

Rich. M. Sawell
ACTS *Dec: 31. 1832*

OF THE

FIFTY-SIXTH
GENERAL ASSEMBLY

OF THE

State of New-Jersey,

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

THOUSAND EIGHT HUNDRED AND THIRTY-ONE.

BEING THE FIRST SITTING.

33000



TRENTON:

PRINTED BY JOSEPH JUSTICE.

1832.

100.000.000

100.000.000

ACTS
OF THE
FIFTY-SIXTH
GENERAL ASSEMBLY

OF THE
State of New-Jersey.

AN ACT for the relief of Joshua 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 the Treasurer of this State, for the time being, shall, and he is hereby authorized and required, half-yearly, to pay to Joshua Williams, a soldier in the service of the United States, in the Revolutionary War, or to his order, at the rate of sixty dollars by the year, from the passing of this act, during the lifetime of the said Joshua Williams; and the receipt of the said Joshua Williams, or his order, shall be a sufficient voucher to the Treasurer, for such sums as may be paid by virtue of this act, in the settlement of his accounts.

Pension of sixty
dollars a year to
Joshua Williams

Sec. 2. *And be it enacted,* That if the Congress of the United States shall hereafter provide for the remaining soldiers of the Revolution, and the said Joshua Williams be provided for thereby, that this act shall cease and become void, and the payment of the pension hereby granted, shall be discontinued from the time of the commencement of his pension from the United States.

When to cease,

Passed November 4, 1831.

AN ACT in respect to a certain deed of trust therein mentioned.

WHEREAS, in and by a certain deed of trust made by and between William Nottingham, of the county of Somerset, in

Preamble.

the State of New-Jersey, of the first part, and Elizabeth, his wife, of the second part, and Andrew Howell, of the same county, of the other part, bearing date the second day of October, in the year of our Lord one thousand eight hundred and twenty-six, and recorded in the clerk's office of the said county, in book M. of deeds, it is provided, that a certain portion of the proceeds of the sales of certain property therein mentioned, should be placed in the hands of the said Andrew Howell, as trustee, for the support and maintenance of the said Elizabeth Nottingham, and her children, by the said William Nottingham, and the interest, and a certain part of the principal thereof, to be annually applied by the said trustee for that purpose: AND WHEREAS, the amount arising from the said sales, and received by the said trustee, is much less than was anticipated by the said parties, at the execution of the said deed, and the said interest, and the said part of the principal mentioned in the said deed, is entirely inadequate to the support and maintenance of the said Elizabeth Nottingham, and a family of female children, some of whom are quite young, for whose use the whole of the said portion of the proceeds of the said sales was provided and intended, and who have no other property for their support and maintenance.—Therefore,

Trustees to pay
principal of mo-
neys in their
hands, to E.
Nottingham.

SEC. 1. 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 Andrew Howell, trustee, named and appointed in and by the said deed of trust, be, and he is hereby authorized to pay all the moneys which have come into, and are, in his hands, under and by virtue thereof, unto the said Elizabeth Nottingham, to be, by her, applied to the support and maintenance of herself, and her said children, and that the same being so paid, the said Andrew Howell, shall be taken and deemed to have fulfilled his trust, and shall be entirely discharged therefrom.

Passed November 9, 1831.

AN ACT to extend “An Act to establish the Cumberland Bank, at the town of Bridgeton, in the county of Cumberland, New-Jersey.”

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the act entitled “An Act to establish the Cumberland Bank, at the town of Bridgeton, in the county of Cumberland, New-Jersey,” passed the fifteenth of

February, eighteen hundred and sixteen, be, and the same is hereby extended and declared to be continued until the fifteenth day of February, in the year of our Lord one thousand eight hundred and fifty-six, and from thence to the end of the next session of the legislature, and no longer : *Provided*, that the said bank shall not take more than at the rate of six per centum for, or upon, its loans or discounts.

Charter of Cumberland Bank extended to eighteen hundred and fifty-six.

Passed November 9, 1831.

AN ACT to extend the act entitled "An Act to incorporate the President, Directors and Company of the Farmers' Bank of New-Jersey."

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the act entitled "An act to incorporate The President, Directors and Company of the Farmers' Bank of New-Jersey," passed the twenty-sixth day of January, in the year of our Lord one thousand eight hundred and fifteen, be, and the same is hereby extended, and declared to be continued until the last Saturday in April, in the year of our Lord one thousand eight hundred and fifty-five. *Provided*, that they shall not take more than at the rate of six per centum per annum for, or upon, their loans or discounts.

Charter of Farmers' Bank of New-Jersey, extended to eighteen hundred and fifty-five.

Passed November 11, 1831.

AN ACT to authorize trustees therein named, to sell certain real estate of Noah Crane, deceased.

WHEREAS, it is represented to this legislature, that Noah Crane, late of Elizabeth-Town, in the county of Essex, and State of New-Jersey, departed this life in the month of February last, leaving a last will and testament, duly executed, bearing date on the thirtieth day of January, A. D. eighteen hundred and twenty-three, in and by which he directs, among other things, that after the payment of his debts and funeral and other expenses, all his estate, both real and personal, should be placed in the hands of his wife Martha, to remain until his youngest child should arrive at the age of twenty-one, for the purpose of bringing up his said minor children, and supporting his said wife ; which

Preamble.

said will of the said Noah Crane, deceased, has, since his death, been duly proved by Jonathan Crane, and Jacob G. Crane, the executors thereof; and letters testamentary granted unto the said executors, by the Surrogate of the said county of Essex: AND WHEREAS, the said Noah Crane, at the time of his death, was the owner of a certain grist mill and saw mill, situate in Elizabeth-Town aforesaid, together with a dwelling-house, and about seventeen acres of land in the vicinity of the said mills; and it appearing, that the said deceased, shortly before his death, had another will drawn, bearing date on the twenty-second day of January, A. D. eighteen hundred and thirty-one; in which he directs his executors, therein named, to sell all his real estate, as soon as convenient, after his decease; which last mentioned will, he, the said Noah Crane, was prevented from executing, by his sudden and unexpected death, having expressed great anxiety to have the same executed; and the said Martha, the widow of the said deceased, and all his children who are of age, and the guardians of all the minors who are in any way interested in the estate of the said deceased, having, by their memorial, represented to this legislature, that the said mills and property are greatly out of repair, and that the interests of all parties concerned, would be greatly advanced, by a speedy sale of the said lands, mills, dwelling-house and premises, and praying for a law authorizing the sale thereof; and the same appearing to this legislature to be just and reasonable—Therefore,

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Jonathan Crane, and Jacob G. Crane, of Elizabeth-Town, in the county of Essex, and State of New-Jersey, and the survivor of them be, and they are hereby appointed trustees, with full power to sell, dispose of, and convey a certain grist mill and saw mill (known by the name of Crane's Mills,) and a certain dwelling-house, and about seventeen acres of land near the same, with the appurtenances thereto belonging, situate in Elizabeth Town aforesaid, being part of the real estate of Noah Crane, deceased, as soon as conveniently may be, for the highest sum the same will bring; and when sold, to make, execute and deliver, in their own names, or in the name of the survivor of them, as trustees, or trustee as aforesaid, a good and sufficient deed or deeds of conveyance, for the whole of the said lands and premises, or such part or parts thereof, as they or the survivor of them shall sell as aforesaid, according to the estate, right, title and interest which the said Noah Crane, had in the same at the time of his death; which sale or sales so made, and confirmed by deeds, shall entitle the purchaser or purchasers to all the estate, right, title, interest, property, claim and de-

Trustees empowered to sell certain real estate of Noah Crane, deceased.

mand, which the said Noah Crane, deceased, had in the said land and premises, at the time of his death, and which the heirs or devisees of the said Noah Crane, deceased, now have in and to the same.

Sec. 2. *And be it enacted*, That the said trustees, and the survivor of them, the executor or executors of such survivor, shall keep a fair account of the sales made by them under this act, and exhibit under oath or affirmation, such account to the Orphans' Court, of the said county of Essex, within six months after such sales shall be made, to be filed and recorded by the surrogate of said county; and after deducting all legal costs and expenses, and commissions to be allowed by the said court, to place the whole amount of the balance arising upon such sale or sales at interest upon good real security, and pay the said interest arising thereon, to the said widow, if she shall remain the widow of the said testator, until the said youngest child shall arrive at the age of twenty-one years, and after the said child shall so arrive at age, then to pay over and dispose of the whole amount of the balance arising from such sale or sales, agreeably to the direction, and according to the true intent and meaning of the last will and testament of the said Noah Crane, deceased, of which the said trustees are executors, and which has been proved by them.

Trustees to account to the Orphans' Court of Essex.

How proceeds of sale to be disposed of.

Sec. 3. *And be it enacted*, That before the said Jonathan Crane and Jacob G. Crane, engage in the trust assigned them by this act, they shall enter into bond to the Governor of this State, in such sum, and with such security, as the Judges of the Orphans' Court of the county of Essex, shall approve, conditioned for the faithful performance of the said trust; which bond shall be deposited in the Surrogate's office of the said county.

Trustees to give bond.

Sec. 4. *And be it enacted*, That no sale or conveyance of the lands or tenements of the said deceased, made under this act, shall affect the rights or interests of any other person or persons whatever, other than the widow, heirs and devisees of the said Noah Crane, deceased, and their legal representatives.

The right of others not to be affected.

Passed, November 11, 1831.

AN ACT appointing trustees to sell and convey the real estate belonging to the heirs of James G. Herbert, deceased.

WHEREAS, James G. Herbert, Esquire, late of the county of Monmouth, died intestate, leaving Elizabeth Herbert, Ann Herbert, Mary Herbert, Sarah Herbert, and James A.

Preamble.

Herbert, infants, under the age of twenty-one, his children and heirs at law, who have inherited from their said father, certain lots of land and real estate in said county, which, owing to their situation and location, are, in a great measure, unproductive: AND WHEREAS, Samuel Laird, guardian, of the first named infant, and David Laird, junior, and Daniel Laird, guardians of the other above named infants, are desirous the said lots and real estate should be sold and disposed of for the benefit of their respective wards, and have petitioned for a law for that purpose, as more conducive to the respective interests of said wards—Therefore,

Trustees empowered to sell real estate of James G. Herbert, deceased.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said Samuel Laird, David Laird, junior, and Daniel Laird, be, and they are hereby appointed trustees, with full power and authority to sell and convey the real estate of the said James G. Herbert, deceased, in the manner, and upon giving such notice of said sale or sales as is required by law, in case of sales by executors or administrators, by virtue of an order of the Orphans' Court, and to execute, make and deliver good conveyances in the law therefor, and to dispose of and distribute the proceeds of said sale or sales, to the respective persons above named, and their representatives, as by law, they may respectively be entitled to receive, they respectively retaining in their hands, the same as guardians of said infants, in proportions to which their wards are respectively entitled, that is to say: the said Samuel Laird, retaining his wards share, and the said David Laird, junior, and Daniel Laird, the shares of the remaining wards.

How proceeds to be disposed of.

Trustees to give bond.

Sec. 2. And be it enacted, That before the said Samuel Laird, David Laird, junior, and Daniel Laird, shall enter upon the execution of the trusts reposed in them by this act, they shall respectively enter into bonds to the Governor of this State, with such sureties, and in such amounts, in proportion to their respective wards interest in the premises, as shall be approved by three Judges of the Orphans' Court of the county of Monmouth, conditioned for the faithful performance of the respective trusts reposed in them by this act, which bond shall be deposited in the office of the Secretary of this State.

Trustees to file statement, on oath, with surrogate.

Sec. 3. And be it enacted, That the said Samuel Laird, David Laird, junior, and Daniel Laird, within six months after the sale of said real estate shall be completed, shall respectively exhibit, under oath, unto the Surrogate of said county, an exact statement of the amount of the said sales, and the amount they have respectively received for their respective wards shares of the proceeds of the same, to be by

him recorded and filed in his office; and that the said Samuel Laird, David Laird, junior, and Daniel Laird, shall be accountable for all moneys by them respectively received for their respective wards, by virtue of this act: *Provided*, the said Samuel Laird shall be accountable only for his own wards share of the proceeds of the said sales; and also, that the said David Laird, junior, and Daniel Laird, shall be only accountable for their said wards shares of the same.

Passed November 14, 1831.

AN ACT to incorporate the Hamilton Manufacturing Company.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Mark W. Collet, Eliás I. Marsh, Philemon Dickerson, and Elias B. D. Ogden, and such others as now are or hereafter may be associated with them, be, and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of "The Hamilton Manufacturing Company," for the purpose of raising and cultivating silk-worms, and of manufacturing silk, wool, cotton, flax and hemp, and other articles of a similar nature, at or near the town of Paterson, in this state, and dyeing, printing, and bleaching the same, or any part thereof, and carrying on the business incident to the same; and by that name, they and their successors and assigns, shall, and may have continued succession for the space of fifty years from the passing of this act, and be persons in law capable of contracting and being contracted with, suing and being sued, and pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors and assigns may have and use a common seal, and change and alter the same at their pleasure; and shall be vested with all the powers incident to a corporation, and necessary for the objects aforesaid; and by that name and style, shall be capable of purchasing, holding, using and conveying any estate, real or personal, for the use of the said corporation; *Provided*, that the real estate so to be holden, shall be such only as shall be necessary or useful for carrying on or promoting the operations above mentioned, or which the said corporation may take in payment and satisfaction of debts, or which may be mortgaged to them by way of security, or purchased by them at sales upon executions in their

Hamilton manufacturing company incorporated.

To hold lands for specified purposes.

Funds not to be employed in banking operations.

favor; *Provided also*, that the funds of the said company, or any part thereof, shall not be applied; used or employed at any time in banking operations.

Capital stock.

Sec. 2. *And be it enacted*, That the capital stock of said corporation may be, at present, twenty-five thousand dollars, which shall be divided into shares of twenty-five dollars each, and shall be deemed and considered personal estate; but so soon as the sum of eight thousand dollars of the said capital stock shall have been subscribed and paid or satisfactorily secured to be paid, it shall and may be lawful for the said company to commence their said business, or any part thereof, and with that capital, to conduct and carry it on until they shall deem it expedient to extend their operations and the capital necessary for that purpose; in which case the same may be increased, from time to time, to an amount not exceeding two hundred thousand dollars in the whole.

May be increased.

First directors.

Sec. 3. *And be it enacted*, That for the better carrying into effect, the privileges granted by this act, there shall be for the present, three directors, who shall hold their office until the first Monday of October next, and until others shall be elected in their stead; that the first directors shall be Mark W. Collett, Philemon Dickerson, and Elias I. Marsh, out of whom they, at their first meeting, shall appoint their president, and shall have power to commence and transact business, and manage the stock, property, affairs and concerns of the said corporation.

Corporation may make by-laws, and fix compensation of officers.

