteenth section as requires the battalion paymaster to make return of delinquent officers, so much of the fifty-third section as relates to the mode of disciplining riflemen, so much of the said act as requires staff officers to be taken from the line of officers, also the sixty-first, sixty-second, and sixty-third sections of said act relative to exempts, also the supplement to the said act, passed February fifteenth, one thousand eight hundred and sixteen, also the supplement to the said act, passed fourteenth of February, one thousand eight hundred and eighteen, also the supplement to the said act, passed February fifteenth, one thousand eight hundred and nineteen, be, and the same are hereby repealed.

Acts repealed.

A. Passed March 2, 1820.

A Supplement to the Act relative to Dower.

Sec. 1. 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 a husband, shall hereafter devise to his wife, by a will duly executed to pass real estate, any lands or real estate for her life or otherwise, and without expressing whether such devise to her is intended to be in lieu or bar of dower, or not, and the said wife shall survive her said husband, that then the said wife so surviving, shall not be entitled to dower in any lands or real estate devised by her said husband, unless she shall in writing express her dissent to receive the lands or real estate so devised to her in satisfaction and bar of her right of dower in the other lands and real estate devised in and by the said will, and file the same with the Surrogate of the county wherein she resides, or in which the lands or real estate devised to her shall be situated, within six months after the probate of the said will, and then and in that case, she shall be considered as renouncing the benefit of the said devise to her.

A devise of real estate to a wife shall bar her dower, unless she shall express her dissent, &c.

Sec. 2. *And be it enacted*, That it shall be lawful after the passing of this act, for any widow entitled to dower in any lands

or real estate, of which her husband died seized, or for any heir or heirs, or guardian of any minor child or children, entitled to any estate in the said lands or real estate, to apply by petition to the Orphans' Court of the county where the said lands or real estate are situated, for the appointment of commissioners to assign to such widow her dower in the said lands and real estate; whereupon the said court shall appoint three discreet and disinterested freeholders in the said county, commissioners, to admeasure and set off as speedily as conveniently may be, one third part of the said lands and real estate, as the said widow's dower, which commissioners before they enter upon the duty assigned them, shall be sworn or affirmed before the Surrogate, or any other person authorised to administer oaths in the said county, faithfully, honestly and impartially to execute the trust reposed in them respectively.

Orphans' court to appoint commissioners to set off dower.

Notice of application.

Sec. 3. *And be it enacted*, That the party petitioning for the appointment of commissioners to assign and set off dower as aforesaid, shall give twenty days previous notice in writing to the other person or persons interested, and to the guardians (if any) of minor childen, of the said intended application, by serving the same personally or leaving it at his or her usual place of dwelling, or where any person entitled to notice of such intended application, shall not reside in this state, and shall not be served with notice as aforesaid, then notice may be given by advertisement in a newspaper published in the county where the said lands or real estate are situated, or in the county nearest thereto, in which a newspaper shall be published, for at least four weeks successively, once at least in each week.

Duty of commissioners.

Sec. 4. *And be it enacted*, That it shall be the duty of the said commissioners to make a full report of all their proceedings, with the distances and courses of the lands so assigned and allotted by them to the widow for her dower, and amount of their charges, to the court which appointed them, at the next or subsequent term, after their appointment, which report, if approved and confirmed by the court, shall be entered at large by the Surrogate on the records in his office, in some proper book for that purpose; and all persons concerned therein, shall be concluded by the judgment or decree of the said court, unless the same shall be set aside or reversed.

Appeal given to Surrogate-General.

Sec. 5. *And be it enacted*, That it shall be lawful for any widow, heir or heirs, or guardian of any minor child, who shall conceive herself or himself aggrieved by the proceedings, judgment or decree under this act, of any Orphans' Court, at any time within twenty days after the final judgment or decree, to give notice in writing of the causes of complaint, and of his or her intention to apply to the Surrogate-General, at the next stated term to be holden after such notice, for relief, who shall review the proceedings, judgment or decree complained of, and do therein what shall be just.

Sec. 6. *And be it enacted*, That where a husband shall die seized of lands or real estate in two or more counties, it shall be lawful for the Ordinary or Surrogate-General to appoint commissioners to admeasure and set off dower as aforesaid, and to proceed therein in all respects as the Orphans' Courts are by this act authorised to proceed for the making admeasurement of dower as aforesaid.

Sec. 7. *And be it enacted*, That after final sentence or decree hath been pronounced in any proceedings under this act, by the Surrogate-General, any person who may think himself or herself aggrieved by any proceedings, sentence or decree of the Surrogate-General, may within thirty days, appeal against such proceedings, sentence or decree, to the Court of Appeals and of Errors, before the Governor and Legislative Council of this State.

Appeal to the Court of Appeals.

Sec. 8. *And be it enacted*, That the fees to be allowed, taxed, and taken by the Surrogates, Orphans' Courts and Surrogate-General and other officers, shall be the same as those allowed by law for similar services in other cases.

Sec. 9. *And be it enacted*, That the charges of the commissioners for their services in making of the said admeasurement of dower, and the costs arising and accruing on any proceedings under this act, shall be taxed by the Surrogate or Clerk of the court in which the proceedings may be had, and paid in the first instance by the petitioner or petitioners. And the said costs and charges shall be divided and apportioned by the court, among the persons concerned, according to their respective interests in the lands and real estate, out of which the dower shall be so assigned. And in case any person or persons concerned, shall not, on demand, pay his, her or their proportion of such costs and charges, that then the petitioner or petitioners shall and may recover the same by the judgment and process of the court; or by an action of debt in any court having cognizance thereof. But in all cases of appeal, each party shall pay his, her or their own costs.

Costs, and manner of recovery.

Sec. 10. *And be it enacted*, That after dower shall be assigned to a widow by virtue of this act, nothing in the second section of the act to which this is a supplement, shall be considered as entitling her to remain in and to hold and enjoy the mansion-house of her husband, and the messuage or plantation thereto belonging, except such part thereof as may be assigned to her for dower without being liable to pay rent for the same.

When widow to pay rent.

C. Passed February 24, 1820.

An act for the gradual abolition of Slavery, and other purposes respecting Slaves.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That every child born of a slave within this State, since the fourth day of July, one thousand eight hundred and four, or which shall hereafter be born as aforesaid, shall be free, but shall remain the servant of the owner of his or her mother, and the executors, administrators, or assigns of such owners, in the same manner as if such child had been bound to service by the trustees or overseers of the poor, and shall continue in such service, if a male, until the age of twenty-five years, and if a female, until the age of twenty-one years.

Term of service.

Sec. 2. *And be it enacted*, That every person being an inhabitant of this State, who shall be entitled to the service of a child born as aforesaid, shall, within nine months after the birth of such child, deliver or cause to be delivered to the clerk of the county, whereof such person shall be an inhabitant, a certificate in writing, subscribed by him or her, containing the name and addition of such person, and the name, age, and sex of such child so born, and the name of the mother of such child, which certificate, whether the same be delivered before or after the said nine months, shall be, by the said clerk, recorded in a book provided by him for that purpose, and such record thereof shall be good evidence of the age of such child, and the clerk of such county shall receive from said person twelve cents for every child so registered; and if any person, directed by this act to deliver or cause to be delivered such certificate to the said clerk, shall hereafter neglect to deliver or cause to be delivered to the clerk as aforesaid, such certificate within the said nine months, such person shall forfeit and pay for every such offence the sum of five dollars, and the further sum of one dollar for every month such person shall neglect to deliver or cause to be delivered the same, to be sued for and recovered by any person who will sue for the same, one half to the use of such prosecutor, and the other half to the use of the poor of the township in which such delinquent shall reside: *Provided*, that the sum so forfeited shall not exceed the sum of one hundred dollars.

Certificate, and what it shall contain.

Penalty for neglect.

Sec. 3. *And be it enacted*, That if any person directed by this act to deliver or cause to be delivered to the county clerk a certificate as aforesid, shall knowingly and wilfully deliver or cause to be delivered to the county clerk as aforesaid, any certificate containing a false relation of the time of the birth of such child, such person so offending shall forfeit and pay the sum of one hundred dollars for every such offence, to be prosecuted for, recovered and applied in manner aforesaid, and in favour of such child, or of the township in which such child's residence shall be; the true

Penalty for delivering false certificate.

time of the birth of such child may be inquired into before any court or magistrate in any case where the true time of the birth such child shall become material, notwithstanding the record of such certificate.

When one overseer may act.

Sec. 4. *And be it enacted*, That in case it shall happen in any of the townships of this State, that only one overseer of the poor for such township shall be elected, in such case it shall be lawful for one overseer of the poor of such township to sign the certificate required by the twenty-first section of the act, entitled "An act respecting slaves," which certificate shall be as good, valid, and effectual as if it should be signed by two overseers of the poor.

Proof of deed of manumission.

Sec. 5. *And be it enacted*, That in case any instrument or deed of manumission heretofore made and executed, or hereafter made and executed, shall be acknowledged by the party or parties who shall have executed the same, or be proved by one or more of the subscribing witnesses to it, that such party or parties signed, sealed, and delivered the same, as his or her voluntary act and deed, before one of the officers authorised by law to take the acknowledgment or proof of deeds of conveyance of lands, tenements, hereditaments, and real estate, or before one of the justices of the peace in any of the counties of this State, and such certificate of such acknowledgment or proof shall be written under or upon such deed, and subscribed by the officer before whom made, then, and in that case, every such instrument or deed of manumission so acknowledged or proved and certified, shall be received in evidence in any court of this State, in like manner as if the same were then and there proved by two witnesses.

To be recorded.

Sec. 6. *And be it enacted*, That it shall be the duty of the clerk of the Court of Common Pleas of the county in which the owner of any slave shall reside at the time of manumitting such slave, to record in a well bound book of good paper, to be provided for that purpose, and well preserved every instrument or deed of manumission acknowledged or proved and certified as aforesaid, together with the acknowledgment or proof and the certificate written on or under the same, which shall be delivered to him to be recorded, to which book, every person shall have access at proper hours, and be entitled to transcripts from the same, on paying the fees allowed by law.

Records and certified copies to be evidence.

Sec. 7. *And be it enacted*, That the record aforesaid of such instrument, or deed of manumission, or a copy of such record, certified to be a true copy by the clerk, in whose office the said record is kept, shall be received in evidence in any court of this State, and be as good, effectual and available in law, as if the original instrument or deed of manumission were then and there produced and proved.

Clerk to give receipt.

Sec. 8. *And be it enacted*, That the clerk shall deliver a receipt to the person who shall deliver to him any instrument or

deed of manumission as aforesaid, mentioning therein, the time when it was delivered to him, or brought to his office to be recorded, its date and the names of the parties to it, and shall certify on or under the said instrument, the time it was received, and the name and number of the book and page or pages in which it is recorded, and when recorded shall deliver it to the party entitled to it, or to his or her order, and the said clerk shall be entitled to receive for recording every deed of manumission, with the acknowledgment or proof and certificate, for every sheet five cents, and for every copy of the same five cents, for every receipt six cents, and for every search seven cents.

Penalty on clerk for neglect of duty.

Sec. 9. *And be it enacted*, That if any clerk of the Common Pleas in any of the counties of this State, shall neglect or refuse to perform any service or duty required of him by this act, he shall for every such neglect or refusal, forfeit and pay fifty dollars, to be recovered with costs, in an action of debt by the county collector, and on recovery by him, to be paid over to the treasurer of this State for the use of the State, and shall also be liable for all damages which the party aggrieved shall have sustained by reason of the non-performance of such service or duty.

Sec. 10. *And be it enacted*, That no negro, indian, mulatto or mestee slave or servant for life or years, shall hereafter be removed, exported or carried out of this State except as hereinafter provided.

Penalty for exporting a slave contrary to law.

Sec. 11. *And be it enacted*, That if any person shall send to sea or export or attempt to send to sea or export from this State, or send or carry out of, or attempt to send or carry out of this State, except as hereinafter provided, any negro, indian, mulatto or mestee, slave or servant for life or years, every person so exporting or attempting to export, or sending or carrying out of this State, or attempt to send or carry out of this State, such slave or servant, and his or her aiders or abettors, shall be deemed guilty of a misdemeanor, and on conviction in due course of law, shall be punished by fine not less than one thousand dollars, nor more than two thousand dollars, or imprisonment at hard labour for any term not less than two years, nor more than four years, or both, at the discretion of the court, before whom such conviction shall be had; and further, that every such 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.

Penalty for selling a slave to a person intending to export such slave.

Sec. 12. *And be it enacted*, That if any person shall hereafter sell, transfer or assign any such slave or servant to any non-resident, or person not being an inhabitant of this State, or to any person intending to remove, or export, or 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 at hard labour, not less than one year nor more than two years, or both, at the discretion of the court before whom such conviction shall be had; and further, that every such 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.

Penalty for purchasing a slave with an intention to export such slave.

Sec. 13. *And be it enacted*, That if any person shall purchase or take a transfer or assignment of any negro, mulatto, indian or mestee slave or servant 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 dollars, 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 before whom such conviction shall be had; and further, that such slave or servant so purchased, transferred or assigned, shall be free.

Vessels equipped for exporting slaves to be forfeited

Sec 14. *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 negro, mulatto, indian, or mestee slave or servant 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 this State, and prosecuted by such justice, sheriff, or coroner, making such seizure by information *in rem.* in the Supreme Court of this State, or in the Inferior Court of Common Pleas of the county in which such seizure shall be made, to which courts jurisdiction of such causes is hereby given.

and sold.

Sec. 15. *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 seizure was made, or in case the said sheriff be a party to the prosecution, then by one of the coroners of such county, having no interest therein, who, after deducting all legal costs and charges to be taxed by the court in which such judgment was had, and two per cent. on the amount of such sale, for his fees on the same, 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.

Money, to whom to be paid.

What officers may go on board.

Sec. 16. *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 this State, for the purpose of making the seizure 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 seizure as aforesaid, every person so refusing or resisting such justice, sheriff or coroner, 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 before whom the conviction shall be had.

Penalty for resisting the officers.

Who may remove their slaves.

Sec. 17. *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 next preceding the time of such application to the court, and shall also prove, to the satisfaction of the said court, by the oath or affirmation of two credible witnesses, that such person so 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, or in case there be no presiding judge of said court, before two of the judges of said court, whose certificate of such consent shall be then and there produced to the court, before the granting such license as aforesaid.

Conditions to be performed.

Penalty on masters of vessels in certain cases.

Sec. 18. *And be it enacted*, That every master of a ship or other vessel who shall knowingly receive on board any ship or other vessel of which he is master, for the purpose of carrying out of this State any slave, for whose exportation a license hath not been obtained as herein before directed, or who having ignorantly received on board of said ship or other vessel such slave, shall suffer such slave to depart from his ship or other 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 at hard labour, not less than two nor more than four years, or both, at the discretion of the court.

Sec. 19. *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 it shall be the duty of such inhabitant to bring back such slave or servant, and in default thereof he or she shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not less than five hundred dollars, nor more than one thousand dollars, or by imprisonment at hard labour not less than one year nor more than two years, or both, at the discretion of the court before whom the conviction shall be had, 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 such slave or servant not brought back as aforesaid, could not be brought back, by reason of some unavoidable accident, and obtain a certificate thereof subscribed by the two judges before whom such proof shall be made, and file the same in the office of the clerk of the said county; and further, that every such slave or servant so taken out of this State, and not brought back as aforesaid, shall be free: *Provided nevertheless*, that nothing herein contained shall be construed to authorise or allow the taking away such slave or servant in any ship or vessel going to sea.

Owner of a slave may take such slave with him in certain cases.

Sec. 20. *And be it enacted*, That nothing herein contained shall be understood, construed, or taken as intending to prevent the sending or exporting out of this State, any slave who hath been or hereafter may be sentenced to transportation on conviction of any crime or crimes, by virtue of any statute of this State now in force or hereafter enacted.

Sec. 21. *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, or 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 such slave or servant as aforesaid, and on removal or leaving this State, to take such slave or servant out of this State: *Provided*, that the number of such slaves or servants shall not exceed the usual number of personal or household slaves or servants kept and maintained by said traveller or temporary resident.

Exceptions as to persons not inhabitants.

Sec. 22. *And be it enacted*, That the twentieth section of an act, entitled "An act respecting slaves," passed the fourteenth day of March, one thousand seven hundred and ninety-eight, and the act, entitled "An act for the gradual abolition of slavery," passed the fifteenth day of February, one thousand eight hundred and four, and the act, entitled "An act supplementary to the act respecting slaves," passed the third day of December, one thousand eight hundred and four, and 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,

Acts repealed

and the act, entitled "An act to prohibit the exportation of slaves or servants of colour out of this State," passed the fifth day of November, one thousand eight hundred and eighteen, and the supplement thereto, passed the nineteenth day of February, one thousand eight hundred and nineteen, be, and the same are hereby repealed: *Provided always*, that such repeal shall in no way affect or annul any indictment or other proceeding had or to be had under the said acts or any of them, for offences against the same, but that the same may be proceeded in and prosecuted to effect in regard to all or any offences heretofore committed against those acts thus repealed, or any of them, in the same manner as if this repealing section had not been made, and provided also, that all rights acquired, or transactions legally had and done under said repealed acts, or any of them, shall be as valid and effectual as though this repealing section had not been made.

A. Passed February 24, 1820.

A Supplement to an act, entitled "An act to regulate the practice of the Courts of Law."

Time of serving summons.

Sec. 1. 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 summons required by the eighteenth section of the act to which this is a supplement, to be served six entire days before the return day thereof, shall be valid and effectual in case the same shall be served two entire days on the defendant, before the said return day.

Filing declaration.

Sec. 2. *And be it enacted*, That the time of twenty days, in which the plaintiff is required, by the fifty-first section of the act to which this is a supplement, to file his declaration, shall henceforth be, and the same hereby is extended to thirty days.

Cases in which notice of filing pleadings necessary.

Sec. 3. *And be it enacted*, That in case the party, plaintiff or defendant, shall not file his or her declaration, plea, or other pleading in the cause, by the time required by law, and shall think proper to file the same after the expiration of such time, the party, in such case, shall furnish the adverse party with notice in writing, of the time of filing such declaration, plea, or other pleading, and the said adverse party shall not be bound to take notice of the same until such notice shall be received.

Time of filing pleadings after notice.

Sec. 4. *And be it enacted*, That in cases where any declaration, plea, or other pleading, shall be filed after the time allowed by the act to which this is a supplement, no subsequent pleading shall in any case be required in a shorter time than thirty days from the time notice, as aforesaid, shall be given of the time of filing such declaration, plea, or other pleading.

Sec. 5. *And be it enacted*, That henceforth no judgment shall be entered in any of the courts of record in this State, on suits which shall be commenced by writs of scire facias, or execution issue on judgments attempted to be revived by scire facias, unless the sheriff or other officer to whom the writ of scire facias shall be directed, shall actually have served the same, either personally on the defendant, or by leaving a copy of the writ with some white person, of the age of fourteen years, at his or her usual place of abode, at least six entire days before its return, or as directed in the next section of this act. Serving writs of scire facias.

Sec. 6. *And be it enacted*, That whenever a writ of scire facias shall issue, either to recover a forfeited recognizance, or to revive a judgment, and the defendant has removed out of the jurisdiction of the court issuing such process, or cannot be found by the sheriff or other officer to whom the writ shall be directed, it shall and may be lawful for the plaintiff to proceed as though the said writ of scire facias had been duly served in the manner prescribed in the next preceding section of this act: *Provided*, the said plaintiff first cause the said writ to be published four successive weeks, in one of the newspapers printed in this State, as near the last residence of the defendant as can be conveniently ascertained, or cause a copy of the said writ to be served on the defendant wherever found, either in this State, or any other place, at least twelve days before the return thereof. Proceedings in case defendant is out of the jurisdiction of the court.

Sec. 7. *And be it enacted*, That no writ of certiorari shall be allowed or issued, on any judgment, order or proceeding, that shall have been entered or obtained, in any court of record of this State, or that shall hereafter be entered or obtained, unless the same be issued in eighteen months after the entering or obtaining the same. Time of allowing writs of certiorari.

Sec. 8. *And be it enacted*, That no writ of error, from any court of common law, shall be brought or allowed on any judgment that shall have been, or hereafter may be entered, or obtained, unless the same shall be had and done within three years after the judgment rendered: *Provided*, that in cases where the person, entitled to such writ of error, be an infant, feme covert, or insane, he or she shall have three years to bring such writ of error, after such disability shall be removed. Time of allowing writs of error.

Sec. 9. *And be it enacted*, That the recognizance mentioned in the sixth and seventh sections of the act, entitled "An act respecting writs of error," in cases where judgment has been, or hereafter shall be rendered 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 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 Before whom certain recognizances may be acknowledged.

court, and when judgment has been or shall be rendered 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 court wherein such judgment has or shall be rendered 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 said Inferior Court of Common Pleas in open court.

Certain recognizances acknowledged before a justice of the Supreme Court.

Sec. 10. *And be it enacted*, That the recognizance mentioned in the eighth section of the act, entitled "An act respecting writs of error," 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.

Execution stayed by writ of error.

Sec. 11. *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 shall be rendered, such recognizance of bail, duly taken as by law is or shall be required; but such recognizance shall not stay execution, as aforesaid, unless the same shall be presented in the term in which such judgment shall be rendered, or within fifteen days thereafter, to the Chief Justice in case the judgment shall be rendered in the Supreme Court, or to the presiding judge of the Common Pleas, in case the judgment shall be rendered in the Common Pleas, or in case there shall not be any presiding judge of the Common Pleas, then to one of the judges of the said Common Pleas in which the said judgment shall be rendered.

Conditions to be performed.

Notice of trial.

Sec. 12. *And be it enacted*, That the notice of trial, mentioned in the sixty-fifth section of the act to which this is a supplement, shall be twenty days exclusive of Sundays, when the action is in the Supreme Court of this State; and fifteen days exclusive of Sundays, when the action is in any of the courts of Common Pleas of this State.

Return of coroners.

Sec. 13. *And be in enacted*, That a return made by any one or more of the Coroners, of any county, of process for summoning of juries, shall be as effectual as if such return had been made and signed by all the Coroners of such county, any thing in the third section of the act, entitled "An act respecting Coroners," passed the eighth day of March, one thousand seven hundred and ninety-six, to the contrary notwithstanding.

Sec. 14. *And be it enacted*, That the act, entitled "An act respecting writs of scire facias," passed the fourteenth day of March, eighteen hundred and six, and the act, entitled "An act concerning writs of error, and writs of certiorari," passed the twenty-second day of February, eighteen hundred and eleven, and the act, entitled "An act respecting writs of scire facias," passed the twenty-eighth day of November, eighteen hundred and nine, and an act, entitled "A supplement to the act, entitled An act respecting writs of error," passed the tenth day of February, eighteen hundred and nineteen, and the eleventh section of the act, entitled "An act respecting writs of error," passed the first day of February, seventeen hundred and ninety-nine, be and the same are hereby repealed: *Provided nevertheless*, that such repeal shall not render ineffectual any thing lawfully done under them or either of them. Acts repealed.

C. Passed February 28, 1820.

An act directing the mode of entering judgments upon bonds with warrants of attorney to confess judgments.

Sec. 1. 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 bond or other obligation is given for the payment of money only, together with a warrant under hand and seal, directed to any attorney at law or other person, to appear in any court of record, to an action brought, or to be brought on such bond or obligation, against the person or persons executing the same, and to confess a judgment against him, her or them for the sum mentioned in such bond and warrant of attorney, with costs of suit, or to the like effect, it shall and may be lawful for the obligee or obligees, his, her or their executors, administrators or assigns, at any time after the day of payment mentioned in said bond or obligation, to apply to any of the justices of the Supreme Court, or to any one of the judges of the Inferior Court of Common Pleas, in any of the counties of this State, and on the production of such bond or obligation with the warrant of attorney, it shall be the duty of such justice or judge at the request of the person applying as aforesaid, at the end of a fair copy of such bond or obligation and warrant of attorney, made on a whole sheet of paper for that purpose, enter or cause to be entered an appearance for the obligor or obligors to an action of debt, as of the last precedent term of the court of which the said justice or judge is a member, and a confession and judgment against him, her or them for the sum mentioned in the said bond or obligation and warrant of attorney, signed by the said justice or judge in the following form, to wit: Mode of entering judgments on warrants to confess, &c.

Supreme Court of New-Jersey, (or Inferior Court of Common Pleas, as the case may be) of the term of

A B
against } In debt on bond, and warrant of attorney.
C D

The defendant's appearance to this action is entered, and judgment confessed to the plaintiff for the sum mentioned in the above obligation, by virtue of the warrant of attorney thereunto annexed, and pursuant to the directions of an act, entitled "An act directing the mode of entering judgments on bonds with warrants of attorney, to confess judgments," whereupon it is considered that the said A B do recover against the said C D the sum of debt, and four dollars costs of suit, judgment signed this day of E. F.

Papers to be delivered to the clerk of the court.

Sec. 2. *And be it enacted*, That the copy of the bond and warrant of attorney to confess judgment, with the entry of the judgment thereon, as before directed, signed by the justice or judge, shall be delivered by the plaintiff or person applying for such judgment to the clerk of the Supreme Court, in cases where the judgment is signed by a justice of the Supreme Court, or to the clerk of the Inferior Court of Common Pleas of the county where the judgment is entered, and of which the judge is a member, in cases where the judgment is signed by a judge of the Common Pleas, and the clerk shall immediately file the same in his office, marking thereon the time of filing the same, and shall enter the judgment in the minutes of the court, and all the proceedings on which such judgment shall be founded as aforesaid, and the judgment itself at large in the judgment-book of said court, and index the same as in other cases of judgment.

Such judgments to be valid.

Sec. 3. *And be it enacted*, That all judgments entered as before directed, shall be as good and effectual in law to all intents and purposes whatsoever, as judgments entered by confession, in the manner heretofore practised, and no such judgment shall be reversed for error, or misprison of the clerk, in entering the same, or defect of form in the entry thereof, and execution shall issue thereon, as in cases of judgments entered by confession in the manner heretofore practised.

What judgments to be entered only as aforesaid.

Sec. 4. *And be it enacted*, That all judgments on bonds or obligations for the payment of money only, in virtue of a warrant of attorney to confess judgments thereon, shall be entered as in and by the first and second sections of this act is directed, and not otherwise.

Affidavit previous to entering judgment.

Sec. 5. *And be it enacted*, That no judgment shall be entered in any court of record of this State, on a bond or obligation and warrant of attorney, to confess judgment thereon, unless the plaintiff or his attorney shall produce at the time of confessing such judgment to the court, justice or judge, before whom such judgment shall be confessed, an affidavit of the plaintiff, his at-

torney or agent, stating therein the true consideration of the said bond or obligation, and that the debt for which judgment is confessed, is justly due and owing to the person or persons to whom the judgment is to be confessed, and that the said judgment is not confessed to answer any fraudulent purpose, or to protect the property of the defendant from his creditors, which affidavit shall be filed with the papers in the cause.

Before whom the affidavit may be made.

Sec. 6. *And be it enacted*, That the affidavit required by this act, may be made before any justice of the Supreme Court, judge of any Inferior Court of Common Pleas, commissioner for taking affidavits, or justice of the peace in this State, or if the plaintiff be out of this State, before any court of judicature or notary-public of the State, kingdom or nation in which the said plaintiff resides or shall happen to be.

Fees allowed.

Sec. 7. *And be it enacted*, That the following and no other fees shall be allowed, viz. To the plaintiff for the copy of the bond or obligation, and warrant of attorney, entering the proceeding thereon, attending before the justice or judge to obtain the judgment and delivering the same with the affidavit to the clerk to be filed, two dollars; to the justice or judge for inspecting the bond and warrant, examining the copies and entering and signing judgment, fifty cents; to the clerk for marking and filing the proceedings and affidavit, and entering the judgment in the minutes of the court, fifty cents; and for entering the proceedings and judgment at large in the book of judgments, one dollar; and when execution shall issue on any judgment, the following additional fees shall be allowed, and no other, to wit: To the plaintiff for drawing the execution, twenty-five cents; to the clerk for sealing and recording the execution, and entering and filing the execution and return of the sheriff, seventy-five cents; which costs shall be endorsed on the execution without taxation, and collected with the debt, but to be paid by the plaintiff as the duty is performed; and further, that the sheriff shall be entitled to execution fees as in other cases.

Penalty on clerks for taking fees not allowed.

Sec. 8. *And be it enacted*, That in case any clerk of the Supreme Court, or of any Inferior Court of Common Pleas, shall take other or greater fees for services done under this act than are by this act allowed, or shall take such fees without performing the services for which such fees are allowed, he shall, for every such offence, forfeit and pay the sum of thirty dollars, to be sued for and recovered in an action of debt, with costs of suit, in any court having cognizance thereof, by any person who shall be aggrieved by the same.

Acts repealed.

Sec. 9. *And be it enacted*, That the act, entitled "An act directing the mode of entering judgments upon bonds, with warrants to confess judgments," passed the ninth day of March, seventeen hundred and ninety-eight, and two supplements thereto, one passed the twenty-second day of February, eighteen hundred and eleven, and the other the twenty-eighth day of Febru-

ary, eighteen hundred and four, and the act, entitled "An act to prevent the fraudulent confession of judgments," passed the twenty-ninth day of January, eighteen hundred and seventeen, be and the same are hereby repealed: *Provided*, that all judgments and proceedings had, done, or entered under them or any of them shall be as good, effectual and available in law, and execution issue thereon, as though this act had not passed.

A. Passed February 24, 1820.

An act to incorporate the city of Jersey, in the county of Bergen.

Incorporated.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all that portion of the township of Bergen, in the county of Bergen, now owned by the Jersey associates, formerly called Powles-Hook, and which is constituted and surrounded by a certain ditch as the boundary line between the Jersey associates and the lands of Cornelius Van Vorst, deceased, on the west and north-west, and by the middle of the Hudson river and the bay surrounding all the other parts of the same; and the freeholders and other inhabitants thereof, and now and hereafter residing within the same, shall be, and from hence forth shall continue to be a corporation and body politic in name and in fact; and shall be known as such by the name and description of Jersey city, and by that name the said freeholders and other inhabitants shall have perpetual succession, and be capable of suing and being sued in all actions and suits at law and in equity as occasion may require.

Seal.

Sec. 2. *And be it enacted*, That the said corporation or body politic hereby created, may have a common seal, which may be renewed or altered from time to time by the persons who shall conduct the affairs thereof, as after mentioned.

Board of Select-men, by whom chosen.

Sec. 3. *And be it enacted*, That for the conducting of the affairs of the said corporation, the freeholders and other taxable inhabitants shall annually choose, at an election to be held for that purpose, and by ballot, five freeholders, being inhabitants within the bounds of the said corporation, to conduct the affairs thereof, which election shall be annually held at some public and convenient places within the bounds of the said corporation, on the first Monday of September in every year, and until others are chosen; that the persons so to be chosen shall be denominated the board of Select-men of Jersey city, and shall enter upon the duties of their office on the Tuesday next succeeding their election, at which time they shall choose from amongst themselves, by a majority of votes, one person to be president, and some fit person

to be their clerk, whose business it shall be to record their proceedings and to do such other acts as he shall be required to do by the board.

The first board appointed.

Sec. 4. *And be it enacted*, That from and after the passing of this act, and until the first Monday in September next, Doctor John Condit, Samuel Cassedy, Joseph Lyon, John K. Goodman and John Seaman, shall perform the duties required by this act, and until others are chosen in their stead; and if any person, chosen one of the said board, shall happen to die, resign or remove out of the bounds of the said corporation, within the period for which he shall be chosen, so that his seat is vacated, such vacancy shall be filled by some other freeholder, to be chosen by the remaining members of the board, until the next annual election shall be held.

Powers of the board.

Sec. 5. *And be it enacted*, That the board of Select-men shall be, and are hereby empowered, by a majority of votes, to pass all such necessary ordinances as may be found requisite and convenient for the exercise of the powers hereby vested in said board, and to appoint the necessary officers, agents and servants to carry the same into effect, and to impose reasonable penalties for the breach or non-observance of the same: *Provided* such ordinances be not inconsistent or contrary to the constitution or legislative acts of this State, or of the United States, and all such penalties shall be sued for and recovered in any court having cognizance thereof, in the name of said board, and the members thereof, and all other corporations shall be competent witnesses in every such action or suit, and such penalties, when recovered, shall be kept an account of, and shall be applied by the said board to compensate their officers, agents or servants for their services, or any other public purpose, but not otherwise.

Powers of the board confined to certain subjects.

Sec. 6. *And be it enacted*, That the powers to be exercised by the board of Select-men, and the subjects and matters respecting which they may pass and enforce ordinances, shall be the following, and those only; that is to say, relating to the commons or public grounds, streets, highways and alleys therein, and removing and preventing obstructions therein, and the enclosing or otherwise improving such commons or public grounds, relating to public markets within the corporation, relating to weights and measures, to the inspection and measurement of fire-wood, and the weight and prices of bread, and to prevent fixing any poles for fishing, or any obstructions whereby the lives of the inhabitants are endangered, or the navigation of the river obstructed; relating to the running at large, or restraining from so doing, horses, cattle, swine, or other beasts or fowl; relating to the lighting the streets, highways or alleys; relating to night-watch, fire-engines, engine houses, and the extinguishment of fires; and relative to whatever may concern the good government of the said corporation and the orderly conduct of the inhabitants and others within the same, so far as regards the public peace and tranquillity of the same.

Relates to imposing taxes.

Sec. 7. *And be it enacted*, That the said corporation shall not impose any tax on the inhabitants thereof, for any purpose whatever, without the previous consent of a majority of the freeholders and taxable inhabitants who may attend and vote respecting the same, at a public meeting to be convened for that purpose, on reasonable notice being given or advertised by the board of Select-men.

Powers reserved.

Sec. 8. *And be it enacted*, That as this corporation is made and instituted from public policy, the power of altering and annulling the same is hereby reserved, and that nothing granted by this act shall interfere with any of the powers or rights granted to the Jersey associates.

A. Passed January 28, 1820.

An act concerning the Boards of Chosen Freeholders.

Sec. 1. 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 fines, penalties, forfeitures, or other monies, directed by any statute or law of this State, to be paid to the board of justices and chosen freeholders of the county, and all officers or other persons, directed by any statute or law of this State, to account with the said board of justices and chosen freeholders, such fines, penalties, forfeitures or other monies, shall be paid to, and the said officers or other persons, shall account with, and be amenable to, the board of chosen freeholders of the county.

Money to be accounted for to the board of chosen freeholders.

Sec. 2. *And be it enacted*, That the goods, chattels, lands, tenements and hereditaments, which have been granted, conveyed or vested to, or in the board of justices and chosen freeholders of any county, or any person or persons, for the use of such county, shall be and are hereby transferred to and vested in the board of chosen freeholders of the said county, and shall be, remain and enure, to and for the use and benefit of such county, in the same manner, and according to such estate, title and interest, as the said board of justices and chosen freeholders, or other person or persons had therein.

Certain property vested in said board.

Sec. 3. *And be it enacted*, That in case a sufficient number of chosen freeholders of a county, to constitute a board, shall not attend at the time and place of the annual or other legal meeting of the board of chosen freeholders, it shall be lawful for the attending members to adjourn the meeting of the board to such time as they shall think proper.

In what case may adjourn.

Sec. 4. *And be it enacted*, That the boards of chosen freeholders, in the several counties of this State, and their successors in office, shall have full power and authority to sell and convey

May sell lands, &c.

any lands, tenements, hereditaments, goods and chattels, holden or hereafter to be holden, by them, for their respective counties, they appropriating the proceeds of such sale or conveyance to the legal use of such county.

Townships may build poor-houses in certain cases.

Sec. 5. *And be it enacted*, That when the board of chosen freeholders of any county shall, at their annual meeting, refuse to go into the measure of building or purchasing a poor-house, according to the provisions of the act, entitled "An act to incorporate the chosen freeholders in the respective counties of this State," in case the said board shall be requested so to do by the chosen freeholders of any township or townships of said county, the said chosen freeholders being authorised by a vote of the town-meeting of the township or townships from which they shall be chosen, to make such request, the said refusal shall be entered on the minutes of the said board, whereupon such township or townships, so by their chosen freeholders making such request, may then proceed to build or purchase a poor-house, according to the directions of the act, entitled, "An act for the settlement and relief of the poor;" and every such township or townships, after they have built or purchased such poor-house, or have commenced building the same, shall not be liable to pay or contribute, in any manner whatsoever, towards building or purchasing any poor-house, that may afterwards be directed to be built or purchased, by the board of chosen freeholders of such county, nor to the support of the poor of the county, unless by and with the consent of a majority of the inhabitants of said township or townships, manifested by a public vote, at an annual town-meeting, nor unless the board of chosen freeholders shall pay to such township or townships, the full value of all the lands, buildings and improvements which may by them have been built, purchased or otherwise provided, for the purposes aforesaid, and in which case it shall be lawful for the overseers of the poor of such township or townships, under their hands and seals, to make a deed or deeds of conveyance, to the boards of chosen freeholders, for all such lands, tenements, hereditaments and real estate, so paid for, as aforesaid: And further, that the provisions in this section contained, shall extend to and include every township that hath heretofore built or purchased a poor-house, with the lands on which the buildings and improvements shall have been erected.

Their exemptions.

Extended to certain townships.

Acts repealed.

Sec. 6. *And be it enacted*, That the act, entitled "An act concerning the boards of chosen freeholders," passed the tenth day of June, seventeen hundred and ninety-nine, and the act, entitled "A Supplement to an act, entitled an act incorporating the chosen freeholders in the respective counties in this State," passed the first day of March, eighteen hundred and four, and the act, entitled "A Supplement to the act, entitled an act to incorporate the chosen freeholders in the respective counties of this State," passed the twelfth day of February, eighteen hundred and seventeen, be, and the same are hereby repealed: *Provided*

nevertheless, that nothing in this repealing section contained, shall in any way invalidate or impair any matter or thing heretofore legally done or transacted under them, or either of them; but the same shall be valid and effectual, and all rights or interests, acquired under them, unimpaired, and remain the same as if this repealing section had not been made.

C. Passed February 28, 1820.

An act the better to promote the impartial administration of 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 no justice or judge of any court of record in this State, who shall be related in the third degree to either of the parties, in any cause depending in such court, or be interested in the event of any such cause, or shall have been attorney on record, or counsel for either party, in any such cause, or shall have given his opinion upon the matter in question in any such cause, shall sit in judgment upon the trial or argument of any point in controversy in any such cause; and that the degrees of kindred, in such case, shall be calculated according to the common law manner of computation: *Provided nevertheless*, that any matter or thing herein contained, shall not be construed to prevent any justice or judge from sitting on the trial or argument of any point in controversy in such cause, merely because he may have given his opinion in any other cause, where the same matter in controversy shall have come in question, nor from his having given his opinion on any question in controversy in the same cause, in the course of the previous proceedings therein.

Who shall not sit in judgment upon the trial of a cause.

Proviso.

Sec. 2. *And be it enacted*, That no justice or judge of any court of record in this State, who shall be related in the third degree, as aforesaid, to either of the parties, in any cause depending in such court, or shall be interested in the event of any such cause, or shall have given his opinion in either of the said relations upon the matter in question, in said cause, shall nominate or strike the jury in any such cause.

What judges excluded from striking a jury.

Sec. 3. *And be it enacted*, That all challenges to a justice or judge, for the causes aforesaid, shall be made previous to the trial or argument, and the court may try such challenges, or appoint three indifferent persons triors for that purpose, at the discretion of the court, and that the finding of a majority of such triors shall be received as the determination of such triors.

Challenges, when to be made and how tried.

Sec. 4. *And be it enacted*, That no judge of any Court of Common Pleas in this State, shall act as clerk of the court of which he is a judge, nor as attorney at law, or counsellor in any

Judge of a court of common pleas not to act in certain offices.

court in this State, any license to practice law, custom, or usage, to the contrary notwithstanding.

Acts repealed.

Sec. 5. *And be it enacted*, That the act, entitled "An act the better to promote the impartial administration of justice," passed the tenth day of March, one thousand seven hundred and ninety-seven, and the supplement thereto, passed the sixth day of March, one thousand eight hundred and six, be, and the same are hereby repealed.

C. Passed February 24, 1820.

An act concerning Idiots and Lunatics.

How 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 all cases of idiocy and lunacy shall be determined by an inquest on a commission of idiocy or lunacy, issued out of the Court of Chancery, and returnable thereto, and the proceedings thereon shall be as heretofore practised, and in cases of idiocy or lunacy found, the Chancellor shall cause to be transmitted to the Orphans' Court of the county where such idiot or lunatic may reside, a certified copy of all proceedings which may be had thereon, which shall be recorded and filed in the Surrogate's office of said county, and the said Orphans' Court is hereby directed and required, on further application for that purpose, to appoint some fit and discreet person or persons, guardian or guardians of such idiot or lunatic, who shall have the care and safe keeping of said idiot or lunatic, his or her lands, tenements, goods and chattels, that the said idiot or lunatic may live and be competently supported and maintained by and out of his or her goods, chattels and the profits of his or her lands and tenements, and that no waste or destruction of his or her lands or tenements be done or permitted, and such lands shall in no wise be aliened, saving that the same be done by authority of this or some other statute of this State; but shall, upon the death of any such idiot, descend and go to his or her heirs, and the residue of the goods, chattels and profits of said idiot, after payment of his or her just debts, shall go to, and be distributed according to law, among his or her next of kin; and in case any such lunatic shall come to his or her right mind, that the lands and tenements, with the residue of the goods, chattels and profits of such lunatic, be restored to him or her, and in case he or she shall die in his or her lunacy, such lands and tenements shall descend and go to his or her heirs, and the residue of the goods, chattels and profits, after payment of his or her just debts, shall go to, and be distributed according to law, among such lunatic's next of kin.

Guardian appointed, and duty.

Payment of debts.

Sec. 2. *And be it enacted*, That if any such idiot, or lunatic, is justly indebted to any person or persons, beyond his or her ability to pay the same out of his or her personal estate, or in case the personal estate of such idiot or lunatic, together with the profits of his or her lands and tenements, shall be insufficient for his or her support and comfortable maintenance, and that of his or her household, if any he or she shall have, it shall and may be lawful for the Orphans' Court of the county in which the lands and tenements of any such idiot or lunatic shall be situate, on full investigation of the situation and circumstances of the said idiot or lunatic's real and personal estate, and of the just debts, owing by him or her, from time to time, to order the guardian of such ideot or lunatic to sell such parts of the said idiot or lunatic's lands, tenements, hereditaments and real estate, as the said court shall direct and judge sufficient to pay his or her just debts, and proper and necessary for his or her support and maintenance, and for the support of his or her household, if any he or she have.

Sec. 3. *And be it enacted*, That the lands, tenements and real estate of such idiot or lunatic so ordered to be sold, shall be advertised one month in a newspaper circulating in the neighbourhood where such lands are situate, and in five of the most public places in the county, for the space of two months previous to the time appointed for the sale thereof, by the guardian or guardians of such idiot or lunatic, who shall at the time and place so advertised, sell the same at public vendue to the highest bidder, and make report in writing of all proceedings thereon, to the next Orphans' Court, after such sale: *Provided always*, that the said guardian or guardians, may adjourn the same from time to time at their discretion.

Sec. 4. *And be it enacted*, That the said guardian or guardians shall make a deed to the purchaser or purchasers, for the lands, tenements, hereditaments and real estate so sold, which deed shall set forth the said order at large, and shall vest in the purchaser or purchasers, as good and perfect an estate in the premises so sold, as the said idiot or lunatic shall be seized of, or entitled to, at the time of making said order by the court.

Guardian to enter into bond, &c.

Sec. 5. *And be it enacted*, That every person appointed guardian as aforesaid, shall before he enters upon the duties of his appointment, enter into bond to the Governor of this State, and his successors in office, with two or more sureties, being freeholders approved of by the Orphans' Court, in such sum as said court shall order and direct, conditioned that the said guardian shall well and truly take care of the person and estate of said idiot or lunatic, and of all writings and evidences touching his or her lands, and render the same to such person or persons, as by law, are or may be entitled to receive the same, and render a just and true account of the rents, issues and profits of the real estate of the said idiot or lunatic, and if any part should be order-

ed to be sold, that he or she will render a just and true account of the money arising on the sale thereof, and in the mean time improve the said lands and tenements, to the best advantage, and that he or she commit no waste or destruction thereof or thereon, and also that he or she will render a true account of the expenditures, and disbursements of the goods, chattels and personal estate of said idiot or lunatic, that shall come to his or her hands.