Sec. 4. *And be it enacted*, That the said corporation and their successors, shall have full power to make, constitute, ordain and establish, by and with the consent of a majority in value of the persons interested in the said company, such by-laws, rules, ordinances and regulations as they, from time to time, shall judge proper, for the election of directors, and the number not exceeding five, which they may think necessary for conducting the affairs of the company, their duration in office, and the time and manner of their election; that a majority of the above named directors, or of their successors in office, of whom the president shall be one, shall form a quorum for the time being, for transacting business, and shall have power to make and prescribe all other by-laws, rules, ordinances and regulations, not repugnant to the laws and constitution of the United States or of this State, as shall appear to them to be needful and proper, touching the management and disposition of the stock, estate, property, effects and profits of the said corporation, the appointment of officers, clerks and servants, and their compensation; and may, at their discretion, remove and discharge from their employ any manager or other person engaged in the business of the company, and supply their places by the appointment of others.

Sec. 5. *And be it enacted*, That in case it should happen,

that an election should not be made on the day, that pursuant to the by-laws to be ordained by this company it ought to be made, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days as shall be prescribed by such by-laws; and the directors then in office, shall respectively continue until others shall be legally appointed in their stead; and if any vacancy or vacancies shall at any time happen among the directors by death, removal, resignation or otherwise, such vacancy or vacancies shall be filled for the remainder of the term in which they may happen, by such person or persons as the remainder of the directors, for the time being, or a majority of them, shall appoint.

Corporation not dissolved on failure of election at time specified.

Sec. 6. *And be it enacted*, That the stock of the said company shall be assignable and transferrable, according to the rules to be established by the by-laws of the directors; and in case any stockholder shall neglect or refuse for the space of sixty days after the same shall become due, and public notice thereof having been given, to pay any instalment upon his stock that may be called for by the directors, he shall forfeit to the company, and for their use, the share or shares on which such failure shall have taken place, and all previous payment that he may have made thereon.

Stock transferable, and forfeited on non-payment of instalments.

Sec. 7. *And be it enacted*, That all contracts, engagements and responsibilities, entered into on the part of the said company, shall be binding on said company, in like manner as the same would be if made and entered into by any individual; that the directors shall, at all times, keep or cause to be kept, proper books of accounts, in which shall be regularly entered, all the transactions of the said corporation, which books shall, at all times, in regular business hours, be open to the inspection of the stockholders of said company, or their legal attorney or attorneys; and no transfer of stock shall be valid or effectual, until such transfer shall be registered or entered in the book or books to be kept by the president and directors for that purpose.

Contracts binding on company as if made by individuals.

Books to be open for inspection of stockholders.

Sec. 8. *And be it enacted*, That the said company may be dissolved at a general meeting of the stockholders, specially summoned for that purpose; *Provided*, at least three-fourths in value of the stockholders shall be present or represented therein; and upon such dissolution, the directors, for the time being, and the survivors and survivor of them shall be trustees for settling the affairs of the said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interest in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three, nor more than five in number, for the purposes aforesaid, in which case, such persons, and the survivors and sur-

How corporation may be dissolved.

Proviso.

vivor of them, shall be trustee and trustees for the said purposes.

The legislature
may amend this
act.

Sec. 9. *And be it enacted*, That it shall be lawful for the legislature of this State, at any time hereafter, upon an application in behalf of the stockholders, or upon the said company violating any of the provisions of this act, so to amend and modify the same, as at the time may be deemed proper and requisite.

Passed November 15, 1831.

AN ACT to annex part of the township of Gloucester, in the county of Gloucester, to the township of Gloucester-town, and to change the name thereof.

The township of
Union created.

Boundaries.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all that part of the township of Gloucester, in the county of Gloucester, contained within the following bounds, that is to say: beginning at the mouth of Beaver Branch, where it empties into Great Timber Creek, thence up the said creek to Clement's Bridge, thence along the middle of the Evesham road to the bridge over Cooper's Creek, thence down said creek to the corner of the township of Newton, thence by the said townships of Newton and Gloucester-town to the beginning, together with all that territory and community, known by the corporate name of the "Inhabitants of Gloucester-town, in the county of Gloucester," shall constitute a body politic and corporate in law, and shall hereafter be known by the style and name of "The inhabitants of the township of Union, in the county of Gloucester," and shall be vested with and entitled to all the powers, privileges and immunities, whatsoever, which the inhabitants of townships in this State are, or shall, by law, be vested with, or entitled to; *Provided always*, that this act shall not be construed to give the inhabitants of the said township of Union, a right to any part of the taxes now assessed upon the inhabitants within the boundaries herein described, nor in anywise to exonerate the inhabitants of the township of Gloucester, aforesaid, from keeping the public roads, within the said boundaries, in good repair until the next annual town meeting.

Proviso.

When first town
meeting to be
held.

Sec. 2. *And be it enacted*, That the first annual town meeting of the township of Union, shall be held at the house of James Jinnett, in the village of Mount Ephraim.

Sec. 3. *And be it enacted*, That so much of the act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," passed the twenty-first of February, one thousand seven hundred and ninety-eight, as comes within the purview of this act, as has reference thereto, be, and the same is hereby repealed.

Repeal of former act.

Passed November 15, 1831.

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

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall be lawful for the president and directors of the Paterson and Hudson River Rail Road Company, their successors and assigns, to locate and form their road from the east side of Berry's Hill, in the county of Bergen, to the Hudson River, upon such route as may, by them, be thought advisable; *Provided however*, that in making the same, they shall not interfere with the vested rights of any other company; and shall, in all things, comply with the requisitions of the thirteenth section of the act to which this is a supplement, as to the bridges over the Hackensack and Passaic rivers; *And provided also*, that the bridge over the Hackensack river, shall not be more than thirty feet wide in the line of the draw; the opening of which draw, shall be at least thirty feet wide in the narrowest part, and be placed by said company, in a line with the course of the river, and in such position as to do the least injury to the navigation, they having a due regard to the wishes and views of the navigators thereof; *And provided further*, that the draw shall not be constructed to be opened by lifting.

Company may make the road from east side of Berry's Hill to Hudson river.

Proviso.

Width of bridge over Hackensack river and draw.

Proviso.

SEC. 2. AND WHEREAS, it may be found expedient for the president and directors of the Paterson and Hudson River Rail Road Company, their successors or assigns, to form a tunnel under the Wehawken or Bergen Hill, which would add greatly to the expenses of making their road, and be a great public accommodation; Therefore, *Be it further enacted*, That if said tunnel shall be made, it shall be lawful for the said president and directors of the Paterson and Hudson River Rail Road Company, their successors and assigns, in addition to the tolls already allowed, to charge for passing

Company may form a tunnel under Bergen Hill.

Additional tolls.

through said tunnel, for each passenger, the sum of twelve and a half cents, and for every ton of goods, wares, and merchandise, the sum of ten cents.

Width of bridge
on Berry's
creek and draw,

Sec. 3. *And be it enacted*, That the said president and directors of the Paterson and Hudson River Rail Road Company, their successors and assigns, in their bridge over Berry's creek, shall make a draw, with an opening of at least twenty-four feet wide, which shall be so constructed, that it may be easily opened by the boatmen who have occasion to navigate that creek.

Public act.

Sec. 4. *And be it enacted*, That this supplement shall be taken and considered as a public act.

Passed November 18, 1831.

AN ACT for the relief of Nicholas Worrell.

Pension of sixty
dollars a year to
Nicholas Wor-
rell.

Sec. 1. *BE IT ENACED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the Treasurer of this State, for the time being, shall, and he is hereby authorized and required to pay, half yearly, to Nicholas Worrell, a soldier in the service of the United States, during the revolutionary war, or to his order, at the rate of sixty dollars by the year, from the passing of this act, during the lifetime of the said Nicholas Worrell; and the receipt of the said Nicholas Worrell, or his order, shall be a sufficient voucher for the treasurer, for such sums as may be paid by virtue of this act, in the settlement of his accounts.

When to cease.

Sec. 2. *And be it enacted*, That if the Congress of the United States, shall hereafter provide for the relief of the remaining soldiers of the revolution, and the said Nicholas Worrell be provided for thereby, that this act shall cease and become void, and the payment of the pension hereby granted, shall be discontinued from the time of the commencement of his pension from the United States.

Passed November 23, 1831.

AN ACT vesting in Henry Gale, his heirs and assigns, all the right and title of the State of New-Jersey, of, in and to an island called the "Pea Patch," situate in the river Delaware, in the county of Salem, and State of New-Jersey.

WHEREAS, it hath been represented to the Legislature, that Edward Hall and Clement Hall, became seized and possessed of the said island, by virtue of a survey bearing date the twenty-seventh day of October, seventeen hundred and eighty-four, which was duly approved by the Council of Proprietors of the western division of New-Jersey, on the third day of November, seventeen hundred and eighty-four, and duly recorded in the Surveyor-General's office of the said western division of New-Jersey: AND WHEREAS, the said Henry Gale, by divers meane conveyances under the said Edward Hall and Clement Hall, hath become seized and possessed of the same: AND WHEREAS, it hath been suggested that the State of New-Jersey hath some title thereto, and by reason thereof, doubts have arisen concerning the title of the said Henry Gale—Therefore,

Preamble.

SEC. I. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That for divers good considerations moving thereunto, and also for and in consideration of the sum of one dollar to the Treasurer of the State of New-Jersey, well and truly paid by the said Henry Gale, the receipt whereof we hereby acknowledge all the right and title of the said State of New-Jersey, to the said island called the "Pea Patch," situate in the river Delaware, in the township of Lower Penn's Neck, in the county of Salem, and State of New-Jersey, as mentioned and described in the before mentioned survey, with all and singular the appurtenances, be, and the same are hereby granted and conveyed to the said Henry Gale, his heirs and assigns for ever; and that the same shall for ever hereafter be vested in the said Henry Gale, his heirs and assigns, in as full and ample a manner as the state of New-Jersey hath right and title to grant and convey the same: reserving, however, to the State of New-Jersey, the full right of jurisdiction and sovereignty in and over the same, as fully and amply to all intents and purposes, as if this act had not been passed.

Title of the State to Pea Patch Island, vested in Henry Gale.

Reservation.

Passed November 24, 1831.

AN ACT to dissolve the marriage contract between Charlotte D. Williamson and William D. Williamson.

Charlotte D.
Williamson
divorced from
William D.
Williamson.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the marriage contract heretofore existing between Charlotte D. Williamson and William D. Williamson, of the county of Essex, be, and the same is hereby dissolved and made void and of no effect, as fully, as if they had never been joined in matrimony.

Passed November 26, 1831.

AN ACT to incorporate the Hancock Fire Company of Lower Alloways Creek, Salem county, New-Jersey.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Delymore Harris, John H. Lambert, William Morrison, Mark Bradway, Samuel Paulin, and all such other persons, not exceeding at any one time, fifty in number, as now are, or hereafter shall become associates of the Hancock Fire Company of Lower Alloways Creek, in the county of Salem, and State of New-Jersey, and their successors be, and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Hancock Fire Company of Lower Alloways Creek."

Name of incorporation.

Sec. 2. And be it enacted, That the said corporation, by such name, shall have perpetual succession, and be a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of law and equity whatsoever, and they and their successors may have and use a common seal, and make, change, or alter the same at their pleasure.

Privileges.

Sec. 3. And be it enacted, That the said corporation shall have full power and authority to make and adopt such constitution, by-laws and resolutions for their own government, not inconsistent with the laws of this State, or of the United States, as they shall think proper; and in their corporate name, and under their common seal, to make and enter into any contract or agreement touching and concerning the objects of such corporation.

Powers.

Sec. 4. And be it enacted, That the capital stock of said

corporation shall not exceed the sum of one thousand dollars, which shall be solely and exclusively applied to the procuring and maintaining the engine, hose, ladders, buckets, fire-hooks, and other tools and machines necessary for the well ordering of their affairs; and to the construction, maintenance and repair of a suitable house or houses for the preservation of their engine and apparatus, and to such other expenses as shall be best calculated, by their expenditure, to secure the property of the citizens of the village of Hancock from injury or destruction by fire.

Capital stock.

How to be applied.

Sec. 5. *And be it enacted*, That the said company shall have power to elect annually, or oftener, if necessary, a president, out of their own body, and such other officers and assistants as they shall find necessary for conducting their affairs according to their constitution and by-laws; and in their corporate name may institute suits for the recovery of all fines, debts and arrearages due the said company.

May elect president and other officers.

Sec. 6. *And be it enacted*, That it shall be lawful for the Council and General Assembly of this State, at any time hereafter to amend, modify or repeal this act, as they shall think proper.

This act may be repealed.

Passed November 28, 1831.

AN ACT to establish a new township in the county of Gloucester, to be called the township of Camden.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all that part of the township of New-

ton, in the county of Gloucester, which lies within the limits of the city of Camden, that is to say, within the boundaries and descriptions following, to wit: beginning at the Pennsylvania line, in the river Delaware, opposite the mouth of a small run of water, below Kaighnton, which run, is the line between lands late of Isaac Mickle, deceased, and Joseph Kaighn, and thence running east to the mouth of said run, thence up the same, the several courses thereof, to the southwesterly side of the road leading from Kaighnton to the Woodbury road, commonly called Kaighn's road, thence up the southwesterly side of Kaighn's road, crossing the public road leading from Woodbury to the Camden Academy; thence northwardly along the east side of said road to the road leading from Kaighnton to Cooper's Creek Bridge, thence along the eastwardly side of said last mentioned road, and the south-

Township of Camden created

Boundaries.

wardly side of the causeway and bridge, to the middle of Cooper's Creek, thence down the middle thereof, to the river Delaware, thence due north to the middle of the channel between Petty's Island and the Jersey fast land or shore; thence down said channel and river to the nearest point on the line established between the states of Pennsylvania and New-Jersey, thence down said line to the place of beginning: "shall be, and hereby is set off from the said township of Newton, in the county of Gloucester, into a separate township, to be called and known by the name of "The township of Camden;" *Provided*, that this act shall not take effect and be in force, until from and after the first day of March next.

Rights, powers,
&c.

Proviso.

Sec. 2. *And be it enacted*, That the inhabitants of the said township of Camden shall be, and hereby are, constituted a body politic and corporate in law, and shall be styled and known by the name of "The Inhabitants of the township of Camden, in the county of Gloucester," and shall be entitled to all rights, powers, authority, privileges and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Gloucester, are or may be entitled, or subject to, by the existing laws of this state; *Provided*, that nothing in this act is intended to weaken or impair an act entitled "An act to incorporate a part of the township of Newton, in the county of Gloucester," passed February thirteenth, one thousand eight hundred and twenty-eight, or the supplement thereto.

When town-
meetings are to
be held.

Sec. 3. *And be it enacted*, That the inhabitants of the township of Camden, shall hold their town-meetings at the Court-House in the city of Camden, on the second Monday in March, annually.

Town meetings
of Newton.

Sec. 4. *And be it enacted*, That the inhabitants of the township of Newton, shall hold their first annual town-meeting at the Friends' School-House, in Haddonfield, on the second Wednesday in March next.

Division of pub-
lic property be-
tween township
of Camden and
Newton.