Sec. 6. *And be it enacted*, That the Orphans' Court, when they shall know, or have cause to suspect that the sureties of a guardian of any idiot or lunatic, or any of them, are or is failing, or in dubious circumstances, may require said gurdian to give additional surety or sureties, and if he or she refuse or neglect so to do, may displace him or her, and on application appoint another person, guardian to said idiot or lunatic.

Guardian to account.

Sec. 7. *And be it enacted*, That it shall be the duty of every guardian of any idiot or lunatic, once in three years, and oftener in case the Orphans' Court shall so order and direct, to render to the Orphans' Court, from whom he or she received his or her appointment as guardian, a true account of his or her administration of the estate of the said idiot or lunatic, and he or she may be cited by the said court to do the same, on the application of any one of the heirs or next of kin to the said idiot or lunatic, and on the death of any such idiot or lunatic, or the coming of sane mind of any lunatic, the guardian of such idiot or lunatic may be compelled to render an account of his or her administration of the estate of such idiot or lunatic, to the Orphans' Court in the same manner as executors and administrators are compelled by law to render an account of the administration of the estate of testators and intestates, and in case of the death of any idiot or lunatic, when the lands, tenements, hereditaments, or real estate, or any part thereof, hath been sold by order of the Orphans' Court, and at his or her death, personal estate shall remain in the hands of the guardian more than sufficient to pay the just debts of such idiot or lunatic, so much thereof as shall be equal in value to the real estate so sold, shall be deemed and taken to be real estate, and go to the heirs of the deceased, the personal estate and the rents, issues and profits of the real estate, being the fund first to be applied to the support and maintenance of the idiot or lunatic.

How discharged from prison or arrest.

Sec. 8. *And be it enacted*, That no idiot or lunatic, during the time of his or her lunacy, shall be, or stand committed, or detained in prison for want of bail, or his or her body taken in execution, in any civil action or in any action for a penalty, and in case any idiot or lunatic shall be arrested and detained in custody, in any civil suit, contrary to the true intent and meaning of this act, he or she shall be discharged on motion by the court out of which the process issued, on which he or she is so held in custody, or upon a writ of habeas corpus issuing out of the Court of Chancery or the Supreme Court, and allowed by the Chan-

cellor, or one of the justices of the Supreme Court returnable forthwith, before the Chancellor or any one of the justices of the Supreme Court.

Proceedings when dangerous to go at large.

Sec. 9. *And be it enacted*, That it shall and may be lawful for any two justices of the peace of the county in which any lunatic furiously mad or dangerous, to be permitted to go at large shall be found, by warrant under their hands and seals, directed to the overseer or overseers of the poor, of the city or township, in which such lunatic or mad person may be found, to cause such person to be apprehended and kept safely locked up, and chained, if necessary, in some secure place, within such city or township or within the county in which said city or township shall be situate, as such justices shall, by their warrant, direct and appoint, in case the last legal settlement shall be in a city or township in the said county; but in case the last legal settlement of such lunatic or mad person, shall not be in any city or township within the county where such person shall be found, then such person shall be sent to the place of his or her last legal settlement, in the manner directed in and by the laws relating to the poor, and shall be locked up and chained, if necessary, in some secure place, by warrant from two justices of the peace of the county, to which such person shall be sent in manner aforesaid, and the reasonable charges for apprehending, maintaining, keeping and removing such person, shall be made and levied of the goods and chattels of such person, by warrant of distress from two justices of the peace of the county, where such goods and chattels may be found; but in case sufficient goods and chattels of such lunatic or mad person, cannot be found, the charges aforesaid shall be paid and satisfied by the overseers of the poor of the city or township in which such person shall be legally settled, in the manner in and by the poor laws directed for maintenance and support of the poor: *Provided always*, that this section or any thing therein contained shall not extend to, or be construed to restrain or abridge the power or authority of the Chancellor, Orphans' Court or guardian, touching and concerning such lunatic or mad person, nor to prevent any of the friends or relations of such person from taking him or her under their own protection, so long as such friends and relations shall take care of and safe keep him or her.

Proviso.

Acts repealed.

Sec. 10. *And be it enacted*, That the act, entitled "An act for supporting idiots and lunatics and preserving their estates," passed the twenty-first day of November, one thousand seven hundred and ninety-four, and the act, entitled "A supplement to the act entitled an act for supporting idiots and lunatics, and preserving their estates," passed the first day of March, one thousand eight hundred and four, and the act, entitled "An act respecting the persons of idiots and lunatics," passed the twelfth day of February, one thousand eight hundred and eighteen, be,

and the same are hereby repealed: *Provided nevertheless*, that all rights acquired, and acts legally done under the same, shall be as valid and effectual as though this act had not been passed.

C. Passed February 28, 1820.

An act respecting suits for the recovery of moneys due to the 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 all suits and actions hereafter to be brought and instituted in the Court of Chancery or any court of record in this State, for the recovery of moneys for the use of this State, be brought and instituted in the name of the State of New-Jersey, and not otherwise, any act of the Legislature heretofore made to the contrary notwithstanding. Style of action.

Sec. 2. *And be it enacted*, That it shall be the duty of the Treasurer of this State, and of the Secretary of this State, in cases appertaining to their respective offices, to commence suits in the name of the State of New-Jersey in the Supreme Court, for the recovery of all sums of money now due, or which may hereafter become due to this State, and the same to prosecute to final judgment and execution, in the said Supreme Court, and in case of recovery of any sum of money in favour of the State, to recover costs. Duty of certain officers.

Sec 3. *And be it enacted*, That the act, entitled "An act for the recovery of moneys due to the State," passed the twenty-first day of November, one thousand seven hundred and ninety-nine and the supplement thereto, passed the twenty-eighth day of November, one thousand eight hundred and six, be, and the same are hereby repealed. Acts repealed.

A. Passed February 28, 1820.

An act to prevent the unlawful waste and destruction of timber in 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 if any person or persons whatsoever, shall at any time hereafter, cut, fell, work up, carry away, box, bore or destroy any tree, sapling or pole, standing or lying on any land

within this State, to which such person or persons hath not or have not any right and title, without leave first had and obtained of the owner or owners of the said land for that purpose, every such person or persons so offending, shall forfeit and pay for each tree, sapling or pole so cut, felled, worked up, carried away, boxed, bored or destroyed as aforesaid, the sum of eight dollars; one half to the owner or owners of the land, and the other half to the person or persons who shall sue for and prosecute the same to effect, at any time within eighteen months from the cutting, felling, working up, carrying away, boxing, boring or destroying of any such tree, sapling or pole; and that whenever any person or persons within this State, shall be sued or prosecuted before any justice of the peace within the same, it shall and may be lawful for such justice of the peace to proceed whenever the penalty demanded shall not exceed one hundred dollars, notwithstanding any claim the defendant or defendants may offer to make to the land whereon and from which the said tree, sapling or pole may be cut, felled, worked up, boxed, bored, destroyed or carried away, and to issue execution for the same, with costs of suit, unless the defendant or defendants shall immediately enter into bond to the plaintiff or plaintiffs, with one or more sufficient sureties or surety, being freeholders, in double the sum so demanded, with a sufficiency for costs of suit, conditioned for his or their appearance at the next court where the same may be cognizable, in an action of trespass, and to pay damages found against him, her or them, with costs of suit, any law, usage or custom to the contrary notwithstanding.

Penalty in a civil suit.

Authority of the justice.

Sec. 2. *And be it enacted*, That if any person or persons whatsoever, shall at any time hereafter, unlawfully cut, fell, work up, carry away, box, bore, bark or destroy any tree, sapling, log or pole, standing or lying on any land in this State to which such person or persons hath not or have not any legal right and title, without leave first had and obtained of the owner or owners of the said land for that purpose, every person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding one hundred dollars, or imprisonment at hard labour, not exceeding one year, or both, at the discretion of the cout before whom such offender or offenders shall be convicted: *Provided*, that this act shall not subject to conviction and punishment any person or persons who have been subjected to a prosecution for a penalty, as provided for in the first section of this act, for the same offence, and shall be discharged therefrom by due course of law, or who shall cut, fell, work up, carry away, box, bore, bark or destroy any tree, sapling, log or pole, standing or lying on any land in his or her actual possession, nor any person or persons who shall cut, fell, work up, carry away, box, bore bark or destroy any tree, sapling, log or pole, lying and being on land not his, her, or their own, by reason of not knowing the exact boundaries of lands in his, her or their possession, nor any person who shall do the same by mistake or ac-

Made a misdemeanor, and how punished.

Proviso.

cident, without any intention to injure or defraud the owner thereof.

Receiver, how punished.

Sec. 3. *And be it enacted*, That if any person or persons shall saw up any log, or receive or buy any tree, sapling, log, pole, wood or timber, so unlawfully taken and carried away, knowing the same to have been so unlawfvlly taken and carried away, he, she or they so offending, shall be deemed guilty of a misdemeanor, and on conviction, be punished by fine not exceeding one hundred dollars, or imprisonment at hard labour not exceeding six months, or both, at the discretion of the court before whom such offender or offenders shall be convicted.

Sec. 4. *And be it enacted*, That nothing in this act shall be deemed or taken to extend to prohibit the cutting, felling or carrying away any wood or timber, within the bounds or limits of the highways within this State, for making and repairing of bridges and highways.

Tenants in common of unlocated lands.

Sec. 5. *And be it enacted*, That no person or persons shall be exempt or protected from conviction and punishment for any offence or offences committed against the prohibitions in this act by reason of being possessed of or entitled to a share or shares of propriety under the pretence of being a tenant or tenants in common of the unlocated lands in this State, belonging to the general proprietors: *Provided nevertheless*, that it shall and may be lawful for any duly authorised agent or agents of the general proprietors to take, seize and carry away all such wood or timber, as he or they may find cut or felled, on any of the said unlocated lands, and to dispose of the same for the use of the said general proprietors.

Proviso.

Limitation of action.

Sec. 6. *And be it enacted*, That all offences against this act shall be prosecuted within eighteen months from the time they were committed, and not afterwards.

Acts repealed.

Sec. 7. *And be it enacted*, That the act entitled "An act more effectually to prevent the waste of timber in this State, and to repeal the former act for that purpose," passed the thirtieth day of June, one thousand seven hundred and eighty-three, except the fifth section thereof, and the act, entitled "An act to prevent persons holding shares of propriety, from cutting timber on the unlocated lands in this State," passed the thirteenth day of February, one thousand seven hundred and ninety-four, and the act, entitled "A Supplement to the act, entitled An act to prevent the waste of timber," passed the second day of February, one thousand eight hundred and sixteen, be, and the same are hereby repealed: *Provided*, that all acts heretofore lawfully done under the same, shall be as valid, and all crimes and offences against the provision of the same, as liable to prosecution and punishment as though the said acts were not repealed.

A. Passed February 28, 1820.

An act to prevent obstructions to the navigation of the river Delaware.

Prohibition of erections in the river Delaware.

Manner of proceeding on application to erect.

Penalty on offending.

Commissioners to be 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 no bridge, floating stage, or other device, in the nature of a bridge, no dam, wing, or other device, creating, drawing off, or using a water power, or taking fish, shall hereafter be erected, placed or dug in any part of the river Delaware, between New-Jersey and Pennsylvania, without a view first had by three skilful and respectable freeholders in each State, residing near the spot where it may be intended to erect such bridge, stage, dam, wing or device, appointed by the Court of Quarter Sessions, and a specific report by them or a majority of them, respectively, in each State, to the Court of Quarter Sessions of the county by whom appointed, shewing distinctly the bridge, stage, dam, wing or device intended, and stating that it will not impede or injure the navigation of the said river, and such report being approved of and confirmed by each Court of Quarter Sessions, and unappealed from to the Supreme Court of either State, during one year after it shall have been so approved of, shall be final; but if on such appeal the Supreme Court of either State should reverse such approval and confirmation, the same shall be set aside; and any person or persons offending against the provisions of this act, shall, on conviction thereof, before the Court of Quarter Sessions of the next adjoining county, forfeit and pay for each offence such sum not less than five hundred, nor more than one thousand dollars, as such court shall adjudge, one half to the informer or informers, and the other half to the use of the poor of the proper county.

Sec. 2. *And be it enacted*, That whenever official information shall be received by the Governor of this State, that commissioners have been appointed under the authority of the state of Pennsylvania, to ascertain the particular injury done to the navigation of the river Delaware by any dams already erected, and that such commissioners are not required to insist on any preliminaries in relation to any particular dam or dams, then he shall be authorised to appoint an equal number of commissioners on the part of this State, who shall report to the Legislature of each State, such an act on the subject as they may jointly agree to recommend to be concurrently adopted for the purpose of enforcing all proper removals, alterations and restrictions.

Sec. 3. *And be it enacted*, That it shall be the duty of the Governor, as soon as may be after the passage of this act, to transmit to the executive of Pennsylvania a certified copy thereof.

A. Passed March 1, 1820.

A Supplement to the act respecting the Court of Chancery.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That hereafter, the Court of Chancery shall hold annually at Trenton, four stated terms, commencing the third Tuesday in January, the first Tuesday in April, the second Tuesday in July, and the second Tuesday in October, and such special terms, at the same or any other place as the Chancellor shall from time to time appoint. Terms.

Sec. 2. *And be it enacted*, That in case of a bill filed against any defendant or defendants, against whom a subpœna or other process to appear shall issue, and such defendant or defendants shall not cause his, her or their appearance to be entered in such suit as according to the rules of said court the same ought to be entered, in case such process had been duly served, and it shall be made to appear by affidavit or otherwise, to the satisfaction of the Chancellor, that such defendant or defendants is or are out of the State, or cannot upon due inquiry be found therein, or that he or she conceals himself, herself or themselves within this State, every such defendant shall be deemed and taken to be an absent defendant, and thereupon the Chancellor may by order, direct such absent defendant to appear, plead, answer or demur, to the complainant's bill, at a certain day therein to be named, not less than two, nor more than six months, from the date of such order, which order shall within twenty days thereafter, be served personally on such defendant or defendants by a delivery of a copy thereof to him, her or them, or be published in one or more of the public newspapers printed in this State, and designated in such order for six weeks successively, at least once in every week, and which said order shall also be published or served in any other manner that the Chancellor may see proper in the same to direct: and in case such absent defendant shall not appear, plead, answer or demur, within the time so limited, or within some further time to be allowed by the Chancellor if he shall think proper; and on proof of personal service or of the publication of said order or orders as aforesaid, and of the performance of the directions contained in said order or orders, to the satisfaction of the Chancellor, the Chancellor may order and direct that the complainant's bill be taken as confessed against such absent defendant so failing to plead, answer or demur, or the Chancellor may at his discretion, order the complainant or complainants to produce documents, depositions, exhibits or other evidence to substantiate and prove the allegations in the bill, or the Chancellor may examine the complainant or complainants on oath or affirmation, touching or concerning the allegations in the bill, and thereupon such decree shall be made in either case, as the Chancellor shall think equitable and just. Proceedings against absent defendants.

Sec. 3. *And be it enacted*, That all examination of witnesses hereafter to be taken and made use of at the hearing of any cause Examination of witnesses.

in the Court of Chancery, shall be taken and reduced to writing, by one of the examiners of said court, or before a commissioner or commissioners appointed by the Chancellor according to the course of the court, who are hereby authorised to administer the proper oath or affirmation to the witnesses examined by them or any of them; and all examinations of witnesses before examiners, shall be taken on ten days' notice of the time and place of taking such examination, given by the party or parties, his, her or their solicitor to the opposite party or parties, his, her or their solicitor, and either of the parties in the cause shall and may, in their proper persons, or by their solicitor or counsel, have liberty to be present and examine and cross-examine such witnesses, al. which examination of witnesses so taken, shall be filed with the clerk of the court, to be made use of and read in evidence upon the hearing of the cause, saving all legal exceptions.

Proceedings against absent defendants.

Sec. 4. *And be it enacted*, That in cases where a decree shall be made upon any bill in equity against an absent defendant or defendants, the Chancellor before issuing process to compel the performance of such decree against such absent defendant or defendants, may require the complainant or complainants to give bond with such security and in such sum as he may direct, to abide such decree or order, touching the restitution of the estate, and effects of such absent defendant or defendants, or the repayment of any sum of money which the complainant or complainants may receive by virtue of such decree, but which shall afterwards be made to appear as hereinafter provided, not to have been due and owing to him, her or them, and in case no such security shall be given no process or execution shall issue to compel the performance of the decree so made against such absent defendant or defendants, but the estate and effects of such absent defendant or defendants, may by order of the Chancellor, be sequestered, and remain under the direction of the Chancellor, to abide such order as he shall think just and proper respecting the same; and further, in case any such absent defendant or defendants, against whom any decree shall be made, as aforesaid, his, her or their heirs, devisees, executors, administrators or assigns, as the case may require, shall within six months after notice in writing being given to him, her or them of such decree, or within three years after such decree, in case no such notice as aforesaid shall be given, petition the Chancellor, touching the matter of such decree, and pay or secure to be paid, such costs as the Chancellor shall think reasonable to order and direct; then and in such case the person or persons as aforesaid, so petitioning, may be permitted to appear and answer the complainant's bill, and thereupon such proceedings shall be had, as if such absent defendant or defendants had appeared in due season, and no decree had been made; or such absent defendant or defendants may within the times aforesaid, file his or their bill of complaint in the said court, for an account and settlement of the amount which was really and truly due to the complainant or complain-

May be permitted to appear and answer.

ants, at the time of the decree, and to compel the said complainant or complainants to refund and repay what he, she or they may have wrongfully recovered and received, together with the interest from the time of the receipt thereof, with costs of suit, the former decree against such absent defendant or defendants notwithstanding; but in case no petition shall be presented or bill filed as before provided for, within six months from the time notice as aforesaid shall be given, due proof thereof being made, or within three years from the date of the decree; the decree shall be deemed and adjudged to be confirmed; which confirmation shall have relation to the time of making said decree; and further, that the decree be executed and performed as in cases where the defendant or defendants had duly appeared.

Money brought into court.

Sec. 5. *And be it enacted*, That it shall and may be lawful for the Chancellor to cause any moneys brought into court, to be deposited by the clerk of said court, in his name as clerk of said court, in one of the banks of this State to the credit of the cause to which it belongs, or to be invested in any public stock of the United States, and the monies so deposited, or public stock in which it shall be so invested, shall be from time to time accounted for, invested, transferred or re-invested, or otherwise disposed of, as the court shall deem reasonable and proper, and on the resignation, death or removal of the clerk of the said Court of Chancery, all monies deposited in either of the said banks by the said clerk, shall be carried to the account of his successor in office, and the said bank 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 all persons and parties concerned therein.

Injunction.

Sec. 6. *And be it enacted*, That an injunction shall not issue to stay proceedings at law in any personal action after a verdict or a judgment, unless a sum of money, equal to the amount for which the verdict or judgment is given with costs, shall be first deposited with the clerk of the court, by the applicant for such injunction, if such applicant shall be a defendant in the said proceedings at law: and that no injunction shall issue to stay proceedings at law in any mixed action after a verdict or judgment, unless the applicant shall first deposit with the said clerk such a sum of money as the chancellor shall direct.

Process after decree.

Sec. 7. *And be it enacted*, That the complainant having obtained a decree, it shall be lawful for the said court to issue process for the immediate sequestration of the real and personal estate of the defendant, or so much thereof as may be sufficient to satisfy the demand of the complainant in the decree specified, with costs, or to issue a writ of fieri facias against the goods and chattels, lands and tenements, hereditaments and real estate of the defendant, upon which sufficient property shall be taken and sold to satisfy the said demand, with costs, or to issue a capias ad sa-

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tisfaciendum against the defendant, upon which writs of fieri facias and capias ad satisfaciendum there shall be the same proceedings as at law: or to cause by injunction the possession of the effects and estate demanded by the bill, and whereof the possession or a sale is decreed to be delivered to the complainant or otherwise, according to such decree and as the nature of the case may require; and in case of sequestration, the court shall order payment and satisfaction to be made, out of the estate so sequestered, according to the true intent and meaning of the decree.

Sale of mortgaged premises.

Sec. 8. *And be it enacted*, That where a bill shall be filed for the foreclosure or satisfaction of any mortgage, it shall be lawful for the said court to decree a sale of the mortgaged premises, or such part thereof as shall be sufficient to discharge the said mortgage or incumbrances on the said mortgaged premises besides costs, which sale shall be made either by one of the masters of the court or by the sheriff of the county where the premises are situated, by virtue of a writ of fieri facias issued for that purpose, which said writ of fieri facias shall, before it is sued forth, be recorded by the clerk of the said court in the book kept by him for recording of executions against real estate.

Proceeding on writs of fieri facias.

Sec. 9. *And be it enacted*, That the sheriff or other officer to whom such writ of fieri facias, as mentioned in the last preceding section shall be directed and delivered, shall give notice by advertisements of the time and place of sale, and proceed in all other respects in the same manner as in case of a writ of fieri facias issued out of the Supreme Court against real estate, and shall make and execute a deed or deeds for the premises sold, as the case may require; and the moneys arising from the said sale shall be applied to pay off and discharge the moneys decreed to be paid, and the remainder (if any there be) and the peron or persons entitled to receive it, shall be absent out of this State, may be invested in stock of the United States, or put at interest on such security as the said court shall think proper to order, and the same shall be delivered or paid to the person or persons entitled to receive it, upon his or her application to the court for the same: *Provided always*, that no greater estate in the premises sold shall at any time be conveyed or granted to such purchaser, than would have vested in the mortgagee, had the equity of redemption been duly foreclosed.

Sale may be stayed.

Sec. 10. *And be it enacted*, That in all cases of a decree for sale of mortgaged premises against any absent defendant, if such defendant shall at any time before the sale made by the sheriff, in pursuance of any writ of execution issued as aforesaid, cause his appearance to be entered in such court, and shall pay such costs to the complainant or complainants, as the said court shall think reasonable, that then it shall and may be lawful for the said court, by a writ of supersedeas directed to the sheriff or other officer, to stay his proceedings to the sale of such mortgaged premises, and thereupon such proceedings shall and may be had, as

if an appearance had been entered within such time and in such manner as, according to the rules of the court, the same ought to have been entered, in case the first process in the suit had been duly served.

Cases in which the whole of the mortgaged premises may be sold.

Sec. 11. *And be it enacted*, That when a decree of the Court of Chancery shall be made for the sale of mortgaged premises (in cases where the whole sum secured by the mortgage is not due) either for the non-payment of any portion or instalment of the debt, or demand intended to be secured by the mortgage, or the non-payment of interest due, or both, and it shall appear to the court that a part of the mortgaged premises cannot be sold to satisfy the amount due without material injury to the remaining part of the mortgaged premises, and that it is just and reasonable that the whole of the mortgaged 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 mortgaged premises, and to apply the proceeds of the sale of said premises, or so much thereof as shall be necessary, as well to the payment of the interest, instalments or portions then due, and also the costs then due and payable, as to 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 such 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 circumstances of the case 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, and the mortgagee or mortgagees is or are willing to receive the same, the court shall deduct a rebate of legal interest, for what the mortgagee or mortgagees shall receive on the said debt or demand, to be computed from the time of the actual payment thereof to the time such residue of the debt or demand would have become due and payable.

Liability of sheriff in case of neglect, &c

Sec. 12. *And be it enacted*, That if the sheriff or other officer shall neglect or refuse to execute any writ of fieri facias to him directed or delivered, for the space of two months, or shall adjourn the sale or vendue of the lands, tenements, hereditaments and real estate, by him levied upon by virtue of such writ of fieri facias, more than twice, and exceeding one month for each adjournment, he shall be, and hereby is made liable to the amount of the debt or damages and costs, or sum or sums of money mentioned in the said writ with interest, and for the recovery thereof may be amerced and proceeded against in the manner prescribed in and by the fiftieth section of the act to which this is a supplement: *Provided always*, that if the said sheriff or other officer, shall, at any time before the entry of such amercement against him as aforesaid, sell the property levied upon, and bring the whole amount of the product of such sale (after deducting his lawful fees) into court, the said sheriff or other officer shall be exonerated from all liability on account of said amercement.

Appeal allowed.

Sec. 13. *And be it enacted*, That all persons aggrieved by any order or decree of the Court of Chancery, may appeal from the same or any part thereof, to the Court of Appeals and Errors, before the Governor and Legislative Council of this State: and all appeals from the said Court of Chancery, except from final decrees, shall be made within thirty days after making the order or decree appealed from: and all appeals from final decrees in the said court, shall be made within three years after making such decree: *Provided*, that in cases where the person entitled to such appeal from any final decree, be an infant, feme covert, or insane, he or she shall have three years to bring such appeal, after such disability shall be removed.

Acts repealed.

Sec. 14. *And be it enacted*, That the first, ninth, sixteenth, thirty-fifth, forty-fourth, forty-eighth and fifty-ninth sections of the act to which this is a supplement; and the acts, entitled "A supplement (and a further supplement) to the act entitled an act respecting the Court of Chancery," passed the third day of November, one thousand eight hundred and one, and the second day of February, one thousand eight hundred and eighteen, and the sixth day of February, one thousand eight hundred and nineteen: and the act passed the twelfth day of March, one thousand seven hundred and ninety-eight, entitled "An act for making process effectual against mortgagors who abscond or who refuse to appear," be, and the same are hereby repealed: *Provided*, that nothing herein contained shall render ineffectual, or in any way invalidate any proceeding had or done under them or any of them.

C. Passed February 29, 1820.

A Supplement to the act, entitled "An act to establish and confirm the charter-rights and privileges of the borough of Elizabeth."

Sec. 1. 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 any judgment which may be obtained before any justice of the peace of the borough of Elizabeth, except such as shall have been given on a verdict, or on report of referees, or by default, or in the absence or by confession of the defendant, or on a debt, balance or other matter in dispute, not exceeding three dollars, either party may appeal to the Court of Common Pleas of the borough of Elizabeth aforesaid, to be holden next after the rendering of such judgment, which appeal the said justice is hereby directed to grant on the following and no other terms; that is to say, the party demanding such appeal shall enter into bond to the other party with at least one sufficient

Appeals.

surety, being a freeholder in the said borough, and in double the sum for which such judgment was given, conditioned that the appellant shall appear and prosecute the said appeal in the said Court of Common Pleas of the borough of Elizabeth, shall stand to and abide the judgment of the said court and pay such further costs as shall be taxed, if the judgment be affirmed.

Sec. 2. *And be it enacted*, That the said Court of Common Pleas, of the borough of Elizabeth, shall have cognizance of and hear and determine all such appeals in a summary way, and give judgment and award execution thereon with costs, either on the affirmance or reversal of the judgment so appealed from, but the same and no other documents, proofs and witnesses shall be produced and examined in the said Court of Appeals, as had been previously produced and examined in the said court below, except where the justice shall have admitted illegal or rejected legal evidence, and then such Court of Common Pleas, on the hearing of the said appeal, shall reject such illegal evidence so admitted, or admit such legal evidence so rejected by the said justice. By what court tried.

Sec. 3. *And be it enacted*, That no justice of the peace of the said borough who heard and determined the said cause, shall set as a judge of the said Court of Common Pleas of the said borough on the hearing and determining of the same cause on appeal, or give any opinion thereon.

Sec. 4. *And be it enacted*, That the justice of the said borough, who grants an appeal as aforesaid, shall send a transcript of the proceedings and judgment in the said cause, under his hand and seal, together with the bond aforesaid, to the clerk of the Court of Common Pleas of the said borough to which such appeal is made, on or before the first day of the court next ensuing such appeal.

Sec. 5. *And be it enacted*, That when any justice of the peace, of the said borough of Elizabeth, shall issue process by virtue of the act to which this is a supplement, the constables of the said borough shall be the ministerial officers of such justice, and it shall be the duty of the said constables to execute, within the said borough, all precepts, summons, warrants, writs and other process issued by the justices of the peace of the said borough, and to them or any of them directed and delivered, and make return thereof, as by the said act, to which this is a supplement, shall be required. Who shall serve process.

Sec. 6. *And be it enacted*, That when any justice of the peace of the borough of Elizabeth, shall issue execution by virtue of the act constituting courts for the trial of small causes, passed the twelfth day of February, one thousand eight hundred and eighteen, he shall command the constable, for want of sufficient goods and chattels whereon to levy and make the debt or damage and costs, to take the body of the party in execution and convey him to the jail of the said borough.

A. Passed March 2, 1820.

A further Supplement to the act, entitled "An act to preserve and support the jurisdiction of this State."

Plaintiff, in certain cases, liable to all damages, &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 every plaintiff in any proceeding, judgment or decree which shall be had, passed or rendered, in pursuance of any process served or executed within the State of New-Jersey, contrary to the provisions of the act, entitled "An act to preserve and support the jurisdiction of this State," passed December third, one thousand eight hundred and seven, shall be liable to all damages, expenses and charges, to be recovered with triple costs in an action of trespass, or trespass upon the case, to be brought by the parties aggrieved or injured, in the Supreme Court or any other court of this State, having cognizance thereof, or by writ of attachment in case the plaintiff in any such proceeding, judgment or decree shall not be resident in this State.

Vessels seized under colour of a law of New-York, damages to be recovered.

Sec. 2. *And be it enacted*, That in case any person or persons shall, under color of any law of the State of New-York, seize or take into possession any boat or vessel whatever, moved by steam or fire, belonging or to belong in part or in whole to a citizen or citizens of New-Jersey for being employed or used in navigating any of the waters between the ancient shores of the states of New-Jersey and New-York, without a license first had and obtained of the person or persons entitled to, or claiming to be entitled to an exclusive right or privilege to navigate the waters of the State of New-York, (under a law of that State) with boats or vessels moved by steam or fire, the person or persons so seizing or taking possession of any such boat or vessel as aforesaid, belonging or to belong, in part or in whole, to a citizen or citizens of the State of New-Jersey, as aforesaid, shall be liable to the person or persons aggrieved or injured thereby, for all damages, expenses and charges sustained by occasion thereof, to be recovered with triple costs, in an action of trespass, or trespass upon the case, to be brought in the Supreme Court or any other court having cognizance of the same, or by a writ of attachment in case the person or persons making such seizure or taking possession as aforesaid, under or by virtue of a law of the State of New-York, shall not be resident in this State.

Citizens of New-Jersey enjoined, &c.

Sec. 3. *And be it enacted*, That if any citizen of the State of New-Jersey, shall hereafter be enjoined or restained by any writ of injunction or order of the Court of Chancery of the State of New-York, by virtue or under color of any act of the Legislature of that State, from navigating with any boat or vessel moved by steam or fire, belonging or to belong, in part or in whole to him, the waters between the ancient shores of the states of New-Jersey and New-York, the plaintiff or plaintiffs in such writ or order, shall be liable to the person or persons aggrieved, for all damages, expenses and charges occasioned thereby, to be recovered

with triple costs, in an action of trespass or trespass upon the case, in any court having cognizance thereof, or by a writ of attachment in case the plaintiff or plaintiffs in any such writ or order of the Court of Chancery of the State of New-York, shall not be resident in the State of New-Jersey.

Authority given to the court of chancery to restrain by injunction in certain cases.

Sec. 4. *And be it enacted*, That it shall and may be lawful for the Court of Chancery of the State of New-Jersey, on a bill of complaint, filed by any citizen or inhabitant of this State, for that purpose, to enjoin or restrain, by a writ of injunction, the plaintiff or plaintiffs in any such writ or order of the Court of Chancery of the State of New-York, or any person or persons claiming a right derived from or under such plaintiff or plaintiffs to navigate any of the said waters; from navigating with any boat or vessel moved by steam or fire, the waters within the jurisdiction of this State, and from bringing or transporting any passenger or passengers to and from the city of New-York, or from Staten-Island into the State of New-Jersey, whether such transportation be effected directly or circuitously, or by means of one or more boats of any description, or by shifting from one boat to another, at any intermediate point between the city of New-York and Staten-Island and the shores of New-Jersey: *Provided* said passenger or passengers shall be conveyed part of the way from New-York, in any boat propelled by steam or fire, that then and in such case, it shall be the duty of the Chancellor to enjoin and restrain all and every person or persons whatsoever, from aiding or assisting in any such transportation of passengers during the continuance in force of any such writ or order of the Court of Chancery of the State of New-York.

Proceedings by writ of attachment.

Sec. 5. *And be it enacted*, That in case the party aggrieved, shall proceed by virtue of this act by writ of attachment, the proceedings shall be in like manner, as near as may be, as is directed by the act, entitled "An act for the relief of creditors against absconding and absent debtors," passed the eighth of March, one thousand seven hundred and ninety-eight, against an absconding debtor, excepting that instead of the oath or affirmation required by the said act; the applicant for such writ of attachment shall, before the sealing thereof, make oath or affirmation, which shall be filed in the office of the clerk of the court out of which the attachment shall be issued, before any judge or justice of the peace in this State; that the person or persons, against whose estate the attachment is to be issued, is not to his knowledge or belief, resident at that time in this State, and of the nature of the injury sustained.

Authority given to the Governor, &c.

Sec. 6. *And be it enacted*, That it shall and may be lawful for the Governor or person administering the government of this State, to cause to be enforced and effectuated, the just rights of the State, according to all the provisions contained in the act entitled "An act to preserve and support the jurisdiction of this State," passed December third, one thousand eight hundred and

seven; to bring to a determination the jurisdictional rights of the State of New-Jersey, in and over all the territory and waters lying between the State of New-Jersey and the State of New-York: and for the more speedy determination of the same, to cause to be prosecuted or defended, any suit or suits, which may now, or hereafter shall exist, in which either or both of the questions, as to the rights of this State may arise: *Provided*, The party in such suit or suits, who may be interested in maintaining the rights of the State, agree thereto.

Governor may call to his assistance for advice, &c.

Sec. 7. *And be it enacted*, That it shall and may be lawful for the Governor of this State, to call to his assistance for advice and consultation, in any of the proceedings on this or other acts in force, on the subject aforesaid, the Attorney General, or a Privy Council, or both, at the expense of this State; and he or they, or any of them, together with him, are hereby authorised and empowered, to do all things concerning the same, which in their discretion may by him, or with any of them, be deemed to be, to the best interest of this State, to bring to a determination or final adjustment, all differences between the two states; by the appointment of commissioners, defending or prosecuting of suit or suits, or otherwise; and any report of commissioners appointed, shall become binding on this State, and the State of New-York, when confirmed by the respective Legislatures thereof: *Provided always*, that nothing in this act contained, shall be so construed as to have any operation against any patent right or privilege obtained under the constitution or laws of the United States: *And provided also*, that this act shall go into operation from and after the first day of April next.

Proviso.

C. Passed February 25, 1820.

An act respecting clerks of the Courts of Common Pleas and General Quarter Sessions.

Sec. 1. 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, every person who shall be appointed clerk of the Court of Common Pleas and General Quarter Sessions, for either of the counties of this State, shall, before he enters on the execution of his office, or be admitted to take the oath or affirmation prescribed by law, enter into bond to the State of New-Jersey, with at least two good and sufficient sureties, being freeholders of the county, and approved of by two of the judges of the Court of Common Pleas of the county, jointly and severally in the sum of five thousand dollars, which bond with the condition thereof, shall be

Bond to be given, and by whom approved.

in the form hereinafter mentioned, and when so executed and approved of, shall, together with the oath or affirmation of office duly taken and subscribed, be recorded in the Secretary's office, and filed in the same; to be by the Secretary of State, kept among the public papers of his office, and in case any person appointed clerk as aforesaid, before he shall enter into the security aforesaid, shall perform any of the duties required of him by law, in said office, he shall for every such offence forfeit and pay, for the use of this State, one hundred dollars, to be sued for and recovered by any one of the judges of the Court of Common Pleas of the county in which the offence shall be committed, in an action of debt, with costs of suit, in the name of this State.

Penalty for acting before bond given.

Sec. 2. *And be it enacted*, That the bond to be entered into as aforesaid, by the said clerks and their sureties, with the condition thereof, shall be in the form following, that is to say:

Form of bond.

Know all men by these presents, that we A. B., C. D., and E. F., of the county of are held and firmly bound, unto the State of New-Jersey, in the sum of five thousand dollars, to be paid unto the State of New-Jersey, to which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, sealed with our seals dated the day of in the year of our Lord, one thousand eight hundred and

The condition of this obligation is such, that if the above bounden A. B. shall well and truly execute the office of clerk of the Court of Common Pleas and General Quarter Sessions for the county of and in all things touching and concerning said office, shall well and truly, faithfully and impartially, execute and perform the same according to law, as well with respect to all persons concerned as the State of New-Jersey, and at the expiration of his said office, shall deliver to his successor in office, all the books, papers, records and writings remaining in the same or appertaining thereto, then this obligation to be void, otherwise to be and remain in full force and virtue.

Sec. 3. *And be it enacted*, That the clerks of the Courts of Common Pleas and General Quarter Sessions, in the several counties of this State, shall and they are hereby required, to enter of record in a book to be kept by them for that purpose, all bonds given to the State of New-Jersey by the sheriffs of their respective counties, who shall be hereafter elected, for the fulfilment of their respective duties, as required by the act passed the eighteenth day of March, one thousand seven hundred and ninety-six, entitled "An act concerning sheriffs."

Duty of clerks as to sheriff's bonds.

Sec. 4. *And be it enacted*, That the record aforesaid of such bond, and a transcript of such record, certified to be a true transcript, by the said clerk in whose office the said record is kept, shall be received in evidence in any court of this State, and be as good, effectual and available in law as if the original bond were then and there produced and proved; and further, that the said

The record evidence, &c.

clerk, for recording each bond, shall receive thirty cents, and no more, to be paid by the sheriff giving the same.

Clerks upon the expiration of their office, to deliver up books, &c.

Sec. 5. *And be it enacted*, That the said clerks upon the expiration of their office, shall, in the presence of one of the judges of the Court of Common Pleas of which they were clerks, respectively deliver to their successor in office, the books, papers, records, writings and every document appertaining to said office, and it shall be the duty of the said judge to certify under his hand and seal such delivery, which certificate, together with the receipt from the successor in office, shall be transmitted by said clerk to the Secretary of State to be by him filed in his office, and in case such clerk shall die during his continuance in said office, it shall be the duty of his executors or administrators to deliver over, in like manner, to the successor in said office, all the books, papers, records, writings and every document appertaining to said office, and transmit, in like manner, the certificate of the judge, and the receipt of the successor to the Secretary of State, to be by him filed in his office.

Clerks not to be surrogates.

Sec. 6. *And be it enacted*, That no person shall hereafter hold the office of clerk of the Inferior Court of Common Pleas, in any of the counties of this State, and the office of Surrogate at the same time; and in case any clerk of the Inferior Court of Common Pleas, in any of the counties of this State, shall hereafter be appointed to, or hold the office of Surrogate, the said appointment and office of Surrogate shall be deemed to be, and is hereby declared void.

Clerk not to practice as attorney at law in the county of which he is clerk.

Sec. 7. *And be it enacted*, That the clerks of the Courts of Common Pleas and General Quarter Sessions of the Peace, hereafter to be appointed, shall not be allowed to practice or act as attorneys at law, in any of the counties of this State, in which they may be so appointed; and if any clerk shall practice or act contrary to the prohibition aforesaid, for each offence he shall be liable to the penalty of fifty dollars, to be recovered in an action of debt by any person who shall prosecute for the same, in any court where the same may be cognizable, with costs of suit, and shall also be liable to be removed from office by impeachment.

Acts repealed.

Sec. 8. *And be it enacted*, That the fifteenth section of the act, entitled "An act respecting conveyances" passed the seventh day of June, one thousand seven hundred and ninety-nine, and "An act to prohibit clerks of the Courts of Common Pleas and General Quarter Sessions of the Peace from practising as attorneys at law in the counties of which they are clerks," passed the first day of March, one thousand eight hundred and four, and an act, entitled "An act respecting the clerks of the Courts of Common Pleas and General Quarter Sessions, also to provide for recording the warrant of attorney, pleadings, proceedings and judgment, in the county of Hunterdon," passed the tenth day of March, one thousand eight hundred and six; and the supplement thereto, passed the twenty-seventh day of November, one thou-

sand eight hundred and six; and the act, entitled "An act to insure the faithful and impartial execution of office," passed the fourth day of February, one thousand eight hundred and thirteen, be, and the same are hereby repealed: *Provided*, that all acts done, and bonds taken and recorded under them or any of them, shall be as valid and available in law, as though this act had not been passed.

C. Passed March 2, 1820.

A Supplement to an act, entitled "An act for the relief of persons imprisoned for debt," passed the eighteenth March, one thousand seven hundred and ninety-five, and to an act, entitled "An act to repeal the several insolvent laws passed since the eighteenth day of March, one thousand seven hundred and ninety-five," and to revive the 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 any person who may be arrested in any civil action or mesne process, or process of execution, and who intends to apply to the judges of the Court of Common Pleas of the county in which such process is served, for the benefit of the acts to which this is a supplement, shall be discharged from arrest: *Provided*, such person shall give an inventory under oath or affirmation of all his personal estate, and a bond to the sheriff, constable or other officer having him in custody, with sufficient sureties, being freeholders and residents in the county, in double the sum for which he is arrested or taken in execution, with a condition that he will appear at the next Court of Common Pleas, to be holden in the county, and apply to the said court for the benefit of said acts, and will, in all things proceed on such application as is required and directed in the case of persons actually in jail at the time of application, and that he will appear in person at every subsequent court, or time and place to which his application may be adjourned, until he shall be duly discharged under the said act, and if refused a discharge, surrender himself immediately thereafter to the sheriff or keeper of the jail of said county, there to remain until discharged by due course of law, and with this further condition, that in the mean time, and until such discharge, he will not depart out of the county; and in case of a forfeiture of said bond, by breach of any condition therein, the sheriff, constable or other officer, at the request of the plaintiff or his attorney, shall assign such bond to the plaintiff, his executors or

Persons arrested may be discharged.

Conditions to be performed.

administrators, who may bring an action thereon, in his or their own name or names.

Conveyance of debtor's property after arrest, void as to creditors.

Sec. 2. *And be it enacted*, That any conveyance, deed, mortgage, judgment, sale, transfer, assignment or other disposition, made, given or executed by the said debtor, of, for or upon any of his estate, real or personal, to any person after the said arrest, shall, as against his creditors, or any assignee or assignees to be appointed by the said court under the fifth section of the act to which this is a supplement, be void and of no effect, and such assignee or assignees may recover the said estate, real or personal, or the value thereof, in their own name or names, for the use of said creditors, in any proper action, to be instituted therefor against any person who may have purchased or in any manner come to the possession thereof after the giving of said bond, with costs of suit.

Sec. 3. *And be it enacted*, That any person arrested as aforesaid, and having given such bond, shall be entitled to make application for his discharge, under the acts to which this is a supplement, as fully as if at the time of such application he was actually confined in the jail of said county.

What return to be made by the officer.

Sec. 4. *And be it enacted*, That where the sheriff, constable or other officer, upon any mesne process has discharged the defendant on giving bond as aforesaid, he shall so return on the process to the court, and the plaintiff may thereupon proceed to judgment and execution as in other cases where the defendant is returned in custody, and where the sheriff or other officer hath discharged any defendant on process of execution against the body as aforesaid, he shall so return to the court out of which the same issued, which shall exonerate him from any liability for escape or for not conveying the body to the jail of the said county; and the bond with the inventory taken by such officer shall within fifteen days thereafter, be filed in the clerk's office of the Court of Common Pleas of the county where the process is served, there to remain for the use of the plaintiff, if the same be forfeited; and all acts or parts of acts, inconsistent with the provisions of this act, are hereby repealed: *Provided*, that this act shall not go into operation until from and after the fourth day of July next ensuing.

Proviso.

Fees allowed.

Sec. 5. *And be it enacted*, That the officer taking such bond and inventory, shall be entitled for taking the same, to fifty cents, and for transmitting the same to the court, fifty cents, to be paid by the party arrested, and that the clerk be entitled to ten cents for filing said bond, to be paid by the party arrested.

A. Passed March 3, 1820.

An act concerning 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 it shall and may be lawful for the Courts of Common Pleas, in the several counties of this State, bordering on the sea, bays and sounds, and they are hereby required, each and every year hereafter, and oftener if necessary, to appoint one or more discreet and fit person or persons, not a judge of the court, so making the said appointment, commissioner or commissioners of wrecks, in their respective counties, who shall hold such appointment not less than one year, nor more than five years, at the discretion of said courts, and shall severally enter into bond to the State of New-Jersey, with two or more good and sufficient sureties, to be approved of by said court, in any sum not less than five thousand dollars, nor more than twenty thousand dollars, for the faithful discharge of the duties of their said office: which bond shall be deposited in the office of the Secretary of this State; and it shall be the duty of the clerks of said courts, respectively, to make out a certificate under the seal of said court, for each of the persons so appointed, of his appointment, and deliver the same to him: *Provided*, that when any commissioner is appointed as aforesaid, for more than one year, and not exceeding five years, it shall not be necessary to renew his appointment or bond, until the time therein expressed shall have expired.