Sec. 5. *And be it enacted*, That the town committees of the township of Newton, and the township of Camden, shall meet on the Monday next after the annual town meetings in the said township of Newton, and the said township of Camden, at the house of Isaiah Toy, innkeeper, in the said township of Camden, at ten o'clock in the forenoon; and shall there and then proceed, by writing, signed by a majority of those present, to allot and divide between the said townships, all property and moneys on hand or due, in proportion to the taxable property and ratables, as taxed by the assessor within their respective limits, at the last assessment; and the inhabitants of the township of Camden, shall be liable to pay their just proportion of the debts, if any there should be; and if any of the persons comprising either of the town committees, should neglect or refuse to meet, as aforesaid, those as-

sembled may proceed to make the said division, and the decision of a majority of those present, shall be final and conclusive.

Passed November 28, 1831.

AN ACT to enable the owners and possessors of the meadow and marsh adjoining Repaupo creek, in the county of Gloucester, to erect and maintain banks, dams and water-works sufficient to prevent the tide from overflowing 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 and possessors of the meadow and marsh lying on and adjoining Repaupo creek, in the county of Gloucester, which owners and possessors shall be denominated and known by the name of the "Repaupo Meadow Company," immediately after the passage of this act, to call a meeting, by giving at least ten days notice of the time and place of holding the same, by advertisements set up in five or more public places in each of the townships of Greenwich and Woolwich, and by causing the same to be published in the Village Herald, at least one week previous to the said time, and yearly thereafter, on the day next following the annual town meeting of every year, every future meeting to be held at such place as may, by a majority of the 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 a majority of votes of the said owners or possessors present, personally or by proxy, as by law hereinafter prescribed, to choose out of the owners or possessors, one clerk, three committee-men, and three managers for the ensuing year, or until others be chosen in their places, it being the intent and meaning of this act, that the officers chosen at the first meeting of the said company, shall be elected to serve until the day next following the annual town-meeting of the year eighteen hundred and thirty-three; and in case of death, removal, inability or refusal of the said officers, or either of them to serve, it shall be lawful for any three of the owners or possessors, by public advertisement, under their hands, set up in six of the most public places in the townships of Greenwich and Woolwich, and by causing the same to be inserted in the Village Herald, or a newspaper published nearest the

Name of company.

When and how officers to be chosen.

How vacancies supplied.

Books to be kept by clerk.

premises, giving fifteen 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 majority of votes as hereinafter ordered, choose one or more managers, or other officers, as the case may require, who shall serve until the next annual meeting, or until others are chosen in their stead; and the clerk so chosen, shall, at the expense of the owners, keep a book, and shall see that the names of all the owners and possessors, for the time being, are entered, and make fair entries of all their proceedings at their meetings, and all such other entries, from time to time, as may be necessary for the well ordering of their affairs, and shall also make out duplicates of all assessments.

Commissioners appointed, and surveys of the meadows and map to be made.

Map evidence of each owner's quantity.

Sec. 2. *And be it enacted*, That Henry Freas and Woodnut Pettit, of Salem county, and Benjamin Wilkins of Gloucester county, be, and are hereby appointed commissioners, who, or a majority of whom, shall, at any time between the passage of this act, and the first day of May next, after giving ten days notice, by advertising the time and place of their meeting, in three of the most public places in the neighborhood of said premises, cause a survey to be made of the exterior limits or boundaries of the said meadow and marsh, at such place or places, as to them, or a majority of them, shall seem expedient, and a return, together with a plot or map to be made, shewing the quantity contained in the said survey, and the number of acres held by each person as nearly as practicable, which shall be given to the said managers, and shall remain in their possession during their continuance in office, and upon expiration of such time, be delivered to their successors in office; and shall be received as evidence of each owner or possessor's quantity of acres, and all assessments and votes shall be made and given according thereto, until a new measurement and valuation of said meadow and marsh shall be made, as is hereinafter directed; and the said commissioners shall locate, point out and direct, by monuments or otherwise, the place or places, where all the banks, dams, flood-gates, sluices, and every work necessary and proper to keep out the tide, shall be erected, directing the whole, or any part, of the said Repaupo creek to be left open and navigable, or a dam to be made at the mouth, or any other place across the same, at their discretion.

Overseers to furnish commissioners with a statement of their possessions.

Sec. 3. *And be it enacted*, That each owner or possessor shall, when so requested by either of the said commissioners, furnish them with a statement in writing, containing a correct account of the number of acres he or she owns or possesses within the said survey, and if any refuse or neglect so to do, then the said commissioners shall report the quantity which they shall suppose him, her, or them to possess, upon due enquiry.

Sec. 4. *And be it enacted*, That in case of the death, removal, inability, refusal or neglect to serve, of all, or either of the said commissioners, it shall be lawful for the said owners or possessors, or any five of them, to call a meeting of the said company, in the neighborhood of said premises, by giving notice in the manner prescribed by the first section of this act, and then and there, by a majority of their votes then present, to choose one or more judicious, disinterested person or persons, as the case may require, to supply the vacancy or vacancies so occasioned.

How vacancy of
commissioners
supplied.

Sec. 5. *And be it enacted*, That in all cases of an election of officers, or for other purposes, excepting for commissioners as above specified, the mode of voting shall be in person or by proxy, in writing duly executed, or by guardian, for his or her ward or wards, in the following ratio: every person owning or possessing twenty acres, or any quantity less than twenty acres, shall be entitled to one vote, and every one owning or possessing twenty and not exceeding sixty acres, one vote for every twenty acres, and one vote for every additional forty acres, though not in all to exceed ten votes in his own right; and all joint-tenants, tenants in common, and each owner thereof, shall be entitled to vote in like manner as abovesaid, to the extent of his or her individual interest: *Provided*, that no person claiming a vote or votes at any election as aforesaid, as possessor, shall be entitled to a vote, unless he shall have been such possessor for at least three months next preceding such election; this proviso not, however, to effect the rights of the bona fide owner.

Mode of voting
for officers pre-
scribed.

Sec. 6. *And be it enacted*, That it shall be the duty of the managers, and they are hereby authorized and empowered, by contract or otherwise, to erect, cast up, make and complete good and sufficient banks, dams, flood gates, sluices, and every other work necessary and proper to keep out the tide, at such places as the aforesaid commissioners shall direct, and dig and take for the purposes aforesaid, any earth, mud or sod, in any part of the said meadow and marsh, the most convenient and least detrimental to the owners thereof; and also, to purchase materials, and employ artificers to make and construct the works aforesaid, and to have free ingress and regress for themselves and their teams through any part thereof; and the said managers shall dig, open and clean out all such main sluice races and water courses, as far up as the commissioners, hereafter to be chosen, shall direct, to be kept at all times open and clear of such width and depth, as to give the water a sufficient fall off said meadows; and all line ditches necessary for draining the said meadows shall be dug and kept open, agreeably to the directions of the said managers, by, and at the expense of the owners of the soil adjoining; and if any of the said owners shall refuse or neglect to

Managers to
erect banks,
dams, sluices;
&c.

Line ditches may be cleaned out by persons injured, or owners neglecting to do it.

dig or cleanse their proportion of such line ditches, or clean out their own particular ditches, for thirty days after orders for that purpose have been given, in writing, to said owner or possessor thereof, by the managers, or any two of them, it shall and may be lawful for any person or persons injured thereby, to enter upon the premises, and dig or cleanse such ditches, the mud, both in these and the main sluice races or water courses, to be thrown as equally as may be on each side thereof, and recover the costs and expenses, by action of debt, against the person or persons whose duty it was to have performed the same, in manner aforesaid.

Money to be assessed and collected by managers.

Sec. 7. *And be it enacted*, That it shall be the duty of the said managers, and they are hereby authorized and empowered to assess and collect from the several owners or possessors of the meadow and marsh, within the bounds of the commissioners' survey, all such sum or sums of money, as the said owners or possessors, by majority of votes as heretofore directed, shall, at their first or subsequent meeting, order and direct to be raised, for the purpose of defraying the expenses of erecting and maintaining the banks, dams and works aforesaid, ratably, in proportion to the quantity each owner may have, the first assessment not to exceed five dollars per acre, on all the meadow and marsh included in the above survey.

The money assessed, to be recovered from owners on failure of payment.

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 their usual place of abode, if residing in the county of Gloucester, or by advertisements set up in six of the most public places in each of the townships of Greenwich and Woolwich, and by causing the same to be inserted in the Village Herald, or a newspaper published nearest the premises, by either of the said managers, it shall and may be lawful for the said managers, in the name of "The Repaupo 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 such action may be brought, shall give judgment for the sum assessed, or so much thereof as appears to be due, with costs of suit.

Meadows pledged for expenses.

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 and marsh that shall be included by the said bank, and within the commissioners survey, shall be a pledge for the payment thereof, into whose hands soever the same may come, notwithstanding any judgment, execution, sale or alienation thereof: *Provided*, that no other property of the defendant, except the said meadow and the produce thereof, shall be, in any way, liable, and that no execution shall issue

against the body of said delinquent owner, for any such assessments, or any costs arising thereon; and the said managers shall, 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 and dispose of the grass, hay or grain thereon, or may sell by public vendue, for a year or term of years, the meadow and marsh 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 liquidate the so unpaid sum or sums, with costs and expenses; and it shall be the duty of the managers, or a majority of them, to give at least twenty days previous notice of the time and place of such sale, by advertisement in six of the most public places in each of the townships of Greenwich and Woolwich, and by causing the same to be inserted in the Village Herald, or a newspaper published nearest the premises, before they proceed to enter on, lease or sell the property of any delinquent.

When and how it may be leased by managers to defray expenses.

Sec. 10. *And be it enacted*, That as soon as the banks, dams, sluices and other works shall be completed, and the water drained off, so that the meadow can be measured, then the said managers shall call a general meeting of the company by giving fifteen days public notice thereof, by advertising in the manner prescribed in the ninth section of this act, setting forth the time and place of meeting; and the owners and possessors shall, when met, by majority of their votes as heretofore directed, choose three judicious, disinterested freeholders, as commissioners, who, or a majority of whom, after notification of their election by the managers, or a majority of them, shall view the said premises, and cause each owner and possessor's share to be strictly measured, and a correct plot or map to be made, exhibiting the number of acres held by each one; and also make a new valuation of the same, having regard to quantity and quality; and their map, report and valuation, under their hands, or under the hands of a majority of them, in writing, shall be given to the managers, and shall remain in their possession during their continuance in office, and at the expiration of such term, be delivered to their successors, and shall be entered in the clerk's book, and received as evidence of each owner's quantity of acres, and the value each lot is rated at; and all future assessments shall be made in proportion thereto.

When works are completed, and the meadows drained, each owner's share to be measured by the freeholders, and a map made.

Map evidence of the number and value of acres held by each owner.

Sec. 11. *And be it enacted*, That if it shall appear, after the measurement and valuation aforesaid, that some of the said owners or possessors have paid more than their ratable proportion of taxes, to defray the preceding expenses, then the said managers shall assess the same upon those who have not paid their ratable proportion, in such manner as shall to

Money to be refunded to those who have overpaid.

Commissioners
to appraise dam-
age done by cut-
ting new sluice
races.

Damages to be
paid.

How special
meetings of the
company may
be called.

Pay of commis-
sioners and oth-
er officers.

Manager to keep
a record of their
proceedings to
be exhibited ev-
ery annual meet-
ing.

Penalties for ne-
glect of duties
prescribed.

them appear just and equitable, and refund to each individual, the sum or sums by him or her overpaid, with interest; and if the sluices or other water works, to be laid in said bank, shall require new sluice races to be dug through any lots of said meadow or marsh, and not passing along the line thereof, it shall be the duty of commissioners appointed by the tenth section of this act, to assess the damages each owner or possessor may have sustained in consequence thereof, and deliver to the said managers, their assessment, in writing, under their hands, or the hands of a majority of them, which said damages so assessed, shall be paid by the managers for the time being, to the person or persons so injured, out of the common stock of the company.

Sec. 12. *And be it enacted*, That whenever the managers, or a majority of them, deem it necessary to call a special meeting of the said "Repaupo Meadow Company," they shall give at least ten days notice thereof to its members, by advertisements, in the manner prescribed by the ninth section of this act, designating the time, place and object of such meeting.

Sec. 13. *And be it enacted*, That the commissioners appointed by the second and tenth sections of this act, shall receive from the managers two dollars per day, for each and every day, they, or either of them, respectively shall be employed in discharging any of the duties herein enjoined, all other aids and assistants by them employed, such compensation as the said commissioners shall conceive them entitled, to be paid by the managers for the time being, out of the funds of the said company; and the fees, wages, or remuneration of all the officers chosen, or to be chosen by the said meadow holders, shall be fixed and determined by a majority of the votes of said company, at its annual meeting, previously to the election of officers for the ensuing year.

Sec. 14. *And be it enacted*, That the said managers shall provide at the expense of the said company, a suitable book, in which shall be entered all their proceedings, and a just and true account of all moneys they may receive and expend; and shall, at every annual meeting, exhibit the same, with fair vouchers to the said company, and shall deliver the balance, if there be any in their hands, together with the said books, and all the other papers of the said company, to their successors in office, and on default thereof, and for every wilful neglect of any part of their several duties prescribed by this act, they, the said managers, or either of them, shall forfeit and pay for a breach of their trust, and such wilful neglect of their duties, respectively, 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 or possessors aforesaid, and shall be further liable to pay all

damages that may arise from, or by, their gross negligence, in an action on the case, with costs of suit, in any court which has cognizance thereof; and the said managers shall be accountable for any moneys remaining in their hands at the end of every year; and if the said managers refuse to pay over such balance to their successors, then, and in that case, their successors in office, shall sue for and recover the same, in action of debt, with costs of suit, in any court of competent jurisdiction.

Sec. 15. *And be it enacted*, That the said managers, before entering on the discharge of their duties, shall give bond, with sufficient security, in such amount as said committee shall direct, for the true and faithful performance of their duties, as prescribed by this act, to the committee of the Repaupo Meadow Company, as appointed by the first section of this act, to receive the said bond from the said managers, prosecute the said bond, in any court of competent jurisdiction, when so ordered by the said company, and to give from under their hands, a proper discharge, exonerating the said managers from further liability, whenever the said company shall so direct.

Managers to
give bond.

Sec. 16. *And be it enacted*, That if any person or persons shall wilfully damage or injure the said banks, dams, sluices, gates, or any of the water works constructed as heretofore directed, he, she or they shall, for every such offence, forfeit and pay twenty dollars, to be recovered, with costs, before any justice in the county of Gloucester, or elsewhere, and shall be further 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 having cognizance thereof, with costs of suit; and the managers, for the time being, are hereby enjoined and authorized to prosecute said action in the name of the said company, and to apply the moneys so recovered and received, to repairing the works.

Penalty for in-
juring banks,
sluices, &c.

How recovered.

Sec. 17. *And be it enacted*, That the act entitled "An act to enable the owners and possessors of the meadows, marsh and swamp adjoining Repaupo creek, in the county of Gloucester, to erect and maintain banks, dams and water works sufficient to prevent the tide from overflowing the same," passed February second, A. D. eighteen hundred and thirty-one, and all other acts coming within the purview of this act, be, and the same are hereby repealed.

Repeal of former
acts.

Passed November 28, 1831.

A FURTHER SUPPLEMENT to the act entitled "An act making lands liable to be sold for the payment of debts," passed eighteenth February, seventeen hundred and ninety-nine.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That any deed or conveyance, heretofore made, or which may hereafter be made, by any Sheriff or other officer, for any lands, tenements, hereditaments or real estate, sold by virtue of any writ or writs of execution, issued or to be issued out of any of the courts of this State, by virtue of the act to which this is a supplement, shall be good and valid, and received in evidence as such by the said courts; notwithstanding any variance between the recital in said deed, and the execution or executions by virtue of which the sale was made, and notwithstanding any variance between the said execution, or executions, and the judgment or judgments upon which the said execution or executions were issued.

Sheriff's deeds valid, notwithstanding variance between recital and execution,

Or variance between execution and judgment.

Record of judgment, or execution in evidence, may be considered as amended.

Sec. 2. And be it enacted, That it shall and may be lawful for any court in this State, in which the record or exemplification of any judgment or execution shall be offered in evidence in support of any deed or conveyance made by a sheriff or other officer who may have sold any lands, tenements, hereditaments or real estate, by virtue of any writ or writs of execution issued as aforesaid, to consider the said judgment or execution as amended in any particulars in which the same might, by the rules of law and practice, have been at any time amended by the court in which the said judgment was rendered or out of which the said execution was issued, and the said judgment or execution shall have the same force and effect, as if it was amended accordingly.

Sec. 3. And be it enacted, That any deed or conveyance heretofore made, or which may hereafter be made, by any executor or executors, administrator or administrators, or surviving executor or executors, administrator or administrators for any lands, tenements, hereditaments or real estate, sold by virtue of any order of the Orphans' Court of any county in this State, by virtue of the acts to which this is a further supplement, shall be good and valid, and received in evidence as such in any court of this State, notwithstanding any variance in the recital in said deed of the order of such Orphans' Court, authorizing such sale, and the record of such order.

Deeds made by order of Orphans' Court, valid, notwithstanding variance between recital and order.

Passed November 28, 1831.

AN ACT to confirm the last will and testament of Joseph Holmes, late of the township of Upper Freehold, in the county of Monmouth, deceased.

WHEREAS, the said Joseph Holmes, being seized and possessed of considerable real and personal estate, in and by his last will and testament, in writing, signed and published in the presence of two subscribing witnesses, only, and bearing date the fifth day of May, in the year of our Lord one thousand eight hundred and thirteen, did give and dispose of all his said real and personal estate; **AND WHEREAS**, by reason of the informality in the execution of the said will, the same is valid only as to the disposition of the personal estate, and void as to the real estate, which would entirely defeat the intention of the testator, and produce manifest injustice to his children; **AND WHEREAS**, James Holmes, one of the devisees named in the will of the testator, in his life time, entered into the possession of the lands specifically devised to him, and held and enjoyed the same until his death; since which, the same hath been sold and applied to the payment of his debts; and as well the said James Holmes as the other children and devisees of the testator, were entirely satisfied with the said will, and intended to confirm the same; but the said James Holmes and Sarah Bruere, the wife of John H. Bruere, have died, leaving issue, infants of tender years: **AND WHEREAS** the surviving children and devisees of the said Joseph Holmes, and the natural guardians of the said infants, and the administrators of the deceased devisees and children of the said Joseph Holmes, as well as all others interested in the estate of the said Joseph Holmes and his deceased children and devisees, have united in praying that the Legislature would pass a law to confirm the said last will and testament, and to make the same as valid and effectual as if the same had been signed and published in the presence of three subscribing witnesses; which appearing to be just and equitable: Therefore,

Preamble.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the last will and testament of the said Joseph Holmes, late of the township of Upper Freehold, in the county of Monmouth, bearing date the fifth day of May, in the year of our Lord one thousand eight hundred and thirteen, probate whereof has been granted by the Surrogate of the county of Monmouth, on the second day of August, in the year of our Lord eighteen hundred and fifteen, and the several bequests and devises therein contained, shall be, and the same is hereby declared to be, as good, valid, and effectual,

Will of Joseph Holmes to be effectual for devises of lands.

to all intents and purposes, and shall be taken, accepted, deemed and esteemed as sufficient to devise, bequeath and convey the lands therein devised, as effectually to all intents, constructions and purposes whatsoever, as if signed and published by the testator in the presence of three subscribing witnesses, and shall forever bar any person or persons claiming or to claim any estate therein, under the said testator, contrary to the true intent and meaning of the said testator, any law or act to the contrary notwithstanding.

Passed November 28, 1831.

AN ACT to incorporate the "Mount Hope Mining Company," in the county of Morris.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Samuel Richards, Moses Phillips, Samuel G. Wright, Thomas S. Richards, and all such persons as shall hereafter be associated with them for the purpose, their successors and assigns, shall be, and they are hereby incorporated, by the name of the "Mount Hope Mining Company," and by the same name they and their successors and assigns are hereby constituted a body politic and corporate, in law, and shall be able and capable in law, to acquire, purchase, receive, have, hold and enjoy any lands, tenements and hereditaments within the county of Morris, and goods and chattels, of whatever kind and quality soever; and the said lands, tenements and hereditaments, goods and chattels, or any part thereof, to sell, grant, demise, alien, and dispose of; also to sue and be sued, plead 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.

Name of company.

Capital stock, how to be applied.

Sec. 2. And be it enacted, That the original capital stock of said company shall be sixty thousand dollars, which stock shall be divided into shares of five hundred dollars each, to be employed in mining and transporting ore, and in purchasing such lands, tenements, hereditaments, and erecting thereon such buildings within the said county of Morris, and doing such other matters and things as shall be needful for carrying on said business above named.

Sec. 3. And be it enacted, That the stock, property and concerns of said company shall be managed and conducted by five directors, being stockholders, one of whom to be presi-

dent, who, after the first directors hereinafter named, shall hold their offices for one year, and until others are elected in their stead; that the first election for directors of said company shall be held on the first Monday of May, in the year of our Lord one thousand eight hundred and thirty-two, and on the first Monday in May annually thereafter, at such time and place as the directors for the time being shall direct, of which election, public notice shall be given in at least one newspaper published in said county; and every such election shall be by ballot, and each stockholder present, or by proxy, shall be entitled to as many votes as he shall hold shares of the capital stock of said company; and the persons being stockholders, having the greatest number of votes, shall be the directors.

How directors
are to be chosen.

Sec. 4. *And be it enacted,* That a majority of the directors, for the time being, shall form a board for the transaction of the business of said company, and shall have power to ordain, establish, and put in execution, such by-laws, ordinances and regulations, not repugnant to the laws and constitution of this state, or of the United States, as shall be necessary and convenient for the government, management and disposition of the property, stock, effects, profits and concerns of the said company, and shall and may appoint all such officers, agents and servants of said company, as to them shall seem necessary, and allow and pay them such compensation for their services, as to them shall appear just and reasonable; and in case any vacancy shall happen in the office of director, by death, resignation or otherwise, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy for the remainder of the year, by the appointment of any stockholder; and the first directors shall be Samuel Richards, Moses Phillips, Samuel G. Wright, Thomas S. Richards, and William H. Phillips, who shall hold their offices until the first Monday in May, in the year of our Lord one thousand eight hundred and thirty-three, and until others shall be elected in their stead.

Powers and duties of directors.

How vacancies
are to be supplied.

First directors.

Sec. 5. *And be it enacted,* That it shall be lawful for the directors of the said company to call and demand from the said stockholders respectively, all such sums of money by them subscribed, at such times, and in such proportions as they shall deem proper, under the penalty of forfeiting the shares by them respectively held, and all previous payments made thereon, if such payments shall not be made within sixty days after notice requiring such payment shall have been published for that time in the public newspapers printed in the county of Morris; and in case any stockholder shall reside in the city of New York or Philadelphia, then in one or more of the public papers printed in those cities respectively.

Stock and previous payments
forfeited on non-payment of instalments.

Corporation not dissolved for failure to elect on day specified.

Sec. 6. *And be it enacted*, That in case, at any time, an election should not be made on the day specified in this act, the corporation, for that cause, shall not be deemed to be dissolved; but it shall and may be lawful to hold such election on such other day as shall be prescribed by the by-laws and ordinances of the said corporation.

Stock, personal estate and transferrable.

Sec. 7. *And be it enacted*, That the stock and property of said company, of whatever nature or kind, shall be deemed personal estate, and shall be transferrable in such manner as shall be prescribed by the by-laws of the corporation; but no transfer of stock shall be valid, unless it be entered or registered in the book or books to be kept by the president and directors for that purpose.

Books to be open to inspection of stockholders.

Sec. 8. *And be it enacted*, That the directors shall, at all times, keep or cause to be kept at their office, proper books of account, in which shall be regularly entered all the transactions of the said company, which books shall always and at all times be open to the inspection of the stockholders of said company.

Capital stock not to be employed in banking operations.

Sec. 9. *And be it enacted*, That no dividend shall be made among the stockholders, except out of the profits of the business of said company, and that the said company shall not employ any of their funds in any banking operations, and that this act shall be and continue in force for the term of thirty years from the passing thereof, and from thence until the next session of the legislature, and no longer.

Limitations of charter.

This act may be repealed.

Sec. 2. *And be it enacted*, That it shall and may be lawful for the legislature of this state, at any time hereafter, for just cause shewn, to alter, amend, or repeal this act, or any part thereof, as they shall see proper.

Passed November 29, 1831.

AN ACT for the relief of Joseph Whitecar.

Pension of sixty dollars a year to Joseph Whitecar.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the treasurer of this state for the time being, shall, and he is hereby required, half yearly, to pay to Joseph Whitecar, who was a soldier in the service of the United States, in the revolutionary war, or to his order, at the rate of sixty dollars by the year from the passing of this act, during the life time of the said Joseph Whitecar; and the receipt of the said Joseph Whitecar, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid by virtue of this act in the settlement of his accounts.

Sec. 2. *And be it enacted*, That if the Congress of the United States shall hereafter provide for the relief of the remaining soldiers of the revolution, and the said Joseph Whitecar be provided for thereby, that this act shall cease and become void, and the payment of the pension hereby granted shall be discontinued from the time of the commencement of his pension from the United States. When to cease.

Passed, November 29, 1831.

AN ACT to confirm the last will and testament of Adriana Gallagher, deceased.

WHEREAS John Post, Ann Post, Jane Post and Abraham Post, by their petition to the legislature, represented, that Adriana Gallagher, late of the township of Saddle River, in the county of Bergen, died, leaving a last will and testament, duly executed according to law, to pass real estate, by which will she devised her estate, real and personal, to the said petitioners; that the said Adriana Gallagher has left no children, and died seized of a tract of land and premises, situate in the township of Saddle River aforesaid, containing thirty acres, more or less; that James Gallagher, the husband of the said Adriana Gallagher, is now living; that the said Adriana Gallagher was a bastard, and that the said petitioners are the children of Abraham Post, deceased, the half brother of the said, Adriana Gallagher, deceased—by means whereof a question has arisen, whether the said real estate has not escheated to the state of New Jersey—Therefore, Preamble.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all the estate, right, title and interest, which the state of New Jersey may have acquired by reason of the death of the said Adriana Gallagher, of, in, or to the real estate, whereof the said Adriana Gallagher died seized, be, and the same is hereby relinquished and released to, and vested in, the said John Post, Ann Post, Jane Post, and Abraham Post, that is to say: one fifth part thereof to John Post, one fifth part thereof to Ann Post, two fifth parts thereof to Jane Post, and the remaining one fifth part to Abraham Post, their heirs and assigns forever, in as full and ample a manner, to all intents and purposes, as this state can grant or release the same, subject nevertheless to the payment of the debts of the said Adriana Gallagher: *Provided always*, that nothing Title of the state to lands of which Adriana Gallagher, died seized, released.

Proviso.

herein contained shall be construed or intended to bar or preclude, or in anywise to affect the right, title or interest, which any other person or persons may have to the said real estate or any part thereof.

Passed November 29, 1831.

A FURTHER SUPPLEMENT to the Act entitled "An act for erecting the town of Bordentown, in the county of Burlington, into a borough," passed the ninth December, eighteen hundred and twenty-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 from and after the passage of this act, the person now holding the office of High Constable of the borough of Bordentown, in virtue of any election held in pursuance of the provisions of the act to which this is a supplement; and every person who shall hereafter hold such office by virtue of any future election, shall have the same power and authority, and be authorised to perform the same duties in all respects, in civil, as well as criminal cases, and be entitled to receive the same fees and compensation for his services, as if he had been lawfully elected to the office of constable at an annual town meeting of the inhabitants of the township of Chesterfield, in the county of Burlington, and had taken the oath or affirmation, and given the security required by law: *Provided always,* that before any such High Constable shall proceed to exercise the powers conferred upon him by this act, he shall take and subscribe such oath or affirmation for the due execution of his office, and enter into such bond with sureties to be approved by the burgesses of the said borough, as he would be by law required to take and enter into, if he had been so elected to the office of constable at an annual town meeting of the inhabitants of the said township of Chesterfield, before he proceeded to the execution of the duties of his office.

High constable
of Bordentown
to have the same
powers as if
elected by the
township.

Proviso.

Bond to be filed.

Sec. 2. *And be it enacted,* That the bond mentioned in the first section of this act shall be recorded and filed by the Town Clerk of the said borough of Bordentown, in his office, and the burgesses of the said borough are hereby required and directed, if need be, to prosecute the said bond for, and in behalf, and to the use of, all and every person or persons whatsoever, who may have sustained loss by the neglect or misconduct of the said High Constable in executing the duties of his said office, and that suits or actions to be brought or

prosecuted on said bond, shall and may be brought and prosecuted in the courts, and in the manner prescribed by the fifty-ninth section of the act entitled An act constituting courts for the trial of small causes, passed the twelfth of February, A. D. eighteen hundred and eighteen.

Passed, November 29, 1831.

AN ACT to authorize Elias Mushback, administrator of James Dyer, late of the township of Hardwick, in the county of Warren, deceased, to convey certain real estate to Samuel Ross and John A. Ross.

WHEREAS it has been represented that James Dyer, deceased, did in his life time enter into an article of agreement under his hand and seal, dated the twenty-fourth day of December, A. D. eighteen hundred and thirty, that he would well and sufficiently convey to Samuel Ross and John A. Ross, a certain lot of land, situate, lying and being in the township of Independence, in the county of Warren, adjoining lands of John Lundy, Eli Willson and others, said to contain twenty-nine acres, be the same more or less, for the sum of four hundred dollars, and that the said James Dyer, deceased, did in his life time receive from the said Samuel and John A. Ross, the sum of eighty-eight dollars as part of the purchase money, and that the said James Dyer died intestate without executing the conveyance for the above described land and premises, and as mentioned in the said article of agreement—Therefore,

Preamble.

BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Elias Mushback, administrator of the goods and chattels, rights and credits, which were of James Dyer, late of the township of Hardwick, in the county of Warren, deceased, who died intestate, be, and he is hereby authorized, to convey to Samuel Ross and John A. Ross, all the right, title and interest of the said James Dyer, at the time of his decease, of, in, and to the aforesaid lot of land and premises, with the appurtenances, upon the said Samuel Ross and John A. Ross paying or securing the payment to the said administrator, the balance due on said purchase according to the above stated article of agreement: And the said conveyance shall vest in the said Samuel Ross and John A. Ross, and their heirs and assigns, as good and perfect an estate in the said lot of land as the said James Dyer had therein at the time of his decease.

Administrator of James Dyer, deceased, empowered to convey a lot of land to Samuel Ross and John A. Ross.

Passed December 1, 1831.

AN ACT to incorporate the Paterson Public Dispensary and Vaccine Institution.

Preamble.

WHEREAS many of the inhabitants of the town of Paterson have set forth in a petition the want of a public Dispensary and Vaccine Institution in that town, for the relief of the indigent, sick and injured, and for the more effectual prevention of the small pox.

Name of Incorporation.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That John Colt, Horatio Moses, James Moore, Philemon Dickerson, James Richards, Mark W. Collet, James Plunket, Jacob Catlin and John Parke, and their successors in office, shall be, and they are hereby created, a body politic and corporate in name, fact, and law, to all intents and purposes, by the name and style of the "Trustees of the Paterson Public Dispensary;" and by that name shall have perpetual succession, and by that name they shall be authorized in law to purchase, take, hold, receive and enjoy, any lands, tenements and hereditaments, in fee simple, or otherwise, by the gift, alienation, or devise, of any person or persons whatever, able to grant, alienate, or devise the same; and also goods, chattels, legacies and donations, granted and given to the said Public Dispensary of which they and their successors shall be trustees, as aforesaid, of what kind or quality soever, so that the yearly value of the same shall not exceed the sum of one thousand dollars; and also that the said trustees and their successors may grant, convey, assign and sell, or otherwise dispose of all or any of their lands, tenements or hereditaments, goods, chattels, or personal estate whatsoever, as to them shall seem meet: *Provided*, that no sale of real estate shall be valid until it shall have received the sanction of a majority of the members of said corporation; and that the said corporation shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of judicature whatsoever; and also that they and their successors shall, and may make, and forever thereafter have and use a common seal, with such device as they may think proper for sealing all deeds, contracts, or other writings touching or concerning the said corporation.

Powers and duties.

Election of trustees.

Sec. 2. *And be it enacted*, That on the first Monday of May in every year, an election by ballot for nine trustees shall be held, of which ten days previous notice shall be given by public advertisement, and the persons who shall receive a plurality of the votes of the members present, shall be declared the trustees for the ensuing year.

Sec. 3. *And be it enacted*, That every person subscribing and paying into the funds of the said Public Dispensary, at

any one time, the sum of ten dollars, shall be entitled to a vote at the election of the said trustees, during his or her life; and also that every person subscribing and paying into the said funds the sum of two dollars, yearly, shall be entitled to a vote during the term of his or her subscription.

Who may vote.

Sec. 4. *And be it enacted*, That it shall and may be lawful for the said trustees and their successors, elected as aforesaid, from time to time, as they may deem it necessary and expedient, to choose a President, being one of the said trustees, and such other officers and assistants as may be requisite for the keeping and preserving of the buildings, goods, chattels, moneys, deeds, writings and accounts of the said corporation, and to appoint such physicians and surgeons as they may deem necessary for attending and prescribing to the persons who may apply at the said Public Dispensary for medical or surgical aid, or for vaccination, free of any charge or expense.

President and other officers to be chosen.

Their duties.

Sec. 5. *And be it enacted*, That the said trustees and their successors shall have full power and authority to make all such necessary and useful orders and regulations (not inconsistent with the laws of the state) as to them may seem meet and proper for the promotion and furtherance of the objects of the said Public Dispensary: *Provided*, nevertheless, 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.

Trustees to make by-laws.

Proviso.

Sec. 6. *And be it enacted*, That all the proceedings of the said trustees shall, from time to time, be fairly entered into a book or books, to be provided and kept for that purpose, which book or books, together with the common seal and all charters, moneys, deeds, writings and accounts, shall, upon the decease, removal, or resignation of such officer or officers, appointed by the trustees to have custody of the same, be delivered to, or go over to, his or their successor in office, to be kept and preserved for the benefit of the said corporation.

Record of proceedings to be kept.

- Passed December 1, 1831.

AN ACT for the relief of John Dumont, a revolutionary soldier.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the treasurer of this state, for the time being, shall, and he is hereby required, half yearly, to pay to John Dumont, who was a soldier in the service of the United

Pension of sixty dollars a year to John Dumont.

States, in the New Jersey state troops, in the revolutionary war, or to his order, at the rate of sixty dollars by the year from the passing of this act, during the life time of the said John Dumont; and the receipt of the said John Dumont, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid by virtue of this act, in the settlement of his accounts.

When to cease.

Sec. 2. *And be it enacted*, That if the New Jersey state troops shall be provided for, and the said John Dumont shall receive a pension or annuity from the United States, that then, and in that case, this act is to cease and be void; and the annuity mentioned in this act to cease from the time of the first payment from the United States.

Passed, December 1, 1831.

A SUPPLEMENT to an act entitled "An act to authorize the construction of a rail road, connecting the Morris Canal with the Paterson and Hudson River Rail Road," passed the third day of February, eighteen hundred and thirty-one.

Preamble.

WHEREAS doubts have arisen whether the President and Directors of "The Paterson Junction Rail Road Company" have, by their act of incorporation, the right to make, use or occupy any part of the public roads or streets leading from the Morris Canal into the town or village of Paterson, with the consent of the owners and occupants of property thereon, or a majority of them, or to cross the line of the Paterson and Hudson River rail road, at their level, to facilitate the transportation of goods, wares and merchandise, between the Morris Canal and the town or village of Paterson, and the Paterson and Hudson River rail road—Therefore, to enable the company to complete the objects of said act of incorporation,

Company may use certain of the public streets in Paterson.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the President and Directors of "The Paterson Junction Rail Road Company" be, and they are hereby authorized and empowered to make, use and occupy, such part of one or more of the public roads or streets leading from the Morris Canal into and through the town or village of Paterson, as may be necessary for the objects of this incorporation, with the consent of the owners of

property in said streets, and occupants thereof, or a majority of them: *Provided*, that they do not obstruct the travelling along said streets or roads. Reviso.

Sec. 2. *And be it enacted*, That the said President and Directors be, and they are hereby authorized and empowered to construct a rail road or roads, as mentioned in the act to which this is a supplement, across the line of the Paterson and Hudson River rail road, at any point or points of intersection of the said last mentioned road or lateral roads with the said public roads or streets, in the town or village aforesaid, at the level of the said last mentioned rail road, any thing in the act to which this is a supplement to the contrary notwithstanding; subject, nevertheless, to all the requisitions contained in the eighth section of the act to which this is a supplement.

May construct a rail road across a line designated.

Passed December 1, 1831.

AN ACT to defray incidental charges.

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

Certain incidental charges directed to be paid.

To the Attorney General, for court fees, postage, professional services, &c. in the case of the Salem and Philadelphia Manufacturing Company, one hundred dollars.

To Edward Condict, for attending a meeting of the trustees of the School Fund, at Trenton, on the second of September, eighteen hundred and thirty-one, on notice of the Governor, one day and mileage, eighteen dollars and sixty cents.

To S. B. Scattergood, for receiving and sawing twenty-two cords wood, for putting away coal, water jars, &c. twenty-seven dollars and seventy-five cents; and fifteen dollars for assistant, as ordered.

To Henry Baker, for fifteen cords of wood, eighty-two dollars and fifty cents.

To George Sherman, for publishing public acts, and for newspapers, thirty-four dollars twelve cents.

To Peter Scully, for repairs done to the government house and property, four dollars and fifty cents.

To John Wilson and Newton, for repairing window blinds, putting in window lights, &c. in assembly room, eight dollars seventy-nine cents.

To Charles Parker, for Lehigh Coal, sixty-three dollars sixty cents; and for postage, eleven dollars thirty-seven

cents; for expenses, going to Philadelphia four times on business for the state, twenty dollars.

To J. L. & S. Shreeve, for eight yards carpeting, eight dollars.

To Martin C. How, for repairs to the state house and yard, and for three days services, seventeen dollars ninety-four cents.

To William Robinson, for work in arsenal, at arms, &c. one hundred fifty-five dollars and fifty cents.

To James D. Westcott, for repairs, &c. to state house and yard, paper cases for Prerogative Court and Court of Appeals, &c. sixteen dollars and thirty-one cents.

To William Marsalis, for carpenter work done at the government house, one dollar.

Passed December 2, 1831.

AN ACT appointing a commissioner to execute conveyances for certain lands exchanged by Henry Creveling, deceased, in his life-time.

Preamble.

WHEREAS Mary Creveling, widow of Henry Creveling, deceased, Jacob H. Creveling, Delilah Creveling, Margaret Creveling, and Peter Creveling, minor children of the said Henry Creveling, deceased, John Lake, administrator of the said Henry Creveling, deceased, John P. Creveling, and William Alshouse, and Mary, his wife, have represented to the legislature of this state, that in the life time of the said Henry Creveling, deceased, it was agreed verbally by and between the said Henry Creveling and John P. Creveling, that the said Henry Creveling should convey to the said John P. Creveling, in fee, all his, the said Henry's share, distinguished by lot No. 1, in the partition of a farm, late of Peter Creveling, deceased, intestate, in the township of Mansfield, in the county of Warren, made by commissioners, appointed by the Prerogative Court of this state, containing nine acres and twenty-five hundredths of an acre, in exchange for the said John P. Creveling's share, distinguished by lot No. 4 and 11, being one half of said lots, in the partition of a farm late of the said Peter Creveling, deceased, in the township of Bethlehem, in the county of Hunterdon, made by said commissioners, containing eight acres and one hundredth of an acre of land, to be conveyed by the said John to the said Henry, in fee; and that it was also agreed by and between the said Henry

Creveling and the said William Alshouse, and Mary, his wife, verbally, as aforesaid, that the said Henry Creveling should convey to Mary, the wife of the said William Alshouse, in fee, all his, the said Henry's share, distinguished by lot No. 5, in the partition of the said farm, late of the said Peter Creveling, deceased, in Bethlehem aforesaid, made by said commissioners, containing eleven acres and seventy five hundredths of an acre, in exchange for the said Mary Alshouse's share, distinguished by lot No. 7, in the said partition of said farm, in Bethlehem, containing about sixteen acres, to be conveyed by the said William Alshouse, and Mary, his wife, to the said Henry Creveling, in fee; that in pursuance of said agreement, the said parties respectively took possession of said premises, and have improved the same; that the said Henry Creveling hath departed this life, intestate, without executing deeds for the premises so agreed to be exchanged, and have prayed that the said agreements may be carried into effect: AND WHEREAS the said agreements cannot be carried into effect by the ordinary modes prescribed by law in other cases—Therefore,

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That John Lake, of the township of Bethlehem, be, and he is hereby appointed and authorized to execute the said contracts respectively, and to convey to the said

John P. Creveling, by a good and sufficient deed of conveyance in fee simple, the said lot, No. 1, set off to the said Henry Creveling, in the partition of the said farm in Mansfield, aforesaid, when he, the said John P. Creveling, shall convey one half of the said lots, No. 4 and No. 11, in the partition of said farm in the Bethlehem aforesaid, by good and sufficient deeds of conveyance, in fee simple, to the heirs at law of the said Henry Creveling, dec'd, subject to the right of dower of the widow of the said Henry Creveling, dec'd, therein, and likewise to convey to Mary, the wife of the said William Alshouse, by a good and sufficient deed of conveyance, in fee simple, the said lot, No. 5, set off to the said Henry Creveling in the partition of the said farm in Bethlehem aforesaid, when the said William Alshouse, and Mary, his wife, shall convey the said lot, No. 7, in the partition of the said farm in Bethlehem aforesaid, by a good and sufficient deed of conveyance in fee simple, to the heirs at law of the said Henry Creveling, deceased, subject to the right of dower of the widow of the said Henry Creveling, deceased, therein.

Sec. 2. And be it enacted, That the said conveyances, when so made by the said John Lake, shall be as good and effectual in law to convey the said premises to the said grantees, as if the said conveyances had been duly made and executed by the said Henry Creveling, in his life time.

Passed December 2, 1831.

John Lake, administrator of Henry Creveling, dec'd, empowered to convey certain lands in fulfilment of contracts.

Validity of conveyances.

AN ACT appointing Trustees to sell and convey the real estate of Caleb C. Bruen, deceased.

Preamble.

WHEREAS Caleb C. Bruen, late of Chatham, in the county of Morris, died, leaving a last will and testament, which was duly proved in the Surrogate's office, in the county of Morris, on the 30th day of December, 1830, in which, among other things, he did order and direct that all his real estate remaining, after the payment of his just debts, shall be given to the use of his wife, Hannah Bruen, for her support, and to enable her to maintain and educate the children who are under lawful age, until the youngest child, now eight years old, shall arrive to the age of twenty-one years; then a division of his real estate to be made agreeably to specific devises in the aforesaid will, as a reference to which will more fully appear: **AND WHEREAS** the said Caleb C. Bruen, at the time of his death, left ten children, seven of whom were minors, under the age of twenty-one years; and left no personal estate for the support, maintenance and education of the said minors; **AND WHEREAS** the real estate of the said deceased is composed of some out lots of land in poor fence, together with a small homestead farm, which consists greatly in the value of the buildings thereon, which furnish a place of abode for the widow and the minor children of said deceased, but which do not and cannot produce rents, issues, or profits, sufficient for their support; and which, for the want of those necessary repairs to the buildings and fences which must very soon be made, to prevent the property from going to rapid decay; and as the undivided right of the said minors, or some of them, must be sold, from time to time, by order of the Orphans' Court, for their support and education, by which reason, the real estate of said deceased will be greatly diminished, if not lost, by the time the youngest child arrives to the age of twenty-one years, and the intention of the testator defeated thereby; and the widow of said deceased, and the children who are of lawful age, having petitioned the legislature for a law authorizing the sale of the real estate of the said deceased, as the only means by which the property can be saved for the said minor children; and this being the opinion of near relatives, executors, and friends of the family—Therefore,

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That William Brittin, Stephen D. Hunting, and Elijah Ward, be, and they are hereby appointed trustees, with full power to sell and convey the lands and real estate, late of Caleb C. Bruen, deceased, situate in the coun-

Trustees empowered to sell certain lands, late of Caleb C. Bruen, deceased.

ty of Morris, in fee simple, for the highest sum or sums of money the same will bring, and for the same or any part thereof, to execute and deliver, in due form of law, in their own names, or in the name of the survivor of them, as trustees or trustee aforesaid, a good and sufficient deed or deeds of conveyance, according to the estate, right, title and interest which the said Caleb C. Bruen had in the same at the time of his death, and which sale or sales so made and confirmed by deed, shall entitle the purchaser or purchasers, to all the estate, right, title, claim, interest, and demand, which the said Caleb C. Bruen, deceased, had in the premises at the time of his death, and which the widow and children of the said Caleb C. Bruen, deceased, now have in and to the same.