Appointment of commissioners.

Proviso.

Sec. 2. *And be it enacted*, That the said Courts of Common Pleas shall have authority, from time to time, to lay off and alter at the discretion of the said courts, two or more districts on the sea, bays, sounds and rivers, adjoining their respective counties, and in such cases, to appoint a commissioner in each and every district, who shall have the sole authority of commissioner of wrecks, in the district to which he shall be appointed, and give bond to the State as aforesaid.

Sec. 3. *And be it enacted*, That it shall be the duty of the commissioners appointed as aforesaid, on application to them made, by or in behalf of any owner, supercargo, master, or other person, having charge of any ship, or other vessel, or cargo, being stranded, or in danger of being stranded, or in distress, on or near the shores of their respective counties or districts, to call to his assistance and employ, as many men as shall be agreed on between the said commissioner and the said owner, supercargo, master, or other person having charge of said vessel or cargo, to be useful and necessary to assist in preserving the said vessel or cargo, which men so employed, shall be under the direction of the master, owner, supercargo, consignee, insurer or agent, having the lawful care of said vessel and cargo, and the said commissioner and all others, who shall, at the request, or with the approbation of the master, owner, supercargo, consignee, insurer or agent,

Duty of commissioners.

Their compensation, and manner of settling the same.

having the lawful care and charge of any vessel, stranded or in distress, assist in preserving such vessel or cargo, shall be paid a reasonable compensation for their labour and trouble, in and about the same, and in default thereof, the ship, vessel and goods shall remain in custody of the commissioner, until all reasonable charges shall be paid, or security given for that purpose, to the satisfaction of the parties: and in case the parties shall disagree, touching the amount of the compensation to be paid to the commissioner, or other persons employed in saving such vessel or cargo, it shall be lawful for the master, owner, supercargo, or other person having the lawful care and charge of such vessel or cargo, to choose one indifferent person, being a freeholder, and also for the commissioner to choose one other indifferent person, being a freeholder, who shall adjust and ascertain the same, and in case they cannot agree, the two freeholders so chosen, shall appoint one other indifferent person, being a freeholder, to assist them in said adjustment, and the decision of any two of them shall be binding on all parties, unless the said commissioner, or the said master, owner, supercargo, or other person, having the lawful care or charge of, or interest in said vessel or cargo, shall, in fifteen days, appeal to the Court of Common Pleas of the county where such vessel or cargo shall be saved, which court shall, at the next term, in a summary way, hear and determine said appeal, and render judgment accordingly.

Proceedings in case of an appeal.

Sec. 4. *And be it enacted*, That in case of an appeal, as provided by the next preceding section of this act, it shall be lawful for the master, owner, or supercargo, or other person or persons, legally entitled to the care and charge of the said vessel or cargo, to pay to the commissioner the sum awarded by said freeholders, whereupon the said commissioner shall restore the vessel or cargo to the said master, owner, supercargo, or other person, having the lawful care or charge of the said vessel or cargo; but this payment shall not prejudice the right or interest of the owner of the vessel or cargo on said appeal: and further, in case the sum for such compensation shall be lessened by the judgment of the said Court of Common Pleas, the commissioners shall restore to the owner, or person or persons, having the legal interest in said vessel or cargo, the difference between the award of the said freeholders and the judgment of the Common Pleas; and in case the judgment of the Common Pleas shall increase the said compensation, then the owners of the vessel or cargo, shall be answerable for such increase, and judgment shall be rendered by the said Court of Common Pleas against him, her or them for the same, and execution accordingly.

Sec. 5. *And be it enacted*, That the commissioners aforesaid, shall not take upon themselves any power or authority to sell, or any way dispose of the ship, vessel or cargo, or any part thereof, where there is any owner, supercargo, consignee, insurer, agent or master present, but in all things to aid and assist him or them as

he or they may direct, and for such services, such commissioner or commissioners shall receive a reasonable compensation.

Inventory to be made by the commissioner.

Sec. 6. *And be in enacted*, That every commissioner who shall aid and assist in saving any goods, or other property, shall, before the goods or other property is removed, make a true and perfect inventory of all the goods or other property that may be removed under his direction, which inventory shall describe the marks and numbers upon the respective packages or casks, the kind of goods or liquors that they contain, when that can be ascertained without unnecessarily breaking the packages, or injury to the goods, and the quantity as near as practicable, and shall sign his name thereto, which inventory he shall carefully transcribe into a book by him to be kept for that purpose, which book shall be subject to be inspected by the owner, supercargo, consignee, insurer or master, or other person or persons interested in said goods or property, and also be laid before the Court of Common Pleas, by whom said commissioners shall be appointed, at the expiration of the said commission, and at such other time or times as the said court shall order or direct, for the inspection of said court.

Vessels in distress, who shall enter on board.

Sec. 7. *And be it enacted*, That if any person other than those employed by a commissioner, shall enter or endeavour to enter on board of any ship or other vessel stranded or in distress on or near the sea shores of this State, or the bays or inlets thereof, without the leave of the master, owner or other person having the care or charge of said vessel or a lawful right thereto, or if any person shall molest the master, owner or other person having the lawful care and custody of such vessel, in saving the same, or the cargo, or any part thereof, or shall wilfully deface the marks of goods, being part of the cargo of such vessel, before they shall be inventoried by the commissioner as aforesaid, or some other person concerned in the care and preservation of such goods, such person shall forfeit and pay for every such offence the sum of one hundred dollars, to be recovered with costs by action of debt, in any court having cognizance thereof, in the name of and to the use and benefit of the owner of the ship, vessel or goods as the case may be, and in case of failure to pay such forfeiture immediately, or to give security to the satisfaction of the court before whom the conviction shall be had, to pay the same in twenty days, the said court shall immediately sentence the person so convicted, to imprisonment in the county jail for any time not exceeding six calendar months; and further, in case any goods shall be found upon or in the possession of any person that shall have been stolen or unlawfully carried off from any ship or other vessel in distress or stranded as aforesasaid, the person upon whom or in whose possession such goods shall be found, shall, on demand, deliver the same to the owner, supercargo, master or commissioner, or to such other persons as shall be authorised by the owner, supercargo, master or commissioner, to receive the same, and shall be also liable to pay to the owner double the

Penalty for injury done.

value of the said goods so found upon him or her, or in his or her possession, with costs, to be sued for and recovered in any court having cognizance thereof.

Vessels cast on shore and no owner present, duty of commissioner.

Sec. 8. *And be it enacted*, That should any vessel or other property be cast on shore within the limits of any of the counties of this State, bordering on the sea, bays, sounds, rivers, creeks or inlets, and no person present to claim the same as owner, supercargo, consignee, insurer, agent or master, the commissioner of this district, and in case of his death or absence, a commissioner of any district of said county, who shall take possession thereof, and cause an inventory to be made and recorded in manner prescribed by the sixth section of this act, after which it shall be the duty of said commissioner or commissioners to cause a true description of said goods, with the marks, numbers and kinds, as far as can be ascertained, and a description of the vessel in which said goods shall be found, as fully as can be conveniently done, to be advertised in one or more of the public newspapers of this State, for the space of four weeks, and in case the value of said goods shall exceed the sum of five hundred dollars, then to advertise the same in one of the public newspapers in each of the cities of New-York and Philadelphia, for the same length of time, and in case no person shall claim the same within one year from the time the same shall have been advertised, as aforesaid, the said commissioner or commissioners shall advertise the same for sale in two or more public places in the county where the said goods were stranded or found, not less than ten nor more than twenty days, and proceed to sell the same, at public vendue or outcry, for the best price that can be obtained for the same, and after deducting all reasonable charges and expenses, to be ascertained and allowed by one of the judges of the Court of Common Pleas of said county, and the compensation for his own labour and trouble, as hereinafter provided, the residue of the money arising on such sales, together with an account of sales, be transmitted by the commissioner or commissioners, to the Treasurer of this State, and the said Treasurer shall file the account of sales in his office, and keep an account of the money so received, for the benefit of the owner, in case he shall claim the same, which may be done by proving his property to the satisfaction of the commissioner or commissioners who shall have sold the same; together with two of the justices of the peace of the county, who are hereby authorised to investigate the case and to hear proof thereof; and in case they shall be satisfied in whom the property is, they shall certify the same under their hands and seals, to the Treasurer of the State, who shall file the same in his office, and pay the money to whom it shall be so certified to be due, deducting therefrom one per cent. for his trouble; and in case no person shall claim the same within two years from the date of the advertisement of the said goods, the same shall be for the use of the State; but in case the goods shall be perishable, they may be sold at any time, after being advertised in two or more public places in the county, not less than five days.

Stranded goods found, duty of the finder.

Sec. 9. *And be it enacted*, That when any person or persons shall find any stranded goods or other property, on or near the sea or bay, shores, or in any inlet, river, creek or sound in this State, above the value of twenty dollars, and no owner appearing to claim the same, he, she or they, shall forthwith give information thereof to the nearest commissioner of the county; or in case the county shall be divided into districts, then to the commissioner of the district in which such goods or property shall be found, for which he, she or they, shall be allowed all reasonable charges or expenses, to be ascertained by said commissioner, and paid out of the product of the sales of such goods or other property: and further, should any person, finding stranded goods or other property, conceal the same, or convert them to his or her own use, or fail, within four days, to give information to the commissioner, as before directed, he or she, shall pay to the said commissioner, double the value of such goods or other property, to be recovered, with costs, by the said commissioner, in an action of debt, in his own name, in any court having cognizance thereof, for the use of the State, out of which, said commissioner is hereby directed to pay to the owner of such stranded goods or other property, all the damage the said owner shall sustain by reason of such concealment, conversion or failing to give information, in case the said owner appear and prove his property in one year from the time such judgment of recovery shall be rendered.

Stranded goods embezzled.

Sec. 10. *And be it enacted*, That if any person shall steal or embezzle any stranded goods or other property, or conceal the same, knowing them to have been stolen or embezzled, such person shall forfeit and pay to the owner or commissioner, which ever shall first sue for the same, double the value of the goods or other property so stolen or embezzled, or found in his or her possession, he or she knowing the same to have been stolen or embezzled, to be recovered in any court having cognizance thereof, and the person so stealing, embezzling or concealing the same, knowing the same to have been stolen or embezzled, shall moreover be liable to be prosecuted, convicted and punished, on the part of this State, as in other cases of theft, or receiving stolen goods, knowing them to have been stolen.

What shall be forfeited by commissioner for abuse of his trust.

Sec. 11. *And be it enacted*, That in case any commissioner, appointed as aforesaid, either by fraud, connivance or wilful neglect, shall abuse the trust reposed in him by this act, he shall, on conviction thereof, forfeit and pay double damages to the party aggrieved by such fraud, connivance or wilful neglect, to be recovered with costs, by action on the case, in any court having cognizance thereof, and shall thereafter be rendered incapable of acting or being again appointed a commissioner under this act: and further, in case any person, as aforesaid, shall refuse or neglect to give the assistance required by this act for the saving any vessel or cargo, he shall forfeit and pay the sum of five dollars, to be recovered with costs, by any commissioner of the county,

or in case the county where the offence shall be committed shall be divided into districts, then by the commissioner of the district in which the offence shall be committed, in an action of debt, before any justice of the peace of the county where such offence shall be committed, to and for the use of the State.

Oath or affirmation to be taken by commissioner.

Sec. 12. *And be it enacted*, That every commissioner appointed under this act, shall, before he enters on the duties of his office, take and subscribe the following oath or affirmation: I, A. B. do solemnly swear or affirm, that I will truly and faithfully perform and discharge the duties of a commissioner of wrecks for the district in which I am appointed, in the county of , agreeably to law, to the best of my skill and abilities; so help me God. And further, in case of stranded or wrecked property coming into the bounds of any commissioner, where no owner shall appear to claim the same, the said commissioner shall receive a reasonable compensation for his trouble, to be ascertained and allowed by the Court of Common Pleas, by whom the said commissioner hath been or shall be appointed, which compensation, so ascertained and allowed, shall be retained by the said commissioner, out of the product of the sale of said goods, before the same shall be paid to the treasurer, as aforesaid.

Punishment for putting up false lights, &c.

Sec. 13. *And be it enacted*, That if any person shall put up false lights, in order to bring any vessel into danger, or wilfully do any act or thing tending to the immediate loss of such vessel, whereby such vessel shall be lost or destroyed, then every person, so offending, shall be deemed guilty of a misdemeanor, and on conviction thereof, by due course of law, be punished by fine not exceeding one thousand dollars, or by imprisonment in solitary confinement, not exceeding three years, or both, at the discretion of the court before whom such conviction shall be had.

Who not eligible as to ascertaining compensation.

Sec 14. *And be it enacted*, That no person who shall be related within the third degree, according to the rules of the common law, to any person or persons claiming compensation for saving or assisting to save any vessel or cargo, or any part thereof, as before provided by this act, or any person having himself received compensation for saving any vessel or cargo, within three years next preceding, shall be considered as indifferent between the parties, or eligible to adjust and ascertain the compensation for saving or assisting to save any vessel or cargo, as herein before provided.

Unclaimed money, how invested and to what use.

Sec. 15. *And be it enacted*, That all moneys now in the treasury of this State, or which shall hereafter come into the said treasury, arising from the proceeds of wrecked or stranded goods, or other property, shall, on the expiration of the time allowed by this act to the owner to claim the same, and the same being unclaimed, be, as soon as can conveniently be done, invested in six per cent. stock of the United States, and the interest arising on the moneys so invested shall enure and be received by the

treasurer, for the benefit of the fund for the support of free-schools, and be credited and accounted for accordingly.

Sec. 16. *And be it enacted*, That this act shall not be construed to contravene any treaty of the United States made with any foreign nation.

Sec. 17. *And be it enacted*, That the act, entitled "An act concerning wrecks," passed the thirty-first day of May, seventeen hundred and ninety-nine; and the act, entitled "An act concerning wrecks," passed the eighth day of March, eighteen hundred and six; and the act, entitled "An act to amend an act entitled "An act concerning wrecks," passed the twenty-eighth day of November, eighteen hundred and six; and the act, entitled "A Supplement to the act, entitled an act concerning wrecks," passed March eighth, eighteen hundred and six; which supplemental act was passed the twenty-eighth day of February, eighteen hundred and eleven; and the act, entitled "A Supplement to an act concerning wrecks," passed March, eighteen hundred and six, which supplemental act was passed the seventeenth day of February, eighteen hundred and nineteen; and the act, entitled "An act for the appropriation of moneys which may be paid into the treasury from the proceeds of unclaimed wrecks," passed the eighteenth day of February, eighteen hundred and nineteen; be, and the same are hereby repealed: *Provided nevertheless*, that nothing in this repealing section shall be deemed, taken or construed to invalidate or render ineffectual, any act or thing lawfully done or transacted under them or either of them, nor to exonerate any person or persons from any crime or crimes, or offence or offences, done or committed against them, or any of them, but that the same may be prosecuted to conviction and punishment, the same as though this repealing section had not been made or enacted. Acts repealed.

C. Passed March 3, 1820.

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ACTS

OF THE

FORTY-FOURTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY,

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



TRENTON:

PRINTED BY JOSEPH JUSTICE.

.....

1820.

ACTS

OF THE

FORTY-FOURTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY.

A Supplement to the act, entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings."

Sec. 1. 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 each and every township, erected or established in any of the counties of this State, since the twenty-first day of February, in the year of our Lord, one thousand seven hundred and ninety-eight, be, and they hereby are constituted a body politic and corporate in law, by the following names, that is to say:— Constituted a body politic.

That the inhabitants of the township of Chester, in the county of Morris, shall be styled and known by the name of "The inhabitants of the township of Chester, in the county of Morris." Chester.

That the inhabitants of the township of Howell, in the county of Monmouth, shall be styled and known by the name of "The inhabitants of the township of Howell, in the county of Monmouth." Howell.

That the inhabitants of the township of Millville, in the county of Cumberland, shall be styled and known by the name of "The inhabitants of the township of Millville, in the county of Cumberland." Millville.

That the inhabitants of the township of Washington, in the county of Burlington, shall be styled and known by the name of "The inhabitants of the township of Washington, in the county of Burlington." Washington.

Rahway. That the inhabitants of the township of Rahway, in the county of Essex, shall be styled and known by the name of "The inhabitants of the township of Rahway, in the county of Essex."

Randolph. That the inhabitants of the township of Randolph, in the county of Morris, shall be styled and known by the name of "The inhabitants of the township of Randolph, in the county of Morris."

Chatham. That the inhabitants of the township of Chatham, in the county of Morris, shall be styled and known by the name of "The inhabitants of the township of Chatham, in the county of Morris."

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

Jefferson. That the inhabitants of the township of Jefferson, in the county of Morris, shall be styled and known by the name of "The inhabitants of the township of Jefferson, in the county of Morris."

Orange. That the inhabitants of the township of Orange, in the county of Essex, shall be styled and known by the name of "The inhabitants of the township of Orange, in the county of Essex."

Union. That the inhabitants of the township of Union, in the county of Essex, shall be styled and known by the name of "The inhabitants of the township of Union, in the county of Essex."

New Providence. That the inhabitants of the township of New-Providence, in the county of Essex, shall be styled and known by the name of "The inhabitants of the Township of New-Providence, in the county of Essex."

Livingston. That the inhabitants of the township of Livingston, in the county of Essex, shall be styled and known by the name of "The inhabitants of the township of Livingston, in the county of Essex."

Hamilton. That the inhabitants of the township of Hamilton, in the county of Gloucester, shall be styled and known by the name of "The inhabitants of the township of Hamilton, in the county of Gloucester."

Franklin. That the inhabitants of the township of Franklin, in the county of Gloucester, shall be styled and known by the name of "The inhabitants of the township of Franklin, in the county of Gloucester."

Lawrence. That the inhabitants of the township of Lawrence, in the county of Hunterdon, formerly the township of Maidenhead, in said county, shall be styled and known by the name of "The inhabitants of the township of Lawrence, in the county of Hunterdon."

Powers vested. Sec 2. *And be it enacted*, That the inhabitants of the respective townships aforesaid, shall be, and they are hereby vested with and entitled unto all the powers, privileges, immunities and authorities, and shall be, and they are hereby made subject to the like regulations and government which the inhabitants of the other townships in this State, incorporated by the act to which this

is a supplement, are or shall by law be subject and entitled unto.

Township collector to enter into bond.

Sec. 3. *And be it enacted*, That when any person shall hereafter be elected to the office of collector in any township within this State, he shall, before he enters upon the duties of said office, enter into bond to the inhabitants of said township, in their corporate name, with one or more sufficient surety or sureties, being a freeholder or freeholders, and resident in said township, to be approved of by the township committee of said township, and in such sum as the said township committee shall direct, conditioned for the faithful performance of all the duties of said office of collector of said township, according to law.

What shall exempt from serving in township offices for five years.

Sec. 4. *And be it enacted*, That if any person chosen at any town meeting, by virtue of the act to which this is a supplement, shall serve in any town office for one year, or pay a fine or forfeiture that the law inflicts for refusing to accept or serve in such office, such person shall not be compelled to serve in the said office, nor to pay any fine or forfeiture for refusing to accept or serve in the said office for the space of five years thereafter.

Time of meetings of certain townships in Sussex.

Sec. 5. *And be it enacted*, That the annual town meetings of the townships of Montague, Sandistown and Walpack, in the county of Sussex, shall hereafter be held on the second Monday in March annually.

The hour of opening the meeting may be changed.

Sec. 6. *And be it enacted*, That whenever the inhabitants of any of the townships in this State, at their annual town meeting, held on the day appointed by law for holding the same, shall deem it expedient to change the hour of opening the said meeting, it shall and may be lawful for them so to do, and to proceed to choose the presiding officer; which time so agreed on, shall be the time of meeting, until it be by the said inhabitants changed to some other hour: *Provided*, that the hour fixed on shall not be earlier than ten o'clock in the forenoon, nor later than two o'clock in the afternoon of said day.

Cape-May—surveyors of the highway.

Sec. 7. *And be it enacted*, That from and after the passing of this act, it shall and may be lawful for the inhabitants in the several townships, in the county of Cape-May, at their annual township meetings, to elect three surveyors of the highway, for each and every township in said county.

Explanatory of certain words.

Sec. 8. *And be it enacted*, That the following words in the eleventh section of the act to which this is a supplement, to wit: "and for other necessary charges and legal objects and purposes thereof," shall be confined in their legal operation and construction to such necessary charges and legal objects and purposes, as are by law expressly vested in the inhabitants of the several townships of this State, by the act to which this is a supplement, or by some other act of the Legislature of this State.

Sec. 9. *And be it enacted*, That hereafter it shall be lawful for the inhabitants in each of the townships of this State, duly qualified to vote at town meeting at their annual meetings, to vote.

Money may be raised for educating poor children.

grant and raise in the same manner, other moneys for town purposes, as are authorised to be raised, such sum of money as the majority of said meeting shall agree upon, to be laid out and expended under the direction of the town committee in each township, for the education of such poor children as are paupers, belonging to said township, and the children of such poor parents resident in said township, as are or shall be, in the judgment of said committee, unable to pay for schooling the same.

Acts repealed.

Sec. 10. *And be it enacted*, That the act, entitled "An act respecting collectors of townships," passed the twenty-sixth day of January, one thousand eight hundred and sixteen, and the act, entitled "An act to change the corporate name of the township of Maidenhead, in the county of Hunterdon," passed the twenty-fourth day of the same month of January, and so much of the act to which this is a supplement, as directs the style and name of "the township of Maidenhead, in the county of Hunterdon," and the act entitled a supplement to the act, entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," passed the twenty-first day of February, one thousand seven hundred and ninety-eight, which supplemental act was passed the fifteenth day of November, one thousand seven hundred and ninety-nine, and the act, entitled "An act to alter the time of holding the annual town meetings in the township of Montague, Sandistown and Walpack, in the county of Sussex," passed the eleventh day of November, one thousand eight hundred and five, and the act, entitled a supplement to the act, entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," passed the twenty-first day of February, Anno Domini one thousand seven hundred and ninety-eight, which supplemental act was passed the twenty-fourth day of January, one thousand eight hundred and seventeen, and the act, entitled "A supplement to the act entitled an act, incorporating the inhabitants of townships, designating their powers and regulating their meetings," passed the twenty-first day of February, Anno Domini one thousand seven hundred and ninety-eight, which supplemental act was passed the seventh day of February, one thousand eight hundred and sixteen, be, and they are hereby repealed: *Provided*, that nothing in this repealing section shall impair or render invalid any act or thing legally done or transacted under the said acts hereby repealed.

A. Passed May 22, 1820.

An 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 every statute or act of the Legislature of this

State, which hath been or shall be made, shall commence and be in force and operation, from the day of passing thereof, unless another day for its commencement and operation hath been or shall be directed therein. When to be in force.

Sec. 2. *And be it enacted*, That no statute or act of Parliament of England or Great-Britain, shall have force or authority within this State, or be considered as law thereof. Statutes of Great-Britain to have no authority in this State.

Sec. 3. *And be it enacted*, That the act, entitled "An act relative to statutes," passed the thirteenth day of June, one thousand seven hundred and ninety-nine, and the supplement thereto, passed the twentieth of November, one thousand eight hundred, and the act, entitled "An act relative to foreign reports," passed the first of December, one thousand eight hundred and one, and all acts and supplements to acts coming within the purview of this act, and the act, entitled "An act to alter the appropriation of deeds or passing the private laws," passed the twentieth day of February, one thousand seven hundred and ninety-four, be, and the same are hereby repealed. Acts repealed.

A. Passed May 25, 1820.

An act for securing the Laws, and relative to the office of the Prerogative 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 Secretary of Council and Clerk of the Assembly, shall forthwith, on the passage of any bill into a law, deliver the same to the Secretary of State for the time being, to be filed in his office, in such order that the laws of each and every sitting of the Legislature, shall be kept in separate bundles, and the year in which the same shall be passed, shall be endorsed on each bundle, and not delivered to any person or persons whatsoever, but safely kept by the said Secretary in his office, and not suffered to be taken or removed therefrom, on any pretence whatsoever; but the Secretary of State, for the time being, shall give copies to such person or persons as shall make application for the same, which copies, when certified by said Secretary, under his hand and seal, to be a true copy, shall be received in evidence in any court of this State, and be as good, effectual and available in law as if the original was then and there produced and proved, for which service the Secretary of State shall be entitled to receive, from the person making application for the same, six cents per sheet for each and every copy furnished, and for the filing each law, ten cents, to be paid by the Treasurer of the State. Where to be kept and in what manner. Copies to be evidence.

Sec. 2. *And be it enacted*, That the Secretary of State shall cause a true copy of each and every law so delivered to him to be made, and within four weeks from the end of every sitting of the Legislature, deliver the same to the person appointed to print Duty of the Secretary of State as to the laws.

the laws of the State; and it shall be the duty of the Secretary of State to assist the printer who may be appointed as aforesaid, in comparing the proof sheets with the original laws, for which purpose the said printer is required to attend at the office of the Secretary of State, with the proof sheets of all such laws as he may be appointed to print; and it shall also be the duty of the Secretary to make marginal notes to said laws; and that the said Secretary shall be entitled to receive for the copying said laws, assisting in comparing the proof sheets, and making marginal notes, for each folio of said laws so copied, compared, and notes made, counting one hundred words to a folio, the sum of eight cents, on a certificate signed by the Governor or person administering the government, stating that the service has been performed, and the sum due for the same.

Compensation.

Duty of the Register of the Prerogative Court.

Sec. 3. *And be it enacted*, That it shall be the duty of the Register of the Prerogative Court, to record the names of the testators of all wills which he may receive in alphabetical order, and the year in which such wills were proved, in a book to be by him provided for that purpose, and to file the said wills in his office, the wills of each year and county to be put by themselves, and marked with the year and county, and in like manner to record the names of all intestates, inventories of whose estates he may receive, and to file the said inventories in manner aforesaid.

Fees for certain services.

Sec. 4. *And be it enacted*, That the Secretary of State shall be entitled to receive, for the services hereinafter mentioned, the following fees:—For filing every bond or other instrument of writing for incorporated bodies, or for persons in their private capacities, twelve cents, to be paid by the person requiring the same to be filed—filing every bond or instrument of writing of a public nature, twelve cents, and for recording deeds and other instruments of writing belonging to the State, and for copies of laws, instruments of writing, or records, when applied for by the Governor, Attorney-General or Treasurer, for public purposes, the same fees as are directed by law to be paid by private persons, to be paid by the Treasurer upon a certificate signed by the Governor.

Acts repealed.

Sec. 5. *And be it enacted*, That the act, entitled "An act for securing the laws and relative to the office of the Prerogative Court," passed the twenty-fifth day of November, one thousand eight hundred and eight, and the supplement thereto, passed the seventeenth day of February one thousand eight hundred and thirteen, and the act, entitled "An act relative to the fees of the Secretary of State, and Register of the Prerogative Court," passed the sixth day of February, one thousand eight hundred and seventeen, be, and the same are hereby repealed: *Provided*, that nothing herein contained is intended to invalidate any act or thing lawfully done, or right acquired under them or any of them.

A. Passed May 27, 1820.

An act establishing an Independent Battalion within the bounds of the city of Trenton.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the uniform, and other companies of militia, at present formed, or which may hereafter be formed, a majority of the members of which shall reside within the bounds of the city of Trenton, shall be, and they are hereby set off and formed into an independent battalion, to be attached to the Hunterdon Brigade, and shall meet for exercise by companies, upon the day appointed by the militia-law for company trainings; by battalion, upon the second Monday in May, and by battalion for exercise and inspection upon the Friday immediately following the first Monday in June, or such other day as the commandant of the brigade shall order, and shall further be entitled to all the privileges, and subjected to all the penalties an independent battalion may, by the militia-law of this State, be subjected to.

A. Passed May 29, 1820.

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

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the Inspectors of the State-Prison shall, from and after the passing this act, be entitled to receive the sum of one dollar and fifty cents per day, for every day necessarily employed in the duties of their appointment, out of any moneys in the funds of said prison.

Inspector's compensation.

Sec. 2. *And be it enacted,* That it shall be the duty of the Inspectors of the State-Prison, to detain any offender imprisoned in said prison, by sentence of any court, in confinement, after the expiration of the term of his or her sentence, until he or she shall have discharged the costs of prosecution, together with whatever sum shall be due from such offender, to the said prison, unless the costs and sums due shall be remitted, according to the provisions of this or some other act of the Legislature of this State; and further, that the Governor, or person administering the government, shall have power to remit any costs of prosecution or debt that shall or may be due from any criminal, imprisoned in the State-Prison, on a recommendation from the Inspectors of the said prison, certifying that in their opinion, the said

Duty of Inspectors as to detaining offenders after sentence of confinement has expired.

In what manner costs and debt of such offenders may be remitted.

criminal has no property, and from bodily inability or other cause, is unable to earn, and in their opinion will continue to be unable to earn more than is sufficient to defray the expense of his or her clothing and provisions.

Duty of sheriffs as to paying jurors and witnesses fees.

Sec. 3. *And be it enacted*, That when any verdict shall be rendered against any offender or offenders, in any of the courts of this State, on any indictment, it shall be the duty of the sheriff of the county where the verdict shall be rendered, to pay the jury, who have passed on the trial of the cause, their legal fees, before their separation, and also to pay the witnesses, who shall have been sworn or affirmed, to testify in behalf of the State, their legal fees before they leave the court, and in case the offender or offenders, against whom such verdict shall be rendered, shall be sentenced to imprisonment for such a length of time, as by law requires him, her or them to be sent to the State-Prison, it shall be the duty of the Inspectors of the State Prison, or any two of them, to certify to the Treasurer of this State, the amount of the costs of prosecution, delivered to them, duly taxed, together with the sum due to the sheriff for his mileage and expenses, for sustaining, transporting and securing the offender, which said costs and expenses shall be paid to the said sheriff by the Treasurer, and shall be discharged by the said Inspectors of the State-Prison at such time as funds belonging to the said institution shall be in their hands sufficient to discharge the same, and for such costs the said sheriff shall be accountable, and shall pay the same to the several persons entitled thereto.

Inspectors to certify to the Treasurer amount of costs and expenses to be paid to the sheriff.

In what cases the costs of prosecution to be paid by the county collector.

Sec. 4. *And be it enacted*, That in case the offender or offenders shall be sentenced to pay a fine, or to imprisonment in the county jail, or to be whipped, and he, she or they are unable to pay the costs of prosecution, it shall be the duty of the county collector of said county, and he is hereby directed to pay the same to the sheriff of the said county, on the bills of costs duly taxed being shewn him, and in case the offender or offenders shall happen to escape after verdict against him, her or them, or for any other cause, no sentence should be passed upon such offender or offenders, it shall in like manner be the duty of the county collector of the county, to pay to the sheriff all the fees which he shall have paid to the jurors and witnesses as aforesaid, on a statement in writing, made by the sheriff under oath or affirmation, of the sums paid to the said jurors and witnesses on each and every case, and for such sum or sums so paid as before directed, it shall be the duty of the said county collector to take a receipt of the said sheriff, which sum or sums shall be allowed the said collector in the settlement of his accounts; and when on any indictment there is an acquittal, the sheriff shall pay the jurors', witnesses' and constable's fees, and the said bill of fees, on proper vouchers produced, shall on demand, be repaid to the said sheriff by the county collector, from any moneys in his hands belonging to the county, and be allowed to him in the settlement of his accounts.

Sec. 5. *And be it enacted*, That when there shall be judgment of acquittal before justices of the peace, in cases where by law they may try persons charged with any crime against the State, the said justices shall make out a bill of the fees by law allowed to said justices, witnesses for the State, and constables, and certify the said bill to be just and true, to the Court of General Quarter Sessions, at their lawful stated term, to be by them approved, and by their order, certified by the clerk of the county, who shall deliver the same to the justice, to be by him recorded in his docket and then delivered to the constable, who shall draw on the county collector for the same, and make return of the said money to said justice to be by him paid to the persons entitled thereto.

In what manner fees are to be paid on judgment of acquittal before a justice.

Sec. 6. *And be it enacted*, That all fines received by any sheriff on conviction upon any indictment, or which may be imposed by any justice or justices, shall be by him paid over to the county collector, and carried to the credit of the county; and the sheriff of each county for the time being, shall annually render to the county collector an account of all fines imposed within any year in which he is in office, and on neglect or refusal so to do, shall forfeit and pay five hundred dollars above the amount of fines imposed, to be recovered with costs of suit, in the name of the county collector, for the time being, to and for the use of the county, and the clerk of the county shall make return of said fines to the board of chosen freeholders at their annual meeting, as a check against the county collector.

Fines on conviction to be paid by the sheriff to the county collector.

Sec 7. *And be it enacted*, That all bills of costs in criminal cases shall hereafter be taxed by the court before whom the trial was had, or sentence passed. And it is hereby made the duty of the said courts without delay, to tax all such bills of cost, in criminal cases, as shall be presented to them. And the Inspectors of the State-Prison shall pay no bills of costs unless taxed as aforesaid.

Bills of costs in criminal cases to be taxed by the court.

Sec. 8. *And be it enacted*, That in all cases in which any offender shall be convicted of any offence for which he or she shall be sentenced to imprisonment for such length of time as by law requires that he or she be imprisoned in the State-Prison, and he or she shall have any estate, real or personal, or both, the same shall be bound by the judgment against such offender, from the time of rendering thereof, and shall be liable for the payment of the fine (in case any fine be adjudged) costs of prosecution and expenses of sustaining, securing and transporting such offender to the State-Prison, and finding and providing clothing and other necessaries, during the term of imprisonment; for the recovery of which, it shall be the duty of the clerk of the court by whom such judgment was rendered, or sentence pronounced, on the application of the Attorney-General, or his deputy legally appointed, to transmit under the seal of said court, a certified copy of the record of said judgment or sentence, and bill of costs to the Supreme Court; whereupon it shall and may be lawful for

Estates of offenders bound by judgment for the payment of costs and expenses

Manner of recovery.

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the Supreme Court, on motion of the Attorney-General, to award a writ of scire facias against such offender, to shew cause why execution should not be awarded against him or her, in behalf of the State, for the fine, costs and expenses aforesaid; and to cause further proceedings to be had, as in cases of forfeited recognizances, is by law allowed and directed—that in case the offender shall be imprisoned in the State-Prison, at the time of issuing the said scire facias, it shall be the duty of the said Attorney-General to cause a copy of the said scire facias to be served on the keeper of the State-Prison, at least ten days before the return thereof, whose duty it shall be forthwith to deliver the same to such offender. And in case such offender shall be unable to procure counsel, the court shall thereupon appoint counsel to appear on his or her behalf.

Authority of Inspectors to punish offenders for disorderly behaviour.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the Board of Inspectors of the State-Prison, to punish any offender confined in said prison in case of refractory, disorderly behaviour, or disobedience to the rules and orders of the said Inspectors, by confinement of such offender in the cells and dungeons of said prison, and keeping him or her on bread and water only, for any time not exceeding twenty days at one time and for one offence, and to prevent escapes, to put on any refractory, disobedient offender, such irons as they may judge necessary.

Appointment of the Inspectors.

Sec. 10. *And be it enacted*, That at the first joint-meeting after passing this act, three suitable persons shall be chosen as Inspectors of the State-Prison, who shall continue in office until the next session of the Legislature, and until others are chosen in their stead; and at the first joint-meeting which shall happen after every annual meeting of the Legislature thereafter, the Inspectors shall be re-elected, or others chosen in their stead; and if any vacancy shall happen by the death, removal, resignation, refusal to act, or other inability of any of the Inspectors in the recess of the Legislature, it shall and may be lawful for the person administering the government, to appoint a person or persons to fill such vacancy.

Constituted a quorum, and may appoint an acting Inspector.

Sec. 11. *And be it enacted*, That the said three persons shall be a Board of Inspectors, two of whom shall be a quorum to transact business, and they shall annually, or oftener if necessary, appoint one of their number as the acting Inspector, and the said Board of Inspectors and acting Inspector appointed as aforesaid, are hereby vested with the same powers and authorities, and made subject to and required to perform all the duties and services required of the Board of Inspectors and acting Inspectors in the act to which this is a supplement.

Duty of attending physician.

Sec. 12. *And be it enacted*, That the attending physician shall, at least once in every week, visit every cell in the State-Prison, in which a prisoner is confined, and that whenever in his opinion the enlargement of any prisoner sentenced to solitary confinement, shall become absolutely necessary in order to preserve life, that it shall be lawful for the acting Inspector to cause

such prisoner to be removed from his or her cell, from time to time, and for such length of time as he shall think necessary and proper, but that such prisoner shall in every case be kept from all society.

Allowance to the keeper on sales, repealed.

Sec. 13. *And be it enacted*, That so much of the twelfth section of the act to which this is a supplement, as provides that the keeper of the State-Prison shall be entitled to five per cent on the sales of all articles manufactured in said prison, be, and the same is hereby repealed.

Inspectors may appoint an agent.

Sec. 14. *And be it enacted*, That it shall be lawful for the Inspectors of the State-Prison to appoint an agent in any place where they may deem the same expedient, for the sale of any articles manufactured in the said State-Prison, and to allow to every such agent reasonable commissions on all sales by him made.

Acts repealed.

Sec. 15. *And be it enacted*, That the act, entitled "A supplement to an act, entitled an act making provision for carrying into effect the act for the punishment of crimes," passed the nineteenth day of November, one thousand seven hundred and ninety-nine, and an act entitled "A further supplement to an act, entitled an act for the punishment of crimes," passed the first day of December, one thousand eight hundred and two, and an act, entitled "A supplement to the act, entitled an act making provision for the carrying into effect the act for the punishment of crimes," passed the first day of March, one thousand eight hundred and four, and an act, entitled "A further supplement to the act, entitled an act making provision for carrying into effect the act for the punishment of crimes," passed the fourth day of December, one thousand eight hundred and seven, and an act, entitled "An act concerning costs of prosecution against persons sentenced to hard labour and imprisonment in the State-Prison," passed the eighteenth day of February, one thousand eight hundred and thirteen, and an act, entitled "An act to repeal an act, entitled an act making provision for the carrying into effect the act for the punishment of crimes, and for other purposes," passed the sixteenth day of February, one thousand eight hundred and sixteen, and the second section of an act, entitled "A supplement to the act, entitled an act for the punishment of crimes," passed March eighteenth, one thousand seven hundred and ninety-six, which said supplemental act was passed the twelfth day of February, one thousand eight hundred and eighteen, and an act entitled "A further supplement to an act, entitled an act making provision for carrying into effect the act for the punishment of crimes," passed the sixteenth day of February, one thousand eight hundred and eighteen, and the thirteenth section of the act to which this is a supplement, be, and the same are hereby repealed: *Provided*, that this repeal shall not render invalid or in any way impair any act or thing legally done or transacted in virtue of the said repealed acts, or any of them.

But not to render invalid things legally done in virtue of the repealed acts.

C. Passed May 30, 1820.

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.

Sec. 1. 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 shall steal of the money or personal goods and chattels of another, under the price or value of twenty dollars, he or she, so offending, shall be deemed guilty of a misdemeanor, and on conviction of any such offence, shall be punished in the county where the conviction may be had, by fine or imprisonment, in cells, or imprisonment at hard labour in the common jail of the county, or by whipping, at the discretion of the court before whom such conviction shall be had; the fine not to exceed one hundred dollars, nor the term of imprisonment three months, nor the whipping to exceed thirty-nine lashes; and if any person shall steal as aforesaid, or shall in the day or night time commit any of the offences specified in the fifty-ninth section of the act to which this is a supplement, under the value of twenty dollars as aforesaid, such person or persons so offending, may be tried and convicted before two justices of the peace, in the manner prescribed in the thirty-second and fifty-ninth sections of the aforesaid act, and no person hereafter convicted in any court of this State, of larceny, under the value of twenty dollars, shall be sent to the State-Prison for punishment of such offence.

Stealing under the value of twenty dollars. How punished, and before whom to be tried.

Sec. 2. *And be it enacted*, That any fines that may be imposed in pursuance of the foregoing section, shall be paid to the county collector for the use of the county.

Where fines to be paid.

Sec. 3. *And be it enacted*, That if a butcher, or other person shall sell, offer or expose to sale, the flesh of any animal dying otherwise than by slaughter, or slaughtered while diseased, or any contagious or unwholesome flesh, or if a baker, brewer, distiller or other person, shall sell unwholesome bread, drink or liquor, he or she shall be adjudged guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding four months.

Manner of punishment for selling or offering for sale certain unwholesome articles.

Sec. 4. *And be it enacted*, That all crimes enumerated and expressed in the sixty-eighth section of the act to which this is supplement, the punishment of which not being otherwise provided for in the said act, or some other law of this State, mayhems and atrocious assault and batteries excepted, shall be punished by fine or imprisonment, or both, at the discretion of the court before whom the conviction shall be had, the fine not to exceed one hundred dollars, and the imprisonment not to exceed six months.

Punishment of certain crimes.

Sec. 5. *And be it enacted*, That when any slave shall be convicted of the crime of arson, burglary, rape or robbery, or of an assault and battery, with intent to commit murder, rape, burglary

Slaves may be punished for certain offences, or sent

or robbery, it shall be lawful for the court before whom such conviction shall be had, either to sentence said slave to such punishment as the law hath provided, or hereafter may provide for the punishment of said slave, or to order him or her to be sent from and out of this State and the United States: *Provided*, the owner of such slave shall enter into bond to the State of New-Jersey in the sum of four hundred dollars, with sufficient surety or sureties, to be approved of by the court, conditioned that he or she will within such reasonable time as shall be allowed by the court, not exceeding two calendar months, send such slave out of this State, and the United States; which bond shall be filed in the clerk's office of the county in which such conviction shall be had: *And provided also*, that such owner pay the costs and charges of prosecuting and keeping said slave.

Out of the United States on conditions.

Sec. 6. *And be it enacted*, That on the owner of such slave producing to the sheriff or gaoler, an order of the court for sending away such slave, and said owner paying all costs and charges, that have accrued, the said sheriff or gaoler shall deliver up such slave to his or her owner; and further, that when any person who shall have given bond as aforesaid, shall produce to the court before whom such slave was convicted, such evidence as shall be satisfactory to the court, that the order of said court for sending such slave without this State, and the United States, hath been fully and bona fide complied with and executed, the said court shall order the same entered on the minutes of the court, and the affidavits, documents or other written evidence of the same, to be filed by the clerk of the court, which said order of the court, after being duly entered on the minutes of court, shall be sufficient evidence that the condition of said bond hath been complied with.

What to be done by the owner of the slave.

Sec. 7. *And be it enacted*, That if any person shall sell or exchange, or offer for sale or exchange, or willingly receive any forged or counterfeit promissory note, with intention to have the same uttered or passed to defraud any person or body politic or corporate, then every such person being thereof convicted by due course of law, shall be deemed guilty of a high misdemeanor.

Passing counterfeit notes, &c.

Sec. 8. *And be it enacted*, That if any person shall make or engrave, cause or procure to be made or engraved, any plate for forging or counterfeiting any promissory note for the payment of money, in the name of any person or body politic or corporate, then every such person being thereof convicted by due course of law, shall be deemed guilty of a high misdemeanor.

Engraving plates for forging notes, &c.

Sec. 9. *And be it enacted*, That if any person shall have in his or her possession, or receive from any other person any forged or counterfeit promissory note for the payment of money, with intent to utter or pass the same, or to permit or cause, or procure the same to be uttered or passed, with intention to defraud any person or body politic or corporate whatsoever, knowing the same to be forged or counterfeited, then every such person be-

Receiving forged notes with intent to pass them.

ing thereof convicted by due course of law, shall be deemed guilty of a high misdemeanor.

Possessing blank notes with intention to fill up and pass them.

Sec. 10. *And be it enacted*, That if any person shall have or keep in his or her possession, any blank or unfinished note, made in the form and similitude of any promissory note for the payment of money, made to be issued by any incorporated bank in this State, or any other of the United States, with intention to fill up and complete such blank or unfinished note, or to permit, cause, or procure the same to be filled up and completed in order to utter or pass the same, or to permit, cause, or procure the same to be uttered or passed to defraud any person or body politic or corporate, whatsoever, the person in whose custody or possession such blank or unfinished note shall be found, being thereof convicted, according to due course of law, shall be guilty of a high misdemeanor.

Possessing plates with intention to forge notes.

Sec. 11. *And be it enacted*, That if any person shall have, or keep in his or her custody or possession any plate for forging or counterfeiting any promissory note for the payment of money, in the form or similitude of any promissory note issued by any of the banks aforesaid, with intent to forge or counterfeit, or assist in forging or counterfeiting, or to permit, cause, or procure to be counterfeited any promissory note issued by any of the aforesaid banks, the person in whose possession or custody such plate shall be found, being thereof convicted by due course of law, shall be deemed guilty of a high misdemeanor.

Punishment of the offences mentioned in the five last sections.

Sec. 12. *And be it enacted*, That any person convicted of any of the offences mentioned and described in either of the five next preceding sections of this act, shall be punished by fine or solitary imprisonment in the cells, or both: *Provided*, such imprisonment shall not exceed the term of two years, nor such fine the sum of two thousand dollars, at the discretion of the court.

Paper used for bank notes, only to be made by permit of the Governor.

Sec. 13. *And be it enacted*, That no person or persons shall make or cause to be made any paper in imitation of the kind which is usually made use of for bank notes, unless by a permit under the hand and seal of the Governor of this State, or the person administering the government, which permit the Governor or person administering the government, is hereby authorised to grant, on the application of the president and directors of any incorporated banking company in this State or any of the United States, which permit shall specify the quantity of paper so authorised to be made, the whole of which paper shall, when finished, be delivered to the president and directors of the banking company applying for said permit, or their order, the person or persons manufacturing the said paper to declare under oath or affirmation, that the whole of the paper so manufactured, has been by him or them delivered to the said banking company or their order, which oath or affirmation shall be taken and subscribed before any one of the justices of the peace of the county in which the said paper shall be delivered, and by him filed in

the clerk's office of the county, and any person making any paper of the kind herein before described, without a permit, as before directed, and being thereof convicted by due course of law, shall be deemed guilty of a misdemeanor, and punished by fine not exceeding two thousand dollars, or imprisonment not exceeding three months, in the county gaol.

Possessing paper used for bank notes.

Sec. 14. *And be it enacted*, That any person or persons whatsoever, upon whom may be found any paper of the description aforesaid, whether manufactured within or without this State, and not made for the use of some incorporated bank, as before authorized and permitted, shall be deemed guilty of a misdemeanor, and on conviction thereof by due course of law, shall be punished by fine not exceeding one thousand dollars, or imprisonment at hard labour, not exceeding one year, or both, at the discretion of the court.

Counterfeiting gold or silver coins.

Sec. 15. *And be it enacted*, That if any person shall counterfeit, or cause or procure to be counterfeited, any of the species of gold or silver coins now current or which hereafter shall be current in this State, or shall pass or give in payment or offer to pass and give in payment the same, knowing the same to be counterfeit, such person so offending shall be deemed guilty of a high misdemeanor, and being thereof convicted by due course of law, shall be punished by fine or imprisonment in the cells, or both, at the discretion of the court before whom such conviction shall be had: *Provided*, that the imprisonment shall not exceed the term of two years, nor the fine the sum of two thousand dollars.

Certain offences committed by night, how punished.

Sec. 16. *And be it enacted*, That if any person shall, by night, unlawfully and maliciously break and enter any shop, warehouse, mill, barn, stable, out-house, or other building whatsoever, with intent to kill, rob, steal, or commit a rape, mayhem, or battery, such person so offending, shall be deemed guilty of a high misdemeanor, and on conviction thereof in due course of law, shall be punished by fine not exceeding five hundred dollars, or imprisonment in the cells for any term or time not exceeding three years.

Governor and Council authorized to pardon offenders on condition of their leaving the State, &c.

Sec. 17. *And be it enacted*, That it shall be lawful for the Governor and Council to annex to any pardon which they may hereafter grant to any person convicted of any offence against this State, a condition that the said offender so pardoned, shall leave this State, or the United States, and remain absent therefrom for ever thereafter: *Provided*, said offender consent thereto, and accept such pardon upon such condition. *And be it further enacted*, that in case any offender or convict as aforesaid, who shall receive a pardon upon such condition, shall refuse or neglect, for the space of ten days, to comply therewith, by leaving this State, or the United States, as the condition of such pardon shall direct, or shall, after leaving this State, or the United States, voluntarily return, contrary to the condition of such pardon, he or she so offending, shall be deemed guilty of a misdemeanor,

and on conviction thereof before any court of record having criminal jurisdiction in this State, shall be sentenced to be whipped by a constable, not less than twenty nor more than thirty-nine lashes at one time, at the discretion of the court before whom such conviction shall be had, and to be repeated in the same manner, once in every three months, in any county of this State where said criminal shall be found voluntarily neglecting or refusing to comply with the condition of such pardon, and it shall be the duty of all justices of the peace, sheriffs, constables, and other civil officers to apprehend and bring to justice each and every such offender.

And may liberate those whose sentences as to imprisonment have expired.

Sec. 18. *And be it enacted*, That the Governor and Council shall have power to liberate from imprisonment any criminal now confined in the prison of this State, or who shall hereafter be confined in said prison, after the time for which said criminal hath been sentenced shall have expired, or said criminal hath been pardoned, in cases wherein the said Governor and Council shall be satisfied that the said criminal hath no property and is unable and will continue unable to earn more than sufficient to defray the expenses of his or her food and clothing: *Provided*, that nothing in this section shall be construed to destroy or in any way to impair the right of the State to the property of said criminal so liberated, wherever any such property can be found.

Offences in which the offenders may be sentenced to imprisonment in the cells.

Sec. 19. *And be it enacted*, That hereafter when there shall be a conviction for the crimes of arson, manslaughter, rape, blasphemy, perjury, burglary, robbery, forgery, assault with intent to rob, or house-breaking by day or by night, with intent to rob or steal; or where there shall be a conviction for stealing of the moneys or personal goods and chattels of another to the value of fifty dollars or more, it shall be lawful for the court to fine the party convicted, in a sum not exceeding the amount prescribed in the act to which this is a supplement, in such cases, or to sentence the said convict to solitary imprisonment in the cells of the State-Prison, or both, at their discretion; but where there shall be sentence of solitary imprisonment in the cells as aforesaid, the term of such imprisonment shall not exceed one fourth part of the term to which the court might by the said act, have sentenced such convict to solitary imprisonment at hard labour.

Offenders who have before been confined in any State-Prison, how punished.

Sec. 20. *And be it enacted*, That if any person shall hereafter be convicted of any crime by reason whereof he or she shall be liable to be sentenced to hard labour in the State-Prison, and it be evident to the court before whom such person is convicted, that he or she has before been confined in any State-Prison in the United States under sentence of any court, then such person shall be sentenced to solitary confinement in one of the cells of the State-Prison, for one fourth part of the time which he or she might have been sentenced to imprisonment at hard labour.

Acts repealed.

Sec. 21. *And be it enacted*, That the act, entitled "An act supplementary to the act entitled an act for the punishment

of crimes," passed the tenth day of March, one thousand seven hundred and ninety-seven, and the act, entitled "An act to punish the venders of unwholesome liquors and provisions," passed the twenty-seventh day of May, one thousand seven hundred and ninety-nine, and the act, entitled "An act to limit and explain the sixty-eighth section of the act entitled an act for the punishment of crimes," passed the eighteenth day of March, one thousand seven hundred and ninety-six, which explanatory act passed the nineteenth day of November, one thousand seven hundred and ninety-nine, and the act, entitled "A supplement to the act entitled an act for the punishment of crimes," passed the eighteenth day of March, seventeen hundred and ninety-six, which supplementary act passed the seventeenth day of March, one thousand eight hundred and one, and the act, entitled "A supplement to the act for the punishment of crimes," passed the twenty-eighth day of November, one thousand eight hundred and four, and the act, entitled "A further supplement to the act for the punishment of crimes," passed March the eighteenth, one thousand seven hundred and ninety-six, and the act, entitled "An act for the relief of persons confined in the prison of this State," passed the nineteenth day of February, one thousand eight hundred and nineteen, be, and the same are hereby repealed: *Provided nevertheless*, that all the crimes and offences heretofore committed against any of the provisions or enactments of the said repealed acts, or any of them, are not rendered null and done away by the said repeal, but the same may be prosecuted and the offenders proceeded against to conviction, sentence and punishment in the same way and manner as though the repealing section had not been made or passed, and all acts legally done, and rights acquired under the same, shall be deemed valid and effectual. Proviso.

A. Passed May 31, 1820

A Supplement to an act, entitled "An act for the relief of creditors against absconding and absent debtors."

Sec. 1. 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 court, out of which any foreign attachment may issue, against any debtor or debtors who may reside out of this State, to order the clerk of such court to cause notice of the issuing such attachment, and at whose suit, against whose estate, for what sum, and when returned, to be published in such one or more of the newspapers in this State as said court shall direct, for the space of three calendar months; and in addition to which it shall be in the power of said court, In what manner notice of issuing an attachment is to be given.

whenever the circumstances of the case shall, in the opinion of said court, require a more extensive publication, to order and direct notice as aforesaid, to be published in one of the newspapers printed and published in the state of Pennsylvania, or in the state of New-York, at the discretion of the court, for any time not exceeding three calendar months; and that judgment shall not be entered in such cases, until proof to the satisfaction of said court of such publication, so ordered and directed having been made: And further, in case it shall appear, by oath or affirmation, to the satisfaction of said court, that notice in writing of the issuing such attachment hath been served on such debtor or debtors, the publication in the state of Pennsylvania or the state of New-York, as aforesaid, shall be dispensed with.

Proceedings in case absent debtor appears.

Sec. 2. *And be it enacted*, That whenever any absent or absconding debtor or debtors shall appear to any attachment issued out of any court in this State, pursuant to the provision for that purpose, contained in the sixteenth section of the act to which this is a supplement, in any term prior to judgment being had, such debtor or debtors shall, in addition to the recognizance of special bail required by that section, enter into bond, with one or more sufficient sureties, being resident in this State, in case the attachment shall have been issued out of the Supreme Court—and in case the attachment shall be issued out of a Court of Common Pleas, then in the county in which such Court of Common Pleas shall be held, which bond shall be approved of by the court, and shall be given to the sheriff, for the time being, of the county, in case the attachment shall issue out of any Court of Common Pleas, and to such sheriff as the court shall direct, in case the attachment shall issue out of the Supreme Court, which bond the sheriff is hereby required to take in his own name, in double the amount of the personal property attached, conditioned for the return of the goods and chattels, rights and credits, moneys and effects, seized and taken by virtue of such writ of attachment, in case judgment shall be rendered for the plaintiff or plaintiffs; and the said sheriff shall, in case of a breach of such condition, on application of the plaintiff, or any applying creditor of the said debtor or debtors, assign the said bond, without fee or reward, to such person as the court shall direct, to be prosecuted for the benefit of the plaintiff or plaintiffs, and such creditors as shall have applied to the court or auditors under such attachment, in conformity to the act to which this is a supplement.

Attachment a lien on the property of the absent debtor.

Sec. 3. *And be it enacted*, That it shall not be lawful for any person, against whom any foreign or domestic attachment shall issue, after issuing the same, to give, grant, bargain, sell, alien, or in any wise convey any lands, tenements, hereditaments, or real estate, or any interest therein, of which he, she or they may be seized, possessed of, or entitled unto, at the time of issuing such writ of attachment, which said writ of attachment shall, immediately on the issuing thereof, become and remain a lien on

the said lands, tenements, hereditaments, and real estate, as against the defendant or defendants and all persons claiming from or under him, her or them, by virtue of any such conveyance, until the plaintiff and such of the creditors of the defendant or defendants, in attachment, as shall apply under the attachment, shall be satisfied his, her or their just debts, or until judgment shall be rendered against the plaintiff and creditors under the attachment, or the said attachment be discontinued, and that all conveyances made by the defendant or defendants in attachment, pending the said attachment, shall be void against the plaintiff or plaintiffs in attachment, and the creditors that shall become parties thereto.

Proceedings in case the property is found in two or more counties.

Sec. 4. *And be it enacted*, That in cases where the lands, tenements, hereditaments, or real estate, or the goods and chattels, rights and credits, moneys and effects of any absconding or absent debtor or debtors, shall be situate or found in two or more counties in this State, it shall be lawful to issue a writ of attachment out of the Supreme Court into each county in which such real or personal property shall be situate or found, in which case but one set of auditors shall be appointed, who shall have the same power and authority over the said real and personal property of such absconding or absent debtor or debtors, in securing, selling, and disposing thereof, as though the same should be situate or found in one county only, and the said auditors shall be governed as to the same, in all respects as is directed in other cases by the act to which this is a supplement.

Acts repealed.

Sec. 5. *And be it enacted*, That the second proviso in the twenty-sixth section of the act to which this is a supplement, and the several supplements to the same act heretofore passed, be, and the same are hereby repealed: *Provided*, That all acts and things, legally done or transacted under them or any of them, shall be as valid as though this repealing section had not passed.

A. Passed May 30, 1820.

A Supplement to an act, entitled "An act respecting conveyances," passed June seventh, one thousand seven hundred and ninety-nine, and to an act, entitled "An act to register mortgages," passed June seventh, one thousand seven hundred and ninety-nine.

How far conveyances of land are void, unless recorded.

Sec 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That every deed or conveyance, of or for any lands, tenements or hereditaments, to any purchaser of the same, which shall be made and executed after the first day of January, in the

year of our Lord one thousand eight hundred and twenty-one, shall be void and of no effect, against a subsequent judgment, creditor, or bona fide purchaser or mortgagee for a valuable consideration, not having notice thereof, unless such deed or conveyance shall be acknowledged or proved, and recorded or lodged for that purpose, with the clerk of the Court of Common Pleas of the county in which such lands, tenements and hereditaments are situated, within fifteen days after the time of signing, sealing and delivering the same: *Provided nevertheless*, that such deed or conveyance shall, as between the parties and their heirs, be valid and operative.

Time of recording.

Deeds or mortgages void in certain cases, unless recorded before judgment entered, &c.

Sec. 2. *And be it enacted*, That every deed or mortgage, or conveyance in the nature of a mortgage, of or for any lands, tenements, or hereditaments, which shall be made and executed after the first day of January, in the year of our Lord one thousand eight hundred and twenty-one, shall be void and of no effect against a subsequent judgment creditor, or bona fide purchaser, or mortgagee, for a valuable consideration, not having notice thereof, unless such mortgage shall be acknowledged or proved according to law, and recorded and lodged for that purpose with the clerk of the Court of Common Pleas of the county in which such lands, tenements, or hereditaments are situated, at or before the time of entering such judgment, or of recording or lodging with the clerk as aforesaid, the said mortgage or conveyance to such subsequent purchaser or mortgagee: *Provided nevertheless*, that such mortgage as between the parties and their heirs, be valid and operative.

How conveyances may be acknowledged or proved, if the grantors reside in some other state in the union,

Sec. 3. *And be it enacted*, That if the party who hath executed or shall execute any deed or conveyance of lands, tenements or hereditaments, lying and being in this State, or the witness thereto be in some other state or territory of the United States, then the acknowledgment or proof of such deed or conveyance, made before any mayor or other chief magistrate of any city in such state or territory, duly certified under the seal of such city, or before a judge of any Superior Court or Court of Common Pleas of the state or territory in which such party or witnesses may be, shall be as good and effectual as if such proof or acknowledgment had been made before and certified by any one of the officers mentioned in the first section of the act respecting conveyances: *Provided*, that where the said acknowledgment or proof is made before a judge of a Court of Common Pleas, in such state or territory, a certificate under the great seal of the state, or under the seal of the county court, in which it is made, that he is such officer, shall be deemed sufficient evidence of his authority for that purpose, and be annexed to, and recorded with, such deed, acknowledged or proof, and the acknowledgment of any deed or conveyance made by a feme covert, as prescribed in the fourth section of the aforesaid act, who shall be in any other state or territory before any such authorities or persons, certified as aforesaid, shall have the same force and effect as if taken before one of the officers mentioned in the first section of the aforesaid act.

Sec. 4. *And be it enacted*, That it shall be the duty of the clerks of the Courts of Common Pleas in this State, to register or record deeds and mortgages, or conveyances, in the nature thereof, in the order they shall receive them, but if two or more deeds, mortgages or conveyances, of or for the same lands, tenements or hereditaments, shall be offered to or come to the hands of the clerk at one and the same time to be recorded, then it shall be the duty of the said clerk to register or record the same according to the priority of their dates. Priority of recording.

Sec. 5. *And be it enacted*, That there shall and may be appointed by the Council and General Assembly of this State, in joint-meeting, proper and fit persons for each of the counties of this State, to be styled and denominated "Commissioners for taking the acknowledgments or proof of deeds," which commissioners shall have authority to take the acknowledgment or proof of any deed or conveyance of lands, tenements or hereditaments, lying and being in this State, or of any mortgage, defeasible deed, or other conveyance, in nature of a mortgage, or any other instrument of writing executed under the hand and seal of the grantor of any lands, tenements or hereditaments, lying and being in this State, required by the laws of this State to be acknowledged or proved; and such acknowledgment or proof, taken or made in the manner directed by the laws of this State and certified by the commissioner before whom the acknowledgment or proof shall be made, as by law required, shall have the same force and effect and be as good and available in law as if such acknowledgment or proof had been made before one of the justices of the Supreme Court of this State. Commissioners for taking the acknowledgment and proof of deeds.

Sec. 6. *And be it enacted*, That the commissioners appointed as aforesaid, shall be commissioned by the Governor, and hold their offices for five years; but in case any commissioner shall remove out of the township in which he shall reside at the time of his appointment, his commission shall thereupon become void. And further, all commissioners appointed, as aforesaid, may be removed from office by impeachment for mal-conduct during the time they shall hold the said office; and the said commissioners, and each and every of them, are hereby authorized to demand and receive the same fees as are or shall be allowed by law for like services to other persons for taking the acknowledgment or proof of deeds; and that it shall not be lawful to appoint, for any county in this State, a greater number of commissioners, as aforesaid, than two for each township, in said county. Term of office, and how vacated. Fees. Number restricted.

Sec. 7. *And be it enacted*, That every commissioner, appointed as aforesaid, shall, within two months after notice of his appointment and before he shall proceed to perform any duty required of him by law, take and subscribe an oath or affirmation before the clerk of the county for which he shall be appointed, well and faithfully to perform the duties required of him by law, as commissioner for taking the acknowledgment and proof of deeds. Oath of office.

Manner of taking acknowledgments.

Sec. 8. *And be it enacted*, That from and after the first day of January, eighteen hundred and twenty-one, the officer who may take the acknowledgment of any deed or conveyance, as aforesaid, shall first make known the contents thereof to the person making such acknowledgment; and shall also be satisfied that such person is the grantor mentioned in said deed, of all which said officer shall make his certificate, in addition to the other matter required by law to be certified by him.

Mortgages preferred to judgments in certain cases.

Sec. 9. *And be it enacted*, That whenever lands, tenements or hereditaments, lying and being in this State, are or shall be sold and conveyed and a mortgage is given by the purchaser or purchasers, at the same time, on the land sold, to secure the payment of the purchase money, or any part thereof, such mortgage shall be preferred to any previous judgment which may have been obtained against such purchaser or purchasers.

Duty to be performed by the Secretary of State.

Sec. 10. *And be it enacted*, That in case it hath not already been done, 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 name of the several grantors and grantees; and in case the deed is made by the 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 in case of attorney or attorneys, the name of such attorney or attorneys and their constituent or constituents, and if by commissioners under a law of this State, or appointed by an order of any of the courts thereof, the name of such commissioners, and the person or persons whose estate has been conveyed, for which 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.

Duty to be performed by the clerks of counties.

Sec. 11. *And be it enacted*, That in case it is not already done, the clerks of the several counties in this State be hereby authorized and 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 in case 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 each executor or administrator, and the testator or intestate; and if by attorney or attorneys, the name of such attorney or attorneys and his or their constituents; and if by commissioners, under a law of this State, or appointed by

an order of any of the courts of this State, 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 services to the satisfaction of the board of chosen freeholders, certified by the director of such board.

Deeds recorded, to be indexed.

Sec. 12. *And be it enacted*, That the Secretary of this State and the clerks of the several counties in this State, shall make an index of all deeds hereafter recorded in their respective offices, in the manner herein before directed.

Acts repealed.

Sec. 13. *And be it enacted*, That the fifth, sixth and tenth sections of the act, entitled "An act to register mortgages," passed the seventh day of June, one thousand seven hundred and ninety-nine, and the eighth section of the act, entitled "An act respecting conveyances," passed the seventh day of June, one thousand seven hundred and ninety-nine, be, and the same are hereby repealed from and after the first day of January, one thousand eight hundred and twenty-one; and that the act, entitled "A supplement to the act entitled an act respecting conveyances," passed the seventh day of June, one thousand seven hundred and ninety-nine, which said supplemental act was passed the twenty-sixth day of November, one thousand eight hundred and one; and the act, entitled "A supplement to the act entitled an act respecting conveyances," passed June seventh, one thousand seven hundred and ninety-nine, which supplemental act was passed the eighth day of February, one thousand eight hundred and eleven, and the act, entitled "An additional supplement to the act entitled an act respecting conveyances," passed the seventh day of June, one thousand seven hundred and ninety-nine, which said additional supplement was passed the twelfth day of February, one thousand eight hundred and thirteen, and the act, entitled "An act authorizing the appointment of commissioners for taking the acknowledgment and proof of deeds and conveyances," passed the eighth day of February, one thousand eight hundred and sixteen, and the act, entitled "An act for procuring a general index to the record of deeds," passed the eighteenth day of February, one thousand eight hundred and nineteen, be, and the same are hereby repealed: *Provided*, that nothing in this repealing section shall render null, or any way invalidate or impair the effect of any act or transaction legally done or depending under them or any of them.

A. Passed June 5, 1820.

A Supplement to the act, entitled "An act to regulate the election of members of the Legislative Council and General Assembly, Sheriffs and Coroners in 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 at every election hereafter to be held in this State, in case two or more candidates, legally nominated for members for the Legislative Council, General Assembly, or for Sheriffs or Coroners, shall have an equal number of votes, there not being a sufficient number that have a plurality of votes, by reason whereof the number required by law have not been elected the clerk of the county is hereby directed immediately to set up in five of the most public places in such county, advertisement giving notice that he will attend at the court-house of the county on a day by him named in said advertisement, not less than five nor more than ten, days from the Saturday next after the days of election, to receive the nomination of persons to supply the vacancy or vacancies; which nomination, and the election to be held thereon, shall be conducted in every respect, according to the rules laid down in this act and the act to which this is a supplement, for the annual election, except that the nominations shall be made only ten days previous to the first day of election then to be held, and the several officers shall be entitled to receive the same fees and compensation for like services, and be subject to the same fines and penalties as is prescribed by this act, and the act to which this is a supplement.

When candidates have an equal number of votes, &c.

Clerk to advertise and receive nominations.

Sec 2. *And be it enacted,* That in case the judge of election assessor, collector or town-clerk, in any township of this State shall, at any election to be hereafter held, be on nomination for any of the offices to be chosen at such election, he shall be disqualified from serving in the conducting such election, unless such judge, assessor, collector or town-clerk, before the commencement of the election, shall publicly decline, in the presence of the electors and officers present, standing as a candidate at such election; and in case any judge of election, assessor, collector or town-clerk shall assist in conducting any election, and shall, notwithstanding, be chosen at such election, to any office his election shall be void and of no effect.

Respecting the officers conducting the election.

Sec. 3. *And be it enacted,* That in case any vacancy shall hereafter happen in the Council or General Assembly of this State, by death, resignation, removal or otherwise, of any of the members thereof, it shall be the duty of the Vice-President of Council or Speaker of the House of Assembly, in which every house the vacancy shall happen, to cause such vacancy to be filled: and in case of a vacancy in the office of Vice-President of Council or Speaker of the House of Assembly, then, and in that case, it shall be the duty of the Governor of the State, for the time being, to cause the vacancy or vacancies in the Council

How vacancies in the Council and Assembly are to be filled.

or House of Assembly to be filled in the manner prescribed by his act and the act to which this is a supplement, unless such vacancy shall happen under such circumstances as to induce a belief in the said Vice-President, or Speaker, or Governor, that he services of such member will not be called for during the remainder of the legislative year then unexpired: *Provided nevertheless*, that in case the board of chosen freeholders of the county in which such vacancy shall happen, shall signify, in writing to the said Vice-President, or Speaker, or Governor, as the case may be, the desire of said board that the vacancy be filled, the said Vice-President, or Speaker, or Governor shall, without delay, proceed as before directed, to cause such vacancy to be filled.

Proviso.

Sec. 4. *And be it enacted*, That from and after the passing of this act, no person shall vote in any State or county election, for officers in the government of the United States or of this State, unless such person be a free white male citizen of this state, of the age of twenty-one years, worth fifty pounds proclamation money, clear estate, and hath resided in the county where he claims a vote, for at least one year immediately preceding the election.

Who may vote.

Sec. 5. *And be it enacted*, That every person who shall, in other respects, be entitled to a vote, and who shall have paid a tax for the use of the county or the State, and whose name shall be enrolled on any duplicate list of the last State or county tax, shall be adjudged by the officers conducting the election to be worth fifty pounds, money aforesaid, clear estate.

Who shall be adjudged worth fifty pounds.

Sec. 6. *And be it enacted*, That no person shall hereafter be deemed, by the officers conducting the election, to be a qualified voter in respect to estate, who has not either paid a tax or whose name is not enrolled in the duplicate as aforesaid, except in the case of persons who may have arrived at the age of twenty-one years since the date of the last duplicate, or of persons removing from one township, wherein they have paid a tax, to another township in the same county, or of persons who may have been inadvertently overlooked by the assessor; in either of which cases, such person claiming a vote and being in other respects qualified, shall be admitted; and in the case of persons who may have been inadvertently overlooked, by the assessor as aforesaid, their names shall be immediately entered on the tax list.

Who shall be deemed qualified voters in respect to estate.

Sec. 7. *And be it enacted*, That no person shall, on any occasion or pretence, be admitted to vote, at any election, for the purposes aforesaid, in any township in this State, except only the township in which he usually resides; and in case any person who shall have voted, shall offer himself a second time as a voter, during the same election, either at the same poll or the poll of any other township, such person so offending, shall, for each offence, forfeit and pay the sum of fifty dollars, to be recovered, with costs, in an action of debt, by any overseer of the poor of

Not allowed to vote out of the township in which they reside.

Penalty for offering to vote a second time.

the township where the offence shall be committed, for the use of the poor; and it is hereby made the duty of any overseer of the poor of such township, to prosecute all such offenders immediately on being informed of such offence having been committed.

Penalty on assessor and collector for enrolling persons not entitled to vote.

Sec. 8. *And be it enacted*, That in case any assessor or collector shall at any time enrol, on the duplicate of assessment, the name or names of any person or persons not of full age, or the name or names of any person or persons not at the time residing in such township, knowing him or them to be under the age of twenty-one years, or knowing him or them not to reside in said township, with intent and design of admitting such person or persons to vote, the assessor or collector so offending, shall, for each offence, forfeit and pay the sum of one hundred dollars, to be sued for, recovered, and applied as is directed by the next preceding section.

Time of opening and closing the poll.

Sec. 9. *And be it enacted*, That in the evening of the first day of election, the poll shall not be kept open later than the hour of nine o'clock, nor opened in the morning of the day following earlier than the hour of eight o'clock.

Penalties on officers of election for misbehaviour.

Sec. 10. *And be it enacted*, That if any clerk of the Court of Common Pleas, judge of election, assessor, collector, town-clerk, or other officer or person concerned in conducting the election, shall neglect, improperly delay, or refuse to perform any of the duties or services required by this or any other act which now is, or hereafter may be in force relative to the election aforesaid, or shall knowingly admit any person to vote, not qualified agreeably to this act, or shall be guilty of corruption, partiality, or manifest misbehaviour in any matter or thing appertaining to any election, as aforesaid, or shall unduly attempt to influence the election, every person so offending, shall forfeit and pay one hundred dollars, to be sued for, recovered, and applied as is directed in the seventh section of this act, and shall further be liable to a private action at the suit of the party injured.

Election officers may commit for riotous behaviour, &c.

Sec. 11. *And be it enacted*, That for the preservation of good order, as well as for protecting the election officers from insult and personal abuse, the judge and inspectors of election, or a majority of them, are hereby authorized and empowered to commit any person or persons, who shall conduct in a riotous or disorderly manner at any election, as aforesaid, and persist in such conduct after being warned of the consequences, either to the custody of any constable of the township or the keeper of the common gaol of the county, for any term not exceeding twenty-four hours; and the said constable or gaol-keeper is hereby required to execute such order of commitment as fully and effectually as though the same had been issued by a justice of the peace of such county, under his hand and seal; and in case any judge of election, inspector, constable or gaol-keeper shall be prosecuted for any thing done or acted under this section, it shall be lawful for them or any of them, to plead the

Officers prosecuted, protected.

general issue, and give this act and the special matter in evidence, at the trial of the cause.

Oath of officers.

Sec. 12. *And be it enacted*, That the judge of election, assessor, and collector, or any person or persons acting as such, in case of their absence or disqualification, shall severally, on the first day of election, before they proceed to receive any votes, take the following oath or affirmation: I, A. B. do solemnly and sincerely swear (or affirm, as the case may be) that I will, during this election, faithfully and impartially execute the duties and services required of me by law, and that I will not receive or assent to receive, the vote of any person who is not duly qualified to vote agreeably to the restrictions and provisions prescribed by law, which oath or affirmation, they are respectively authorized and required to administer to each other, in a public manner, at the place of opening the election.

Penalty for robbing the election box.

Sec. 13. *And be it enacted*, That if any person shall, at any time hereafter, rob or plunder the election box, or take by stealth any tickets or other papers from the same, or change or alter the tickets therein contained, every person so offending, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding four hundred dollars, or imprisonment at hard labour not exceeding two years, or both, at the discretion of the court before whom such conviction shall be had.

Duty of county clerks.

Sec. 14. *And be it enacted*, That the clerks of the Courts of Common Pleas, of the several counties of this State, shall procure, at the expense of the county, printed copies of the seventh and eleventh sections of this act, and transmit four copies thereof previous to each election to be hereafter held, with the list of nominations, to the town-clerk, whose duty it shall be to put up one copy, with each of his advertisements of the election and list of nominations, as prescribed by the third section of the act to which this is a supplement.

Tickets may be written or printed.

Sec. 15. *And be it enacted*, That at any election to be hereafter held for representatives in the Congress of the United States, electors of President and Vice-President of the United States, or members of the Legislative Council and General Assembly, sheriffs and coroners, it shall be lawful for the voters to vote by delivering to the judge of election, or either of the inspectors, a ticket, either written or printed, or partly written and partly printed.

Elections shall be by ballot.

Township clerks to provide election boxes.

Sec. 16. *And be it enacted*, That all elections held by virtue of this act, or the act to which this is a supplement, or in virtue of both, shall be by ballot, and the clerks of the several townships in this State, shall from time to time, as occasion shall require, provide and keep in good repair, at the expense of the county to which such township shall belong, one election box for each township for the use thereof, and that each of said boxes shall be made about a foot square, and strapped with iron at each

corner, so as to prevent it from being easily broken open, with a lid on the top fastened with brass or iron hinges, and with three locks of different sizes and construction, having an apperture of such size only as to admit a single ticket, and a sliding spring bolt placed on the inside, so as effectually to exclude the admission of any thing into the box during the time of adjournment, through which aperture all the ballots shall be put separately into the box; and on failure of the said clerks from time to time, as occasion shall require, to procure and keep in good repair such boxes, such clerk so failing therein, shall forfeit and pay the sum of twenty dollars for every such neglect, to be recovered, with costs, by any person who shall prosecute for the same, one half thereof for the prosecutor and the other half for the use of the township in which the offence shall be committed.

Acts repealed.

Sec. 17. *And be it enacted*, That the fourth, eighth, eleventh and fifteenth sections of the act to which this is a supplement, and all the supplements and additional supplements to the said act, and every act and parts of acts coming within the provisions of this supplement, and repugnant thereto, be, and the same are hereby repealed, saving, notwithstanding, all forfeitures and penalties which may have accrued under the same, which may be prosecuted to judgment and execution, the same as though this repealing section had not passed.

A. Passed June 1, 1820.

An act to alter and amend the act, entitled "An act concerning Inns and Taverns."

Applicants for license, in what manner to be recommended.

Sec. 1. 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 person shall be licensed, to keep an inn and tavern, but such as shall be recommended by at least twelve reputable freeholders, of the city or township, where the said inn and tavern, is proposed to be kept who shall certify that the person so recommended by them, is of good repute for honesty and temperance, and is known to the persons recommending, to have at least two spare beds, more than are necessary for the family's use, and is well provided with house-room, stabling and provender, and it shall be the duty of the presiding justice, at the time of application made and before a license is granted, to call upon the justices present to make known any facts or objections within their individual knowledge, if any there be, why such application should not be granted; and thereupon the court may in their discretion grant the license prayed for by the applicant.

Sec. 2. *And be it enacted*, That from and after the passing of this act, all and every person on applying to any court authorized by law to grant license to keep an inn and tavern, shall make his or her application to the court for said purpose, on the first day of the session of said court, and the said court shall on the first day of said session, or on some other day thereof, publicly fixed on by the said court, on the said first day, determine in open court on said application by granting or refusing the same; and in case the said application shall be refused by the court, it shall not be lawful for the person so refused to make application to the court for license to keep an inn and tavern, at the same place, at any time during the same session of the court.

When applications to be made and when determined.

Sec. 3. *And be it enacted*, That it shall not be lawful for any person, not having a license to keep an inn and tavern, to put or keep up, on or near his or her dwelling house, any sign or other device, 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 by action of debt, with costs, by any person, who shall sue for the same, before any justice of the peace in the county, where the offence shall be committed.

Signs not to be put up by persons not having license.

Sec. 4. *And be it enacted*, That it shall not be lawful for any person, without license first had and obtained for that purpose, in manner aforesaid, to open an inn or tavern, or sell by retail, or cause, or knowingly permit to be sold directly or indirectly, on or for his or her account, or for his or her benefit, any wine, gin, whiskey, cider-spirits, brandy, or other ardent spirits, or any composition of which any of the said liquors shall form the chief ingredient, except such as are compounded and intended to be used as medicine, by less measure than one quart, or any mixed liquors by less measure than five gallons; and in case any person shall so offend, he or she shall be indicted for the same, and on conviction thereof by due course of law, shall be deemed guilty of a misdemeanor and fined in any sum not exceeding twenty dollars, at the discretion of the court before whom such conviction shall be had, together with the costs of prosecution: *Provided always*, that the said prosecution shall be commenced within six calendar months after the offence shall have been committed: *Provided also*, that nothing in this act shall be construed or taken to prohibit any person from selling methegLin, currant wine, cherry wine, or cider made by him, her or them.

An inn or tavern may not be opened without license.

Made an indictable offence.

Sec. 5. *And be it enacted*, That it shall be, and it is hereby made the duty of the clerks of the courts of General Quarter Sessions of the Peace, in the several counties of this State, at least once in every year, or oftener if thereunto required by the grand jury, duly empannelled for any county, to make out a list of the names of all the persons within the said county, who

Clerk of the county to lay before the grand jury a list of the names of all the persons licensed.

shall have a license to keep an inn and tavern, and to lay the said list before the grand jury of said county, on the first day of their meeting.

Acts repealed.

Sec. 6. *And be it enacted*, That the second and twenty-first sections of the act, entitled "An act concerning inns and taverns," passed the twenty-fourth day of February, one thousand seven hundread and ninety-seven, and the act entitled "An act to alter, and amend the act concerning inns and taverns," passed the twenty-seventh day of February, one thousand eight hundred and one, and the act entitled "An act to prevent tippling houses," passed the twelfth day of February, one thousand eight hundred and fourteen, and an act, entitled "A supplement to an act entitled an act respecting inns and taverns, passed the eighteenth day of February, one thousand eight hundred and nineteen, be, and the same are hereby repealed: *Provided*, that nothing in this repealing section shall in any way invalidate, or render ineffectual any act or thing, legally done or transacted under them or either of them, nor to exonerate any offender against them from prosecution and punishment, but said offenders shall be liable to prosecution and punishment, for any offences committed against them, the same as though this repealing section had not been made.

Proviso.

C. Passed June 1, 1820.

An act to provide for the publication and distribution of the laws and proceedings of the Legislature of this State, and the distribution of the laws of the United States.

The laws to be published, &c.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall 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 newspapers in the city of Trenton.

Manner of printing the laws, minutes, &c.

Sec. 2. *And be it enacted*, 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.

When to be delivered to the Treasurer.

Sec. 3. *And be it enacted*, That the printer who now is or hereafter may be appointed to print the laws and proceedings of the Legislature of this State, shall, within sixty days after the rising of the Legislature, deliver to the Treasurer of this State

as many copies of the said laws and proceedings of the Legislature, for the time being, as shall be directed by law.

Sec. 4. *And be it enacted*, That the Treasurer aforesaid, shall, on receipt of the laws and proceedings aforesaid, after retaining two copies for himself, immediately cause the residue to be delivered to and distributed among the persons, and in the proportions hereinafter mentioned, that is to say, to the Governor or person administering the government of this State, for himself, three copies, and also to be by him forwarded and presented to the Secretary of the department of state of the United States, four copies; 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; to each of the Senators and Representatives of this State in the Congress of the United States, one copy; to the President of the American Antiquarian Society, one copy; the remainder to be distributed by the said Treasurer, each and every year hereafter, to the justices of the Supreme Court of this State, the Attorney-General, the Secretary of State, the auditor of accounts, the clerks of the Council, Assembly, Court of Chancery, and Supreme Court, each one copy; to the clerk of the Council, for the use of Council and Assembly, sixty copies; and shall distribute the remainder among the several counties of this State, in the same proportion as the said counties shall contribute to the support of government, and shall transmit them, at the expense of the State, in bundles, directed to the collectors of the several counties of this State. How distributed.

Sec. 5. *And be it enacted*, That each and every of the said county collectors, after retaining one copy for himself, shall, at the expense of the county, forthwith transmit one set of the laws and proceedings aforesaid, to each of the following officers, that is to say—the judges of the court of Common Pleas, the justices of the peace, the magistrates of any corporate town in the county, the sheriff, surrogate, and clerk of the Court of Common Pleas, and the clerk of the board of chosen freeholders, and the representatives of the county in the Legislature, each one set; to each incorporated Library Company, one set; *Provided always*, that no more than one copy shall be delivered to any person, notwithstanding such person may hold several offices; and the remainder shall be divided among the several townships of the county, and transmitted in equal proportions to the clerk of each township, who shall, within one week after receipt of the same, after retaining one copy for the use of the township, cause the residue to be distributed among the officers of the township, giving them a preference in the following order, viz. the assessor, collector, chosen freeholders and overseers of the roads, one set each; and the receipts of the persons so entitled to receive the same, shall be sufficient vouchers to the said Treasurer and collectors, in the settlement of their accounts, for the money by them Manner of distribution in the counties.

for this purpose expended, and for a reasonable compensation for their trouble.

Manner of distributing the laws of the United States.

Sec. 6. *And be it enacted*, That so many of the laws of the United States, as may at any time be apportioned to this State, by the Congress of the United States, shall be delivered to the Treasurer of this State, to be by him distributed among the following persons, at the expense of the State, viz. to the Governor of the State, the Attorney-General, the justices of the Supreme Court, the clerks of the Courts of Chancery and Supreme Court, the Secretary of State, and the members of the Legislature of this State, each one set, and shall retain one set for his own use; to the clerk of Council, for the use of Council, two sets; to the clerk of the Assembly, for the use of the Assembly, four sets; to the librarians of Princeton College, and of the two literary societies in said college, each one set, and the remainder among the several counties of this State, in proportion to their quota of state taxes, to be transmitted to the collectors of the respective counties, and by them to be delivered to the following persons in the several counties: First, to the clerk of the Court of Common Pleas, one set; secondly, to the directors or managers of every public library in the county, one set; thirdly, to the judges of the Common Pleas of the county, each one set; and the residue if any there be, to be disposed of as shall be directed by the board of chosen freeholders of the county.

Penalty on collector or clerks for neglect of duty.

Sec. 7. *And be it enacted*, That if any collector or clerk shall neglect or refuse to perform any of the duties required of him by this act, he shall for each offence, forfeit and pay the sum of ten dollars, to be sued for in any court of competent jurisdiction, by the director of the board of chosen freeholders of the county wherein he may reside, to be applied when recovered, to the use of the county.

Acts repealed.

Sec. 8. *And be it enacted*, That the act relating to the publication of the laws and proceedings of the Legislature of this State, passed January thirteenth, eighteen hundred and nineteen, and the act to provide for publishing the public laws of this State passed February fifteenth, eighteen hundred and nineteen, and the act, entitled "An act to provide for the distribution of the laws and proceedings of the Legislature of this State, and the laws of the United States," passed the twenty-eighth of February, seventeen hundred and ninety-eight, and the supplement to the act entitled "An act to provide for the distribution of the laws and proceedings of the Legislature of this State, and the laws of the United States, passed the fifth day of February eighteen hundred and twenty, and all other acts and parts of acts, coming within the purview of this act, be, and the same are hereby repealed.

A. Passed June 7, 1820.

An act to prevent the fraudulent marking of sheep and cattle.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, no person or persons within this State, shall put or cause to be put, any artificial mark by cutting off, or what is more usually termed cropping both the ears of any sheep or cattle, nor shall they cut or crop either ear more than one inch from the tip end thereof, nor shall cut or half crop both the ears of any sheep or cattle, nor on either ear more than one inch from the tip end as aforesaid, nor shall he or they have or keep in his or their possession any sheep or cattle which they shall claim as their own marked contrary to this act, unless they were so marked before the passing of this act, except they shall make it appear they were bought in market, or of a stranger.

Marking in a certain manner prohibited.

Sec. 2. *And be it enacted,* That any person or persons offending against this act, on conviction thereof, shall forfeit and pay two dollars by the head for all such sheep and cattle so by them marked or kept in their possession, to be recovered in an action of debt, with costs of suit, in any court having cognizance thereof, one moiety to the overseers of the poor, for the use of the poor of the township where the offence shall have been committed, and the other moiety to the use of the person who shall prosecute the same to effect.

Penalty.

A. Passed June 2, 1820.

A Supplement to an act, entitled "An act to incorporate societies for the promotion of learning."

Sec. 1. 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 of each and every association, heretofore incorporated under the act to which this is a supplement, and all such as shall be hereafter incorporated under said act, shall be elected annually, on the second Monday of April, of each and every year, by the members of the said association, at the usual place of meeting of said association, or such other place as the board of trustees shall from time to time order and direct; six days' notice of the time, place and purpose of the meeting shall be given by the board of trustees, by an advertisement set up in some conspicuous place in the neighbourhood of said association; but vacancies happening during the year that is between the annual elections, by death, resignation or otherwise, may be

Time and place of electing trustees.

filled by the remaining trustees, at a regular meeting of the board:

Proviso. *Provided*, that no person shall be admitted to vote for trustees, unless he or she shall have been duly admitted a member of said association, by a majority of the trustees, for the time being, and shall have paid to the said trustees, for the use of the association, at least eight dollars; and that a majority of the members present, at each and every annual meeting, shall choose the trustees.

Sec. 2. *And be it enacted*, That it shall be the duty of the board of trustees to lay before the associates, at each and every annual meeting, the state of the institution, the situation of the funds and the accounts and transactions of the preceding year, previous to the election of trustees.

Sec. 3. *And be it enacted*, That the act to which this is a supplement and every article and clause, the third and fifth sections thereof excepted, shall extend unto and operate as an incorporating act for all library companies, that now are or shall hereafter be formed in any of the counties of this State, and which have not been already incorporated, previous to the eleventh day of November, one thousand seven hundred and ninety-nine.

Sec. 4. *And be it enacted*, That the trustees or heads of each associated library company, as aforesaid, and their successors shall have full power and authority to make all such necessary

May make regulations. and useful orders and regulations not inconsistent with the laws of this State, for the well ordering and governing the said library companies and for promoting the interests thereof, as to them may seem proper: *Provided always*, that there be a majority of the whole number of trustees present and agreeing in order to make valid any such order, regulation, vote or proceeding.

Sec. 5. *And be it enacted*, That the third section of the act to which this is a supplement, passed the twenty-seventh day of November, one thousand seven hundred and ninety-four, and the supplement to the said act passed the eleventh day of November, one thousand seven hundred and ninety-nine, be, and the same are hereby repealed: *Provided*, that this repeal shall not invalidate or render ineffectual any act or acts lawfully done under them or either of them: *And provided also*, that the right or title to any property which may have been acquired by any existing corporation or association, shall not be altered or affected by this act, nor shall the time of holding annual elections already fixed, by their rules or constitution, be affected thereby.