Validity of the conveyances.

Sec. 2. *And be it enacted*, That the said trustees or the survivors of them, as the case may be, shall keep a fair account of the sales so made by them under this act, and after deducting all legal costs, and expenses to be allowed by the Orphans' Court of said county, and after paying such just and lawful debts of the said Caleb C. Bruen, deceased, as his personal estate may not be sufficient to satisfy, if any such there be, and shall dispose of the residue of the moneys arising from such sales, as follows, to wit: they or the survivors of them shall, under the direction of the Orphans' Court of the county of Morris, vest the whole of the purchase money arising from the sale of said real estate, in the capital stock of some of the incorporated banks of this state, or put it out on legal interest on good and sufficient landed security for the use of the said Hannah Bruen, and the minor children of the said Caleb C. Bruen, and the dividends or the interest shall be paid by the said trustees or trustee, annually, or as shall be received into the hands of the said Hannah Bruen, for her support, and the maintenance and education of the aforesaid minor children, until the youngest child arrives to the age of twenty-one years; after which, the right of dower of the said Hannah Bruen, shall be divided off to her, and the interest thereof shall be paid to her, and for her use, by the aforesaid trustees or trustee, during her natural life; and the residue of said estate shall be at the same time divided by the aforesaid trustees or trustee, to the respective heirs of the said Caleb C. Bruen, in shares according to the division, to each, agreeably to the last will and testament of the said Caleb C. Bruen, and paid them, (in lieu of the land division) or to their legal representatives; and in case of the death of the said Hannah Bruen, before or after the said minor children of the said Caleb C. Bruen shall all arrive to the age of twenty-one years, her right of dower so set apart for her use, shall be divided and paid by the aforesaid trustees or trustee, among the heirs aforesaid, or their legal representatives, as the case may be,

Trustees to account to Orphans Court.

How residue of money, after payment of debts, is to be divided.

agreeably to the divisions bequeathed to the respective heirs in the will aforesaid.

Trustees to enter into bonds.

Sec. 3. *And be it enacted*, That before the said William Brittin, Stephen D. Hunting, and Elijah Ward, engage in the trust assigned them by this act, they shall enter into bond to the Governor of this state, in such sum and with such security as the Judges of the Orphans' Court of the county of Morris shall approve, conditioned for the faithful performance of the said trust, which bond shall be deposited in the Secretary's office of this state.

Trustees to be accountable for moneys received

Proviso.

Sec. 4. *And be it enacted*, That the said William Brittin, Stephen D. Hunting, and Elijah Ward, or the survivors of them, shall, within six months after the sale or sales of said lands and real estate, make, subscribe and exhibit, under oath, to the Surrogate of the county of Morris, a true statement of the amount of such sales to be by him recorded and filed; and the said William Brittin, Stephen D. Hunting, and Elijah Ward, their executors, administrators and assigns, shall be accountable for all moneys received by them in virtue of this act: *Provided always*, that no sale or conveyance of the lands or tenements, of the said deceased, made under this act, shall affect the right of any person or persons, other than the widow and children of the said Caleb C. Bruen, deceased, and their legal representatives.

Trustees authorized to receive moneys from executors.

Sec. 5. *And be it enacted*, That the said trustees be, and they are hereby authorized to receive of and from the executors appointed by the said Caleb C. Bruen, deceased, in his last will and testament, all moneys in their hands belonging to the estate of the said deceased, if any there be; and it is hereby made the duty of the said trustees to dispose thereof in the same manner as is directed in the second section of this act, concerning the proceeds of the real estate of the said deceased.

Passed, December 2, 1831.

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

Payment of officers provided for.

SEC. 1. 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 general government of this state, the several sums following, viz:

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

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

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

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

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

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

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

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

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

Sec. 2. *And be it enacted*, That there shall be paid to the Vice President of Council, and the Speaker of the House of Assembly, the sum of three dollars and fifty cents, and to every member of Council and Assembly, the sum of three dollars for each and every day they have respectively attended this, or shall attend any future sitting of this legislature; and to every member the additional 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 Council, for the members of Council, or by the Speaker of the House of Assembly, for the members of Assembly, or by John T. McDowell of Middlesex, Jacob Kline of Somerset, Samuel Black of Burlington, and Isaac Johnson of Salem, or any two of them.

Sec. 3. *And be it enacted*, That there shall be paid to the Secretary of Council and Clerk of Assembly, the sum of three dollars and fifty cents for every day they have respectively attended, or may attend any future sitting of this legislature, and the sum of eight cents by the sheet, computing one hundred words to the sheet, for the entering the minutes

of Council and Assembly and the joint-meeting fairly in the journals, and eight cents by the sheet for a copy thereof for the printers, on a certificate produced to the Treasurer, signed by the President or Vice President of Council, for the Secretary of Council, and by the President of Council, or by the Speaker of the House of Assembly, for the Clerk of Assembly.

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

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

Sec. 6. *And be it enacted*, That this act be and continue in force for one year, from the twenty-fifth day of October in the year of our Lord one thousand eight hundred and thirty-one.

Passed, December 2, 1831.

JOINT RESOLUTIONS.

RESOLVED, *by the Council and Assembly*, That Benjamin F. Vancleve be employed to engross the bills and resolutions of the Council and Assembly for the present and future sittings of this legislature.

Passed, November 3, 1831.

WHEREAS Lieutenant William Cook, of the fourth regiment of United States Artillery, has been, with the consent of the Secretary of War, employed by the Camden and Amboy Rail Road and Transportation Company, as an Assistant Engineer, since the commencement of their operations, and has, by his skill and science, rendered himself eminently useful to the Company: **AND WHEREAS** his services are still greatly needed in the completion of that important improvement in which the Company and also the State are largely interested; and which lying in the route between the cities of New York and Philadelphia, and forming the great connecting link in the line of communication along the sea board, partakes largely of a national character—**Therefore**,

RESOLVED, *by the Council and General Assembly of this State*, That the Governor of this state be, and he is hereby desired to communicate with the Secretary of War, (in relation to the premises) and to request the services of the said Lieutenant William Cook, for such further period as may be requisite for the interest of the state.

Passed, November 24, 1831.

RESOLVED, *by the Council and General Assembly of this State*, That the Clerk of the Supreme Court of this State, be authorized to procure and cause to be put up in the Supreme Court Room; five grates or stoves for the burning of coal; and that upon presenting the bill of expenses for the same to the treasurer of this state, he the said treasurer, is hereby required to pay the same out of any moneys in his hands not otherwise appropriated.

Passed, November 29, 1831.

Secretary of War
requested to con-
tinue Lieutenant
Cook in service
of Camden and
Amboy rail road
Company.

WHEREAS it has been represented to the legislature of the state of New Jersey; that a wing dam has been recently erected at or near to "Wells' Falls," in the river Delaware, on the Pennsylvania side of the said river, in the vicinity of the town of New Hope, which materially interferes with, and obstructs the free navigation thereof, causing thereby great inconvenience, loss and damage, to the citizens of this state, and others navigating said river: AND WHEREAS aid and relief have been prayed of this legislature by petition—
Therefore,

Governor to ascertain whether obstructions to the navigation of the Delaware have been made on the Pennsylvania shore.

RESOLVED, *by the Council and General Assembly of the state of New Jersey*, That the Governor of this state be, and he is hereby authorized and requested, to ascertain without delay, in such manner as he may deem expedient, either by agent or agents, or otherwise, whether any wing or other dam has recently been built and erected at or near to Wells' Falls, in the river Delaware, on the Pennsylvania shore thereof, near to the town of New Hope; and if so, whether it does now, or from its location and dimensions may probably hereafter materially interfere with, and obstruct the free navigation of the said river; and that he further ascertain, in manner aforesaid, by whom, and by what authority, and for what purpose, said dam has been erected.

to communicate with the Governor of Pennsylvania relative to their removal.

RESOLVED FURTHER, That if it should appear to the Governor from the information he may obtain under the preceding resolution, that the said wing or other dam has been built at or near the place aforesaid, and that it now does, or probably will hereafter, materially obstruct the free navigation of the said river Delaware, that then, and in that case, he do, without delay, call the attention of the Executive of the State of Pennsylvania to the subject, and request his co-operation in removing said obstruction; and that he do use any and every other means within his power, under the existing laws of this state, and treaties with Pennsylvania, to have said dam removed and abated as a nuisance.

Passed, December 2, 1831.

ACTS
OF THE
FIFTY-SIXTH
GENERAL ASSEMBLY

OF THE
State of New-Jersey,

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

THOUSAND EIGHT HUNDRED AND THIRTY-ONE.

32

BEING THE SECOND SITTING.



TRENTON:

PRINTED BY JOSEPH JUSTICE.

1832.



ACTS
OF THE
FIFTY-SIXTH
GENERAL ASSEMBLY

OF THE
State of New-Jersey.

A SUPPLEMENT to the act, entitled "An act regulating proceedings and trials in criminal cases."

SEC. 1. *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 indictment or information shall be abated by reason of any dilatory plea of misnomer of the party offering such plea, but if the court shall be satisfied by affidavit or otherwise, of the truth of such plea, in such case the court shall forthwith cause the indictment or information to be amended according to the truth, and shall call upon such party to plead thereto, and shall proceed as if no such dilatory plea had been pleaded.

Passed February 13th, 1832.

AN ACT to incorporate the Cumberland Manufacturing Company.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Edward Smith, Lucius Q. C. Elmer, Thomas M. Smith, David Reeves and William Platt, and such others as now are or hereafter may be associated with them, be, and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of the "Cumberland Manufacturing Company," for the purpose

Name of the
corporation.

Objects thereof. of raising and cultivating silk worms, and of manufacturing silk, wool, cotton, iron, machinery, hardware, steel and Glass, at or near Cumberland Furnace, in the county of Cumberland, in this State, and dying, printing and bleaching the same or any part thereof, and carrying on the business incident to the same; and by that name they and their successors and assigns shall and may have continued succession, for the space of fifty years from the passage of this act, and be persons in law, capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes, whatsoever; and that they and their successors and assigns may have and use a common seal, and change and alter the same at their pleasure; and shall be vested with all the powers incident to a corporation, and necessary for the objects aforesaid; and by that name and style shall be capable of purchasing, holding, using and conveying any estate, real or personal, for the use of the said corporation; *Provided*, that the real estate so to be holden, shall be such only as shall be necessary or useful for carrying on, or promoting the operations above mentioned; or which the said corporation may take in payment and satisfaction of debts, or which may be mortgaged to them by way of security, or purchased by them at sales upon executions in their favor; *Provided also*, that the funds of the said company or any part thereof, shall not be applied, used or employed, at any time, in banking operations.

Duration thereof

Corporate powers.

Proviso.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation, may be at present, twenty-five thousand dollars, which shall be divided into shares of twenty-five dollars each, and shall be deemed and considered personal estate; but so soon as the sum of eight thousand dollars of the said capital stock shall have been subscribed, paid, or satisfactorily secured to be paid, it shall and may be lawful for the said company to commence their said business, or any part thereof, and with that capital to conduct and carry it on, until they shall deem it expedient to extend their operations, and the capital necessary for that purpose; in which case, the same may be increased from time to time, to an amount not exceeding two hundred thousand dollars, in the whole.

Capital stock
25,000 dollars.

May be increased to 200,000 dollars.

Sec. 3. *And be it enacted*, That for the better carrying into effect the privileges granted by this act, there shall be for the present, three directors, who shall hold their office until the first Monday of October next, and until others shall be elected in their stead; that the first directors shall be Edward Smith, Lucius Q. C. Elmer, and David Reeves, out of whom they at their first meeting shall appoint their president,

First directors.

and shall have power to commence and transact business, and manage the stock, property, affairs and concerns of the said corporation.

Sec. 4. *And be it enacted,* That the said corporation and their successors shall have full power to make, constitute, ordain and establish, by and with the consent of a majority in value of the persons interested in the said company, such by-laws, rules, ordinances and regulations, as they from time to time shall judge proper, for the election of directors, and the number not exceeding five, which they may think necessary for conducting the affairs of the company, their duration in office, and the time and manner of their election; that a majority of the above named directors, or of their successors in office, of whom the president shall be one, shall form a quorum for the time being, for transacting business, and shall have power to make and prescribe all other by-laws, rules, ordinances and regulations, not repugnant to the laws and constitution of the United States or of this State, as shall appear to them to be needful and proper, touching the management and disposition of the stock, estate, property, effects and profits of the said corporation, the appointment of officers, clerks and servants, and their compensation; and may at their discretion remove and discharge from their employ, any manager or other person engaged in the business of the company, and supply their places by the appointment of others.

Powers and duties of directors.

Sec. 5. *And be it enacted,* That in case it should happen that an election should not be made on the day that, pursuant to the by-laws to be ordained by this company, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days as shall be prescribed by such by-laws; and the directors then in office shall respectfully continue until others shall be legally appointed in their stead; and if any vacancy or vacancies shall at any time happen among the directors by death, removal, resignation or otherwise, such vacancy or vacancies shall be filled for the remainder of the term in which they may happen, by such person or persons as the remainder of the directors, for the time being or a majority of them shall appoint.

Corporation not dissolved on failure of election on days prescribed.

How vacancies of directors supplied.

Sec. 6. *And be it enacted,* That the stock of the said company shall be assignable and transferrable, according to the rules established by the by-laws of the directors.

Stock transferable.

Sec. 7. *And be it enacted,* That all contracts, engagements and responsibilities, entered into on the part of said company, shall be binding on said company, in like manner as the same would be if made and entered into by any individual; that the directors shall at all times keep or cause to be kept proper books of accounts, in which shall be regularly

Books to be kept and open to the inspection of stockholders.

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

How company
may be dissolved

Sec. 8. *And be it enacted*, That the said company may be dissolved at a general meeting of the stockholders, specially summoned for that purpose; *Provided*, at least three fourths in value of the stockholders shall be present or represented therein, and consenting thereto; and upon such dissolution, the directors for the time being, and the survivors and survivor of them, shall be trustees for settling the affairs of the said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interest in the stock; unless the stockholders at such general meeting shall appoint other persons, not less than three, nor more than five in number, for the purposes aforesaid, in which case, such persons and the survivors and survivor of them, shall be trustee and trustees for the said purposes.

When charter
may be repealed
or modified.

Sec. 9. *And be it enacted*, That upon any violation of, or departure from, the provisions of this act by the said company, the legislature may at any time alter, repeal, or modify the same.

Passed, February 15, 1832.

AN ACT to repeal an act, entitled "An act authorizing a turnpike road to be made from Sparta, in the county of Sussex, to Delaware river," passed the twenty-eighth day of November, eighteen hundred and six, and for other purposes.