A. Passed June 6, 1820.

A Supplement to the act, entitled "An act fixing the compensation of county clerks, for their services at elections of Representives in Congress, and electors of President and Vice-President," passed the twelfth 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 from and after the passing of this act, no compensation shall be paid to the clerks of the several counties in this State, for their services at elections of Representatives in Congress and electors of President and Vice-President, except such as is fixed and allowed by the act to which this is a supplement.

Compensation for services.

Sec. 2. *And be it enacted*, That whenever an election for Representatives in the Congress of the United States, on the part of this State, shall take place, pursuant to law, and be holden at the same time with the annual election for the choice of members of the State legislature, sheriff and coroners, the officers conducting the said elections shall receive compensation as for one election only; but in all such cases the clerks of the respective townships shall be entitled to receive the additional sum of fifty cents for their extra services in advertising both elections.

C. Passed June 6, 1820.

An act to facilitate entries of satisfaction on the records of Judgments.

Manner of making entries.

Sec. 1. 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, and it hereby is, made the duty of the clerk of the Supreme Court and of every Inferior Court of Common Pleas in this State, in recording judgments, to leave at the foot or bottom of the record of each and every judgment, in the book of judgments, a sufficient space for entering satisfaction of said judgment on the record, and that all satisfactions of judgments hereafter entered, whether by the directions of this act or by the order of the court, shall be entered at the foot or bottom of the record of such judgments, or in the margin thereof, in cases where there is not sufficient space left at the foot or bottom of such judgment for entering thereof.

A party having a judgment satisfied directed to en-

Sec. 2. *And be it enacted*, That whenever any party in whose favour a judgment is rendered in the Supreme Court or any of the Inferior Courts of Common Pleas, in this State, shall have

ter satisfaction.

received satisfaction of such judgment, it shall be, and is hereby made, the duty of said party, either by himself or his attorney, forthwith to enter an acknowledgment of satisfaction upon the record of said judgment, or in case the judgment shall not have been made up and recorded, then such acknowledgment shall be entered in the minutes of the court where such judgment shall have been rendered, and it shall thereupon become the duty of the clerk of such court, as soon as the record of such judgment is entered in the judgment-book, to make the entry of satisfaction in the manner prescribed in the foregoing section, and in the following form:—

Satisfaction of this judgment has been duly acknowledged by A. B. (or his attorney, as the case may be) in the minutes of this court, of the term of in the year agreeably to the act of the Legislature, in such case made and provided.

Warrant to enter satisfaction.

Sec. 3. *And be it enacted*, That whenever any party shall receive full satisfaction, as aforesaid, it shall and may be lawful for the said party to sign, seal and deliver to the party so making satisfaction as aforesaid, or his attorney, a warrant or authority, directed to the clerk of the court wherein such judgment shall be rendered, to enter satisfaction as aforesaid, which said warrant may be as follows:—

To the clerk of the Supreme Court of the state of New-Jersey or to the clerk of the Inferior Court of Common Pleas of the county of in the state of New-Jersey (as the case may be.)

Whereas I, A. B. heretofore, to wit: in the term of obtained final judgment in the Supreme Court of the state of New-Jersey (or in the Inferior Court of Common Pleas of the county of in the state of New-Jersey, as the case may be) against C. D. for debt, and costs, (or for damages and costs, or for costs, as the case may be) as by the record thereof may appear: and whereas I have received satisfaction for the same, these are therefore to desire and authorize you to enter an acknowledgment of satisfaction upon the record of the said judgment, and for your so doing this shall be your sufficient warrant and discharge in that behalf. In witness whereof I have hereunto set my hand and affixed my seal the day of eighteen hundred and

Signed, sealed and delivered in the presence of } A. B. (SEAL.)

Which said warrant or authority being acknowledged or proved before any judge or other officer having authority to take the acknowledgment or proof of deeds for the conveyance of land, in this State, or in case the party shall reside out of this State, the same being acknowledged or proved before any judge or justice of any Supreme or Superior Court, or before any judge of any Court of Common Pleas, or master in chancery, of the kingdom, state or territory wherein he shall reside, and after such proof or acknowledgment, such warrant or authority being deli-

vered to the clerk to whom the same shall be directed, it shall be the duty of the said clerk, forthwith to enter satisfaction on the record of said judgment as herein before directed, in the words following, or as nearly in conformity thereto as can be conveniently done:—

Form of entry.

I, E. F. clerk of the Supreme Court of the state of New-Jersey, (or Inferior Court of Common Pleas of the county of in the state of New-Jersey, as the case may be) in virtue of a special warrant of attorney (duly acknowledged or proved, as the case may be) from A. B. in the foregoing record named, and to me directed, do hereby acknowledge that the said A. B. is satisfied of the debt and costs, (or damages and costs, or costs, as the case may be.) Dated this day of eighteen hundred and E. F. clerk.

And it shall be the duty of the said clerk, forthwith, after entering said satisfaction, to file the said warrant or authority with the declaration, pleadings and other papers in the cause in which said judgment shall have been obtained.

Party refusing to enter satisfaction, court may order, &c.

Sec. 4. *And be it enacted*, That in case any party having received full satisfaction for any judgment obtained in either of the courts aforesaid, shall refuse or neglect, when requested, to enter satisfaction as aforesaid, or to sign, seal and deliver a warrant duly acknowledged as aforesaid, to enter satisfaction as aforesaid, the party so making satisfaction, may, on due notice given, apply to the court to have satisfaction entered as aforesaid, and the said court may order the same to be done, and for the party so having received satisfaction, to pay the costs of the said application, which costs may be recovered by a writ of *fieri facias*, or *capias ad satisfaciendum*.

Fees for services.

Sec 5. *And be it enacted*, That the judge or other officer, who shall take the acknowledgment or proof of any warrant or authority, to enter satisfaction on the record as aforesaid, shall be entitled to receive twenty-five cents, and no more, for each acknowledgment or proof taken or had before him; and that the clerk for entering satisfaction on the record and filing the warrant or authority, for so doing, shall be entitled to receive the sum of twenty-five cents, and no more.

Provisions of this act extended to representatives of deceased party.

Sec. 6. *And be it enacted*, That when the original parties to the action, or either of them, are dead before satisfaction is entered on the record, the provisions of this act, and the like remedy shall apply as between the survivor or survivors, or the lawful representatives of any deceased party and a surviving party; and the warrant to the clerk, mentioned in the third section of this act, and other proceedings under the same, shall be in such form, as near as may be, as is required in the case of the original parties to the suit.

May be entered as heretofore.

Sec. 7. *And be it enacted*, That nothing in this act contained shall be construed to prevent any party making satisfaction as

aforesaid, from proceeding according to the course of the respective courts, to enforce the entering satisfaction on the record of judgments, as heretofore, nor to deprive any attorney at law from any lien which he may have on any judgment for his costs.

C. Passed June 10, 1820.

An act for the preservation of Sheep.

Dogs taxed.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That every person who shall keep or harbour a dog or bitch, above the age of six months, shall be taxed yearly and every year, for one dog or bitch so kept or harboured, the sum of fifty cents, and for every additional dog or bitch, above the age of six months, the sum of one dollar, which tax shall be assessed and collected by the assessor and collectors appointed for the assessing and collecting the State, county or township tax, in the several townships of this State, in the same manner and at the same time as other annual taxes raised for the use of the State, county or township, shall be hereafter assessed and collected: *Provided always*, that the inhabitants of the respective townships shall have power, at their annual town-meetings, to lay any additional tax on dogs, not exceeding five dollars on each; and the same fees shall be allowed for assessing and collecting the same as are allowed for assessing and collecting the said State, county or township tax, and the assessors and collectors shall be subject to the same fines and penalties, for neglect of duty, as are or shall be authorized by law for neglect of duty in assessing and collecting taxes for the use of the State, county or township.

Town-meetings may lay an additional tax.

Penalty for not delivering to the assessor a true account.

Sec 2. *And be it enacted*, That every inhabitant who shall refuse or wilfully neglect to deliver in to the said assessor, when by him required, a true account of the number or age of the dog or dogs, bitch or bitches, made taxable by this act, and owned or harboured by him or her as aforesaid, he or she shall, for every such refusal or neglect, forfeit and pay the sum of two dollars and fifty cents, to be recovered, with costs, by the collector of the townships wherein the offence shall be committed, to and for the benefit of the townships.

Persons harbouring dogs liable for tax.

Sec. 3. *And be it enacted*, That any person who shall keep or harbour any dog or bitch, shall be considered liable to the yearly tax aforesaid: *Provided also*, that it shall and may be lawful for the assessors of their respective townships to strike off his duplicate or rate-book, the tax assessed against any person for a dog or dogs, on its being proved to the satisfaction of the assessor, by the owner thereof, that he, she or they have killed or caused to be killed such dog or dogs, before the delivery of the duplicate to the collector.

Sec. 4. *And be it enacted*, That it shall be lawful for any person to kill any dog or bitch, which may be found chasing, worrying or wounding any sheep or lamb.

The tax appropriated.

Sec. 5. *And be it enacted*, That the taxes collected by virtue of this act, shall be appropriated to make good any loss or losses which may be sustained by any person or persons, by the destruction or wounding of his, her or their sheep, within the township wherein said tax shall be collected, and shall be kept as a fund by the township committee, for that purpose, who shall pay all such damage so sustained within the year, in case the money so raised by said tax, shall be sufficient to pay the same, and if not, then in such equitable proportions to the individuals injured, according to their respective losses, as the said fund arising from such tax will enable them to do, to be adjusted at the annual settlement of the accounts of said township by the township committee, and reported to the town-meeting; and in case there shall remain in the hands of the township committee a surplus of money, after paying all the damages sustained as aforesaid, it shall be in the power of the inhabitants of such township, by public vote, at their annual town-meeting, to appropriate such surplus to any other township purposes, or to let the same remain in the hands of the township committee, to answer any damages as aforesaid, which may be sustained in the next ensuing year, and so on from year to year, at the discretion of said inhabitants.

Dogs found wounding sheep, to be killed.

Sec. 6. *And be it enacted*, That if any dog or bitch shall be found killing, worrying or wounding any sheep or lamb, and the owner, being informed thereof, shall refuse or neglect to kill such dog or bitch, for the space of twenty-four hours from the time of receiving such information, such owner shall forfeit and pay to any person who shall sue for the same, the sum of ten dollars, to be recovered with costs, by action of debt, before any justice of the peace of the county, and moreover shall pay triple damages for any injury done by said dog or bitch, to sheep or lambs, after receiving such information, to the owner or owners thereof.

Damage sustained by dog or wolves how determined.

Sec. 7. *And be it enacted*, That when any person shall sustain damage or injury, by reason of his or her sheep or lambs being killed or wounded by a dog or dogs, wolf or wolves, it shall be lawful for such person to take two respectable freeholders of the township wherein such damage was done, who are in no wise of kin to the party so calling them, to view the sheep or lambs so killed or wounded, and if it shall appear to their satisfaction, that the said sheep or lambs were killed or wounded by a dog or dogs, wolf or wolves, then the said freeholders shall make a return or certificate thereof, in writing, stating the amount of damages such person may have sustained, which shall, in no case, exceed five dollars for one sheep or lamb so killed or wounded, which said certificate shall entitle the person so injured, to the sum stated therein, as the damage sustained, to be paid by the township committee, in conformity to the provsions made therefor in the fifth

section of this act; and in case the damage so certified shall appear to the town committee to be excessive, it shall and may be lawful for said committee to require the facts stated and claim exhibited, to be investigated before them upon oath or affirmation, and shall award payment accordingly: *Provided always*, that nothing herein contained shall extend to cases wherein a recovery of damages can be obtained of the owner or owners of such dog or dogs as shall have committed the injury.

Assessor to set up a list of the names of persons who have made return to him of dogs kept.

Sec. 8. *And be it enacted*, That it shall be the duty of the assessors of the respective townships of this State, to set up in at least five of the most public places in their respective townships, within ten days after having taken the annual list of ratables, lists of the names of each person who shall have delivered to him an account of the dog or dogs, bitch or bitches, and the number given in by each person; and each assessor shall be entitled to receive, on settlement of his accounts, one dollar and fifty cents for the list so set up, to be paid out of the moneys collected from the tax on dogs.

Acts repealed.

Sec. 9. *And be it enacted*, That the act, entitled "An act to discourage the keeping of dogs by imposing a tax on the owners or keepers thereof," passed the twenty-fourth day of May, one thousand seven hundred and eighty-seven, and the act, entitled "An act concerning dogs," passed the thirteenth day of March, one thousand eight hundred and six, and the act, entitled "An act for the preservation of sheep," passed the twenty-third day of February, one thousand eight hundred and eleven, and the supplement thereto, passed the fifth day of February, one thousand eight hundred and twelve, and the act, entitled "An additional supplement to the act for the preservation of sheep," passed February the thirteenth, one thousand eight hundred and eighteen, and all other acts and parts of acts coming in the purview of this act, be, and the same are hereby repealed: *Provided*, that nothing in this repealing section shall impair any right or interest acquired under them, or any of them, nor exonerate any person from any penalty which he or she may have become liable to under them or any of them.

A. Passed June 9, 1820.

An act for the preservation of Clams and Oysters.

The time in which oyster beds may not be raked.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That from and after the first day of May, until the first day of September, yearly and every year, no person under pretence of taking clams or shell-fish, or under any other pretence whatsoever, shall rake on any oyster bed in this State, or gather any oysters or shells, on any banks or beds within the

same, and in case any person shall so do, whether oysters be taken or not, he shall, for every offence, forfeit and pay ten dollars, to be recovered with costs, by action of debt, by any person who shall prosecute for the same, in any court of record in this State having cognizance of that sum; one moiety thereof to the use of the prosecutor, and the other moiety to the county collector, for the use of the county in which the offence was committed: *Provided* nothing in this section shall be so construed as to prohibit any person or persons from taking oysters from beds planted out by him or them, pursuant to this law. Proviso.

Sec. 2. *And be it enacted*, That in case any person residing in or without this State, shall at any time hereafter rake for or gather oysters, in any of the rivers, bays or waters of this State, with a dredge or implement so called, or shall be on board of any canoe, boat or vessel employed in raking with such implement, such person so offending shall forfeit and pay the sum of fifty dollars, to be recovered in the manner and for the use mentioned in the next preceding section. Not to be raked with a dredge.

Sec. 3. *And be it enacted*, That it shall be the duty of every justice of the peace, upon his own view, or the information of any person on oath or affirmation, to issue his warrant to one or more of the constables in his county, commanding him or them to require such and so many persons as he or they deem necessary, to aid and assist him or them in apprehending every person offending against either of the preceding sections, in any of the bays, rivers or waters of this State, and forthwith to bring such offender, when apprehended, before the said justice, or any other justice of the peace of said county, to be proceeded against in the manner herein before directed. Manner of proceeding against offenders.

Sec. 4. *And be it enacted*, That if any person shall hereafter sell or offer for sale oysters in any part of this State, between the first day of May and the first day of September, such person shall, for every such offence, forfeit and pay five dollars, to be recovered and applied in manner directed in and by the first section of this act. Time in which oysters may not be sold.

Sec. 5. *And be it enacted*, That if any person shall at any time hereafter rake or gather oysters, in any of the rivers, bays or waters of this State, for the purpose of burning or converting them into lime, or for the purpose of conveying them to any of the landings, to be used in the manufactory of iron in any of the furnaces in this State, or shall land them on any bank or landing, for either of the purposes aforesaid, every person so offending shall forfeit and pay fifty dollars, for each and every offence, to be recovered and applied in manner directed by the first section of this act. May not be gathered for the purpose of burning them, &c.

Sec. 6. *And be it enacted*, That it shall not be lawful for any person, who is not at the time an actual inhabitant and resident in this State, to rake or gather clams, oysters or shells, in any of the rivers, bays or waters in this State, on board of any canoe, flat, Persons not inhabitants of this state prohibited gathering, &c.

scow, boat or other vessel, not wholly owned by some person or persons inhabitants of, and actually residing in this State, and every person who shall offend herein shall forfeit and pay ten dollars, to be recovered and applied in manner directed by the first section of this act; and shall also forfeit the canoe, flat, scow, boat or other vessel, used or employed in the commission of such offence, with all the clams, oysters, shells, clam-rakes, oyster-rakes, tongs, tackle, furniture and apparel, in and belonging to the same.

Manner of carrying the preceding section into effect.

Sec. 7. *And be it enacted*, That it shall be the duty of all sheriffs and constables, and may be lawful for any other person or persons, to seize and secure any such canoe, flat, scow, boat or other vessel, as aforesaid, and immediately thereupon give information thereof to two justices of the peace of the county where such seizure shall have been made, who are hereby empowered and required to meet at such time and place as they shall appoint for the trial thereof, and hear and determine the same, and in case the same shall be condemned, it shall be sold by the order and under the direction of the said justices, who, after deducting all legal costs and charges, shall pay one half of the proceeds of said sale to the collector of the county in which such offence shall have been committed, and the other half to the person who shall have seized and prosecuted the same.

Penalty for resisting, &c.

Sec. 8. *And be it enacted*, That if any person or persons, on board of any such canoe, flat, scow, boat or other vessel aforesaid, shall refuse and not suffer to enter the same, or resist before or after entering any of the said officers or other person or persons seizing the same, or otherwise resist them or any of them in the lawful seizing of the same, then every person so offending shall forfeit and pay the sum of thirty dollars, to be recovered and applied in manner directed by the first section of this act.

Oysters and clams may be planted in certain creeks, &c.

Sec. 9. *And be it enacted*, That from and after the seventh day of November, one thousand eight hundred and seventeen, it hath been, and hereafter shall be lawful for any person or persons owning marsh or meadow in this State, within the boundaries of which there shall be creeks, ditches or ponds wherein oysters do or will grow, and where such creeks or ditches do not lead to any public landing, to lay or plant clams or oysters therein, for the use and benefit of such owners, and for the preservation of which to erect a fence, hang or affix gates or locks across said creeks or ditches, to prevent any person or persons from entering the same.

The said property protected.

Sec. 10. *And be it enacted*, That if any person be found with any craft, boat or raft above or within the aforesaid fences, gates or locks, without leave from the owner or occupant of any creek, ditch or pond, fenced, gated or locked, as aforesaid, wherein clams or oysters may be laid or planted, or shall in any way break or destroy such fence, gate or lock, he, she or they so offending, shall severally forfeit and pay, for each and every of-

ence, the sum of fifty dollars, to be recovered by action of debt, with costs, in any court having cognizance thereof, by any person who shall prosecute for the same, one half to the use of the owner or occupant of such creek, ditch or pond, and the other half to the person who shall sue for the same: *Provided*, that nothing herein contained shall be so construed or understood as to obstruct or prevent the free navigation of any thoroughfare, creek or channel, leading from or out of any of the bays or principal waters to any other bay or principal water, or to any accustomed landing-place in this State, any thing herein before contained to the contrary notwithstanding. Proviso.

Oysters to be taken in a part of Navesink river in a particular manner.

Sec. 11. *And be it enacted*, That it shall not be lawful for any person or persons, to rake or take with tongs, or otherwise gather or carry away any oysters, other than by wading in and picking up by hand the same, within the following bounds, in the river commonly called or known by the name of the North or Navesink river, laying within the county of Monmouth, and dividing the township of Shrewsbury from the township of Middletown, above a direct line from the store-house of Eseck White, on the Shrewbury side of the river, to the dwelling-house of Thomas Layton, on the Middletown side of the river aforesaid; and in case any person or persons shall be found offending against this prohibition, he, she or they, so offending, shall forfeit and pay for every such offence, the sum of ten dollars, to be recovered in an action of debt, with costs, before any justice of the peace in the county of Monmouth, by any person who shall sue for the same, the one half to the use of the prosecutor, and the other half to be paid to the county collector, to and for the use of the county.

Privileges allowed to owners of flats or coves in a certain part of Gloucester.

Sec. 12. *And be it enacted*, That it shall and may be lawful for any person or persons owning flats or coves along the shores of the side-waters in the county of Gloucester, between the Great-Egg-harbour and Little-Eggharbour rivers, inclusive of the shores of so much of the said rivers as lie within the said county of Gloucester, to mark out by fixing stakes across or around the same, at the distance of two rods from each other, and of such length as to be at least two feet above the ordinary high-water, and plant or lay clams, oysters or other shell-fish within or above the same: *Provided* said stakes shall not include any natural oyster-beds always covered with water, beyond low-water mark: *And provided also*, it shall not be lawful to stake out, beyond the ordinary low-water mark, nor injure any navigation publicly used. Proviso.

The said privileges protected.

Sec. 13. *And be it enacted*, That if any person or persons shall gather or take away any oysters or clams, above or within the line of stakes aforesaid, without permission first had and obtained from the owner or owners, occupant or occupants of the flats or coves so staked in, he, she or they, so offending, shall forfeit and pay, for each offence, the sum of twenty dollars, to be recovered and applied in manner directed by the tenth section of this act, and shall moreover be liable to an action at the

suit of the owner or owners, occupant or occupants, for his, h
or their damages.

Acts repealed.

Sec. 14. *And be it enacted*, That the act, entitled "An a
for the preservation of oysters," passed the twenty-sixth day
January, one thousand seven hundred and ninety-eight, and th
several supplements thereto, and the act, entitled "An act for th
preservation of oysters in the province of New-Jersey," passe
in the fifth year of the reign of George the first, be, and the sam
are hereby repealed: *Provided*, that any penalties incurred u
der the same acts, or any of them, may be prosecuted to judg
ment and execution the same as though this repealing sectio
had not passed.

A. Passed June 9, 1820.

A Supplement to an act, entitled "An act for the settleme
and relief of the poor," passed the eleventh day of Marc
one thousand seven hundred and seventy-four.

In what manner poor children are to be bound out in countieswhere poor-houses are established.

Sec. 1. BE IT ENACTED *by the Council and Gener
Assembly of this State, and it is hereby enacted by the authori
of the same*, That the President of the board of trustees of eve
poor-house now established, or that may hereafter be establis
ed in any county of this State, by and with the consent of a m
jority of the board of trustees, or where no trustees are or sh
be appointed, the director of the board of chosen freeholders, b
and with the consent of a majority of the board of chosen fre
holders, be, and he hereby is authorized and empowered, an
it shall be his duty to bind out the poor children, who now ar
or may hereafter become chargeable upon such county in th
same manner, and under the same conditions which justices
the peace and overseers of the poor are authorized to bind o
poor children by the act to which this is a supplement, and th
said president of the board of trustees, or director of the boa
of chosen freeholders for the time being, who shall bind out an
such poor child or children, as the case may be, are hereby a
pointed guardian of all and every child or children bound out b
the said president or director, in the same manner and with th
like powers and authority, and under the same obligations of d
ty as the justices and overseers of the poor are by the same a
invested with and directed to perform.

Explanatory, &c.

Sec. 2. *And be it enacted*, That the penalties and liabiliti
which housekeepers and inhabitants of this State are made su
ject to, by the fifth section of the act to which this is a supplemen
for entertaining persons, not having gained a legal settlemen
shall not be deemed, construed or taken to extend further tha
to the entertaining vagabonds, vagrants, sturdy beggars, and idl

rolling, disorderly persons, any thing in the said fifth section to ıe contrary notwithstanding.

What relations liable to maintain poor persons.

Sec. 3. *And be it enacted*, That the father and grandfather, ıother and grandmother, and the children and grand-children, ɔverally and respectively (of every poor, old, blind, lame and ıpotent person or other poor person not able to work) being of ıfficient ability, shall at his, her or their charges and expense ɛlieve and maintain every such poor person as aforesaid, in ıch manner as the justices of the peace at their General Court of ⱬuarter-Sessions shall order and direct, under the penalty of for-ɨiting and paying for each and every person so ordered to be ɛlieved, for every week they shall neglect or refuse so to main-ıin and relieve such poor person or persons, any sum that the ıid justices may direct, not exceeding two dollars and fifty cents ɛr week.

Manner of obtaining relief for poor persons.

Sec. 4. *And be it enacted*, That on application for relief be-ıg made to any overseer or overseers of the poor of any city, ɔwn corporate or townships, by or for any poor person or per-ɔns within such city, town corporate or township, the said over-ɛer or overseers shall thereupon convene two justices of the eace of the county in which such relief is required, who are ereby required and empowered to issue their warrant to a con-ıable, commanding him to bring such poor person or persons efore them at such time and place as they shall appoint, and ıe said justices shall thereupon proceed to examine every such oor person or persons upon oath or affirmation, relating to his or er last place of legal settlement, and the said overseer or over-ɛers are hereby authorized and required to take out and serve rocess of subpœna when necessary, to bring before the said jus-ces any person or persons to give evidence respecting such set-ement, and the said justices, after examination of such poor ersons and witnesses, if any there be, shall adjudge and deter-ıine the legal settlement of such poor person, and if the same be ɨithin the county where the application for relief is made, and elieve that public relief is necessary, they shall make out an or-er of removal, commanding the said overseer or overseers to ɛmove the said poor person or persons to the poor-house of the ounty, (where poor-houses are erected) and also to deliver the ıid overseer or overseers the said order of removal, together ɨith a copy of the evidence on which the adjudication was found-d, which order and copy of evidence the said overseer shall take nd deliver with the said poor person or persons, to the stew-rd of the said poor-house, and the expense of said examination nd removal shall be paid by the overseer or overseers of the ɔwnship where the application for relief is made: but, *provided* shall appear on the examination had as aforesaid, that the legal ɛttlement of such poor person or persons is not in the said ounty where the application for relief is made, in that case the ıid justices shall make out an order of removal or warrant to constable, thereby commanding the removal of such poor per-

son or persons to their place of settlement, according to th twenty-third section of the act to which this is a supplement, an transmit with the said poor person or persons, a copy of the ev dence on which the adjudication was made, and without suc copy of evidence such removal shall not be deemed legal.

Relates to fines and forfeitures where the poor are kept in county poor-houses.

Sec. 5. *And be it enacted*, That in all cases where any fine or forfeitures are created by law, and made payable to the ove seer or overseers of the poor of a township, for the use or sup port of the poor, and in all cases of an estate or estates that ma hereafter escheat to the use of the poor of a township and mad payable to the overseer or overseers of the poor, (in such cou ties where the poor are kept in county poor-houses) it shall b the duty of every overseer or overseers receiving any such mo neys, to pay over the same to the trustees of such poor-hous and therewith render a statement certifying on what accou such moneys hath been by him or them received, a copy which statement shall also be transmitted to one of the truste of said poor-house, which payment and account aforesaid sha be rendered and made yearly and every year, on or before th first day of March.

Relates to the settlement of the children of slaves born after July 4, 1804.

Sec. 6. *And be it enacted*, That the male and female chi dren of slaves, born after the fourth day of July, eighteen hu dred and four, who have not been bound out to service by tru tees or overseers of the poor, according to law, shall, after th males arrive to the age of twenty-five and the females to twenty one years, be deemed settled in the township or place in whic they were born: *Provided*, that nothing herein contained sha prevent any such male or female children of slaves, born aft the said fourth day of July, eighteen hundred and four, from gai ing a legal settlement, in their own right, in any other township place, in such manner as white persons might gain the same b virtue of the laws of this State: *And provided also*, that any suc male or female children or slaves shall obtain a legal settleme in the city, borough, township or precinct in which such serva shall first serve, with his or her master or mistress, for the spa of seven years, and if afterwards such servant shall duly ser in any other place for the space of seven full years, such serva shall obtain a legal settlement in the city, borough, township precinct where such service was last performed, either with h or her first master or mistress, or with any other master or mi tress by virtue of a legal transfer of such servant.

May obtain a settlement by indenture.

Sec. 7. *And be it enacted*, That all children of slaves, bo free, and who have been or shall be bound out to service by tru tees or overseers of the poor, according to law, shall obtain a se tlement under any such binding, in the same manner that oth persons bound by indenture would obtain the same under the fi section of the act to which this is a supplement.

Capable of gaining settle-

Sec. 8. *And be it enacted*, That the children of slaves, bo free, and their issue shall be deemed capable of gaining setti

ments under the laws of this State, in like manner as other persons; and on application for the relief or removal of slaves, or free negroes, or persons of colour, the proceedings shall be the same as in cases of other persons who may be chargeable or likely to become chargeable.

ments in like manner as other persons.

Sec. 9. *And be it enacted*, That the sixteenth and seventeenth sections of the act to which this is a supplement, and a supplement to an act, entitled "An act for the settlement and relief of the poor," passed the twenty-third day of November, one thousand eight hundred and one, and a supplement to an act, entitled "An act for the settlement and relief of the poor," passed the eleventh day of March, one thousand seven hundred and seventy-four, which supplement was passed the thirteenth day of February, one thousand eight hundred and sixteen, be, and the same are hereby repealed.

Acts repealed.

A. Passed June 10, 1820.

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 the estate, real and personal, of a testator or intestate, who shall have died since the thirteenth day of June, seventeen hundred and ninety-nine, or shall hereafter die, in case the same shall be insufficient to pay all his or her debts, shall be distributed among his or her creditors, in proportion to the sums that shall be due to them respectively, except as herein after is excepted.

How distributed.

Sec. 2. *And be it enacted*, That to enable the executor or executors, administrator or administrators, to examine into the condition of the estate and ascertain the amount and value thereof, and the debts to be paid out of the same, no action, either at law or equity, shall be brought against such executor or executors, administrator or administrators, within six months after the decease of the testator or intestate, unless it be on suggestion of fraud or for the physician's bill during the last sickness, funeral charges and expenses, and any judgment or judgments entered of record against such decedent, in his life-time and unsatisfied, all which shall have preference and be first paid out of the personal and real estate of the testator or intestate.

Suits may not be brought within six months.

Cases excepted.

Sec. 3. *And be it enacted*, That when any executor or administrator shall, by application in writing, represent to the Orphans' Court of the proper county on oath or affirmation, taken or made before any of the judges of said court, that the personal and real estate of the decedent is insufficient to pay the debts of the deceased according to the best of his knowledge and belief, the said

Application to the court for order that creditors exhibit their demands.

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court shall thereupon direct the said executor or administrator to give public notice to the creditors of the estate, to exhibit to such executor or administrator, under oath or affirmation, their claims and demands against the estate within such time as the court shall direct and appoint, not exceeding eighteen months, nor less than six months, by setting up such notice in five of the most public places in the county, for the space of two months, and also by advertising the same for the like period in one or more of the newspapers printed in this State, as may be appointed by the said court, and such further notice, if any, as the said court shall direct.

Report to be made to the court.

Sec. 4. *And be it enacted*, That the said executor or administrator shall make report to the next term of the said court after the said limited time shall expire, of the several claims and demands which may be so exhibited against such estate, particularly specifying the demand and amount thereof at the time of such report, and whether by judgment, decree, bond, note, book account, or otherwise, giving at least two months' notice of his intention to make such report, in three of the most public places in the county; and where there shall not be two months from the expiration of the said limited time and the succeeding court, the said report and notice shall be to the term after.

Manner of making report.

Sec. 5. *And be it enacted*, That the said executor or administrator shall, at the time of making such report, exhibit under oath or affirmation, as aforesaid, to the said court, a true and just account of the moneys, goods, chattels, rights and credits of the decedent which have come to his knowledge, hands or possession, and shall also make out and exhibit at the same time an inventory of the real estate of said decedent, which may have come to his or her knowledge, and the value thereof, as near as may be, under oath or affirmation.

Who may file exceptions.

Sec. 6. *And be it enacted*, That it shall be lawful for any creditor or other person, interested by himself or attorney, to appear at the said term and file exceptions to the account and exhibition of the said executor or administrator, in respect of the amount and value of the real and personal estate of the said decedent; and in like manner for the executor or administrator, or other person interested, to file exceptions against the claim or demand of any creditor, exhibited as aforesaid, or any part thereof, and the said court shall proceed to hear the proofs and allegations in the premises at the same or any subsequent court, as may be expedient, and upon such exceptions, decree and determine in regard to said claims and demands of creditors respectively, and on the account of such executor or administrator in respect of the personal estate, as may be just and lawful, and in case no exception be made against any claim or demand of a creditor as aforesaid, it shall be held and deemed as justly due, and so in like manner the account of said executor or administrator not excepted to, shall be allowed and held as true: *Provided*

Proviso.

that either party may appeal from such decree to the ordinary, within twenty days from rendering the same, and not after.

How to proceed in case the estate proves insolvent.

Sec. 7. *And be it enacted*, That if upon the adjustment of the claims and demands of creditors and consideration of the amount of the personal and real estate, and value thereof, it shall appear to the court that the real and personal estate is insufficient to pay the debts, and that the estate is likely to be insolvent, the said court shall so decree, and shall order and direct the said executor or administrator to proceed as if the estate was insolvent, and to make sale of the whole or any part of the real estate of the testator or intestate, from time to time, as may appear expedient, in such manner as is directed by executors and administrators to be done, in the twenty-first and twenty-second sections of the act, entitled "An act making lands liable to be sold for the payment of debts," passed the eighteenth of February, seventeen hundred and ninety-nine, any thing in the twenty-fourth section of the said act, to the contrary notwithstanding.

Election given, in certain cases, to proceed at law or in equity.

Sec. 8. *And be it enacted*, That if any creditor who shall have exhibited his claim or demand as aforesaid, to any executor or administrator upon the same being excepted to as aforesaid, shall at the same term to which the exception is made, elect to proceed at common law or in equity, in preference to having the same determined by the said court, such creditor shall so proceed immediately; and the sum recovered against the executor or administrator, if any, shall be the amount on which a ratable proportion shall be paid as aforesaid; and in case any executor or administrator shall elect at the said term that the claim or demand of any creditor so as aforesaid exhibited against the estate, shall be determined at common law or in equity, the said creditor shall proceed immediately in either court, as his case may be, and the sum recovered shall be the amount on which a ratable proportion shall be paid as aforesaid; and the court in which any such action may be brought, shall take order that the same may be determined as speedily as possible.

Debts and claims to grow due may be exhibited.

Sec. 9. *And be it enacted*, That the creditor may exhibit to the executor or administrator aforesaid, not only all debts actually due and owing, but all debts and claims to grow due in future, making in such case a reasonable rebate of interest when interest is not accruing on the same.

Distribution of the estate.

Sec. 10. *And be it enacted*, That the proceeds of the said personal and real estate of the testator or intestate, which shall come to the hands of the said executor or administrator, the preferred debts, as mentioned in the second section of this act, and the reasonable allowance which may be decreed by the court to the executor or administrator, for care and expenses, being first paid, shall be distributed to the said several creditors by the said executor or administrator, in proportion to the sums that shall be found due to them respectively as aforesaid, under the direction of the said court, from time to time as may be found

convenient and just; and the said court may enforce obedience to such orders and directions by attachment.

Creditor not exhibiting his claim, &c.

Sec. 11. *And be it enacted*, That if any creditor shall not exhibit his claim to the executor or administrator as aforesaid, within the time limited and prescribed by the said court, such creditor shall be for ever barred from prosecuting or recovering his said demand, unless the estate shall prove sufficient after all debts exhibited and allowed are fully satisfied, or such creditor shall find some other estate not inventoried or accounted for by the executor or administrator before distribution, in which case such creditor shall receive his ratable proportion out of the same.

Actions against the executor, &c.

Sec. 12. *And be it enacted*, That if any action shall be pending against said executor or administrator, at the time of the making the application, as in the third section mentioned, or any action shall be brought against such executor or administrator, after the making of the said application, the plaintiff or plaintiffs in such action may proceed to final judgment, unless the claim shall be adjusted as is herein before directed, or otherwise, but no execution shall in any case issue after the making of said application; and the amount of such judgment when recovered, shall be the sum on which the creditor shall receive his ratable proportion as aforesaid.

Residue after the payment of debts and expenses, to be distributed.

Sec. 13. *And be it enacted*, That if it should happen that there is enough produced from such real and personal estate to make full payment, and any residue of the said estate shall remain in the hands of the executor or administrator, after paying all the said debts and expenses, the said residue shall be divided among the heirs of the intestate, in such proportions as the said real estate would have descended, or in case of a will, as the said will directs.

Acts repealed.

Sec. 14. *And be it enacted*, That the act, entitled "An act for the distribution of the estates of persons who die, not leaving sufficient property to pay all their just debts," passed the thirteenth of June, seventeen hundred and ninety-nine; and the act, entitled "An act concerning the estates of persons who die insolvent," passed the nineteenth day of February, eighteen hundred and nineteen; and all acts, and parts of acts, coming within the purview hereof, shall be, and the same are hereby repealed: *Provided*, that such repeal shall in no wise affect or extend to any proceedings now pending, or rights acquired under the said repealed acts,

A. Passed June 12, 1820.

An act to prevent Justices of the Peace from issuing blank process.

WHEREAS many abuses have taken place from the practice of some justices of the peace in this State, signing their names to blank summonses and warrants and allowing constables or other persons to fill up the said blanks—THEREFORE,

Issuing blank process prohibited.

Sec. 1. 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 from and after the first day of September next, any justice of the peace, of this State, shall sign his name to any blank summons or warrant, and allow any constable or other person to fill up the blank or blanks in the said process, without the special direction of the said justice, and in his presence, and shall afterwards issue the said process or suffer the same to be served, such justice shall be deemed guilty of misbehaviour in office, and on conviction thereof, shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt by any person who shall prosecute for the same, in any court having jurisdiction of the case, one half for the use of the person prosecuting, and the other half for the township in which such justice shall reside.

Penalty.

Service of such process void.

Sec. 2. *And be it enacted*, That the service of any summons or warrant on any party named therein, which shall have been issued by the justice as aforesaid in blank, and afterwards filled up by the constable or other person, without the special direction of the justice as aforesaid, shall be taken and considered to be altogether void, and any judgment or other proceeding afterwards had or taken in consequence of such service, or founded thereupon, shall be void and of no effect.

A. Passed June 12, 1820.

An act to provide for the distribution of the compiled and revised Public Laws of this State.

Number of copies to be delivered to the Treasurer.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Samuel L. Southard and Charles Ewing, esquires, be authorized and required, as soon as may be, to deliver or cause to be delivered, to the Treasurer of this State, after retaining one copy each, one thousand nine hundred and ninety-eight copies of the compiled and revised laws ordered to be printed for the use of the State.

Their distribution.

Sec. 2. *And be it enacted*, That the Treasurer shall, on the receipt of the laws aforesaid, after retaining one copy for himself,

cause one thousand five hundred copies to be delivered to, and distributed among the persons and in the proportions hereafter mentioned, namely: to the Honourable William S. Pennington, one copy; to the Governor of the State, for himself, one copy; and eighty copies, to be by him transmitted to the executives of the several states and territories within the United States, for the use of the respective states and territories; to be forwarded and presented to the Secretary of the department of state of the United States, four copies; and to the President of the American Antiquarian Society, one copy; to the Justices of the Supreme Court, the Attorney-General, the Secretary of this State, and clerk of the Supreme Court, each one copy; to the clerk of Council, for the use of Council, six copies; to the clerk of Assembly, for the use of the Assembly, fifteen copies; and the remainder shall be distributed among the counties of this State, in proportion as they severally contribute to the support of government; and the said Treasurer shall transmit them, at the expense of the State, to the collectors of the several counties of this State.

How distributed in the county,

Sec. 3. *And be it enacted*, That each and every of the said county collectors, after retaining one copy for himself, shall, at the expense of the county, transmit one copy of the laws aforesaid, to each of the following officers: to the judges of the Court of Common Pleas, the justices of the peace, the sheriff, clerk of the Court of Common Pleas and surrogate of said county the clerk of the board of chosen freeholders, for the use of the board, and to the present representatives of the county in the State legislature, and to each incorporated library company, one copy: *Provided always*, that no more than one copy shall be delivered to any one person, notwithstanding such person may hold several offices; and five copies shall be transmitted to the

and in the township.

clerk of each township, who shall, within one week after the receipt of the same, retaining one copy for himself, cause the residue to be distributed among the following officers of the township, namely: the assessor, collector, township committee and overseers of the poor, and the receipts of the persons so entitled to receive the same, shall be a sufficient voucher to the said Treasurer and collectors in the settlement of their accounts, for the money by them for this purpose expended. And if there should be a surplus in any county, after the aforesaid distribution, it shall be subject to the order of the board of chosen freeholders of the county, for the use of the county.

Expiration of office, or death of county officers, copies of the laws to be deposited in the clerk's office.

Sec. 4. *And be it enacted*, That at the expiration or removal from office of any judge or clerk of the Court of Common Pleas, justice of the peace, surrogate, sheriff or county collector, it shall be his duty to deliver the aforesaid copy of the laws to the clerk of the county, to be deposited in his office, for the use of such person as shall be appointed to execute the said office in his place or stead, and in case of the death of any of the aforesaid officers, the said copy shall be delivered, as aforesaid, by the

lawful representatives, and in case of neglect or refusal for three months in any of the aforesaid officers or their representatives, then it shall be the duty of the said clerk to prosecute the delinquent or delinquents, for double the value of the said copy or copies, in any court where the same may be cognizable, and recover the same, with costs of suit, for the use of the county, by action of debt, in the name of the State.

Where to be deposited by township officers.

Sec. 5. *And be it enacted*, That if any of the before recited officers of any township, who shall have received any of the aforesaid copies, shall neglect or refuse, or in case of his decease, his lawful representatives shall neglect or refuse, within one month after the expiration of his office, to deliver to the clerk of the township to which he belongs, for the use of the township, the copy by him received, it shall be the duty of the clerk of the township to prosecute and recover, in the name of the inhabitants of the township, from the delinquent, for the use of the township, double the value of the said copy, in any court where the same may be cognizable, with cost of suit, in the manner provided in the fourth section of this act.

Penalty on collector or clerk for neglect of duty.

Sec. 6. *And be it enacted*, That if any collector or clerk shall neglect or refuse to perform any of the duties required of him by this act, he shall, for each offence, forfeit and pay the sum of fifty dollars, to be sued for in any court of competent jurisdiction, by the director of the board of chosen freeholders of the county where he may reside, to be applied to the use of the county.

Copies retained.

Sec. 7. *And be it enacted*, That the residue of the said printed copies of the compiled and revised public laws, shall be retained by the said Treasurer, subject to such disposition as may be made of the same by law.

Act repealed.

Sec. 8. *And be it enacted*, That an act to provide for the distribution of the revised laws of this State, and to appropriate a further sum of money towards defraying the expense of the revision, passed November twenty-first, one thousand seven hundred and ninety-nine, be, and the same is hereby repealed.

A. Passed June 13, 1820.

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

Claims to goods levied on must be presented within ten days.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That in case any 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 claim shall be considered abandoned, and the constable shall proceed as if it had not been made.

Relates to the act to which this is a supplement.

Sec. 2. *And be it enacted*, That so much of the sixty-third section of the said act, under the title of justices, in said section, as reads, "Each deposition taken under the fiftieth and fifty-first section 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 sixty-third section under the title, witnesses, as reads "For their services under the fiftieth and fifty-first sections of this act, fifty cents," shall be taken and construed, as referring to the fifty-second and fifty-third sections of the said act, any thing therein expressed to the contrary notwithstanding.

Constable's fees on serving a summons on more than one defendant.

Sec 3. *And be it enacted*, That in all actions hereafter brought before any justice of the peace in this State, where the orignal process shall be by summons, and there being more than one defendant therein named, the constable serving the same, shall be entitled to receive forty cents for the service of the same on one defendant, and every additional defendant on whom the same shall be served, twenty cents, and make return thereon, as directed in the sixth section of the act to which this is a supplement.

Number of the jury in certain cases.

Sec. 4. *And be it enacted*, That so much of the nineteenth section of the act entitled "An act constituting courts for the trial of small causes," passed on the twelfth day of February, one thousand eight hundred and eighteen, as authorizes and requires a justice of the peace to issue a venire to summon a jury of six men, and no more, if the debt or demand depending before him do not exceed the sum or value of twenty-five dollars, be, and the same is hereby repealed; but it shall nevertheless be lawful for such justice, and he is hereby required to issue such venire to summon a jury of six men, and no more, in all cases when the debt or demand shall not exceed the sum of sixteen dollars, in the same manner as he might have done before the passing of said act, passed on the twelfth day of February, one thousand eight hundred and eighteen.

Corporate bodies liable to be sued,

Sec. 5. *And be it enacted*, That any body politic or corporate in this State, shall and may be liable to be sued, in the court for the trial of small causes, by summons, which may be served on the president, cashier or clerk of said corporation, if found; and if not found, on any of the directors or managers of the said corporation, in such manner as is by law required for serving a summons.

and execution issued against their goods, &c.

Sec. 6. *And be it enacted*, That if judgment shall be given against any body politic or corporate, by virtue of this act, the justice shall grant execution thereupon, against the goods and

chattels of such body politic or corporate, which may be levied on and sold according to law.

Sec. 7. *And be it enacted*, That so much of the sixty-third section of the act to which this is a supplement, under title "constables," as allows constables forty cents for serving a summons when against more than one defendant, and so much of the twenty-fourth section of the said act as provides that no execution shall issue against the body of any man having a family, when the debt does not exceed the sum of ten dollars, and so much of said act as comes within the purview of this act; also, a supplement to the said act, passed the eighteenth day of February, one thousand eight hundred and nineteen, be, and the same are hereby repealed and made void. Acts repealed.

A. Passed June 13, 1820.

An act to repeal certain acts therein named.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the act, entitled "An act to prevent persons prosecuted in the colony of New-York, for trespasses committed on Sandy-Hook, being again prosecuted in New-Jersey, on the same," passed the twenty-fifth day of September, seventeen hundred and sixty-two, and the act, entitled "An act to confirm and establish the several courts of justice within this State," passed the second day of October, seventeen hundred and seventy-six, and the fifth section of the act, entitled "An act to prevent routs, riots and tumultuous assemblies," passed the twenty-fourth day of February, seventeen hundred and ninety-seven, and the twentieth section of the act, entitled "An act prescribing certain oaths," passed the twentieth day of February, seventeen hundred and ninety-nine, and the act, entitled "An act for the relief of such part of the militia of this State as may be called into actual service," passed the nineteenth day of February, eighteen hundred and thirteen, and the act, entitled "An additional supplement to the acts relative to elections, to enable the militia or volunteers of this State, when in the actual military service of the United States, or of this State, to exercise the rights of elections," passed the sixteenth day of February, eighteen hundred and fifteen, and the act, entitled "An act respecting forfeited estates," passed the twenty-second day of November, eighteen hundred and eight, be, and the same are hereby repealed.

Sec. 2. *And be it enacted*, That the word "thirtieth" in the seventh section of the act, entitled "An act to prevent the unlawful waste and destruction of timber in this State," passed the twenty-eighth day of February, one thousand eight hundred and

twenty, be taken and read as "thirteenth", and that the word "or" next preceding the word "mesne" in the first section of the act, entitled "A supplement to an act for the relief of persons imprisoned for debt," passed the eighteenth day of March, one thousand seven hundred and ninety-five, and to an act, entitled "An act to repeal the several insolvent laws passed since the eighteenth day of March, one thousand seven hundred and ninety-five, and to revive the act, entitled "An act for the relief of persons imprisoned for debt," passed March third, one thousand eight hundred and twenty, shall be taken and read as "on", and be so printed in the said respective acts, in the compiled and revised edition of the public laws of this State.

A. Passed June 13, 1820.

An act further regulating the descent of real estates.

What estate the children of a devisee shall take under certain words.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That in case any lands, tenements, hereditaments or real estate, situate, lying or being in this State, shall hereafter be devised by the owner thereof to any person for life, and at the death of the person to whom the same shall so be devised for life, to go to his or her heirs, or to his or her issue, or to the heirs of his or her body, then and in such case after the death of such devisee for life, the said lands, tenements, hereditaments or real estate, shall go to, and be vested in, the children of such devisee, equally to be divided between them as tenants in common in fee, but if there be only one child, then to that one in fee, and if any child be dead, the part which would have come to him or her, shall go to his or her issue in like manner.

A conveyance or devise in fee-tail, its operation.

Sec. 2. *And be it enacted*, That from and after the passing of this act, where any conveyance or devise shall be made, whereby the grantee or devisee shall become seized in law or equity of such estate in any lands or tenements as under the statute of the thirteenth of Edward the first, (called the statute of entails) would have been held an estate in fee-tail, every such conveyance or devise shall vest an estate for life only, in such grantee or devisee, who shall possess and have the same power over, and right in, such premises, and no other as a tenant for life thereof would have by law; and upon the death of such grantee or devisee, the said lands and tenements shall go to, and be vested in, the children of such grantee or devisee, equally to be divided between them as tenants in common in fee, but if there be only one child, then to that one in fee; and if any child be dead, the part which would have come to him or her shall go to his or her issue in like manner: *Provided*, that the widow of any

such grantee or devisee of such estate, shall have her dower in the premises in like manner as if the said grantee or devisee had died seized thereof in fee-simple: *And provided also*, that where any person shall marry a woman being a grantee or devisee and seized of such estate, the said husband, after the death of his said wife, shall have his curtesy in the said lands and tenements, if there be issue of the marriage, in like manner as if said wife had died seized of an estate of inheritance in fee-tail of the premises.

Acts repealed.

Sec. 3. *And be it enacted*, That the second section of the act, entitled "An act to pass estates in fee, by certain devises in wills and testaments, and to limit estates in tail," passed the twenty-sixth of August, one thousand seven hundred and eighty-four, and the act, entitled, "An act to explain and amend an act, entitled an act to pass estates in fee by certain devises in wills and testaments, and to limit estates in tail," passed the twenty-third of March, one thousand seven hundred and eighty-six, be, and the same are hereby repealed: *Provided always*, that nothing in this section shall affect any estate now held by devise, but the same shall descend or be held as if this section had not been passed.

Proviso.

C. Passed June 13, 1820.

An act to empower the Governor to offer a reward for the apprehension of certain offenders.

The Governor authorized to offer a reward for apprehending certain offenders,

Sec. 1. 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 to and for the Governor, or person administering the government, for the time being, to issue his proclamation for apprehending and securing any person or persons, charged on oath or affirmation, of one or more credible witness or witnesses, with having committed murder, burglary, robbery or other dangerous outrage and violence upon the person or property of any person within this State, and in such poclamation to offer such reward as the said Governor, or person administering the government, may think proper according to the nature and aggravation of the crime, not exceeding three hundred dollars, for any one offender; which reward shall be paid, on conviction of the party charged, to the person or persons entitled thereto, by the Treasurer of the State, out of any public money in his hands, on a warrant or certificate, signed by the Governor or person administering the government, for that purpose.

and for their aiders, &c.

Sec. 2. *And be it enacted*, That it shall and may be lawful for the Governor, or person administering the government, to issue his proclamation, offering a reward as aforesaid, for appre-

hending and securing any person or persons, charged on oath or affirmation, as aforesaid, with aiding, abetting, comforting, harbouring or concealing, any person or persons, who hath, or have committed any of the crimes above specified and described, knowing him, her or them to be guilty thereof; which reward, on conviction of the person so charged, shall be paid in the same manner as is above directed.

May offer a reward for apprehending the unknown perpetrators of certain offences.

Sec. 3. *And be it enacted*, That when any murder, burglary, robbery or other offence, as aforesaid, hath been, or shall be committed by any person or persons unknown, it shall and may be lawful for the Governor, or person administering the government, for the time being, on the oath or affirmation of one or more credible witness or witnesses, setting forth the fact, and that the same was perpetrated by a person or persons unknown, to issue his proclamation, offering a reward as aforesaid, for apprehending and securing the person or persons who may have committed the same, and any person or persons, who may have aided, abetted, comforted, harboured or concealed him, her, them, or any of them, to be in such wise guilty; which reward shall in every case be paid, on conviction of the party offending, as in manner aforesaid.

Acts repealed.

Sec. 4. *And be it enacted*, That the act entitled "An act to empower the Governor to offer a reward for the apprehension of certain offenders," passed the fifth day of March, one thousand seven hundred and ninety-five, be, and the same is hereby repealed.

A. Passed June 13, 1820.

An act to ascertain the power and authority of the Ordinary and his Surrogates, to regulate the jurisdiction of the Prerogative Court, and to establish an Orphans' Court in the several counties of this State.

WHEREAS, it is necessary that the power and authority of the Ordinary of the State and his Surrogates should be defined, the jurisdiction of the Prerogative Court regulated, and an Orphans' Court established, in the several counties of this State —THEREFORE,

uthority of he ordinary, ow far to extend.

Sec. 1. 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 authority of the ordinary shall extend only to the granting of probates of wills, letters of administration, letters of guardianship, and to the hearing and finally determining of all disputes that may arise thereon.

Sec. 2. *And be it enacted*, That for the more regular hearing nd determination of all causes cognizable before the ordinary, e shall at stated periods, hold a Prerogative Court, at the times id places appointed, or that hereafter shall be appointed by im for holding the Court of Chancery, when he shall hear and nally determine all causes that shall come before him, either rectly or by appeal from any of his surrogates, or the Orphans' ourt, herein after established. Prerogative Court, when and where to be held.

Sec. 3. *And be it enacted*, That the Secretary of the State, r the time being, shall be register of the Prerogative Court, id besides the business heretofore done by him, shall attend ie sitting of the court at the stated times, to register the de- ees and proceedings of the court. Secretary of State to be register.

Sec. 4. *And be it enacted*, That the ordinary shall hereafter ppoint but one deputy or Surrogate in each county of the tate, and that the power and authority of such surrogate shall e limited to the county for which he shall be appointed. One surrogate in each county.

Sec. 5. *And be it enacted*, That the judges of the Court of ommon Pleas, in the several counties of this State, or any iree of them, shall be, and they hereby are, constituted and ap- ointed judges of a court of record, to be held four times a year, the same week that the courts of General Quarter Sessions of ie Peace are, or hereafter shall be held, and also at such other mes as the said judges shall see occasion to hold the same, hich court shall be styled "The Orphans' Court", and that ie surrogate of the county shall be clerk or register of said ourt. Orphans' Court established.

Sec. 6. *And be it enacted*, That the Orphans' Court shall ave full power and authority to hear and determine all disputes id controversies whatsoever, respecting the existence of wills, ie fairness of inventories, the right of administration and guar- ianship, and the allowance of the accounts of executors, admi- istrators, guardians or trustees, audited and stated by the surro- ate, as herein after directed; and also, all other matters and ings herein after submitted to their determination, and to award rocess and cause to come before them, all and every person and ersons interested or necessary to give evidence in any such ause, or who as executors, administrators, guardians, trustees or herwise, are or shall be entrusted with, or in anywise account- ble for, any lands, tenements, goods, chattels or estate, belong- g, or which shall belong, to any orphan or person under age; id the ordinary of the State, his register and surrogates, are ereby directed and required, upon application made for that urpose and payment of reasonable fees, to transmit into the Or- hans' Courts, true copies or duplicates of all bonds, invento- es, accounts and proceedings whatsoever, now or hereafter re- aining or being in their respective offices or possession, which o or shall relate to the estates of orphans, or any of them. Jurisdiction of the Orphans' Court.

Orphans' Court may order administrators or guardians to give further security, and may revoke letters of administration or guardianship.

Sec. 7. *And be it enacted*, That the said Orphans' Court sha have full power and authority, where letters of administration o guardianship shall have been granted upon insufficient securit to order and direct all such administrators or guardians to giv such further or other security to the ordinary, by bonds in th usual form, as the said court, after hearing the objection of cre ditors or persons concerned, shall approve of; and if it appear on examination, that any administrator or guardian hath embez zled, wasted or misapplied all or any part of the decedent's estat or shall neglect or refuse to give bonds, with sureties as aforesai or the security taken shall have been insufficient, then, and i every such case, the said court shall forthwith, by sentence, re voke or repeal the letters of administration or guardianship, an thereupon the surrogate shall grant letters of administration o guardianship to such person or persons having right thereunto, a will give bonds in manner and form aforesaid, who may have ac tions of trover, detinue or on the case, for such goods or chattel as came to the possession of the former administrators or guard ans, and shall be detained, wasted, embezzled, withheld or mis applied by any of them, and no satisfaction made for the same.

In what cases the Orphans' Court may order executors, guardians and trustees to give security.

Sec. 8. *And be it enacted*, That when any complaint is mad to any one of the judges of the Orphans' Court, that an execu trix having a minor or minors of her own, or being concerne for others, is married or like to be espoused to another husban without securing the minors' portions or estates, or that an exe cutor, guardian or other person having the care and trust of m nors' estates is likely to prove insolvent or shall refuse or negle to exhibit true and perfect inventories, or give full and just ac counts of the said estates come to their hands or knowledge, the and in every such case, the said judge is hereby required, forth with to call an Orphans' Court, which court shall order and d rect all and every such executrix, executor, guardian or trustee to give security to the orphans or minors, by mortgage or bond in such sums and with such sureties as the said court shall thin reasonable, conditioned for the performance of their respectiv trusts; and for the true payment or delivery, to and for the us and behoof of such orphan or orphans as they are concerned fo or such as shall legally represent them, the legacies, portion shares and dividends of estates, real and personal, belonging t such orphans or minors, so far as they have assets, as also fo their maintenance and education, as the said court shall judge f for the benefit and best advantage of such orphans.

May order an administrator or guardian, on application of a surety, to render an account, and proceedings thereon.

Sec. 9. *And be it enacted*, That where the surety, in any bon given by an administrator or guardian, for the faithful executio of his office, shall discover or believe that such administrator o guardian is wasting or mismanaging the estate whereby the sai surety may become liable to loss or damage, the said Orphan Court, upon application of such surety and upon sufficient reaso therefor, may order and direct every such administrator or gua dian to render an account of his or her administration or gua

ianship, to such surety, and if it shall appear that such adminis-
ator or guardian has embezzled, wasted, misapplied or misma-
ged the estate, in every such case the said court shall direct
e said administrator or guardian to give separate security to
is or her surety for the true payment of the balance remaining
his or her hands, to creditors, representatives or the ward of
ch guardian, and on neglect or refusal it shall be lawful for the
id court to revoke the letters of administration or guardianship
d grant the same to such person or persons having right there-
, as will give sufficient bonds, in the usual form, to the ordinary,
d in such case it shall be the duty of the said newly appointed
dministrator or guardian immediately to bring an action on the
se against such removed administrator or guardian, and hold
im or her to bail, and in such action to recover the amount of
l moneys, assets, rents, issues and profits received by such re-
oved administrator or guardian, and not applied according to
w, as well as all damages done or committed by such adminis-
ator or guardian in respect of the estate in his or her hands.

May direct an executor, administrator or guardian to account with, and give security to his co-executor, &c.

Sec. 10. *And be it enacted*, That whenever there are two or more acting executors, guardians or administrators, the Orphans' Court shall or may, from time to time, on application of any one or more of them, upon sufficient reasons given to the court thereor, order and direct every such executor, guardian or administrator, to account with his or her co-executor or co-executors, administrator or administrators, guardian or guardians, for all assets which have severally come to the hand of such executor, guardian or administrator, and whenever the court shall judge it necessary, shall compel each executor, guardian or administrator, to give separate security to his co-executor or co-executors, administrator or administrators, guardian or guardians, for the true payment of the balance remaining in his or her hands, to wards, creditors, legatees or representatives of the testator or intestate, and on neglect or refusal in giving such account or security, it shall and may be lawful for the same court to authorize such co-executor or co-executors, administrator or administrators, guardian or guardians, to sue for such assets in the hands of such executor or executors, administrator or administrators, guardian or guardians so neglecting or refusing as aforesaid.

The money of minors may be put out to interest, under the direction of the court.

Sec. 11. *And be it enacted*, That executors, administrators, trustees or guardians, may, by leave and direction of the Orphans' Court, put out their minors' money to interest, upon such security and for such a length of time as the said court shall allow of, and if such security so taken, bona fide and without fraud, shall happen to prove insufficient, it shall be the minors' loss, and it shall be the duty of executors, administrators, trustees and guardians, in cases where the minors' estates may be materially benefitted thereby, to make application to the Orphans' Court for such leave and direction, and in case they shall neglect so to do, they shall be accountable for the interest that might have been made thereby. But if no persons who may be

willing to take the said money at interest, giving such securit can be found by the said executors, administrators, trustees guardians, nor by any other friend or friends of such minor then the said executors, administrators, trustees or guardian shall, in such cases, be accountable for the principal money o ly, until it can be put out at interest, as aforesaid: *Provided n vertheless*, that in any case where executors, administrators, tru tees or guardians shall make use of the money of minors, whic shall come to their hands, they shall be accountable not only f the principal but for the interest thereon.

The real estates of intestates may be divided in certain cases.

Sec 12. *And be it enacted*, That where any person hath die or shall die intestate, seized in fee-simple of any lands, tenemen or hereditaments, leaving two or more children or other heir any of whom, being under the age of twenty-one years, the O phans' Court of the county in which such real estate is situat upon application made by the said heirs, or any of them, or b any person duly authorized in their behalf, or claiming unde them or any of them, shall and may order and direct a divisio of such real estate to be made in such shares and proportions be tween them as they may be entitled to under the laws of this Stat or any of them, directing the descent of real estates; the metes an bounds of each child's or other heir's share, to be ascertained b three disinterested commissioners, to be appointed by the cour whose report or the report of any two of them, made in writing under their hands, to the next or any subsequent Orphans' Cour after such division shall be made and approved of by the cour shall be recorded in the records of said court, and be conclusiv to all parties concerned.

Real estates, devised by will, may be divided.

Sec. 13. *And be it enacted*, That where any person hath die or shall die seized of any lands, tenements or hereditaments, leav ing a legal will and testament, devising his or her real estate t two or more devisees and not ascertaining the metes and bound of each devisee's share, any of whom being under the age o twenty-one years, and their shares remaining undivided, or an such devisee shall die, leaving any heir under the age of twenty-on years, entitled to the share or a part of the share of such devi see, so dying, and no division shall have been made among th said devisees, the said Orphans' Court, upon application b any of the devisees or any person claiming under them, or an of them, or duly authorized by them or any of them, shall an may order and direct a division of such real estate to be made agreeably to the true intent and meaning of the said testator' last will and testament; the metes and bounds of each devisee' share to be ascertained by three disinterested persons, commis sioners to be appointed by the court, whose report or the repor of any two of them, made in writing, under their hands, to th next or any subsequent Orphans' Court, after such division mad and approved of by the court, shall be recorded in the records o the court, and be conclusive to all parties concerned.

Sec. 14. *And be it enacted*, That where any person hath died or shall die intestate, seized in fee-simple of any lands, tenements, or hereditaments, situate in two or more counties, leaving two or more children, or other heirs, any of whom being under the age of twenty-one years, the surrogate-general, on application made by the said heirs, or any of them, or by any person duly authorized in their behalf, or claiming under them or any of them, shall and may order and direct a division of such real estate, to be made in such shares and proportions between them as they may be entitled to under the laws of this State, or any of them directing the descent of real estates, the metes and bounds of each child's or other heir's share, to be ascertained by three disinterested persons, commissioners, to be appointed by the said surrogate-general, whose report, or the report of any two of them, made in writing, under their hands, to the next or any prerogative court held after such division made and approved by the surrogate-general, shall be conclusive to all parties concerned, and shall be recorded in the clerk's office in each of the counties where the lands lie, for which the said surrogate-general and register of the prerogative court, commissioners and clerks, shall be entitled to the same fees as are allowed by this act, to the Orphans' Court, commissioners and surrogate, for similar services.

Cases where a person dies intestate, in which the surrogate-general is authorized to direct a division.

Sec. 15. *And be it enacted*, That where any person hath died, or shall die, seized of any lands, tenmenets or hereditaments, leaving a legal will and testament, devising real estate to two or more devisees, situate in two or more counties, and not ascertaining the metes and bounds of each devisee's share, any of whom being under the age of twenty-one years, and their shares remaining undivided, or any such devisee shall die, leaving any heir under the age of twenty-one years, entitled to the share or a part of the share of such devisee so dying, and no division shall have been made among the said devisees, upon application made by said devisees, or any of them, or any person claiming under them, or any of them, or duly authorized by them, to the said surrogate-general, he shall and may order and direct a division to be made of such real estate agreeably to the said last will and testament, by three disinterested persons, commissioners, appointed by the said surrogate-general; and the proceedings on such application shall be in like manner, in all respects, as is prescribed in the foregoing section, and have the same force and effect, and the same fees be allowed.

Cases where he is authorized to direct a division among devisees.

Sec. 16. *And be it enacted*, That the persons appointed by the Orphans' Court, or by the surrogate-general, to make partition in any of the cases aforesaid, shall, before they enter upon the duties of their appointment, take an oath or affirmation, to make a fair and just partition of such real estate, without partiality, favour or affection; which oath or affirmation may be administered by any judge of the Orphans' Court, surrogate, or

Persons appointed to make partition of lands, to take an oath.

justice of the peace of the county or counties in which the said real estate is situate, or by the said surrogate-general.

Expense of division, how assessed and recovered.

Sec. 17. *And be it enacted*, That the necessary costs and expenses which shall arise under an order of the Orphans' Court or surrogate-general, in any of the cases aforesaid, shall be assessed by the said court, or surrogate-general, upon each share, in proportion to the value divided to him or her, and may be recovered by a warrant from the said court or surrogate-general, directing distress and sale to be made of so much timber, wood, or herbage, or other property belonging to such devisee or heir, as may be found on the part divided to him, or her, as will be sufficient to pay the costs and expenses aforesaid, and costs of such distress and sale.

In making a division, damage committed to be estimated.

Sec. 18. *And be it enacted*, That on a division made in any of the cases aforesaid, if any devisee or heir as aforesaid, or any person claiming under him or her, hath, after the death of the testator or intestate and before the division, cut off or made use of any timber, or committed any waste or destruction on the premises, the commissioners appointed to make the division shall estimate the damage done by such heir or devisee, or person claiming under him or her, and divide the premises so, that such heir or devisee shall be charged with said damage, and have a share proportionably less in value than the other heirs or devisees who have done no waste or damage.

Manner of proceeding in case a division cannot be made without great prejudice to the owners.

Sec. 19. *And be it enacted*, That wherever commissioners appointed in any of the cases mentioned in this act to divide real estate, shall be of opinion that the tract or tracts of land, or real estate, is or are so circumstanced, that a partition thereof cannot be made without great prejudice to the owners of the same, they may proceed as is directed in such case, by the act entitled "An act for the more easy partition of lands held by coparceners, joint-tenants and tenants in common," and by an act entitled "An act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the prerogative court, and to establish an Orphans' Court in the several counties of this State," passed the seventh February, eighteen hundred and sixteen; and the fees of the commissioners in such case shall be the same as is allowed by this act to commissioners for dividing lands: *Provided*, that such fees and expenses shall not bar any claim which may be made by such commissioners for services which may be performed under the fifth and eighth sections of said act.

In what case a creditor may apply to the Orphans' Court to direct a sale of real property.

Sec. 20. *And be it enacted*, That when any creditor shall have obtained judgment against an executor or administrator, and the execution issued on the same shall remain unsatisfied in whole or part, for defect of personal estate to be levied on and sold, and there is real estate, it shall be lawful for the creditor, or his legal representative, if the executor or administrator, being thereto required, shall neglect or refuse to obtain a sale

hereof according to law for the space of six months after being so required, to apply to the Orphans' Court of the proper county, to order such sale to be made; and the said court, upon due notice given to said executor, or administrator, of such application, shall examine the circumstances of the case; and if it appears that the said debt, or any part thereof, is unpaid, and the personal estate deficient as aforesaid, and no sufficient cause being shewn to the contrary, the said court may make such order to shew cause as is mentioned in the nineteenth section of the act entitled "An act making lands liable to be sold for the payment of debts," passed eighteenth of February, seventeen hundred and ninety-nine; and such further proceedings shall be had as is prescribed in the same act in relation to the sale of real estate, where the personal estate is insufficient to pay debts.

Surrogates to take the depositions to wills, inventories, administrations, &c.

Disputes relative to the same, when and how to be settled.

Sec. 21. *And be it enacted*, That the surrogate of each county shall take the depositions to wills, administrations, inventories and administration bonds, in case of intestacy, and issue thereon letters testamentary and of administration; which several letters shall be in the form herein after mentioned; but in all cases whatsoever, where doubts arise on the face of a will, or a caveat is put in against proving a will, and wherever disputes happen respecting the existence of a will, the fairness of an inventory, or the right of administration, the surrogate shall issue citations to all persons concerned, to appear at the next Orphans' Court to be held in and for the county; which citations shall be served at least ten days before the sitting of the court, when the cause shall be heard in a summary way, and determined by the judges of the court, subject to an appeal to the prerogative court, if demanded by any of the parties within thirty days after the sentence or decree of the Orphans' Court; after which, if no appeal be demanded, the surrogate shall proceed thereon as the sentence of the Orphan's Court shall direct; and all proceedings of surrogates, not brought as aforesaid before the Orphans' Court, shall, in like manner, be subject to an appeal to the prerogative court by any persons interested, or other person legally representing them, provided such appeal be made within six months after any such proceedings; and upon all causes heard in a summary way, as aforesaid, upon citation by the Orphans' Court, the evidence and proceedings, upon the application of either party, shall be reduced to writing by the register of the court, and the court, upon just cause, may put off the hearing of the cause to another time, upon the application of either party: *Provided*, that no surrogate shall proceed to prove any will until ten days from the death of the testator.

Surrogates to record all wills, letters of administration, guardianship, &c.

Sec. 22. *And be it enacted*, That each of the surrogates, in the several counties of this State, shall record, in books to be provided for that purpose, at the expense of the county for which they shall be used, all wills proved before them or the Orphans' Court, together with the proofs thereof, all letters of guardianship, letters testamentary and letters of administration, by him

issued or granted, and all things concerning the same, and also all inventories proved before him; which records shall be of the same force, validity and effect as the like records in the prerogative office, and the transcript of such records, certified under the hand and seal of office of the surrogate, shall be received in evidence in every court of this State, and have the same validity and effect as transcripts certified by the register of the prerogative court.

Letters testamentary.

Sec. 23. *And be it enacted*, That each of the said surrogates shall issue letters testamentary in the following form:—

I, surrogate of the county of do certify the annexed to be a true copy of the last will and testament of late of the county of deceased, and that the executors therein named, proved the same before me, and are duly authorized to take upon themselves the administration of the estate of the testator, agreeably to the said will. Witness my hand and seal of office, the day of in the year of our Lord, one thousand eight hundred .

And the said surrogate shall issue letters of administration in the following form:—

Letters of administration.

I, surrogate of the county of do certify, that on the day of administration of the goods and chattels rights and credits, which were of late of the county of who died intestate, was granted by me to of who are duly authorized to administer the same agreeably to law. Witness my hand and seal of office, the day of in the year of our Lord, &c.

And the said probate of wills and letters of administration shall have the same validity and effect as probate of wills and letters of administration issued by the register of the prerogative office in the name of the ordinary or surrogate-general, with the seal of office affixed.

Surrogates to make returns to the register.

Sec. 24. *And be it enacted*, That it shall be the duty of every surrogate, on the first Mondays of February, May, August and November, in each year, to transmit to the register of the prerogative court, all wills and inventories proved by him, and a return of all letters of administration granted during the preceding three months, to be filed in the said register's office.

To file administration bonds, &c.

Sec. 25. *And be it enacted*, That every surrogate shall carefully file all administration and guardianship bonds by him taken, and all other instruments of writing required by law in conducting the business of his office, or which were heretofore used to be filed in the prerogative office.

The ordinary may direct guardianship bonds to be prosecuted

Sec. 26. *And be it enacted*, That it shall and may be lawful for the ordinary or surrogate-general, to cause any guardianship bond to be prosecuted in any court of record, at the request and expense of any person aggrieved by the said bond having become forfeited, and the moneys recovered upon such bond shall be applied towards making good the damages sustained by the not per-

forming the condition thereof, in such manner as the ordinary or surrogate-general shall by his sentence or decree direct.

Orphans' Court to admit guardians.

Sec. 27. *And be it enacted*, That the powers and duties formerly exercised and performed by the ordinary, relative to the admission of guardians for persons under the age of twenty-one years, shall hereafter be exercised and performed by the Orphans' Court of the county in which the minor applying for a guardian may reside or shall have real or personal estate, subject however to an appeal to the prerogative court, and the letters of guardianship shall be issued under the direction of the Orphans' Court by the surrogate of the county in which the application shall be made, which letters shall be in the following form:—

Form of letters of guardianship.

I, surrogate of the county of do certify on the day of the Orphans' Court of the county of admitted of as guardian of the person and property of being a minor under the age of . Witness my hand and seal of office, &c.

Provided, that nothing in this act shall be construed to prevent the ordinary or surrogate-general, in person, from granting probates of wills, letters of administration and letters of guardianship, from the prerogative office, in cases where a convenience will arise from doing the same.

When, how, and to whom letters of guardianship may be granted.

Sec. 28. *And be it enacted*, That where an orphan is of the age of fourteen years or upwards, letters of guardianship shall be granted on petition to the Orphans' Court, signed by such orphan in presence of the surrogate, and on the guardian or guardians first entering into a bond to the Governor or ordinary of the State, with good security, in a sufficient sum, for the faithful execution of his, her or their office; but where an orphan is under the age of fourteen years, the mother or next of kin of full age, and where there are several relations in equal degree of kindred, any one, giving due notice to the rest, may apply to the Orphans' Court for the guardianship of such orphan, who, upon inquiry into the circumstances of the case, may admit one or more of them, or a stranger willing to accept the trust, at their discretion, to be guardian or guardians of such orphan, until he or she attains the age of fourteen years, or other guardian or guardians be appointed in his stead, such guardian or guardians, giving good security by bond as aforesaid, as the said court shall direct, and until the said orphan, after arriving at the age of fourteen, shall choose another guardian or guardians, the person or persons so first appointed shall remain the lawful guardian or guardians of such orphan, under the said first letters of guardianship, and the bond given thereon shall continue in full force; but where the orphan, after arriving to the age of fourteen years, shall choose any other person or persons to be guardian or guardians, letters of guardianship shall be applied for, as before directed, and all proceedings thereon be had accordingly.

Surrogates to give bond and take oath.

Sec. 29. *And be it enacted*, That every surrogate, before he enters upon the execution of the duties of his office, shall enter

into bond to the state of New-Jersey, in the sum of two thousand dollars, with at least two good and sufficient securities, being freeholders of the county for which such surrogate is appointed, to be approved of by two of the judges of the Inferior Court of Common Pleas of said county, which bond, with the condition thereof, shall be in the form herein after mentioned, and shall also take and subscribe the following oath before one of the judges of the Inferior Court of Common Pleas aforesaid:—

Form of oath.

"I, being appointed surrogate of the county of do solemnly swear (or affirm, as the case may be) that I will well, truly, faithfully and impartially execute the office of surrogate of the said county, agreeably to law, according to the best of my skill and understanding, so help me God"; which oath or affirmation shall, by the judge before whom the same is taken, be delivered or safely transmitted to the Secretary of this State, together with the bond aforesaid, to be filed among the public papers of his office; and the bond to be entered into, as aforesaid, shall be in the following form:—

Form of bond.

Know all men by these presents, that we, of the county of in the state of New-Jersey, are held and firmly bound unto the said State in the sum of two thousand dollars, to be paid to the said State, to which payment, well and truly to be made and done, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated the day of in the year of our Lord one thousand eight hundred and . The condition of this obligation is such, that if the above bounden shall well and truly execute the office of surrogate of the county of and in all things touching and concerning the said office shall well and truly, faithfully and impartially, execute and perform the same according to law, as well with respect to all persons whatsoever concerned, as to the said state of New-Jersey, and at the expiration of his said office, shall deliver the seal and all the books, records and papers remaining in said office or appertaining thereto, to his successor in office, then the above obligation to be void, otherwise to be and remain in full force and virtue.

Surrogates to state the accounts of executors, &c. and report the same.

Sec. 30. *And be it enacted*, That the surrogate shall audit and state the accounts of executors and administrators exhibited to him, and report the same to the Orphans' Court at the next sitting thereafter, the executor in case of a will, or the administrator in case of intestacy, giving at least two months' notice of his intention in five of the most public places in the county, as near as may be to the place of residence of the parties concerned or some of them, where such account is to be allowed, which court, on due proof of notice as aforesaid and no exception being made to the report of the surrogate, shall decree an allowance of the account as stated; but if any person or persons interested in the settlement of said account, shall, by himself or attorney, appear and make exceptions to the report, the court shall either proceed to

In what manner errors are to be corrected.

hear the proofs and allegations and correct or amend any mistake or errors that may happen in the account as reported, or refer the same to auditors, who shall examine and re-state the account, after hearing parties and witnesses, and make report to the next or some subsequent court for confirmation and allowance as aforesaid: *Provided always*, that in all cases where it shall appear that the executor or administrator hath not had sufficient assets in hand, of the testator or intestate, to satisfy all just debts and expenses, the court shall not proceed to decree an allowance of the account, until the next sitting after the report is made; and the accounts of guardians or trustees shall be audited and stated by the surrogate, and reported to, and finally settled and allowed by, the Orphans' Court, in manner aforesaid; but in cases of trustees and guardians the surrogate shall issue citations to all persons concerned, to appear at the said Orphans' Court, which citations shall be served at least ten days before the sitting of the court; and the said court shall, upon application of an orphan or other person interested, from time to time, order and direct the guardians to account, as aforesaid, for all moneys, goods and chattels they shall receive, and for the rents, issues and profits of any real estate in their possession, belonging to their wards.

Accounts of guardians and trustees to be audited and settled in like manner.

Sec. 31. *And be it enacted*, That it shall be lawful for the court to whom any account is reported for allowance, as aforesaid, or for the auditors, to whom an account is referred, as aforesaid, at the instance of any party interested in the same, or by their own proper authority, to examine any executor, administrator, guardian or trustee exhibiting such account, on oath or affirmation, touching the truth and fairness of the same, or any part or item thereof; and the allowance of commissions to executors, administrators, guardians or trustees, shall be made with reference to their actual pains, trouble and risque, in settling such estate, rather than in respect of the quantum of estate; and where any difference arises between executors, administrators, guardians or trustees, in regard to the proportion of commissions between them, the Orphans' Court shall determine the same, having regard to their respective services.

Executors &c. exhibiting their accounts, may be examined on oath.

Allowance of their commissions.

Sec. 32. *And be it enacted*, That the sentence or decree of the Orphans' Court, on the final settlement and allowance of the accounts of executors, administrators, guardians or trustees, shall be conclusive upon all parties, and shall exonerate and for ever discharge every such executor, administrator, guardian or trustee from all demands of creditors, legatees or others beyond the amount of such settlement, except for assets or moneys which may come to hand after settlement as aforesaid, excepting also in cases where a party applying for a re-settlement, shall prove some fraud or mistake therein, to the satisfaction of the said Orphans' Court.

Decree of the court, in the settlement of accounts, conclusive, except &c.

Sec. 33. *And be it enacted*, That every person duly cited or summoned to appear at any of the said Orphans' Courts, ten

Persons summoned to appear at court,

and neglecting to attend, how punishable.

days before the time appointed for appearance, who shall make default, shall be liable to attachment for contempt, and the said courts are hereby authorized and empowered to compel obedience to their process, orders and sentences, by imprisonment of body or distress and sale of lands and goods, as fully and amply as any other court of record in the State, and all final sentences or decrees of the Orphans' Courts, in the several counties of this State, where no appeal is given to the prerogative court, shall be subject to removal, by certiorari, into the Supreme Court: *Provided always*, that such certiorari be applied for by either of the parties, within ninety days after such final sentence or decree shall be made, and not afterwards.

Certain decrees may be removed into the Supreme Court.

Sheriff and constables officers of the Orphans' Court.

Sec. 34. *And be it enacted*, That the sheriff and constables of the county, shall be, and they hereby are, severally declared to be officers of the Orphans' Court, and shall attend the same as such, and serve all process and order of the court or judges, directed to them or any of them.

Court not held for want of judges, business pending continued.

Sec. 35. *And be it enacted*, That if it shall happen that an Orphans' Court shall not be held the regular term or terms of said court, by reason of the non-attendance of a sufficient number of judges, the business and proceedings pending in said court and process returnable thereto, shall be considered continuing from term to term until a regular court shall be held.

Bills of costs, by whom drawn and taxed.

Sec. 36. *And be it enacted*, That the clerk of the Orphans' Court, shall draw bills of costs in all litigated suits in said court, and present the same to the court, who shall adjudge and direct which of the parties shall pay the same, and examine and tax the said bill agreeably to the fees allowed by law, which bill of costs shall be filed by the surrogate, who is hereby authorized, if the same is not paid, to issue an execution against the goods and chattels, lands and tenements of the party adjudged to pay the same, and the costs when paid or levied shall be received by the surrogate, who shall pay to the court, sheriff and cryer, each their fees, as the same shall be taxed, and the residue to the persons entitled thereto, and for issuing the said execution, the surrogate shall be entitled to fifty cents, and the execution, before the same is delivered to the sheriff, shall be recorded by the clerk of the county in the book by him kept for recording executions.

Manner of recovery.

Surrogate to keep up, in his office, a list of fees, &c.

Sec. 37. *And be it enacted*, That the surrogate shall cause to be affixed, and at all times keep up in his office, in some conspicuous place, a true list of all fees which may be lawfully demanded by him, as well in his capacity of clerk of the Orphans' Court as of surrogate of the county, and if he shall neglect to put up and keep in view such list of fees, or shall take other or greater fees than by law allowed, or shall take fees for services not performed, he 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 court having cognizance thereof, by the party aggrieved.

Sec. 38. *And be it enacted*, That it shall be lawful for every executor, administrator or guardian, who hath settled or shall settle his or her account before the Orphans' Court, and who hath or shall hereafter pay any legacy or legacies, distributive share or shares, or sums of money, to any person or persons entitled by law to receive the same, his, her or their executors or administrators, to produce the receipts and discharges therefor to the surrogate of the county in which letters testamentary, or of administration, or guardianship have been or shall be granted, and the said surrogate shall immediately record the same in a book to be by him kept for that purpose: *Provided*, that the same be first proved and acknowledged in the manner that deeds of conveyance of land are by law required to be proved and acknowledged, which proof or acknowledgment shall be recorded with such receipts or discharges, and the said surrogate shall endorse on such receipts and discharges, the book and page in which the same is recorded, with the time of recording the same, and sign his name thereto, and the said record or a copy thereof, under the hand and seal of office of the surrogate shall be received in evidence in any court of record in this State, if it shall be made appear to the satisfaction of said court that the original receipt or discharge hath been lost, or that it is not in the power of the party offering the copy in evidence, to produce the same, and the surrogates of the several counties of this State shall procure, at the expense of the county, a good bound book, in which they shall record such receipts and discharges, and be entitled to receive ten cents for recording each receipt or discharge.

Receipts and discharges given to the executor, &c. to be recorded by the surrogate.

How proved.

Sec. 39. *And be it enacted*, That any special Orphans' Court, to be held in vacation, excepting in cases directed by the eighth section of this act, shall be appointed by the judges at a regular term, in open court, and be held at the place in the county where the said court by law holds its regular terms.

How special Orphans' Courts are to be appointed, and where held.

Sec. 40. *And be it enacted*, That no surrogate shall be allowed to appear or act as attorney, proctor or counsel, in the Orphans' Court of any of the counties of this State, and also that no surrogate of any county, being a judge of the court of Common Pleas of such county, shall sit as a judge of the Orphans' Court, on the hearing of any cause pending before said court.

Surrogate not to act as attorney &c. in certain courts.

Sec. 41. *And be it enacted*, That upon the death, removal or expiration of the office of surrogate, the minutes, papers, writings, documents and books of, and belonging to, such office shall be delivered to his successor in office, on oath or affirmation of the preceding surrogate, or in case of his death, on the oath or affirmation of his executors or administrators, and if such surrogate, or the executors or administrators of a deceased surrogate, shall refuse or neglect to deliver the same on oath or affirmation as aforesaid, being demanded by the successor in office, then every such person shall forfeit and pay five hundred dollars, to be re-

Books and papers to be delivered over to the successor, on oath.

covered, with costs, by action of debt, in the name of the county collector, for the use of the State.

Transcripts of wills certified by the register, to be received in evidence.

Sec. 42. *And be it enacted*, That the transcript of any will or testament registered or recorded in the prerogative office of this State, duly certified by the register of the said office to be a true transcript, shall be received in evidence in any court of this State, and shall be as good and effectual in law, as if the books in which the same are registered or recorded were then and there produced and proved.

Fees of the officers of the Orphans' Court.

Sec. 43. *And be it enacted*, That the judges, surrogates, and other officers of the Orphans' Court, shall be entitled to demand and receive, for the services herein after mentioned, the fees thereunto annexed, and no more, and that a sheet or folio shall contain one hundred words.

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

The first motion in every cause, (but no case to be deemed a cause in court, unless there be adverse parties to the same) fifty cents.

Every rule in a cause twenty-five 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 clerk 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 ditto 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 to creditors' 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.

Fees of commissioners to divide land.

Each commissioner one dollar fifty cents per diem, for every day employed in the service, together with all actual expenses for surveying, chain-bearing, assistants, and other necessary charges.

Cryer's fees.

Making proclamation on application for the fulfilment of contracts eight cents.
Swearing a witness six cents.

Acts repealed.

Sec. 44. *And be it enacted*, That the act, entitled "An act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the Prerogative Court and to establish an Orphans' Court in the several counties of this State," passed the sixteenth day of December, one thousand seven hundred and eighty-four, and the act, entitled "A supplement to an act entitled an act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the Prerogative Court, and to establish an Orphans' Court in the several counties of this State," passed the twenty-second day of March, one thousand seven hundred and eighty-six, and the act, entitled "An act to revive the Orphans' Court, and for other purposes therein mentioned," passed the twentieth day of November, one thousand seven hundred and ninety, and the act, entitled "An act concerning surrogates and declaring what exemplifications of wills and testaments shall be holden and received as good evidence," passed the seventh day of June, one thousand seven hundred and ninety-nine, and the act, entitled "An act concerning the surrogates in the several counties of this State," passed the eighteenth day of March, one thousand seven hundred and ninety-six, and the supplement thereto, passed the sixth day of March, one thousand seven hundred and

ninety-seven, and the act, entitled "An act relative to the probate of wills, granting letters of administration and guardianship," passed the ninth day of November, one thousand eight hundred and three, and the act, entitled "An act relative to the mode of dividing real estates of intestates, situate in more counties than one," passed the sixth day of March, one thousand eight hundred and six, and the act, entitled "A supplement to the act concerning executors, and the administratators, and distribution of intestate estates," passed the second day of March, one thousand seven hundred and ninety-five, which supplemental act was passed the seventh day of February, one thousand seven hundred and twelve, and the act, entitled "An act relative to the division of real estates of intestates," passed the sixth day of February, one thousand eight hundred and eighteen, and an act, entitled "An act to regulate fees of the judges, surrogates, clerks and other officers of the Orphans' Court," passed the eighteenth day of February, one thousand eight hundred and nineteen, be, and the same are hereby repealed: *Provided nevertheless*, that nothing contained in this repealing section shall destroy, or any way impair any right acquired under the acts so repealed, nor invalidate or make void any proceedings legally had or done under the same.

A. Passed June 13, 1820.

A Supplement to the act entitled "An act for the relief of persons imprisoned for debt," passed eighteenth March, one thousand seven hundred and ninety-five.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That upon the death, or removal from the state, of any assignee appointed under the fifth section of the act to which this is a supplement, it shall and may be lawful for the court in which such appointment was made, on application and being satisfied that the same is just and reasonable, to appoint another in the place of such dead or removed assignee; and an entry of such order and appointment shall be made in the minutes of the court: upon which such newly appointed assignee, shall have and possess all the powers, rights and interests in the estate of the insolvent debtor, that were vested in the deceased or removed assignee, and execute all such conveyances, and do all such lawful acts and things as the said dead or removed assignee might or ought to have done; and the same shall be as valid as if done by the deceased or removed assignee, and in case there be a co-assignee or assignees, not dead or removed, shall and may act, do and complete all things with him or them as the said deceased or removed assignee might or ought to have done.

A. Passed June 10, 1820.

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PRIVATE AND TEMPORARY ACTS.

ACTS

OF THE

FORTY-FOURTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY,

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

BEING THE FIRST SITTING.



TRENTON:

PRINTED BY JOSEPH JUSTICE.

1820.

ACTS

OF THE

FORTY-FOURTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY.

An act to provide 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 of this State, for the time being, at the rate of one thousand two hundred dollars by the year.

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

To the President of the Court of Common Pleas, of the first district, at the rate of one thousand one 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 the Council, and in case any of said officers shall be re-

moved 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 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 Ebenezer Elmer, John Evans, jun., William Brittin and Nathan Squier, or any two of them, for the members of the House 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 the 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, thirty-nine dollars for every sheet thereof, and that one thousand three hundred copies of the same be printed; and for printing the Laws and Law-Reports, forty-one dollars for every sheet thereof, and that one thousand six 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 Council and the 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 Trea

surer, 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 nineteen, and no longer.