WHEREAS the Union Turnpike Company, having the right and interest in the road hereinafter mentioned, have, by their memorial to the legislature, prayed that the act, entitled "An act authorizing a turnpike road to be made from Sparta, in the county of Sussex, to Delaware river," might be repealed, but so that the said road should be a public and common highway for the citizens of this state to pass and repass at pleasure, free from obstruction and tolls; and it being deemed for public interest that the prayer of the memorialists should be granted—Therefore,

Preamble.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the act entitled "An act authorizing a turnpike road to be made from Sparta, in the county of Sussex, to Delaware river," passed the twenty-eighth day of November, eighteen hundred and six, be, and the same is hereby repealed.

Former act repealed.

Sec. 2. And be it enacted, That the said road, immediately after the passing of this act, shall become and be a public and common highway, in the same manner, as if the same had been laid out under the act entitled "An act concerning roads," and that the township committees of the several townships through which the said road runs, shall appoint overseers of the same, agreeably to the fourteenth section of the said "act concerning roads," and that the said highways shall be worked and managed in the same manner, in all respects, as the other public and common highways are required to be worked and managed by the laws of this state.

Turnpike road from Sparta to Delaware river, made a public highway.

To be repaired as other public roads.

Sec. 3. And be it enacted, That this act, in consequence of its connection with the public roads, shall be deemed and taken to be a public act; whereof, all persons, bodies politic and corporate, shall take notice.

Public act.

Passed, February 14, 1832.

AN ACT to divorce Valentine Ballinger, of the county of Salem, from his wife Hannah.

SEC. 1. 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 Valentine Ballinger, of the township of Mannington, in the county of Salem, and Hannah, his wife, be, and the same is hereby dissolved, as fully as if they had never been joined in matrimony.

Passed, February 15, 1832.

AN ACT to incorporate the Millville Union Fire Engine Company, in the township of Millville, in the county of Cumberland.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Joseph T. Ward, Lewis Mulford, Cooper Madden, Charles Garrison, William Powell, and all such other persons, not exceeding, at any time, fifty in number, as now are, or hereafter shall become, associates of the Millville Union Fire Engine Company of the township of Millville, in the county of Cumberland and state of New Jersey, and their successors, be, and they are hereby constituted and declared to be a body politic and corporate, in fact, and in law, by the name of the Millville Union Fire Engine Company of the township of Millville.

Name of incorporation.

Sec. 2. *And be it enacted,* That the said corporation, by such name, shall have perpetual succession, and be a body politic and corporate, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of law and equity whatsoever; and they and their successors may have and use a common seal, and make, change, or alter the same at pleasure:

Corporate powers.

Sec. 3. *And be it enacted,* That the capital stock of said corporation shall not exceed the sum of one thousand dollars, which shall be solely and exclusively applied to the procuring and maintaining the engine, house, ladders, buckets, fire-hooks, and other tools and machines necessary for the well ordering of their affairs, and to the construction, maintenance, and repair of a suitable house or houses for the preservation of their engine apparatus, and to such other expenses as shall be best calculated, by their expenditure, to secure the property of the citizens of the village of Millville, from injury or destruction by fire.

Capital and objects of incorporation.

Sec. 4. *And be it enacted,* That the said corporation shall have full power and authority to make and adopt such constitution, by-laws and resolutions for their own government, not inconsistent with the laws of this state or the United States, as they shall think proper; and in their corporate name, and under their common seal, to make and enter into any contract or agreement, touching and concerning the objects of such corporation.

May make by-laws, and enter into contracts.

Sec. 5. *And be it enacted,* That the said company shall have power to elect, annually, or oftener if necessary, a president, out of their own body, and such other officers and assistants as they shall find necessary, for conducting their

Officers to be appointed.

affairs according to their constitution and by-laws; and in their corporate name, may institute suits for the recovery of all fines, debts and arrearages due the said company.

Sec. 6. *And be it enacted*, That it shall be lawful for the Council and General Assembly of this state, at any time hereafter, to amend, modify, or repeal this act, as they shall think proper.

Law may be repealed.

Passed, February 16, 1832.

AN ACT concerning elections in the State Bank, at Newark.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all elections for Directors of the State Bank at Newark, hereafter to be held, the polls shall be opened at ten o'clock in the forenoon, and closed at twelve o'clock at noon of the same day; *Provided*, that two weeks previous notice thereof shall be given in two of the public newspapers printed in Newark: And in case any one or two of the four stockholders named by the directors to conduct any election, shall not attend the said election, the same shall be conducted by any three or two of the said stockholders named as aforesaid, and their acts shall be as good and effectual, as if the said election had been conducted by all the said four stockholders; that the certificate of election shall also notify the persons elected to meet on the first Friday next following said election; and that it shall and may be lawful for the persons hereafter elected directors of said bank, to meet at their banking house on the said first Friday, or as soon thereafter as convenient after every general election for directors, to take the oath of office and elect a president; and thereupon, the term of office of the former president and directors shall cease: *Provided*, that the persons elected at the next general election for directors, shall be sworn, and the president chosen as heretofore, unless all the directors in office, at or before said election, shall, in writing, agree to comply with the terms of this act.

Polls to be opened but one day, between 10 a. m. and noon.

Notice of time and place of election.

May be conducted by two of the stockholders named.

Directors to meet, and President chosen, the Friday next after election.

Proviso.

Passed, February 18, 1832.

AN ACT to authorize Joseph R. Phillips, administrator of Joseph Phillips, deceased, to execute a certain contract therein named.

Preamble.

WHEREAS Joseph Phillips, deceased, late of the township of Hopewell, in the county of Hunterdon, in his life time, entered into a written agreement with Thomas I. Addis, of the county of Bucks, in the state of Pennsylvania, to sell and convey to him a certain farm or lot of land, situate in the said township of Hopewell, bounded by the lands of Andrew Phillips, Absalom Moore, Samuel Fidler and others, containing fifty-eight acres, more or less, for and in consideration of the sum of eleven hundred and fifty dollars: AND WHEREAS the said Joseph Phillips thereupon delivered the possession of the said farm or lot of land to the said Thomas I. Addis, who has had, held, used and occupied the same ever since: And the said Joseph Phillips having departed this life without having executed any deed of conveyance to the said Thomas I. Addis, for the farm or lot of land aforesaid; and two of the heirs at law of the said Joseph Phillips, deceased, being minors, and incompetent to convey the same—Therefore,

Administrator of Joseph Phillips to convey certain lands to T. I. Addis.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Joseph R. Phillips, administrator of Joseph Phillips, deceased, be, and he is hereby authorized to execute and deliver to the said Thomas I. Addis, a deed for the above mentioned farm or lot of land, according to the terms of the said agreement, which shall have the same force and effect, as a deed from the said Joseph Phillips, in his life time, would have had.

Passed, February 20, 1832.

AN ACT to authorize the sale of the real estate of Christopher Trimmer, deceased.

Preamble.

WHEREAS it is represented by the petition of Elizabeth Trimmer, widow, and Samuel Trimmer, heir at law of Christopher Trimmer, late of the county of Hunterdon, who died intestate, and was possessed of certain real estate, situate in the counties of Hunterdon and Morris, which is compa-

relatively unproductive, and not calculated to be divided to the interest of the said heirs at law of said deceased, who are eight in number, and five of them minors; and that it would be for the interest of the said heirs at law to have the said real estate sold, and praying a law to authorize the sale thereof.—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 Elizabeth Trimmer and Samuel Trimmer be, and they are hereby appointed trustees, with full power and authority to sell at public sale, and convey all the real estate whereof Christopher Trimmer died seized, at such time as they may deem most for the interest of the heirs at law of the said deceased, and for the highest sum or sums of money that the same will bring, they giving such notice, by advertisements, as is required to be done by executors and administrators on sale of lands, 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 as aforesaid, good and sufficient deed or deeds of conveyance, according to the estate and interest which the said Christopher Trimmer had in and to the same at the time of his death.

Trustees to sell and convey lands of Christopher Trimmer, deceased.

Sec. 2. *And be it enacted,* That the said Elizabeth Trimmer and Samuel Trimmer, as trustees as aforesaid, shall keep a fair account of such sale or sales of said real estate, so by them sold by virtue of this act, and the expenses of such sale or sales; and shall, after deducting such expenses and the fees allowed for their services, vest the proceeds of such sale or sales at interest, upon good and sufficient security, to be approved of by the Orphans' Court of the county in which the lands lie, and distribute the same among the heirs at law, as they respectively arrive at lawful age, according to the manner and proportion prescribed by law, directing the descent of real estate.

To distribute proceeds of sales.

Sec. 3. *And be it enacted,* That before the said trustees enter upon the trust assigned them by this act, they shall enter into bond with sureties, unto the Governor of this state, in such amount as shall be approved of by the Orphans' Court of the said county of Hunterdon, conditioned for the faithful performance of the said trust.

To give bond with sureties.

Sec. 4. *And be it enacted,* That the said trustees shall, within six months after the sale of the real estate aforesaid, make, subscribe and exhibit, under oath or affirmation, to the Surrogate of the county of Hunterdon, an exact statement of the amount of the sale or sales, to be by him recorded and filed agreeably to law, and that the said trustees be accountable for all moneys received by them by virtue of this act.

Statement to be filed in Surrogate's office.

Passed, February 20, 1832.

A SUPPLEMENT to the act entitled "An act to incorporate the Belvidere Bank," passed February thirteenth, eighteen hundred and thirty.

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 proviso in the first section of the act to which this is a supplement, as precludes citizens of Pennsylvania from subscribing for, or owning stock in said Bank, be, and the same is hereby repealed.

Passed, February 25, 1832.

Pennsylvanians
may own stock.

AN ACT respecting the enrolment of decrees in 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 whenever any cause shall be finally determined in the court of chancery, and the proceedings and decree in such cause are by law required to be entered or enrolled in the manner prescribed by the forty-fifth section of the act entitled "An act respecting the court of chancery," it shall be the duty of the clerk to enter or enrol the same, so that the record may be ready to be signed by the chancellor, within three months after the final decree in such cause shall have been filed with the said clerk; and no clerk shall charge any fee therefor, until such service shall have been actually performed.

Record to be
ready for signa-
ture of Chancel-
lor within three
months after
final decree.

Sec. 2. *And be it enacted,* That whenever any cause shall be finally determined in the court of chancery, and the person then being clerk of the said court shall cease to be such, by death or otherwise, before he shall have entered or enrolled the proceedings in such cause, in manner aforesaid, if by law they ought to be so entered or enrolled, then it shall be the duty of his successor in office, within three months after his appointment, to make or cause to be made, such entry or enrolment in manner aforesaid.

Duties neglected
by Clerk to be
performed by his
successor.

Sec. 3. *And be it enacted,* That if any chancellor by whom any cause shall have been finally heard and determined, shall go out of office, and some other person shall be appointed chancellor before the proceedings and final decree in such cause shall have been enrolled and signed in the book kept for that purpose, then it shall be the duty of his successor in

office or the chancellor for the time being, to sign such enrolment with his own name, prefixing to such signature the words "by the statute;" and all proceedings and decrees so signed, shall be as good and effectual in law, to all intents and purposes, as if the same had been duly signed by the chancellor who pronounced such final decree.

When Chancellor to sign enrolment of decrees of predecessor.

Sec. 4. *And be it enacted*, That the proceedings and decrees in all causes that have been finally determined in the court of chancery, at any time before the present clerk of that court came into office, and which, by law, ought to have been entered or enrolled, and signed in the manner directed by the forty-fifth section of the act aforesaid, and which have not yet been so entered or enrolled, shall, within six months from the passing of this act, be so entered or enrolled by the person who was clerk of the said court, when such final decree was pronounced and filed in the clerk's office of the said court, to the end, that the same may be signed by the chancellor for the time being, as is herein before provided for; and in case such person or persons, so having been clerk of the said court, shall neglect or refuse to perform the duty required of them by this act, within the time herein before limited for that purpose, then it shall be the duty of the attorney general of this state, for the time being, under the direction of the chancellor, to proceed by action or suit at law, upon the official bond of such defaulter, for the recovery of the penalty therein mentioned, with costs; and it shall and may be lawful for the chancellor to order and direct so much of the said penalty, when recovered, as may be necessary to be applied towards the payment for the entering and enrolling of the said decrees, by some other person to be employed by the clerk of the said court for the time being.

How and when decrees not enrolled by predecessors of present clerk to be enrolled.

Penalty for neglect.

Passed, February 21, 1832.

AN ACT to incorporate the Mechanics' Bank of Paterson.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That a subscription be opened for one hundred and fifty thousand dollars, in shares of fifty dollars each, and that subscriptions for the same be received by Caleb M. Godwin, John Vail, Peter M. Ryerson, Robert Morrell, Bonnel M. Haggerty, Philemon Dickerson, Peter Jackson, Daniel Holsman, and Horatio Moses, who are hereby appointed commissioners for that purpose; and it shall be the duty of the said commissioners to open books for said subscription, in

Commissioners to receive subscriptions.

When, where
and how sub-
scriptions to be
received.

the town of Paterson, having first given public notice, by advertisement, in one newspaper published in Paterson, at least three weeks, of the time and place, when and where said books will be opened; and when so opened, they shall continue the same open for subscription, five days successively; and every person subscribing therein, shall pay to the said commissioners herein before mentioned, at the time of subscribing, the sum of five dollars in specie, or notes of the Bank of the United States, or of Banks in this State, or in the city of New York, which redeem their notes in specie, on demand, upon every share so by him subscribed.

In case of excess
how apportion-
ment to be made.

Sec. 2. *And be it enacted*, That if the number of shares so subscribed, shall exceed three thousand, then it shall be the duty of the said commissioners to apportion and distribute three thousand of the said shares, (equal to one hundred and fifty thousand dollars) to and among such and so many of the persons so subscribing, as they shall deem just and proper, giving a preference to citizens of this state; and the persons to and among whom the said three thousand shares shall be so apportioned and distributed, shall be deemed the subscribers to the said sum of one hundred and fifty thousand dollars, mentioned in the first section of this act.

Style of incor-
poration.

Powers and pri-
vileges.

Proviso.