A. Passed November 5, 1819.

An act to dissolve the marriage contract between Jonathan Tomkins and Jane 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 Jonathan Tomkins and Jane his wife, of the county of Morris, late of the county of Essex, be, and the same is hereby dissolved to all intents and purposes whatsoever, and the said Jonathan Tomkins and Jane his wife, are hereby declared to be set free from the matrimonial contract as fully as if they had never been joined in the bonds of matrimony.

C. Passed November 4, 1819.

A Supplement to the act, entitled "An act making provision for a compilation and revision of the laws of this State," passed February twelfth, 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 the act to which this is a supplement, and the appointment made by the commissioners therein named, be, and the same are hereby continued in full force until the end of the next session of the Legislature.

A. Passed November 4, 1819.

An act authorising the Treasurer to pay certain moneys 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 the Treasurer be authorised to pay to Rebecca Hawley, the legal representative of Sarah Crane, deceased, late widow of Jonas Crane, the sum of two hundred and seventy-four dollars and fourteen cents, in full satisfaction and payment of a warrant granted to the said Sarah Crane by the Legislature of this State, in the year seventeen hundred and eighty four, for the half pay of her said husband, who was killed in the service of the United States during the revolutionary war.

C. Passed November 5, 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 named, the following sums:

1. To William Schultz, for publishing the act of the Legislature relative to a proposed amendment to the constitution of this State, ten dollars.

2. To Jacob Mann, for publishing the act of the Legislature relative to a proposed amendment to the constitution of this State, eleven dollars.

3. To David Thompson, junr. for five days attendance on the duties of appointing a reviser of the Laws, including all expenses, twenty dollars.

4. To Thomas T. Kinney, for four days attendance on the duties of appointing a reviser of the Laws, including all expenses, sixteen dollars.

5. To John Frelinghuysen, for attendance of appointing a reviser of the Laws, including all expenses, six dollars.

6. To David Taylor, for sundry repairs on the clerk's office of the Supreme Court, one dollar and sixty-two and a half cents.

7. To Joseph Justice, for sundry articles of stationary, five dollars and twenty-two cents.

8. To Ellett Howell, for tape, paper, quills, &c. twenty-four dollars, fifty and a half cents.

9. To William Gould, for sawing wood for the use of the State-House, and sundry expenses for the Assembly-room, nineteen dollars, fifty-six and a half cents.

10. To Joseph Broadhurst, for sixteen cords of hickory wood for the use of the State-House, one hundred twenty-eight dollars.

11. To John Tuttle & Co. for advertising Jersey Banking-House for sale seven weeks, three dollars.

12. To James J. Wilson, for publishing the acts of the Legislature relative to a proposed amendment to the constitution of this State, and printing a bill respecting imprisonment for debt, &c. nineteen dollars and twenty-five cents.

13. To Joseph B. Green, for repairing cupola, book-case, paper-case, painting, glazing, &c. fifty-nine dollars, twenty-six cents.

14. To Asa Belden, for coppering cupola, fifty dollars, fifty cents.

15. To John S. Chambers, for pannel boards for the cupola, four dollars, forty-one cents.

16. To Joseph Justice, for printing the proposed amendment to the Constitution of this State, and sundry articles of stationary, seventeen dollars, forty-three and a half cents.

17. To Thomas C. Sterling, for carpetting, brush and broom, eleven dollars, twenty-five cents.

18. To Daniel Bellerjeau, for covering tables, repairing chairs &c., for council-chamber, fifteen dollars.

19. To Thomas L. Woodruff, for glass, putty, sprigs, &c., five dollars, fifty-two and a half cents.

20. To H. B. Howell, for green baize and bombazet, for repairing tables and chairs for council-chamber &c., sixteen dollars, thirty-five cents.

21. To John Bellerjeau, for covering chair-bottoms, desk, repairing carpet &c., for council-chamber, thirteen dollars, sixty-nine cents.

22. To James Linn, for eight chairs for council-chamber, sixteen dollars.

23. To J. T. Murden, for publishing the act relative to a proposed amendment to the Constitution of this State, nine dollars.

24. To John Tuttle and Co., for publishing the act relative to a proposed amendment to the Constitution of this State, eight dollars, seventy-five cents.

25. To Archibald M'Kean, for binding Public and Private Acts, Journals of Council, Minutes of Assembly &c., eighty-five dollars, eighty-four cents and a half.

26. To John R. Smith, for locks, nails, glass, putty &c., seven dollars, fifty cents.

27. To his Excellency Isaac H. Williamson, for postage, ten dollars, twenty-nine and a half cents.

28. To Bucknum and Belden, for repairing gutter and pipe to government-house, five dollars, fifty cents.

29. To Thomas Gordon, for copying maps of the proposed canal, agreeably to resolution of the House of Assembly of the last session &c., eighty-one dollars, fifty-two cents.

A. Passed November 5, 1819.

PRIVATE AND TEMPORARY ACTS.

ACTS

OF THE

FORTY-FOURTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY,

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

BEING THE SECOND SITTING.



TRENTON:

PRINTED BY JOSEPH JUSTICE.

1820.



ACTS

OF THE

FORTY-FOURTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY,

An act for the better regulation of fishing in Cohansey 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 from and after the passing of this act, no person or persons shall be allowed to affix, fasten or set any net or nets, or other device or devices in Cohansey creek, below the bridge at Bridgeton, in the county of Cumberland, that may tend to obstruct or hinder the fish from going up or down the same, which shall extend to more than one-fourth of the width of said creek at low water, at any one place, nor to float or otherwise make use of any gilling-seine or drift-net in the said creek, upon the usually established fishing grounds, in the season of fishing: *Provided,* that nothing in this act contained, shall extend to prevent any person or persons from fishing with sweeping-seines and scoop-nets as heretofore.

Sec. 2. *And be it enacted,* That all and every person or persons who shall fix, fasten, or set any net or nets, device or devices, or make use of any gilling-seine or drift-net, or shall in any way aid, assist or abet doing the same, contrary to the provisions of the preceding section of this act, shall forfeit and pay the sum of thirty dollars, for each and every such offence, to be recovered by action of debt, before any justice of the peace of said county, with costs of suit, to be paid one half to the collector of said county, for the use of the poor thereof, and the other half to any person or persons who shall sue for and prosecute the same to effect.

A. Passed January 28, 1820.

New Jersey State Library

An act authorising the banking and improving of certain meadows, marsh and swamp in the townships of Shrewsbury and Middletown, in the county of Monmouth.

Owners, when to meet, &c.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the owners and possessors of the meadow, marsh and swamp, lying on the main branch of North-Shrewsbury river, above James Grover's land, in the township of Middletown, in the county of Monmouth, which owners or possessors shall be denominated and known by the name of the "North-River Meadow Company," to meet at the inn of Forman Throckmorton, in the township of Shrewsbury, on the second Monday of March next, at two o'clock in the afternoon, and yearly thereafter on the second Monday in March of every year, (every future meeting to be held at such place, as may by a majority of votes of the owners or possessors present at the meeting be appointed, and on failure of such appointment, then at the place where the last meeting was held) then and there, by plurality of votes of the said owners or possessors present, personally or by proxies in writing duly executed, to choose out of the owners, three managers for the ensuing year, or until others be chosen in their places, and in case of death, removal, inability or the refusal of the said managers, or either of them, to serve, it shall 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 said meadow, 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 then and there, 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 meadow, marsh and swamp, shall be entitled to one vote (either in person or by proxy duly executed) for every three acres which he or she may have enclosed in said bank.

Commissioners appointed.

Sec. 2. *And be it enacted*, That there shall be three disinterested freeholders chosen at the first meeting of the aforesaid owners, to be commissioners to ascertain and value all the meadow, marsh and swamp, which shall or may be secured from the overflowing of the tide by the said bank and other water-works and cause all the lots or parcels of meadow, marsh and swamp lying within the bounds of the same, to be measured, and a plot of the same to be made, shewing the quantity of meadow, marsh and swamp held by each person, and the value of the same, and likewise the benefit each owner receives by the tides being kept from overflowing the same, which shall be given to the said ma-

nagers and shall remain in their possession during their continuance in office, and upon expiration of such time, be delivered to their successors in office, which said return of the commissioners shall be received as evidence of each owner's or possessor's quantity of acres and value, and all assessments and votes shall be made and given according thereto.

Managers' duty.

Sec. 3. *And be it enacted*, That it shall be the duty of the managers, and they are hereby authorised and empowered, to make, or cause to be made, good and sufficient bank, dam, sluices, and every other work necessary and proper to keep out the tide at all times, and prevent said meadow, marsh and swamp from being overflowed, and to begin the bank at or near Little Falls Brook, on the lands of Joseph and John A. Taylor, and thence across said branch to such part of the fast land on the opposite side thereof, as to them shall seem most prudent, in which said branch or marsh adjoining shall be erected, a sluice or gates sufficient to stop the tide from flowing up the said branch, and to discharge at low tide all the back-water.

Sec. 4. *And be it enacted*, That it shall and may be lawful for the said managers, or any two of them, and they are hereby authorised and empowered, to assess and collect from the several owners and possessors of the meadow, marsh and swamp, lying within the bounds of the said bank, all such sum or sums of money as may be necessary to pay the expense of making such bank, dam, sluices, gates and other water-works necessary for the above mentioned purpose, and also, the expense of attending and obtaining this act, in proportion to the number of acres and value that each owner or possessor may have within the said dam and water-works, as well as agreeably to what each owner or possessor may in the judgment of the commissioners, to be chosen, as the second section enacts, will be benefitted thereby.

Sec. 6. *And be it enacted*, That it shall be the duty of the said managers, and they are hereby authorised and empowered, from time to time, and at all times, to amend, uphold and keep in good order and repair the said bank, dam, sluices, gates and every and any works so by them erected for the purposes aforesaid, and to assess and collect from each and every of the said owners or possessors of the said meadow, marsh and swamp, from time to time, all such sum or sums of money, as may be necessary to pay for amending, upholding, maintaining and repairing said bank, dam, sluices, gates and other water-works necessary for the aforesaid purposes, in proportion to the number of acres and benefit which each one may have included by the said bank.

May take earth, &c.

Sec. 6. *And be it enacted*, That it shall and may be lawful for the said managers, and they are hereby authorised 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 meadow or marsh most convenient and least detrimental to the owners thereof, and also to employ skilful artificers to make and con-

struct 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 or marsh where 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, dam, sluices, gates and other works, and make such improvements therein as may be deemed necessary.

low assess-ent recover-d.

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 thirty days 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 "North-River 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 notice having been given as aforesaid, the court in which, or the justices before whom such action may be brought, shall give judgment for the sum assessed, with cost of suit, and issue execution thereon for the same.

ecurity for oney ex-nded.

Sec. 9. *And be it enacted*, That for the security of moneys expended or to be expended or assessed by virtue of this act, all the meadow, marsh and swamp 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 debts and costs 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 meadow, marsh 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 cost and expenses attending such delinquency, and it shall be the duty of the managers to give at least thirty days previous notice, in three of the most public places in the neighbourhood of said meadow, marsh or swamp, by advertisement, before they proceed to sell or lease the property of any delinquent.

ty of the nagers.

Sec. 10. *And be it enacted*, That the said managers shall find and provide, at the expense of the said company, a suitable book, in which shall be entered, by 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 company, another suitable book, in which the said managers

shall enter all their proceedings and a just and true account of all the moneys they shall receive and expend or lay out in said business, and shall, at every annual meeting, produce and lay the same before the said company, with fair vouchers for all the moneys 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 papers of the company to their successors, and on default thereof and for 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, the sum of fifty dollars, to be recovered by action of debt in any court of competent jurisdiction, with costs of suit, by any or either of the owners, and shall be further liable to pay all damages that may arise by their gross negligence, to be sued for and recovered by any member of the company who shall be injured or aggrieved by such negligence, in an action on the case in any court of competent jurisdiction, with costs of suit, and said managers shall be accountable for any moneys remaining in their hands at the end of every year, and if the said managers 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, in any court of competent jurisdiction.

Penalty for injury done.

Sec. 11. *And be it enacted*, That if any person shall wilfully do any injury or damage to the said banks, dams, sluices, gates, or any of the works authorised by this act, he, she or they shall, for every such offence, forfeit and pay twenty dollars, to be recovered in an action of debt in any court of competent jurisdiction, with costs of suit, and shall further be liable to pay all damages that may in any case arise from such injury, to be recovered in an action of trespass in any court of competent jurisdiction, with costs of suit; and the managers for the time being are hereby enjoined and authorised to prosecute said action in the name of the company, and to apply the moneys, when recovered, to repairing the works so injured.

A. Passed January 28, 1820.

An act to incorporate the New-Jersey Salt Marsh Company.

WHEREAS John Swartwout, Robert Swartwout, and Samuel Swartwout, in behalf of themselves and their associates, have represented, that they are desirous of embanking, draining, ditching and cultivating, certain large tracts of salt meadow or marsh, in the county of Bergen; that great public utility and great benefit to the interest and encouragement of agriculture

and internal improvement might result from an act of incorporation—for that purpose therefore,

corporated.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the said John Swartwout, Robert Swartwout, Samuel Swartwout, together with Cadwallader D. Colden, Isaac Chauncy, William Bayard, Joseph G. Swift, Robert Tillotson, Henry Eckford, David I. Green, Richard Riker, John Graham, Peter A. Jay, George Buckmaster, Robert M'Queen, John Targee, Charles G. Haines, James L. Bell, John Condit, Robert Campbell and William S. Pennington, and their associates, shall be, and they are hereby constituted a body corporate, by the name and stile of *The New-Jersey Salt Marsh Company*; and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended, in all courts of law and equity, and in all actions and matters whatsoever, and may have a common seal, and renew and alter the same at their pleasure, and by the same name, shall be and hereby are made capable in law, to purchase and enjoy to them and their successors, lands, tenements and hereditaments, goods, chattels and effects of what nature or kind soever, necessary for the purposes of this corporation, and the same to grant, demise, alien or dispose of at pleasure, for the benefit of the said company, and their legal representatives in proportion to their respective shares: *Provided always*, that the lands and tenements, which it shall be lawful for the said corporation to hold, shall only be the tracts of salt meadow above mentioned, and such other marsh-land as they may think proper to purchase, within the county of Bergen aforesaid, together with such lots or parcels of up-land as may be deemed by them, requisite for the purposes of carrying into effect the objects of this incorporation, and provided also, that the original costs of such lands do not exceed in the whole the sum of three hundred thousand dollars: *Provided also*, that it shall be lawful for the said corporation to hold all such lands as shall have been bona fide mortgaged to the said corporation, by way of security, or conveyed to it in satisfaction for debts previously contracted, or purchased at sales upon judgments which shall have been obtained for such debts.

Sec. 2. *And be it enacted*, That the capital stock of the said company shall not be more than three hundred thousand dollars, to be divided into shares of fifty dollars each.

rectors, and ien elected.

Sec. 3. *And be it enacted*, That all the affairs, concerns and business of the said corporation, shall be managed and conducted by a president and twenty directors, or a majority of them, being stockholders in the said company, which directors shall be elected by the stockholders in the said company: the first election to be held on the first Monday in July, in the year of our Lord one thousand eight hundred and twenty-one, and every election for directors thereafter shall be held annually on the first Monday in

July, which election shall be by ballot, under the direction of the president and directors of the corporation or a majority of them, and each stockholder shall be entitled to one vote, at such election, for each share of the capital stock which he shall hold at the time of such election, and until the first Monday in July, in the year of our Lord one thousand eight hundred and twenty-one, the said John Swartwout, Robert Swartwout, Samuel Swartwout, Cadwallader D. Colden, Isaac Chauncey, William Bayard, Joseph G. Swift, Robert Tillotson, Henry Eckford, David I. Green, Richard Riker, John Graham, Peter A. Jay, George Buckmaster, Robert M'Queen, John Targee, Charles G. Haines, James L. Bell, John Condit, Robert Campbell and William S. Pennington, shall be the directors of the said corporation, and shall continue to be directors until others shall be duly elected in their stead, and the directors who may from time to time be duly elected, shall continue in office and hold over until others are duly elected in their place and stead.

Powers of the directors.

Sec. 4. *And be it enacted*, That the said directors herein before named, and those who may from time to time be duly elected, or a majority of them, shall, as soon as may be convenient after their election, appoint one of their number to be president and one to be secretary, and the said president and directors, or a majority of them, shall have power to make all necessary rules and regulations for the government of their own board, and the time and mode of transacting business therein, the regulation of elections for directors and for the management of the concerns of the corporation: *Provided*, such rules are not inconsistent with the laws and constitution of the United States and of this State, and shall have the power of appointing all such officers and agents, as they or a majority of them may deem necessary for the purposes intended by this act. The first election for directors shall be held at Hoboken in the county of Bergen, and all subsequent elections shall be held at such time and place within said county as the president and directors, or a majority of them, shall from time to time direct, and notice shall be given in at least one newspaper published in the city of New-York, and one in this State, thirty days prior to each election for directors, stating the time and place where such election will be held, at which election each stockholder may vote either in person or by proxy.

Sec. 5. *And be it enacted*, That the said company and their successors shall have power to drain, ditch, dyke, embank, cultivate and improve the said marshes or meadows in any way which they shall deem most conducive to the profit and interest of the company and to public utility: *Provided*, that no law of this State or of the United States, nor the constitution of this State or of the United States, be in any manner violated by their so doing, nor the property of any individual thereby injured.

Penalty for injuring the works.

Sec. 6. *And be it enacted*, That if any person shall wilfully break down or otherwise injure or destroy any bank, sluice, dyke or other works erected by the company for the improvement of

their meadows or marshes aforesaid, such person shall, on conviction thereof, be fined any sum not exceeding one hundred dollars, besides being liable to an action, at the suit of the company, for such damages as they may thereby sustain.

Sec. 7. *And be it enacted*, That nothing herein contained shall be deemed, taken or construed to authorise the said corporation to employ any part of their capital for banking purposes, or for any other objects than those connected with the draining, ditching, dyking, embanking and cultivation of said salt marshes or meadows.

A. Passed January 28, 1820.

AN act to authorise the owners of a tract of marsh on the lower side of Stow Creek, to make a road through the same.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the owners or possessors of the marsh lying on the lower side of Stow creek, in the county of Cumberland, to make and keep up a road beginning at the fast land near Jonathan Walling's house, and running thence crossing two islands four rods beyond a small ditch near Stow creek, said ditch being a line of Isaac Mulford and Howell P. Watson's marsh.

Sec. 2. *And be it enacted*, That it shall and may be lawful for the owners and possessors of all the marsh using said road, to meet at Jonathan Walling's on the first Thursday in April, between the hours of two and five o'clock in the afternoon, to choose by ballot or otherwise, and by plurality of votes of those met, such persons as they may think proper for managers, treasurer and clerk for the ensuing year, or until the next annual meeting thereafter, and Benjamin Bacon, Caleb Sheppard and Abel Bacon are hereby appointed to value the marsh, the hay off of which is hauled over said road.

Duty of the managers.

Sec. 3. *And be it enacted*, That the managers when appointed as aforesaid, shall as soon as may be, cause all the lots or parcels of marsh belonging to each owner to be carefully and strictly measured, and a draft or plot to be made shewing the quantity held by each owner, and cause a valuation to be made, by the persons appointed as aforesaid, of the marsh of each owner separately, and shall thereupon make an estimate of the sum or sums of money which will be necessary to defray the expenses of the different services required by this law, and also of making and keeping the aforesaid road sufficiently good for hauling hay over, and shall assess the same rateably on said

marsh, agreeably to the valuation and quantity each owner may possess, and shall state the said assessment in a regular duplicate containing the names of the owners or possessors; the number of acres and parts of acres held by each; the sums assessed on them severally, and the time or times of payment; which duplicate shall be delivered by him to the treasurer appointed as aforesaid; and it shall be the duty of the manager to keep up and repair the said road from time to time as he shall think necessary; and the said manager shall be accountable for any moneys remaining in his hands at the end of every year, or at the annual meeting; and if the said manager shall refuse to pay such balance remaining in his hands, to his successor in office, then such successor shall sue for and recover the same in an action of debt with costs of suit.

Duty of the treasurer.

Sec. 4. *And be it enacted*, That the treasurer on receipt of the said duplicate, shall in person or by notice in writing, left at the usual place of abode of each owner or possessor, demand of and from such owner or possessor, twenty days before the time of payment, the sums assessed as aforesaid; and if any of the said owners or possessors shall neglect or refuse to pay the sum assessed as aforesaid, for the space of twenty days after the time fixed for the payment thereof, it shall and may be lawful to and for the said treasurer to seize and rent out by public vendue to the highest bidder, for so long a time and no longer, as will be requisite, so much of the said marsh belonging to or in the possession of said delinquent owner or possessor, as may suffice to discharge such assessment, and all expenses attending the recovery thereof; having first advertised the same for the space of three weeks in three of the most public places in the neighbourhood where the said marsh lies, may be sold.

Sec. 5. *And be it enacted*, That the owners and possessors of said marsh shall meet annually after their first meeting, on the first Monday in May, at such places as they shall by a majority of those met appoint.

Sec. 6. *And be it enacted*, That it shall and may be lawful for the said manager, and he is hereby authorised and empowered from time to time, to dig and take for the purposes aforesaid, any earth, mud or sod in any part of the said marsh most convenient and least detrimental to the owners thereof, and to have free ingress and egress for himself, his team and workmen, through any part of said marsh whenever he may deem it necessary.

Sec. 7. *And be it enacted*, That it shall and may be lawful for the owners and possessors of said marsh, at their annual meeting, to pass such by-laws respecting the pasturing of said marsh, as a majority of those met may think proper.

A. Passed January 31, 1820.

An act authorising the enclosure of a certain tract of land situate in the township of Caldwell, in the county of Essex, called the Great Piece.

Land to be enclosed.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the owners and possessors of all that tract of land, situate, lying and being, in the township of Caldwell, in the county of Essex, called the Great Piece: which said land is included in the following boundaries, to wit:—Beginning on the bank of the Passaic river, at the Long Bridge; thence south along the road (as it now runs) sixty-six degrees, east seventeen chains and seventy-five links, to the land of Richard Jacobus; thence along his line north thirteen degrees, east nine chains and nine links, to the said Jacobus's corner; thence north seventy-three degrees, east along said Jacobus's line eleven chains and twenty-three links, to John Husk's line; thence south fifty-seven degrees, east nineteen chains and eighty-four links to the northerlymost corner of John Husk's land; thence along his line north thirty-two degrees, east five chains and fifty-three links; thence south fifty-seven degrees, east twenty-four chains and thirty-two links, to the road leading to Fairfield church; thence along said road (as it now runs) north fifty-nine degrees, east ninety-four chains and forty links; thence on a line between Moses Day and Abraham J. Vandroff, north forty-two degrees, west thirteen chains and eighty-six links; thence north sixty-four degrees, east thirteen chains; thence north thirty-six degrees, west two chains and thirty links; thence north sixty-three degrees, east seven chains and sixty-six links; thence south thirty-two degrees, east thirty-four links; thence north seventy-one degrees, east eight chains and forty-four links; thence south nineteen degrees, east five chains and fifty links; thence north eighty-one degrees, east twenty-five chains and seventy-five links, to Abraham Smith's land; thence along the line between said Smith and Aaron Cadmus, north eighteen degrees, east thirty-four chains and ninety-four links, to the bank of the Passaic river; thence along said river to the place of beginning; and to erect such fences and swinging gates, as by the persons hereinafter elected to make the assessments from time to time, as may be deemed proper to enclose the same; and that from and after enclosing the same, as aforesaid, no person or persons whatsoever shall be at liberty to drive or let in any horses, cattle, sheep or hogs, with an intent to run at large in the said tract: *Provided*, that nothing in this act contained shall be construed to prevent any person or persons from permitting his, her or their own or the cattle, horses, sheep or hogs of any other person to run on any part of the said tract already enclosed, by him, her or them, or which may hereafter be enclosed, so long as the same shall be enclosed, by him, her or them, by a lawful fence.

Sec. 2. *And be it enacted*, That if any person or persons whatsoever, shall drive or let in any horses, cattle, sheep or hogs, within the said tract, after it shall have been enclosed, as aforesaid, except as excepted in the first section, with an intent to run at large, such person or persons shall forfeit and pay the sum of ten dollars, to be recovered in an action of debt, with costs of suit, in the name or names of any person or persons hereafter to be appointed, in any court having cognizance of the same, to be applied towards repairing the said fence.

Meeting of the owners, &c.

Sec 3. *And be it enacted*, That it shall and may be lawful immediately after the passing of this act, for any one concerned in the aforesaid tract, to call a meeting of the owners and possessors thereof, by putting up advertisements in three of the most public places in the township of Caldwell, at least ten days previous to the time of meeting, and publishing the same for two weeks prior thereto in a newspaper printed in the town of Newark, on which notice being given, the owners and possessors of the said tract shall convene at the house of Cornelius Dey, in Caldwell township, which owners and possessors, or such as shall assemble in pursuance of said notice, shall, when met, proceed to elect by a plurality of votes, three persons, being owners of some part of said tract, to make and repair the fences and swinging gates, necessary to enclose the aforesaid tract, and for the purpose of making assessments, and superintending the expenditure of all moneys to be received and paid for the purpose aforesaid, which said persons so elected, shall continue in office until the first Monday in April next, when a new election shall take place between the hours of twelve and three o'clock P. M. of that day, and an election for that purpose shall be had on the first Monday in April, in each year afterwards, at such place as shall be agreed upon by a majority of the said owners, assembled at a previous annual meeting, between the hours aforesaid; and each owner or possessor shall be entitled to one vote for every acre of land to the number of ten, and one vote for every additional ten acres he, she or they shall own or possess in the aforesaid tract: *Provided* no one person shall be entitled to more than thirty votes.

Cattle running at large.

Sec. 4. *And be it enacted*, That if any horses, cattle, sheep or hogs shall be found running at large on any part of the said tract, enclosed as aforesaid, excepting as excepted in the first section of this act, it shall and may be lawful for any owner or possessor of any part of the said tract, to take and drive the same to any public pound in the township of Caldwell, and shall, as soon as may be, make affidavit stating that the same were taken running at large in the said tract; and in such affidavit shall state a description of the horses, cattle, sheep or hogs so taken, which affidavit shall be delivered to the pound-keeper where the horses, cattle, sheep or hogs are impounded, and the person impounding the said cattle, horses, sheep or hogs, shall be entitled to receive for every head so taken and impounded the sum of thirty-seven cents, if not exceeding four; if more than four, then for every

head so taken or impounded, the sum of twenty-five cents, to be collected by the pound-keeper of the owner, or from the sale of the said cattle, horses, sheep or hogs, and shall be the measure of damage to be paid on such occasions; and the pound-keeper is directed to receive such beast, and to proceed in the same manner after the receipt of the same as is directed in the case of distress, for damage feasant by the twelfth section of the act entitled "An act regulating fences," passed the twenty-second day of January, seventeen hundred and ninety-nine, and shall be entitled to the same fees and subject to the same penalties for the neglect of duty as are allowed and imposed in and by the said act.

Sec. 5. *And be it enacted*, That all damages recovered by virtue of this act, shall be appropriated and applied, from time to time, towards making and repairing the fences deemed necessary to enclose the aforesaid tract.

Benefit estimated.

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

Assessments.

Sec. 7. *And be it enacted*, That as soon as any assessment is made, and the sum which each individual is to pay is ascertained, it shall be the duty of the persons so elected, as aforesaid, to demand from each individual, his, her or their proportion, either personally or by leaving a statement of the sum, he, she or they are to pay, with some white person above the age of fourteen years, at their dwelling house, and on failure of payment thereof, for thirty days after such demand, which shall and may be proved by the oath of the person making it, it shall be lawful for the persons elected, as aforesaid, to sue for and recover the same in their own names, from each individual so assessed and notified as aforesaid, together with cost of prosecuting for the same, before any court having cognizance of the same.

Money accounted for.

Sec. 8. *And be it enacted*, That the persons so elected, shall annually account to the owners for all moneys which have come to their hands, as aforesaid, and shall pay over all balances re-

maining in their hands, if any, to their successors, together with the book directed to be kept, immediately on their going out of office, under the penalty of one hundred dollars on the defaulter, to be sued for and recovered by their successors, with costs of suit, and to be applied by them, when recovered, to the purposes contemplated by this act.

A. Passed February 3, 1820.

A Supplement to an act, entitled " An act to authorise the banking and improving certain marsh, meadow and swamp, in the township of Downe, in the county of Cumberland, passed February 2, 1819.

Sec. 1. 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 managers appointed, or that may hereafter be appointed by virtue of the act to which this is a supplement, to continue the bank from any part of the bank line already established, to the fast land at Ogden's point, or to any other fast land, at the discretion of the managers, having regard to the best interests of the company, and that may be the least injurious to any individuals concerned therein; and to stop, bank and dam out any creek or creeks, being in the route between Oron Ocon creek to the main fast land that may be fixed upon to terminate said bank, and lay such sluices and erect such water-works as the said managers may think necessary.

Sec. 2. *And be it enacted,* That it shall be lawful for the managers to clear out and straighten the main water courses, and to cut and open such new drains as may be deemed necessary for draining the marsh, meadow and swamp, lying within said bank, and from time to time to clear out the same, at the expense of said company.

Sec. 3. *And be it enacted,* That six months shall be allowed any manager or managers going out of office, to collect such moneys as may be due him or them from any owner or owners upon the settlement of their accounts; and the owners or possessors of the marsh, meadow and swamp, shall be liable in the same manner for assessments not paid, as though such manager or managers had continued in office, any provision in the act to which this a supplement to the contrary notwithstanding.

A. Passed January 31, 1820.

An act to repeal part of a certain act, therein mentioned.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the several parts, clauses and articles contained in a certain act, entitled "An act to enable the owners and possessors of two several tracts of meadow lying on the north side of Cohansey creek, in the county of Cumberland, to repair, keep up and maintain the banks, dams and water-works enclosing the same," passed November fourteenth, one thousand seven hundred and eighty-six, so far as relates to one of those tracts denominated therein Holmes' marsh, be, and the same are hereby repealed.

C. Passed February 1, 1820.

A Supplement to an act, entitled "An act to incorporate the Mount-Hope and Longwood 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 the time allowed for the completion of the Mount-Hope and Longwood turnpike road, by the act passed the eleventh of February, eighteen hundred and fifteen, entitled "An act to incorporate the Mount-Hope and Longwood turnpike company," be, and it is hereby extended to the first day of January, eighteen hundred and twenty-five.

Sec. 2. *And be it enacted*, That it shall be lawful to form the middle part or artificial space of the said road, twenty feet in width across the Green-Pond Mountain, and such other places as do not require or will not admit a road of greater width.

A. Passed February 7, 1820.

An act more effectually to provide for the removal of all the obstructions to the free course of the waters in the river Passaic and its branches between Cook's bridge, and the reef at the Little Falls next below the Turnpike bridge, commonly called Singack bridge.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall be the duty of the managers hereinafter to be appointed, to assess all the flowed lands on the Passaic

river and its branches between Cook's bridge and the reef at the Little Falls next below the Turnpike bridge, commonly called Singack bridge, for such sums of money, as in their judgment shall be sufficient to remove all the obstructions to the free course of the waters in the said river and its branches; and in order more accurately to ascertain the sum necessary to be raised, it shall be the duty of the managers or a majority of them, to view the said rivers and their branches and ascertain what obstructions are necessary to be removed, and the amount of money to be raised previous to the assessment being made.

Assessment to be made.

Sec. 2. *And be it enacted*, That the said managers or a majority of them, shall make a fair and reasonable assessment of all the above flowed lands, whether in the hands of the owners or of the possessors, in proportion as well to the quantity each person is possessed of, as the benefit each person may receive therefrom, and they or one of them shall give notice to the owner or possessor, and if such owner or possessor shall think him, her or themselves aggrieved by any assessment made by virtue of this act, it shall and may be lawful for such person or persons to apply to David Harrison, esq. John W. Wardell and Silas Cook, esquire, who are hereby appointed commissioners of appeal, to meet on all lands supposed to be over taxed, giving notice to the managers appointed under this act, at least three days previous to the meeting of said commissioners of appeal, and if it appears to them that such person or persons are over taxed, to strike off such sum or sums as appear too much, together with such part of the expenses of said attendance as they shall think just and right, and the judgment of the said commissioners or any two of them, shall be conclusive to the parties, but the expense of ascertaining the quantity of flowed lands each person is possessed of, in cases where the quantity is disputed, shall be paid by such owner or possessor, him, her or themselves.

Manner of recovering assessments.

Sec. 3. *And be it enacted*, That if any person or persons who shall be assessed by the managers aforesaid, shall neglect or refuse for the space of forty days after notice given them by one of the managers to pay the money, or if they think themselves aggrieved, to procure the said commissioners of appeal to meet and determine the same, that then it shall be lawful for the mangers or any one of them, to make return of the name or names of the person or persons with the sum he, she or they were taxed, or which shall be judged to be due by said commissioners of appeal to any justice of the peace, in the county where such person or persons reside, which justice of the peace upon the oath of one of the managers, that the tax has been demanded forty days previous thereto, shall immediately issue his warrant of distress, directed to some one of the constables of said county, commanding him within thirty days to seize upon the goods and chattels of such delinquents, and make sale of the same or so much thereof as may be sufficient to pay the sums assessed, together with

cost, and to pay forward the same to the managers or one c
them, and the justice and constable shall receive the same fee
and be liable to the same penalties as in other cases of taxatio

Managers' duty.

Sec. 4. *And be it enacted*, That the said managers shall kee
a book containing a regular account of the money they may hav
received, the payments they have made, and the expenses the
have been at, which accounts they shall lay before a committe
to be chosen by the owners or possessors of said lands, and th
said managers shall be liable for all moneys by them received an
not applied for the purpose of clearing the obstructions in th
rivers aforesaid, and shall pay the balance in their hands over t
their successors in office, and on their neglect or refusal to do th
same, shall be liable to an action of debt, to be sued for and re
covered by any owner or possessor, in their own names, in an
court where the same may be cognizable, to and for the use an
purpose of clearing the obstructions in the rivers aforesaid.

Managers chosen.

Sec. 5. *And be it enacted*, That the owners and possesso
of said flowed lands, shall and may on the fourth Tuesday in Ap
next, after passing of this act, at one o'clock in the afternoo
meet at the house of Richard Spier, in the township of Caldwe
and all other subsequent annual meetings on their own adjour
ments, at such places as they shall appoint, and when met, sh
by plurality of votes of those met, choose five persons manage
being owners of said flowed lands, for the ensuing year, and al
three persons as a committee to examine the accounts of sa
managers.

Penalty for neglect of duty.

Sec. 6. *And be it enacted*, That if any person who shall be ch
sen a manager in pursuance of this act, and accepting the said a
pointment, shall neglect or refuse to do any duty enjoined
him, he shall forfeit and pay the sum of fifty dollars, to be sue
for and recovered by any person that will prosecute for the sam
and to be applied to the use of clearing said rivers, and in ca
a vacancy shall happen by the death or otherwise of any one
more of the managers, committee or commissioners of appeal,
shall be the duty of the managers, their successors, to adverti
in six or more public places near said rivers for two weeks, a
pointing a time and place of meeting, and choose some pers
or persons to supply such vacancy in the board of manage
committee or commissioners of appeal aforesaid, and the sa
persons so chosen, when said vacancies may happen, shall ha
all the privileges and be subject to all the penalties as tho
whose places they are chosen to supply.

Obstructions to be removed.

Sec. 7. *And be it enacted*, That where any person or perso
before the passing of this act, shall have created any obstructio
to the free course of the waters in the said rivers within the lim
aforesaid, by falling in of timber or brush, or driving stakes
making dams which are not removed before the passing of t
act, and do not remove the same within two months after noti
shall have been given, shall forfeit and pay thirty dollars for eve

month they shall suffer them to remain thereafter, to be sued for by the managers or any one of them, in an action of debt, in any court where the same may be cognizable, with cost of suit, to be applied to clearing said rivers, together with the full expense of removing the same by the managers.

Sec. 8. *And be it enacted*, That if any person or persons, shall hereafter fall any trees or cut any log, or erect any dam in said rivers, or cut any brush and leave it on the ice for the space of six days, or by any means obstruct the waters and shall not remove the same, shall forfeit and pay twenty dollars, together with the full expense of removing the same, to be sued for by the managers or any one of them in an action of debt, in any court where the same may be cognizable, with costs of suit, to be applied towards clearing said rivers.

Sec. 9. *And be it enacted*, That the branch of Whippany river, commonly called Black Brook, shall as to every provision of this act, be considered as a part of said Whippany river.

Sec. 10. *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 powers as before, until new ones are chosen.

Sec. 11. *And be it enacted*, That the commissioners of appeal and managers, shall receive one dollar per day, and one dollar seventy-five cents per day for a man and yoke of oxen, and fifty cents per day for every additional yoke of oxen, and one dollar for each labouring man in the water per day, seventy-five cents per day otherwise necessarily employed.

Sec. 12. *And be it enacted*, That so much of the act, entitled "An act to enable the owners and possessors of flowed lands and swamps on the river Passaic and its branches, between the Little Falls on said river and Cook's Bridge, to break the reefs in said river near said falls, and remove all obstructions to the free course of the waters of said rivers," passed January thirty-first, one thousand eight hundred and twelve, as comes within the purview of this act, be, and the same is hereby repealed.

A. Passed February 2, 1820.

An act authorising the enclosure of a certain tract of woodland in the township of Harrington, 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 woodland, lying and being in the township of Harrington and county of Bergen, known by the name of the Closter Mountain,

beginning at the south-east corner of Matthew P. Bogart's land, laying on the north side of the Closter old Dock Road, from thence running on a south-easterly course along the north side of said road, along the lands of several owners, still by the clear land belonging to Seba Bogart, laying at a place commonly called and known by the name of Long-Hill, be, and they are hereby required respectively to erect, uphold and maintain his or their respective share of a good, substantial and lawful fence to enclose the southerly side of said tract.

Sec. 2. *And be it enacted*, That if any of the owners or possessors of the said tract of woodland, shall refuse or neglect to erect, maintain and uphold 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 said fence.

Proceedings in case of neglect respecting fence.

Sec. 3. *And be it enacted*, That if any owner or possessor of the said tract of woodland shall so refuse or neglect to erect, uphold and maintain his, her or their respective share of said fence, it shall and may be lawful for any one concerned in 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 Harrington, at least ten days previous to the time of meeting, who shall convene at any public tavern or inn in said township, which said owners or possessors so met, or a majority of them, shall, by plurality of votes of such as shall then be present, choose from among themselves two 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 shall 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 horse, 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 triple damages, to be assessed by a jury of the county, in any court having cognizance of the same, with costs of suit.

Proceedings in case cattle &c. are found running at large.

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 Harrington, 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 delivered 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 proceed as in cases of distress for damage feasant, by the twelfth section of the act, entitled "An act regulating fences," passed the twenty-third day of January, one thousand seven 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.

C. Passed February 3, 1820.

A further Supplement to the act, entitled "An act to incorporate the Newark and Morris turnpike company."

WHEREAS that part of the said turnpike road between the town of Newark and the land of Timothy Meeker, between the first and second mountains, in a few instances has been altered and made on other grounds than those on which it was laid out, for remedy whereof,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That General John N. Cumming, Silas Condit and Thomas T. Kinney, esquires, be, and they are hereby appointed, commissioners to view, lay out and make such alterations in the line of said road as they shall think most conducive to the interest of the stockholders and the public good, having due regard to the rights of individuals; and the report of the said commissioners, or any two of them, certified under their hands and seals, shall, within six months thereafter, be entered on record, and filed with a map of the same, in the Secretary's office of this State.

Sec. 2. *And be it enacted*, That from and after the passing of this act, the stockholders of the said Newark and Morris turnpike road, shall have five years for the completing the same, agreeably to the act to which this is a supplement, allowing six degrees rise in two hills ascending the first and second mountains, any thing in the said act to the contrary notwithstanding.

A. Passed February 7, 1820.

An act to enable Jacob Van Doren to erect a mill-dam across the Raritan river.

hority to t &c.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for Jacob Van Doren, his heirs or assigns, to erect a mill-dam across the river Raritan, four feet and a half high, from the bed of the channel of said stream, and adjoining the bank of lands of the Rev. John S. Vredenburg on the northerly side, and the bank of lands of Rynier Vighte, on the southerly side of said stream, for the purpose of creating a water-power for the benefit of such mill or mills, or other water-works as shall be hereafter erected by the said Jacob Van Doren, his heirs or assigns, and for ever hereafter use the same for the purposes aforesaid, and the same to repair, maintain and uphold, upon condition that the said Jacob Van Doren shall form, build and complete a lock in said dam, at the most advantageous place in said river, where the channel may run, of such size, dimensions and construction, that Durham boats of the largest size formerly used on said river, may pass through the same with ease and safety, whenever the board of chosen freeholders of the county of Somerset may order and direct the same for the benefit of navigation up and down said river, and that there shall be a sluice left open in said dam, twelve feet long and two and a half feet deep, with an apron the width of the sluice and ten feet long, that fish may with ease pass said dam, for the benefit of the shad fishery, from the first day of April until the fifteenth day of June, annually, and that said dam may be so altered or regulated by any future act of the Legislature as the interest of the navigation and fisheries may require.

nsent to be tained.

Sec. 2. *And be it enacted*, That the said Jacob Van Doren, his heirs or assigns, shall not commence the building of said dam across said river in whole or in part, at the place in the preceding section mentioned, until he, the said Jacob Van Doren, shall obtain the consent in writing of such persons whose lands may be touched by the contemplated works of the said Jacob Van Doren, and until the said writing shall be duly acknowledged by the said person from whom the same may be obtained, and recorded in the clerk's office of the county of Somerset; and that when said dam and works shall be in operation that he the said Jacob Van Doren, his heirs or assigns, shall be subject to all damages that may be done by reason thereof, until discharged therefrom in writing, to be executed and recorded as aforesaid, from any person who may be injured thereby.

be kept in pair.

Sec. 3. *And be it enacted*, That after the building of said dam and lock and sluice, the said Jacob Van Doren, his heirs or assigns, as long as the same is made use of for the purposes aforesaid, shall maintain, uphold and support the said dam, lock

and sluice, and if occasion shall require, rebuild the same, and at all times for ever hereafter keep the said dam, lock and sluice in good and sufficient repair, and fit, safe and convenient for the passage of boats and other craft that may navigate said river freely, without delay or expense of any kind or nature soever; and in case of neglect or refusal so to do, after the said lock shall be ordered to be erected, whereby boats or other craft shall be hindered or obstructed in the passage of the same, or the shad prevented from running up the said river, in the time specified, by keeping shut said sluice; that the said Jacob Van Doren, his heirs or assigns, shall be liable to an indictment, and on conviction of not having erected said lock, or of keeping the same in repair as aforesaid, or of preventing the shad from running up said river as aforesaid, by not keeping open said sluice, he or either of them, shall for every such offence, be fined in any sum not exceeding one hundred dollars, at the discretion of the court, and also be liable in an action of trespass on the case at the suit of the party injured, for all damages sustained by reason of such neglect or refusal.

Penalty for neglect.

Sec. 4. *And be it enacted*, That if any person or persons shall wilfully injure said dam, lock, sluice or other improvements built or made for the support thereof, or shall wilfully, negligently or unnecessarily leave open any gate or aperture whereby a waste of water is occasioned, with an intent as aforesaid to injure the said Jacob Van Doren, his heirs or assigns, or either of them, he, she or they so offending shall be liable to be indicted, and on conviction thereof be fined, at the discretion of the court, in any sum not exceeding one hundred dollars, and shall also be liable to damages in an action of trespass, at the suit of the party injured.

Penalty for injury done.

Sec. 5. *And be it enacted*, That previous to the completion of said dam, whereby the ford near and above the same may be rendered impassable by the erection of said dam, the said Jacob Van Doren shall cause to be laid out and legalized, by the proper officers appointed by law for such purposes, a road, not less than two rods wide, leading from the public road on the south side of the river Raritan, to the public road on the north side, passing the said river as near the said dam as may be, and at as convenient a ford as the present one: and also, that the said Jacob Vandoren causes a grist-mill to be erected at said place, within two years from the passing of this act, otherwise the privilege hereby granted to be null and void.

Road to be laid out and mill erected.

A. Passed February 16, 1820.

An act authorising the guardians of Abraham Voorhees, a lunatic, to purchase and sell certain small Lots of Land.

WHEREAS it appears by the petition of the guardians of Abraham Voorhees, a lunatic, and the heirs of William Voorhees, deceased, who are of full age, that a tract of land containing about two hundred acres, was devised to said lunatic and his brother William, lately deceased, by their father Isaac Voorhees, deceased, to be equally divided between them by a line from Raritan river, northwardly, leaving the buildings thereon to the said William; which line according to said devise, will by striking through the buildings erected by the said William since said devise, materially injure the convenience and value of both tracts: and that by reason of the death of the said William, and lunacy of said Abraham, no contract can be made relating to the lands so by them possessed, to the future benefit of the minor children of said lunatic: and that it will greatly advance the interest of the family of said lunatic; to make sale of his undivided seventh part in the one hundred acres aforesaid, and other eighteen acres of the said William, and now descending to his seven heirs: and also, for the purpose of exchange, to sell about eighteen acres of the dividend of said lunatic, joining the division line of said two hundred acres in a parallel line with the same, and to purchase other eighteen acres in the place thereof, from the heirs of the said William, and devote such sum as may arise therefrom to the erection of necessary buildings on the lands of said lunatic: to which all concerned consenting and the same appearing reasonable:—THEREFORE

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for Peter Z. Elmandorf and Peter Voorhees, surviving guardians of Abraham Voorhees, a lunatic, or the survivor of them, to sell and convey for a fair price, to be approved by the Orphans' Court of the county of Somerset, a certain undivided seventh part of lands lately descending to the said Abraham, a lunatic, from William Voorhees, deceased; also eighteen acres, or thereabouts, from the land which was devised to the said Abraham Voorhees, a lunatic, by Isaac Voorhees his father, deceased, on a line of division between the lands of the said Abraham and William Voorhees, deceased, running parallel thereto from Raritan river to the woodland; and therefor to execute a good and sufficient deed or deeds conveying all the right and title of him, the said Abraham Voorhees, a lunatic, and his heirs to the same.

Sec. 2. *And be it enacted*, That the said Peter Z. Elmandorf and Peter Voorhees, guardians of Abraham Voorhees, a lunatic, shall have full power and authority to purchase from the heirs of William Voorhees, deceased, or from any persons to

whom they may convey, eighteen acres of land or thereabouts, adjoining the easterly side of lands belonging to the said Abraham Voorhees, a lunatic, by deed to be given to him, the said Abraham, his heirs and assigns for ever. And they are hereby further authorised, from the proceeds of the sales aforesaid, to devote said money to the payment of the purchase aforesaid, and the erection of necessary and suitable buildings, on the lands belonging to the said Abraham Voorhees, a lunatic: *Provided*, that they, the said guardians aforesaid, shall duly account to the Orphans' Court of the county of Somerset, for all moneys by them received, laid out and expended as aforesaid.

C. Passed February 17, 1820.

An act more effectually to provide for the removal of all the obstructions to the free course of the waters in the river Passaic, between Bonnel's upper saw-mill, up the river Passaic, ninety-three chains above the bridge at the mouth of Dead river.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That two appraisers, being freeholders and disinterested, be appointed to appraise the damage each person sustains by the water overflowing their lands, and two managers, being owners or possessors of the said meadow, swamps or low lands, be appointed for removing obstructions in the river Passaic from Bonnel's upper saw-mill, up the said river Passaic, ninety-three chains above the bridge at the mouth of Dead river, and to clear the channel thereof, and shall continue appraisers and managers until the fourth Monday in April next after being chosen, and until others are chosen in their stead, and it shall and may be lawful for the said managers or either of them, to enter upon the meadows, swamps and low lands of all persons whatsoever, lying upon the river aforesaid, to clear the same and remove every obstruction, division, swinging pole fences across said river excepted, to the free passage of the water within the limits aforesaid, and the mud and other obstructions taken out of said river to be cast out upon the meadows, swamps and low lands next adjoining where it is most convenient. Appraisers and managers appointed.

Sec. 2. *And be it enacted*, That the two appraisers aforesaid, shall make out an appraisal-bill by the first Monday of August yearly, and determine the amount each respective owner or possessor of the said meadow, swamp and low land shall pay for all and every of the expenses which accrue in carrying this law into effect, which appraisal-bill is to be delivered to the managers aforesaid, which managers shall and may demand and receive of Their duty.

all and every of the owners and possessors, such sums of money so assessed, and on neglect or refusal of the payment thereof, for the space of thirty days after such demand, it shall and may be lawful for the said managers or either of them, and they are hereby enjoined by action of debt to sue for and recover the same, with costs of suit, in such manner and in such courts as debts of such value are recovered by the laws of this State; all which moneys or sums so assessed, received and recovered, shall be applied by the manager or managers to the purpose in this act before mentioned.

Bridges.

Sec. 3. *And be it enacted*, That all bridges built after the passing of this act within the limits aforesaid, shall be at least twenty feet wide between the middle bents, and sufficiently high to let logs, rafts, timber or scows go through in any ordinary freshet; and that if any person or persons whatsoever shall fall any tree or cast or put any thing whatsoever into the said river, which will be an impediment or obstruct the free course of the water within the limits aforesaid, he, she or they for every such offence, shall forfeit and pay a fine not to exceed fifty dollars, to be recovered by action of debt, with costs of suit, by any one of the owners or possessors of the said meadow, swamps and low-lands, in any court having cognizance of the same, one half to the informant who shall sue for and recover the same, and the other half to be applied by the manager or managers above mentioned, or either of them, to the clearing the river aforesaid.

Fine for obstructions.

Time of choosing managers.

Sec. 4. *And be it enacted*, That it shall and may be lawful for the owners and possessors of the low-lands aforesaid, to meet at the house where John Little, esq. now lives, in Essex county, on the fourth Monday in April next, at one o'clock P. M. and afterwards at such place as they shall agree upon at their first or any subsequent meeting, and by plurality of votes of those met, choose two appraisers who shall be disinterested, and two managers who shall be owners or possessors of the meadow, swamps and low-lands aforesaid, yearly and every year after the passing of this act; which appraisers and managers shall continue one whole year next ensuing the choice, and in case of neglect to meet and appoint new ones, they are to continue from year to year until others are elected in their place.

Proceedings in case persons chosen do not act.

Sec. 5. *And be it enacted*, That if any person or persons who shall be chosen appraiser or appraisers, and manager or managers as aforesaid, shall die or remove out of the place before the expiration of the time for which he or they are so chosen, or who shall refuse to take upon himself or themselves the management aforesaid, then and in that case it shall and may be lawful for any five owners or possessors of said meadows, swamps and low-lands as aforesaid, to call a meeting of the owners and possessors of the said property, by putting up advertisements in at least three of the most public places in the neighbourhood of such owners and possessors, five days before the day of election, expressing

he time and place and the intention of such meeting, who shall, vhen met, elect a person or persons to supply the place of such ıppraiser or appraisers, manager or managers so refusing, remov- ng or dying, and the appraiser or appraisers, manager or mana- ;ers so chosen, shall have all the powers and authority herein be- ore given to appraisers or managers in this act.

Time allowed for removing wood, &c.

Sec. 6. *And be it enacted*, That all persons whatsoever, who hall have any timber, logs, wood, manure or other property with- n the limits aforesaid, shall have from the first day of December ıntil the first day of July, to remove the same out of the river ıforesaid, yearly and every year after the passing of this act, after vhich time, being from the first day of July until the first day of December, the managers aforesaid are hereby required to enter n and upon the lands aforesaid, and remove all obstructions out)f the river aforesaid, to the least damage of owners, and sell the ;ame to the best advantage, and apply the money arising there- ıpon to the clearing the river aforesaid.

Sec. 7. *And be it enacted*, That the said appraisers and ma- ıagers shall severally have for each day he or they may be em-)loyed in discharging the duties required by this act, the sum of)ne dollar; and all persons wishing to work out their proportion)f money so assessed or appraised, shall receive for each man in he water, or each pair of oxen, or each pair of horses, at the 'ate of one dollar per day, and each driver or man, working on he land, at the rate of seventy-five cents per day.

Sec. 8. *And be it enacted*, That the owners of said flowed ands, shall provide a book at their first meeting and make regu- ar entries of their moderator and clerk, chosen at said meeting, ogether with their proceedings signed by the moderator, which ;hall be received in evidence in any court where the same may)e required, and the manager or managers when his or their time)f office shall expire, shall make a fair and legible transfer of all ıis or their proceedings, with respect to all accounts concerning ;aid river to his or their successor or successors in office.

Sec. 9. *And be it enacted*, That any person or persons taking ıpon them the duties of the appraisers or managers, and neglect- ng or refusing, when called upon, to perform their respective du- ies until others are appointed, shall forfeit and pay ten dollars to ıny one of the owners of the lands aforesaid, to be recovered in ın action of debt, and when recovered to be applied towards :learing out said river.

A. Passed February 18, 1820.

An act granting further time for the completion of the turnpike road from Perth-Amboy to Boundbrook.

Sec. 1. 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 president and directors of the Perth-Amboy turnpike company, to make and complete the turnpike road from Perth-Amboy to Boundbrook, as authorised by an act, entitled "An act to incorporate the Perth-Amboy turnpike company," passed the twenty-second day of November, one thousand eight hundred and eight, at any time within five years from the twenty-second day of November next, any thing in the said act, or any supplement thereto, to the contrary notwithstanding.

Sec. 2. *And be it enacted*, That such part of said turnpike road as shall be completed and approved prior to the twenty-second day of November, one thousand eight hundred and twenty-five, shall be, and become vested in the said company, in as full and ample manner, to all intents and purposes as if the whole road had been completed according to the terms of the original act.

A. Passed February 18, 1820.

An act to authorise the erection of a Bank, Dam and other Water-Works, across the head waters of the eastern branch of Salem Creek, in the county of Salem.

Sec. 1. 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 to erect a bank, dam and other water-works, across the head waters of the eastern branch of Salem Creek, in the township of Manington, in the county of Salem, beginning at the end of the bank that runs from the fast land of Hedge Thompson, to the creek; thence across said creek until it intersects John H. Smith's bank; thence along said bank to his fast land near Merriman Smith's line.

Works to be erected, and where.

Sec. 2. *And be it enacted*, That the owners and possessors of the meadow enclosed by said bank and dam, shall meet at the house of Joshua Smith in Manington on the second Tuesday in April next, and yearly and every year thereafter, at two o'clock in the afternoon, and then and there, by plurality of voices of those so met, choose one or more managers, persons interested in said marsh, and at the same time and in the same manner shall

Owners to meet, &c.

choose three disinterested freeholders, who shall view the marsh, hear the parties and make such valuation as shall be equitable.

Sec. 3 *And be it enacted*, That the managers so chosen, shall erect a bank and dam sufficient to keep out the tide, and lay a sluice sufficient to drain said marsh, and shall at all times keep and maintain the same and shall enter upon the contiguous marsh and take of the mud and earth sufficient for said works without let or hindrance.

Sec. 4. *And be it enacted*, That the expense of making and repairing said bank, dam and other water-works, and all other expenses connected with the embankment of said meadow, shall be defrayed by a tax to be assessed on said marsh by one of the managers, whenever they may think it necessary, in a rateable proportion on the marsh of each individual according to the valuation of the commissioners.

Sec. 5. *And be it enacted*, That for the security of moneys expended or to be expended, the marsh of each owner shall be pledged for the payment thereof, and it shall be such a lien as to bind the meadow into whose hands soever it may come, notwithstanding any judgment, execution, sale or alienation thereof.

Manner of collecting the tax

Sec. 6. *And be it enacted*, That the managers shall give notice in writing to the different owners or possessors of said marsh of the amount of their tax, which if they neglect or refuse to pay for ten days thereafter, it shall and may be lawful for said managers to enter upon the marsh of such delinquent, and take the rents, issues and profits thereof, or sell or dispose of the grass, hay or grain thereon, by giving five days' notice in two of the most public places in the neighbourhood, or rent by public vendue for a year or term of years, or for such length of time as may be necessary to make the tax and a reasonable allowance to the managers for their trouble, the marsh of any delinquent: *Provided always*, the managers shall give four weeks notice by advertisements set up in three public places in the neighbourhood of said marsh.

Managers to render their accounts annually.

Sec. 7. *And be it enacted*, That the managers shall yearly and every year, at their annual meeting in April, produce their accounts and vouchers for inspection and settlement by the company, and shall be allowed for their trouble for assessing, collecting and managing said bank, five cents on every dollar expended about said work, as also a reasonable compensation for superintending the erection of the bank and dam, laying the sluice, &c.

C. Passed February 28, 1820.

An act to divorce Betsy Williams from her husband David Williams.

Sec. 1. 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 David Williams and Betsy his wife, be, and the same is hereby dissolved, annulled and made of no effect, as fully to all intents and purposes as if they had never been joined in the bonds of matrimony.

C. Passed February 22, 1820.

An act to divorce Eliza Dey from her husband Thomas Dey.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Eliza Dey, be, and she is hereby divorced from her husband Thomas Dey, and that the marriage contract heretofore existing between the said Thomas Dey and Eliza Dey, be, and the same is hereby for ever dissolved as fully as if they had never been joined in matrimony: *Provided nevertheless*, that the issue of the said marriage shall not be deemed illegitimate.

A. Passed February 23, 1820.

An act to authorise the sale of the Real Estate of John Mandeville, deceased.

WHEREAS it is represented by the widow and administrators of John Mandeville, deceased, late of the county of Bergen, who died intestate, that the said deceased died seized of twenty-six acres of land, in the county of Morris, and a small house and lot in the town of Bergen, the rents, issues and profits of which are wholly insufficient for the support of the widow and three minor children, and that the said land is decreasing in value by reason of decay and waste, and is becoming much less beneficial to the said widow and heirs, than if the same were sold, when from the interest of the proceeds of the sale, together with a small sum of personal estate remaining, and some other aid, the children may be raised and the principal

resumed for their use when they arrive at lawful age. All which appearing to be true:—THEREFORE,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Cornelius Van Winkle and Jacob D. Van Winkle, be, and they are hereby appointed trustees with full power and authority to sell, dispose of and convey, all the real estate whereof the said John Mandeville died seized, as soon as conveniently may be, for the highest sum or sums of money the same will bring, and for the same or any part thereof when sold, to make and execute, in due form of law, in their own names as trustees aforesaid, good and sufficient deed or deeds of conveyance according to the estate and interest which the said John Mandeville had or might legally claim of, in and to the same, which sale or sales being made and confirmed by deed, shall entitle the purchaser or purchasers to all the estate, right, title, claim and demand which the said John Mandeville had to the said premises at the time of his death. Trustees appointed.

Sec. 2. *And be it enacted*, That the said Cornelius Van Winkle and Jacob D. Van Winkle, shall keep a fair account of the said sale or sales, and of the expenses attending the same, and keep the residue of said sum out at interest upon good security, for the benefit of the said widow and heirs of the said John Mandeville, paying the one-third of the interest of the said sum to the widow, and the remaining two-thirds to the support of the children of the said deceased, until they severally arrive at lawful age, and then to pay to each one as they shall arrive at lawful age, his or her distributive share of such sum as may be in their hands, to be distributed according to law. Account to be kept and money put at interest.

Sec. 3. *And be it enacted*, That before the said Cornelius Van Winkle and Jacob D. Van Winkle, do enter upon the trust assigned them by this act, they do enter into bond with sureties unto the Governor of this State, in such amount as shall be approved by the Orphans' Court of the county of Bergen, conditioned for the faithful performance of the trust assigned them by this act, which bond shall be deposited in the Surrogate's office of the county of Bergen. Bond to be given.

Sec. 4. *And be it enacted*, That the said Cornelius Van Winkle and Jacob D. Van Winkle, or the survivor of them, shall, within six months after the said sale or sales, make, subscribe and exhibit under oath unto the Surrogate of the county of Bergen, an exact statement of the amount of said sale or sales, to be by him recorded and filed agreeably to law; and no deed of such lands shall be valid unless it be certified in or upon such deed by Silas Cook and Nicholas Mandeville, or the survivor of them, under their hands and seals that such sale is made bona fide, and for the highest price that could be obtained for such property at the time of said sale or sales, and said sale or sales shall not affect any lien upon said estate except that of the heirs of the said John Mandeville, deceased. Statement of sales to be exhibited under oath.

A. Passed February 21, 1820.

New Jersey State Library

An act to authorise Moses Rows and Abraham Lawshe, administrators of the estate of John Lawshe, deceased, to fulfil a contract for the sale of land, made by the said John Lawshe, deceased, with John Suydam.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Moses Rows and Abraham Lawshe, administrators of John Lawshe, deceased, be, and they are hereby authorised and empowered to make and execute a deed of conveyance in fee-simple to the said John Suydam for a certain lot of land in the township of Bethlehem, in the county of Hunterdon, containing nineteen acres and eighty-seven hundredths of an acre, now in the possession of the said John Suydam, and which the said John Lawshe in his life-time did agree to convey by articles of agreement to the said John Suydam, 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 executed by the said John Lawshe in his life-time.

A. Passed February 21, 1820.

A Supplement to the act, entitled "An act to incorporate the president, directors and company of the Pennsylvania and New-Jersey communication company," passed January twenty-sixth, eighteen 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 the bridge required to be constructed by the act to which this is a supplement, may be built with stone or other piers or piles, all of which shal not make, on one general average of its whole length, more obstruction to the current of the river than the average width of fifteen feet for every one hundred and seventy-five feet, in the length of the said bridge, when a law passes the Legislature of Pennsylvania to the same effect.

Sec. 2. *And be it enacted,* That the term limited in the said act for the completion of the bridge and improvements therein contemplated, be, and the same is hereby extended to ten years from and after the passing hereof.

A. Passed February 23, 1820.

An act to alter the corporate name of the Presbyterian Church in the township of Lawrence.

WHEREAS by virtue of an act of the Council and General Assembly of this State, entitled "An act to incorporate certain persons as trustees in every religious society or congregation in this State, for transacting the temporal concerns thereof," certain trustees of the Presbyterian Church in the township of Lawrence, then called the township of Maidenhead, duly chosen according to the directions of said act, did, according to the provisions thereof, on the first day of August, in the year of our Lord one thousand seven hundred and eighty-seven, choose to be distinguished in law from all other incorporated bodies under the style and name of "Trustees of the Presbyterian Church in the township of Maidenhead, in the county of Hunterdon and State of New-Jersey," which was duly recorded according to said law, and it is expedient that the name of the said corporation should be changed so as to be conformed to the change of the name of the township which has been since effected 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 from and after the passing of this act, the name of the said corporation be, and the same hereby is changed to the style, description and name of "The Trustees of the Presbyterian Church in the township of Lawrence, in the county of Hunterdon, and State of New-Jersey."

Sec. 2. *And be it enacted,* That all deeds, gifts, grants, devises, bequests, records, acts, matters and things whatsoever, in which the said corporation has heretofore been described and in which the word "Maidenhead" has been used, shall be good and available in law, and shall enure to the benefit of the trustees of the Presbyrian Church in the township of Lawrence, in the county of Hunterdon, State of New-Jersey, as effectually as if the word "Lawrence" had been originally therein inserted, and that the said trustees of the Presbyterian Church in the township of Lawrence, in the county of Hunterdon and State of New-Jersey, may have, claim, sue for and recover in any court of law or equity, all debts, dues, rights, choses in action and demands whatsoever, real, personal and mixed, which have accrued by reason of any such deeds, gifts, grants, devises, bequests, records, acts, matters and things whatsoever, in any of which the word "Maidenhead" has been used, as fully as if the word "Lawrence" had been therein originally inserted.

A. Passed February 25, 1820.

An act securing to Mechanics and others, payment for their labour and materials in erecting any house or other building within the limits therein mentioned.

WHEREAS Edward Sharp, esquire, of Camden, in the county of Glousester, has by his memorial represented to the Legislature, that he is about to lay off and divide into building lots, and as soon as may be, sell and dispose of the same, a certain tract of land now owned by him, in and adjoining to the town of Camden aforesaid, bounded and described as follows, to wit: All that tract of land situate in the township of Newton, in the county of Gloucester, beginning at a marble slab by the side of Delaware river, at high water mark, in the line of land formerly of Joseph Kaighn, since of James Kaighn; thence by the said Kaighn's land along the top of a ditch bank, north eighty degrees, east twenty-three chains and fifty-seven links, to a marble slab; thence partly by Richard M. Coopers's woodland, and partly by woodland belonging to the heirs of Daniel Cooper, deceased, north five degrees, east thirty-nine chains and thirty-eight links, to a marble slab in the middle of Federal street, bedded in the ground twelve inches below the surface; thence along the middle of said Federal street, north eighty-two and a half degrees, west twenty chains and seventy-three links, to a marble slab, also bedded in the ground about twelve inches below the surface, from which the south-west corner of Joshua Cooper's tavern and ferry-house bears north twelve degrees, east distant sixty-eight links and three fourths of a link, and the top of Christ church steeple bears north sixty-two and a half degrees west; thence by other ground of the said Joshua Cooper, south five degrees and a half, west six perches and seventeen twentieths of a perch to a stone; thence still by the said Joshua Cooper's other land, north eighty-four degrees and a half, west two chains and twenty-eight links, to a stone at high water mark of the said river, and thence along the high water mark of the said river to the place of beginning, containing about eighty-nine acres, and seventy-five one hundredths of an acre, more or less. Also the mud flats which the courses of the said farm to low water mark will contain, which is between the high water and low water mark, and which is computed to be about fifty-eight acres more or less, and which is bounded southerly by flats formerly belonging to the estate of Kaighn's, and northerly by flats belonging to the ferry property lately owned by Joshua Cooper, it being the same tract purchased by Edward Sharp, of the said Joshua Cooper, by deed dated the eighth June, eighteen hundred and eighteen, and recorded at Woodbury, sixteenth July, eighteen hundred and eighteen, in Lib. c c, folio 109, and excepting therefrom the site of the contemplated bridge from the Jersey shore to the island in the river Delaware, opposite

to the city of Philadelphia. And whereas the said Edward Sharp hath further represented that it would greatly encourage the erection of buildings on the said lots so to be laid off and divided as aforesaid, and thereby more speedily enlarge and improve the said town of Camden, to secure by law to mechanics and others, payment for their labour and materials in erecting any building upon the said tract of land: all which appearing to be just and reasonable,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all and every dwelling-house or other building hereafter constructed and erected within the tract of land above described, shall be subject to the payments of the debts contracted for or by reason of any work done or materials found, and provided by any brick-maker, brick-layer, stone-cutter, mason, lime-merchant, carpenter, painter and glazier, iron-monger, blacksmith, plaisterer and lumber merchant, or any other person or persons employed in furnishing materials for or in the erecting and constructing such house or other building; but if such house or other building should not sell for a sum of money sufficient to pay all the demands for work and materials, then and in such case, the same shall be averaged and each of the creditors paid a sum proportioned to their several demands: *Provided always*, that no such debt for work and materials shall remain a lien on the said houses or other buildings longer than two years from the commencement of the building thereof, unless an action for the recovery of the same be instituted, or the claim filed, within six months after performing the work or furnishing the materials, in the office of the clerk of the Inferior Court of Common Pleas of the said county of Gloucester: and *Provided also*, that each and every person having received satisfaction for his or their debt, for which a claim shall be filed, or action brought as aforesaid, shall at the request of any person interested in the building on which the same was a lien, or in having the same lien removed, or of his, her or their legal representatives on payment of the costs of the claim or action, and on tender of the costs of office for entering the satisfaction, within six days after such request made, enter satisfaction of the claim in the office of the clerk of the court where such claim shall be filed or such action brought, which shall for ever thereafter discharge, defeat and release the same: and if such person, having received such satisfaction as aforesaid, by himself or his attorney, shall not within six days after request and payment of the costs of the claim or action as aforesaid, and tender as aforesaid, by himself or his attorney duly authorised, enter satisfaction as aforesaid, he, she or they neglecting or refusing so to do, shall forfeit and pay unto the party or parties aggrieved, any sum of money not exceeding one half of the debt for which the claim was filed, or action brought as aforesaid, to be sued for and recovered by the person or persons injured, in like manner as debts are now recoverable by the laws of this State.

Sec. 2. *And be it enacted*, That in all cases of lien created by this act, the person having a claim filed agreeably to the provisions hereof, may at his election proceed to recover it by personal action, according to the nature of the demand against the debtor, his executors or administrators, or by scire facias against the debtor, and owner or owners of the building, or their executors or administrators; and where the proceeding is by scire facias, the writ shall be served in like manner as a summons, upon the person or persons named therein, if they can be found within the said county of Gloucester, or are resident therein; or if they cannot be found or are not resident in said county, by fixing a copy of the writ on the door of the building against which the claim is filed, and upon the return of service and failure of the defendant or defendants to appear, the court shall render judgment, as in other cases upon writs of scire facias; but if they or either of them appear, such person or persons may plead and make defence, and the like proceedings be had as in personal actions for the recovery of debts: *Provided*, that no judgment rendered on any such writ of scire facias, shall warrant the issuing of an execution except against the building or buildings upon which the lien existed as aforesaid.

Sec. 3. *And be it enacted*, That every claim to be filed as aforesaid, shall particularly designate the building for which the work therein to be mentioned was done, or the materials therein to be mentioned were found and provided.

Sec. 4. *And be it enacted*, That whenever, within the tract of land above described, any building shall be erected by contract, then and in such case, payment according to such contract, by the owner or owners of the building to the contractor or contractors, shall fully and entirely discharge such building from all lien for work done, and materials furnished: *Provided*, the said contract be in writing and filed as aforesaid forthwith after the same shall have been made and executed.

A. Passed February 25, 1820.

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

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

Sec. 2. *And be it enacted*, That the said sum of thirty thou-
nd dollars shall be paid by the several counties of this State, in Quotas of the several counties.
ne manner following, that is to say:

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3. *And be it enacted*, That the assessors of the several Assessment of horses, &c.
ownships of this State, to raise the aforesaid sum of thirty thou-
and dollars, shall assess and rate the several articles and things
ereafter enumerated, at the following specific sums:

Every covering-horse above three years old, any sum not ex-
eeding six dollars, to be paid by the person where such horse is
ept.

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

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

Sec. 4. *And be it enacted*, That in assessing the aforesaid How property valued and rated.
um of thirty thousand dollars, the following persons, articles and
hings shall be valued and rated at the discretion of the asses-
ors, to wit:

All tracts of land held or owned by deed, patent, occupancy,
urvey or otherwise, any sum not exceeding one hundred dollars
y the hundred acres: *Provided always*, that houses and lots of
en acres and under, shall not be included in the above valuation,
ut shall be valued by the respective assessors, at their discretion,
aving regard to the yearly rent and value thereof, proportioning

the same as nearly as may be to the valuation of the land afor said.

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

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

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

All saw-mills, any sum not exceeding eight dollars.

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

All furnaces, any sum not exceeding ten dollars.

All forges that work pig-iron, and all forges and bloomari that work bar-iron immediately from the ore or cinders, for eac fire, any sum not exceeding six dollars.

All rolling and slitting-mills, any sum not exceeding ten do lars.

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 do lars.

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

Every single man, whether he live with his parents or not, an sum not exceeding one dollar: *Provided*, that every single ma possessed of a ratable estate, the tax whereon amounts to the sur he is above directed to be rated, shall be assessed for that estat only, and not as a single man. *And provided also*, that any on 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 shal 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 exceedin twenty dollars.

All other distilleries, used for distilling spirits, any sum not ex ceeding five dollars, having due regard to the size or capacit 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 dol lars.

Every four-horse stage-waggon, any sum not exceeding tw dollars and fifty cents.

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

Every covered waggon, with a fixed or framed top, any sum ot exceeding forty cents.

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

Every riding-chair, gig or sulky, stuffed and lined, any sum ot exceeding forty cents.

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

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

A. Passed March 1, 1820.

An act to divorce Abigail Conger, of the county of Morris, from her husband, Peter B. Conger.

Sec. 1. 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 ma-rimonial relation now subsisting between Peter B. Conger and he said Abigail Conger, shall be, and the same is hereby declared o be dissolved, annulled and made of no effect, as fully and ef-ectually, to all intents and purposes, as if they never had been oined in matrimony.

C. Passed March 1, 1820.

An act authorising repairs to be made to the State-House.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Robert M'Neely and Ellett Tucker, be, and they hereby are appointed commissioners for the purpose of caus-ing such repairs, painting and white-washing to be made to the State-House, and the fence of the yard thereto belonging, as they may deem expedient.

Sec. 2. *And be it enacted*, That the said commissioners sha lay their accounts before the Legislature, at their next sessior for allowance and settlement.

Sec. 3. *And be it enacted*, That the Treasurer of the State be authorised and directed to pay the orders of the said commis sioners, for such repairs, out of any unappropriated moneys in hi hands, not exceeding the sum of seven hundred dollars, whic sum is hereby appropriated for that purpose.

C. Passed March 2, 1820.

An act to authorise and direct the Inspectors of the State-Prison to build and erect an additional number of cells at the said Prison.

Sec. 1. 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 Inspectors of the State-Prison, be, and they are hereby authorised and required to build and erect an additional building at the southerly end of the present Prison, of the dimensions of thirty-five feet by forty-five feet, and to contain forty cells, for the particular purpose of solitary imprisonment of convicts, and that the same be proceeded in by the said Inspectors as soon as they may (from the labour of the prisoners, the sales of manufactured articles on hand and the collection of moneys due, together with such sum as may be appropriated by law for that purpose) be enabled to progress in the same.

Sec. 2. *And be it enacted*, That the Inspectors of said Prison shall, as soon as possible, sell at public auction, or otherwise, all nails and other manufactured articles on hand, and that it shall and may be lawful for the Treasurer of this State, whenever the building ordered to be erected in the first section of this act, shall be progressing, to pay to the order of the said Inspectors for the erection of said building, any sum not exceeding one thousand dollars, out of any moneys in his hands belonging to the State, unappropriated; and it shall be the duty of said Inspectors to account for the same, together with all moneys by them made in the sales of materials on hand, sums due to be collected, days labour of prisoners, iron and iron work by them prepared, that an accurate account may be shewn for the erection of said building, when completed.

A. Passed March 2, 1820.

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 named, the following sums: viz.

1. To Hennun Jones, for publishing the act of the Legislature relative to a proposed amendment to the Constitution of this State, ten dollars, fifty cents.

2. To William Myer, for publishing the act of the Legislature relative to a proposed amendment to the Constitution of this State, ten dollars, fifty cents.

3. To Thomas Gordon, for mounting the two maps of the contemplated canal, sent to Washington, four dollars.

4. To the estate of Joseph Broadhurst, for four cords of hickory wood, for the use of the State-House, thirty-two dollars.

5. To Aaron S. Pennington, for copying the revised Laws of this State, fifty dollars.

6. To Isaac Hews, for attendance as a witness against John Ballard, for horse stealing, twenty-seven dollars, fifty-cents.

7. To D. Fitz Randolph, for publishing the act of the Legislature, relative to a proposed amendment to the constitution of this State, ten dollars, fifty cents.

8. To John Bellerjeau, (Carpenter) for work and materials for repairing the outer cellar doors of the State-House, two dollars, fifty cents.

9. To William Robinson, for repairing brass andirons for Council Chamber, two dollars.

10. To Daniel Bellerjeau for repairs to Council Chamber, Secretary's Office, serving summons and subpœnas on the impeachment of Walker Beesley, esq. thirty dollars, four cents.

11. To William Gould, for receiving and sawing wood, and sundry expenses for the State-House, thirteen dollars, ninety-eight cents.

12. To Samuel Hill, for six cords of hickory wood, forty-eight dollars.

13. To Ellett Tucker, Quarter-Master-General, for expense remounting two brass pieces of ordinance, and sundry expenses with the arms, &c. two hundred forty-four dollars, twenty-five cents.

14. To N. Palmer and Son, for publishing the act relative to a proposed amendment to the constitution of this State, ten dollars, fifty cents.

15. To Samuel T. Machett, for twenty-three pamplet laws, five dollars, seventy-five cents.

16. To William S. Moore, for four pamphlet laws, one dollar.

17. To James Linn, Secretary of State, for entering in a book the reports of the commissioners, relating to the proposed canal, and furnishing George Sherman the public acts for publication, &c. twenty-nine dollars, seventy-two cents.

18. To Elijah Brooks, for publishing the act relative to a proposed amendment to the constitution of this State, three times five dollars, twenty-five cents.

19. To John H. Hale, for publishing the act relative to a proposed amendment to the constitution of this State, ten dollars fifty cents.

20. To Peter Chatterton, for publishing the act relative to the proposed amendment to the constitution of this State, ten dollars fifty cents.

21. To Joseph Justice, for stationary for the House of Assembly, ten dollars, twelve and a half cents.

22. To D. and E. Fenton, for blank books and stationary for the clerk of Assembly, four dollars eighteen and a half cents.

23. To John A. Crane, for publishing the act relative to a proposed amendment to the constitution of this State, ten dollars, fifty cents.

24. To Thomas Cain, for candles for the use of the Assembly, four dollars, eighty-one cents.

25. To James J. Wilson, for printing bills for the use of the Legislature, furnishing newspapers, &c. four hundred eighty-three dollars, twenty-five cents.

26. To Daniel Phillips, for work done to the State-House and clerk of the Supreme Court's office, eight dollars, fifty cents.

27. To W. S. Stockton, for pitchers and tumblers for Council Chamber, one dollar, eighty-seven cents.

28. To David Fogg, Daniel Ashton, Andrew Griscom and Andrew Smith, for fees and expenses attending as witnesses on the impeachment of Walker Beesley, esquire, twenty-seven dollars each.

29. To John Baxter, late sheriff of Gloucester county, for removing sundry prisoners, fifty-three dollars, fifty-three cents.

30. To John R. Smith, for sundry articles of hardware for Council Chamber, twenty-two dollars, sixty-four cents.

31. To George Sherman, for publishing the act relative to a proposed amendment to the constitution of this State, and newspapers for the Legislature, thirty-six dollars, twenty-five cents.

32. To Joseph Justice, for printing and stationary for Council Chamber, eighty-four dollars, ninety and a half cents.

33. To his Excellency Isaac H. Williamson, for printing and postage, twelve dollars, eighty-seven cents.

34. To Archibald M'Kean, for a book for index of deeds, fifteen dollars, eighty-eight cents.

35. To Thomas Cain, for Candles for Council Chamber, one dollar thirty-eight cents.

36. To Ellett Tucker, Quarter-Master-General as a salary for the present year, ending October the twenty-seventh, next ensuing, one hundred dollars.

37. To William Gould for tape purchased by him for the use of the House of Assembly, sixty-three cents.

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ACTS

OF THE

FORTY-FOURTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY,

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



TRENTON:

PRINTED BY JOSEPH JUSTICE.

1820.

ACTS

OF THE

FORTY-FOURTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY.

An act, being a further supplement to an act, entitled "An act to incorporate the president, directors and company of the Pennsylvania and New-Jersey communication 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 when one thousand or more shares of stock in "The Pennsylvania and New-Jersey communication company," shall have been subscribed, and the first instalment thereon paid, and the names of the subscribers, together with the number of shares subscribed by each, shall be certified to the Governor, under the hands and seals of at least five of the commissioners, the Governor shall thereupon, under his hand and the seal of the State, create and erect the said subscribers, and those who shall afterwards subscribe, into one body politic and corporate, in deed and in law, under the name, style and title, and with all the privileges contained in said act to incorporate "The president, directors and company of the Pennsylvania and New-Jersey communication company," passed the twenty-sixth day of January, one thousand eight hundred and nineteen, and the supplement thereto. And in order to give to the new subscribers, under the company in its organized capacity, an equal voice in the election of directors, the said company are hereby authorized to elect the first directors, to serve for any less period than one year, any thing contained in the third section of said act notwithstanding.

To be incorporated when certain things are performed, and certified to the Governor.

Sec. 2. *And be it enacted,* That so much of the said original act as is inconsistent with this supplement, be, and the same is

Part of the original act repealed.

hereby repealed, but nothing herein contained shall be so construed as to supercede the functions of the commissioners for any other purposes, more especially those which may be required by the law of Pennsylvania, in order to incorporate said company under the act of that state.

C. Passed May 24, 1820.

An act to authorize the sale of the real estate of Philip Williams, deceased.

WHEREAS it is represented by the widow and administrator and the guardian of the children of Philip Williams, deceased, late of the county of Bergen, who died intestate, that the said deceased died seized of two lots of ground, situate, lying and being in the town of Jersey, in said county, on which two lots the office and dwelling-house of the said Philip Williams, deceased, are situated; and that the rents, issues and profits thereof, are, and have been ever since the death of the said Philip Williams, much less than the interest of the sum the same would sell for.

AND it being also represented that it would be advantageous to said estate that the said property should be sold and the proceeds thereof invested in real estate or stock, or that the money be put out on good security, there to remain at interest until the infant children come of age: all which appearing to be true—THEREFORE,

Trustees appointed, and their authority to sell.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That James Hedden and Sarah C. Williams be, and they are hereby appointed trustees, with full power and authority to sell, dispose of and convey all the said real estate whereof the said Philip Williams died seized, as soon as conveniently may be, for the highest price or prices the same will bring, and for the same or any part thereof, when sold, to make and execute, in due form of law, in their own names, as trustees aforesaid, good and sufficient deed or deeds of conveyance, according to the estate and interest which the said Philip Williams had or might legally claim of, in and to the same, which sale or sales, being made and confirmed by deed, shall entitle the purchaser or purchasers to all the estate, right, title, claim and demand which the said Philip Williams had to the said premises at the time of his death.

Accounts to be kept.

Sec. 2. *And be it enacted*, That the said James Hedden and Sarah C. Williams shall keep a fair account of the said sale or sales and of the expenses attending the same, and keep the resi-

due of said price out at interest, upon good security, for the benefit of said widow and heirs of the said Philip Williams, paying the one-third of the interest of the proceeds of the said sale to the widow, and the remaining two-thirds to the support of the children of the said deceased, until they severally arrive at lawful age, and then to pay to each one, as they shall arrive at lawful age, his or her distributive share of such sum as may be in their hands, to be distributed according to law.

Money arising from the sale, how distributed.

Sec. 3. *And be it enacted*, That before the said James Hedden and Sarah C. Williams do enter upon the trust assigned them by this act, they do enter into bond, with sureties, unto the Governor of this State, in such amount as shall be approved by the Orphans' Court of the county of Bergen, conditioned for the faithful performance of the trust assigned them by this act, which bond shall be deposited in the surrogate's office of the county of Bergen.

Trustees to give bond, &c.

Sec. 4. *And be it enacted*, That the said James Hedden and Sarah C. Williams, or the survivor of them, shall, within six months after the said sale or sales, make, subscribe and exhibit, under oath, unto the surrogate of the county of Bergen, an exact statement of the amount of said sale or sales, to be by him recorded and filed agreeably to law, and no deed of such lands or estate shall be valid unless it be certified in or upon such deed by Peter Sip and John Van Vorst or the survivor of them, under their hands and seals, that such sale is made bona fide, and for the highest price that could be obtained for such property at the time of said sale or sales; and said sale or sales shall not affect any lien upon said estate, except that of the heirs of the said Philip Williams, deceased, and of his widow Sarah C. Williams.

Trustees to render an account of the sales to the surrogate of Bergen.

Deed not valid unless, &c.

A. Passed June 1, 1820.

An act to compensate the honorable William S. Pennington, for compiling and revising 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 five hundred dollars be paid to the honorable William S. Pennington, for his services in compiling and revising the laws of this State; in pursuance of an act entitled "An act making provision for a compilation and revision of the laws of this State," passed on the second day of February, one thousand eight hundred and nineteen; and that the said sum of five hundred dollars be paid by the Treasurer of this State, out of any moneys in the treasury, not otherwise appropriated.

A. Passed June 12, 1820.

An act for the relief of James Armstrong.

WHEREAS James Armstrong, in the month of January, one thousand eight hundred and eighteen, had stolen from him a certain quantity of butter, of the value of one hundred and thirty dollars; and, after considerable trouble and expense, arrested one Isaac Kirkhuff as the thief, and brought him before Jacob Kerr, esquire, who, after a due examination of the facts and evidences in support of the charge, committed the said Isaac to the jail of the county of Sussex, for trial; but afterwards, and before trial, the said Isaac was admitted to bail, in the sum of one thousand dollars, and discharged from prison by James Vankirk, esquire, a justice of the peace of said county: And whereas the said Isaac, failing to appear at the court, as he was bound to do, his recoguizance was forfeited, in due form of law; and the said sum of one thousand dollars has since been recovered from his bail, and paid into the treasury of this State: And whereas, it is further represented that after the arrest of the said Isaac, he offered to settle and pay the said James the full value and amount of the property stolen, which the said James refused, and insisted on bringing the said culprit to justice according to law; and it is just and expedient, that in such cases, reparation should be made to the injured individual out of the money received by the State in manner aforesaid.—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 pay, and he is hereby directed to pay to the said James Armstrong, the sum of one hundred and thirty dollars, out of any moneys in the treasury not otherwise appropriated.

A. Passed June 10, 1820.

An act relative to the township officers of the township of Morris

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the official acts of the township officers of Morris, in the county of Morris, elected at the annual town-meeting on the second monday in April last, so far as the same would have been legal, in case they had duly taken their oaths of office, are hereby declared to be, and shall hereafter be taken to be valid and effectual in law, notwithstanding the said officers may not have taken their oaths of office as required by existing laws.

A. Passed June 10, 1820.

An act relative to printing a new edition of the public laws.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That two thousand copies of the revised public laws of this State, be printed under the superintendence and direction of Samuel L. Southard and Charles Ewing, esquires, in manner and form as are prescribed in the act making provision for a compilation and revision of the laws of this State, passed February second, one thousand eight hundred and nineteen, and that Daniel Coleman correct the proof-sheets for the press. Number of copies, &c.

Sec. 2. *And be it enacted*, That the said edition of public revised laws be printed neatly, and substantially bound, in sheep, and lettered, by Joseph Justice, of the city of Trenton, on the terms contained in his written proposals, submitted to the House of Assembly: *Provided*, that if said edition shall not exceed one thousand pages, that the same be bound in one volume, and the said Joseph Justice deduct such proportion of the expense of binding one volume instead of two, therefrom. By whom printed.

Sec. 3. *And be it enacted*, That the above named superintendents, Samuel L. Southard and Charles Ewing, esquires, be authorized, and they are hereby directed, to cause the said printer, Joseph Justice, before he enters upon the business, to enter into bond, to the Governor of the State, under such penalty and with such surety as they may reasonably require, for the faithful execution of the work, on the terms to be therein specified, and to be delivered as early in the next session of the legislature as practicable. Printer to give bond.

Sec. 4. *And be it enacted*, That in order that the revised edition of the laws may be correctly published, according to the original acts, it shall be the duty of the Secretary of State to deliver, unto the superintendents before named, such of the original manuscripts and printed copies of laws, as they may require, to be safely returned after they shall have used the same for the purpose aforesaid. Secretary of State to deliver to the superintendants certain acts.

Sec. 5. *And be it enacted*, That it shall and may be lawful for the superintendents aforesaid, to draw upon the Treasurer of the State, in favour of the printer, for such sum or sums of money, not exceeding the sum of two thousand five hundred dollars, as they shall find necessary to facilitate the progress of the work; and the Treasurer is hereby authorized to pay the same out of any money in the treasury not otherwise appropriated. Money to be drawn in favour of the printer.

Sec. 6. *And be it enacted*, That the declaration of independence be published with the revised laws.

A. Passed June 13, 1820.

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 and may be lawful for the Treasurer of this State, to pay to the several persons herein after named, the following sums: viz.

1. To Aaron S. Pennington, for copying two hundred and three folios of the revised laws of this State, and stationary, seventeen dollars.

2. To Samuel Hill, for one and a half cords of hickory wood, for the use of the State-house, twelve dollars.

3. To J. and E. Sanderson, for publishing the act relative to the proposed amendment to the constitution of this State, ten dollars.

4. To Philip T. Gray, for publishing the act relative to the proposed amendment to the constitution of this State, three times, five dollars.

5. To John Bellerjeau, for taking up and drying the carpet of council chamber and furnishing locks for desks, four dollars, fifty cents.

6. To Joseph Justice, for printing sundry bills, blank books, paper and sundry articles of stationary, for use of the Assembly, eighty-three dollars, forty-six cents.

7. To Theodore Frelinghuysen, Attorney-General of this State, for expenses in obtaining witnesses on indictment of Peter Brakeman, for murder, seventy-four dollars.

8. To James J. Wilson, for printing bills and newspapers, for the house of Assembly, one hundred ninety-six dollars and seventy cents.

9. To William Gould, for sawing wood, furnishing tape and decanters for assembly room, five dollars, six and a half cents.

10. To George Sherman, for furnishing newspapers, eleven dollars, eighty-seven and a half cents.

11. To John Bellerjeau, for pitcher for council chamber, sixty-two and a half cents.

A. Passed June 13, 1820.

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