Sec. 3. *And be it enacted*, That all such persons as shall become subscribers, as in the first and second sections of this act mentioned, their successors and assigns shall be, and are hereby created and made, a body corporate and politic, in name and in fact, by the name and style of "The Mechanics' Bank of Paterson," and by that name may have perpetual succession, and are hereby made capable in law, to purchase, receive, have and possess, lands, tenements, hereditaments, goods, chattels and effects, of what nature or kind soever, and the same to grant, demise, alien and dispose of; to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and may also make, have and use a common seal, and the same may change, alter and renew at pleasure: *Provided*, that the said corporation shall not, directly nor indirectly, deal or trade in any thing, excepting bills of exchange, promissory notes, gold or silver bullion, stock of the United States, and such goods, wares and merchandise, as shall be truly pledged to them as security for debts due, owing or growing due to the said corporation, or purchased to secure such debts, or in the sale of goods which shall be the produce of its lands: *And provided also*, that the real estate which it shall be lawful for the said corporation to hold, shall be only such as may be necessary for its immediate accommodation, in relation to the convenient transaction of its business; or such as shall have been bona

vide mortgaged to it, as security for loans or contracts made or conveyed to it, in full or in part satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

Sec. 4. *And be it enacted*, That the capital stock of the said corporation shall be one hundred and fifty thousand dollars, to be divided as aforesaid, into shares of fifty dollars each; and the said corporation shall have power, and the same is hereby granted to them, to increase their said capital to three hundred thousand dollars, at any time during the continuance of this charter, when they shall deem it proper so to do; and that as soon as one thousand shares shall be subscribed as aforesaid, the said commissioners herein before named and appointed to receive subscriptions as aforesaid, or any five of them, may call a meeting of the subscribers, at Paterson, by giving at least three weeks previous notice, by advertisement in a newspaper printed in the town of Paterson, and in one or more of the newspapers printed in the city of New York, if any of the said subscribers be resident therein; and the subscribers assembled in consequence of such notice, shall choose by ballot from among the subscribers, by plurality of votes then and there given in by the said subscribers, stockholders, either in person or by proxy, thirteen directors, all of whom shall be stockholders, and at least ten of whom shall be citizens of this state, and a majority of whom shall be resident within the chartered limits of the town of Paterson, to serve for the term of one year thereafter; and the said commissioners, or a majority of them, shall be inspectors and judges of said election; and on the same day, annually thereafter, a like election shall be made, the inspectors and judges whereof shall be three stockholders, not being directors, who shall have been previously appointed for that purpose by the directors; a majority of the directors shall, at all times, be resident within the said chartered limits of the town of Paterson, and in all elections for choosing them, each stockholder shall be entitled to one vote for each share of stock, not exceeding ten, and one vote for every five shares over and above that number, which he, she, or they shall have held in his, her, or their names, at least three months before the time of voting; all elections of the said corporation shall be by ballot, and the persons who shall have the greatest number of votes, shall be directors; and if it should so happen at any election, that two or more persons shall have an equal number of votes, then the said directors in office at the time of such election, or the said commissioners, if it should so happen at the first election, or a majority of them, shall proceed to ballot, and by plurality of votes, determine which of the persons so having an equal number, shall be director or directors, so as to complete the whole number; and the direc-

Capital stock,
150,000 dollars,
may be increas-
ed to 300,000.

How directors
to be chosen.

A majority of
directors to be
inhabitants of
Paterson.

Elections to be
by ballot.

President to be chosen.

How vacancies supplied.

Oath of directors.

tors so elected, as soon as may be thereafter, shall proceed in like manner to elect by ballot, one of their number, who shall be their president; and whenever a vacancy or vacancies shall happen among the directors, by death, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; and the said directors, when duly elected, shall, before they enter upon the duties of their office, severally take the following oath or affirmation, as the case may be: **I — do swear, (or affirm) that I will faithfully execute the duties of director, agreeably to the provisions of this charter, and of the trust reposed in me, according to the best of my skill and understanding.**

Proviso.

Sec. 5. And be it enacted, That all the affairs, property and concerns of the said corporation, shall be managed and conducted by the directors, to be appointed as in the fourth section of this act prescribed, seven of whom shall constitute a quorum for the transaction of all business, except in cases of discount, which shall be regulated by the by-laws of the corporation: *Provided*, that no discount shall be made on any note or notes, bill or bills, without at least one good endorser, nor by less than three directors when met for that purpose; and the said commissioners shall, immediately after the first election to be held for choosing directors shall have been determined, deliver over into the hands of the said directors then to be appointed, the said subscription books, and all other books and papers whatsoever, which shall be in their hands, and belonging and appertaining to the said corporation; and shall also pay over to the said directors all monies which they shall have received on account of said subscription; and the said directors shall have power to call in and demand from the stockholders payment of the sums remaining due upon the shares subscribed, at such times, and in such instalments or proportions as they, or a majority of them shall deem proper and requisite, under the penalty of the forfeiture of all previous payments thereon, provided that notice of the instalments required to be paid, and of the time and place when and where the same must be paid, shall have been previously published, at least thirty days in a newspaper printed in the town of Paterson; *And provided also*, that no instalment to be paid at any one time, shall exceed five dollars upon each share.

Powers and duties of directors.

How instalments are to be paid, and forfeitures of stock on non-payment.

Stock personal property, and liable to taxation.

Sec. 6. And be it enacted, That the stock of the said corporation shall be considered as personal property, and that the said stock, or the dividends arising therefrom, shall be subject to such taxes as all other banking institutions in this state are liable to, and that their real estate shall be subject to be taxed as other lands in this state are or shall be taxed.

Sec. 7. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the government of the said corporation, the management and disposition of the stock, business and effects thereof, the time, manner and terms, at and upon which discounts and deposits shall be made and received by the said corporation: *Provided*, that the cashier of the said bank shall be annually appointed, and that upon the appointment and re-appointment of said cashier, he shall take an oath or affirmation faithfully to perform the duties of his office, and shall give bond with good and sufficient security, in a penal sum not less than twenty thousand dollars, conditioned for the faithful performance of the duties of cashier of said bank; and also touching and relating to the duties and conduct of the officers, clerks and servants employed therein; the election of directors and all such other matters as may appertain to the concerns of the said corporation; and shall have power to appoint as many officers, clerks and servants, for carrying on said business, and with such salaries or allowances as to them shall seem meet: *Provided always*, that such by-laws, rules and regulations, shall not be repugnant to the provisions or requirements of this charter, or to the constitution and laws of the United States, or of this state.

Duties of directors.

Cashier appointed annually, and to give bond.

Proviso.

Sec. 8. *And be it enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand of such person or persons, his, her, or their assignee or assignees, successively, and so as to enable such assignee or assignees to bring and maintain an action thereupon, in his, her, or their name or names; and the bill or notes which may be issued by order of said corporation, signed by the president, and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her, or their order or bearer, though not under the seal of said corporation, shall be binding and obligatory upon the same, and with like power and effect as upon any private person or persons, if sued by him or them in their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were issued by such private person or persons, and shall be received in payment of all debts due to said corporation: *Provided*, that every bill or note issued by the said corporation, payable to bearer, or to any person or persons, his, her, or their order or bearer, shall be deemed and taken to be payable and demandable at the office of the said banking company: *Provided also*, that the said corporation shall not issue any bills of a less denomination than one dollar.

Bills obligatory under seal and bills or notes promising payment of money to any person, or order, or bearer, assignable, and how recoverable.

Proviso.

Limitation of
debts.

Sec. 9. *And be it enacted*, That the total amount of the debts which the said corporation shall at any time owe, over and above the actual deposits in the said bank, shall not exceed twice the amount of the capital stock subscribed and actually paid into the said bank; and that it shall be the duty of the directors of the said corporation, to make semi-annual dividends of so much of the profits of said bank, as to them or a majority of them shall seem advisable, but that they shall make no dividends of any part of the capital stock; and that it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths or affirmations, and under the seal of the said corporation, annually, to lay before the legislature of this State, a statement of its capital stock paid in, and of its debts, notes and specie on hand; and if the said president and cashier, shall fail to do the same for three years successively, that then, and from thenceforth, this charter, and all the powers and privileges hereby conferred, shall cease and be for ever at an end.

Annually exhibit
to the legislature
the affairs of the
bank.

When bank to
go into opera-
tion.

When and what
amount of capi-
tal stock to be
paid in.

Sec. 10. *And be it enacted*, That it shall not be lawful for the said bank to issue any notes, or bills, until an affidavit by the president and cashier shall have been made and filed in the office of the Secretary of State, stating that the whole of the capital stock of the said corporation shall have been subscribed, and one hundred thousand dollars thereof paid in, conformable to the provisions of this act; and it shall be the duty of the said president and directors, within two years after the said time, to call in an additional sum of the capital stock aforesaid, not less than twenty thousand dollars, and an additional twenty thousand dollars annually thereafter, till the capital stock of one hundred and fifty thousand dollars aforesaid, is fully paid in.

Rate of discount.

Proviso.

Sec. 11. *And be it enacted*, That the rate of discounts at which loans may be made by the said corporation, shall not exceed the legal rate of interest, in this state, for the time being: *Provided*, that nothing herein contained, shall be construed to prohibit the said corporation from dealing in bills of exchange, and the purchase and sale thereof.

When charter to
be forfeited.

Sec. 12. *And be it enacted*, That if at any time after the passing of this act, the said president and directors shall neglect, on demand being made at their banking house during their regular hours of doing business, to redeem, in specie or other lawful money of the United States, their said bills, notes or other evidences of debt, issued by the said corporation, the said president, directors and company, shall forfeit this, their said charter, forever, and shall wholly discontinue and close their banking operations, both by way of discount and otherwise; and the said bank shall be liable to pay to the holder or holders of such notes or bills, the payment whereof has been

refused or delayed after demand being made as aforesaid, damages for the non-payment thereof, at and after the rate of ten per centum per annum, from the time of such demand until the same shall be paid as aforesaid, or otherwise satisfied.

Sec. 13. *And be it enacted*, That the president and directors of said corporation shall individually, and jointly, and severally be and continue liable to every creditor for the payment of any bills obligatory or of credit, note or notes, that they or any of them may issue and circulate; and upon demand of payment being made as aforesaid, and refusal thereof, an action may be brought against the said persons, then acting as president and directors of the said corporation, jointly or severally; and it shall be lawful for the plaintiff or plaintiffs to declare therein generally, for money had and received, with a specification of the dates, sums, payees and numbers of the said bills or notes so demanded, and payment whereof hath been neglected or refused; and upon judgment being rendered, execution may issue thereon.

President and directors jointly and severally liable to creditors.

Sec. 14. *And be it enacted*, That no transfer of the stock of the said corporation shall be valid and effectual, until such transfer shall have been registered in a book or books to be kept for that purpose by the said directors.

How transfers of stock to be made

Sec. 15. *And be it enacted*, That this act shall be and continue in force until the first day of January, in the year of our Lord one thousand eight hundred and fifty-three, and that it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal this act, whenever, in their opinion, the public good shall require it.

Limitation.

Legislature may repeal or modify this act.

Passed February 28, 1832.

AN ACT to incorporate the Union Bank, at Dover, in Morris county.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That William Scott, William Jackson, Hudson McFarlan, Samuel G. Wright, Samuel Fowler, Thomas Muir, and Joseph Dickerson, jr. be, and they are hereby appointed commissioners, which commissioners, or any three of them, shall open a subscription at Dover, and at such other places in the county as the said commissioners may deem proper, to raise the sum of one hundred thousand dollars, in

Commissioners to receive subscriptions.

When, where
and how sub-
scriptions to be
received.

In case of excess
how appor-
tionment to be made.

Style of incor-
poration.

Powers and pri-
vileges.

Directors to be
stockholders and
citizens of this
State and of the
U. S. and chosen
annually.

shares of fifty dollars each, with the privilege of increasing the capital to one hundred and fifty thousand dollars, the said commissioners to give notice of the time and place or places of opening the books of subscription, by advertising the same in the newspapers published in Morristown, and in Newton in Sussex county, at least three weeks, and the books to continue open from day to day for three days; and if the whole amount shall not, within that time, be subscribed, the said commissioners may continue to keep the books open until the whole capital stock be subscribed; and should more than one hundred and fifty thousand dollars be subscribed, the commissioners shall make an equitable deduction and apportionment, giving preference to the citizens of this state in such apportionment.

Sec. 2. *And be it enacted*, That all such persons as shall become subscribers to the capital stock, in the preceding section mentioned, their successors and assigns, shall be, and are hereby created, a body corporate and politic, in name and in fact, by the name and style of the "Union Bank at Dover," and by that name shall be, and are hereby made capable in law to have and purchase, receive and possess, enjoy and retain, to them and their successors, lands, tenements, hereditaments, goods, chattels and effects, of what nature or kind soever; and the same to grant, demise, alien or dispose of; and also to sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever; and also to make, have, and use a common seal, and the same to alter and renew at their pleasure; and also to ordain, establish, and put in execution, such by laws or ordinances and regulations as shall seem necessary and convenient for the government of said corporation, provided that they be not inconsistent with the constitution and laws of this state, or of the United States; and also to appoint all such officers, agents and servants, as shall be necessary to carry into effect the powers by this act vested in the said corporation, and allow to them such compensation for their services as shall be deemed reasonable.

Sec. 3. *And be it enacted*, That as soon as one thousand shares shall be subscribed, the persons hereby empowered to receive subscriptions, or any four of them, may call a meeting of the subscribers at Dover, in Morris county, by giving at least three weeks previous notice in two of the newspapers printed in the county of Morris, and one in Sussex county; and the subscribers assembled in consequence of such notice, shall choose, by ballot, from among the subscribers, by a majority of such as are present, or by proxy, eleven directors, who shall be citizens of the United States and of this state, and who shall hold their offices until the second Tuesday in February, eighteen hundred and thirty-three; and on the same day, annually, or as soon as can be thereafter, upon

like notice, a like election shall be made, a majority of which directors shall at all times be inhabitants of the county of Morris; and in case of the death, refusal, resignation, disqualification, or removal of any director, the remaining members, at their next meeting thereafter, shall elect by ballot another person in his place for the residue of the year: And the directors, or any seven of them, at their first meeting after any general election, shall elect from among themselves, by a majority of the members present, by ballot, a president, who shall be an inhabitant of the county of Morris; and in case of the death, refusal, resignation, disqualification, or removal of the president, the directors shall meet, as soon as convenient thereafter, and elect in the manner before mentioned, another person, qualified as aforesaid, for president.

President to be chosen.

How vacancies supplied.

Sec. 4. *And be it enacted*, That six directors shall constitute a quorum for the transaction of business, except in cases of discount, which shall be regulated by the by-laws of the corporation: *Provided*, that no discounts shall be made on any bill or bills without at least one good endorser, nor by less than three directors, when met for that purpose.

Quorum.

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

Powers and duties of directors.

Sec. 6. *And be it enacted*, That the said corporation shall not issue bills of a less denomination than one dollar, and that the stock of the said corporation shall be considered as personal property; and that the said stock, or the dividends arising therefrom, shall be subject to such taxes as all other banking institutions in this state are liable to; and their real estate shall be subject to be taxed as other lands in this state are or shall be taxed; and each and every person subscribing

Stock personal property, and liable to taxation.

How instalments
are to be paid,
and forfeiture
of stock on non-
payment.

to the capital stock of the said bank, shall pay, at the time of subscribing, to the commissioners receiving subscriptions, the sum of five dollars in specie, or notes of the Bank of the United States, or of Banks of this State, or in the city of New York, which pay their notes in specie on demand, upon every share so by him subscribed; and the directors of the said company may require payment for the remaining instalments which shall have been subscribed, at such times and in such proportions as they, or a majority of them, shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and that previous notice of the instalments required to be paid after the first, and of the time when the same are to be paid, shall be published at least three weeks in two of the newspapers printed in the county of Morris, and one in the county of Sussex: *Provided*, that no instalment to be paid shall exceed five dollars on a share: *Provided always*, that the stockholders shall, at all times during banking hours, be allowed to examine the books and concerns of said corporation.

No transfer valid
till debts to bank
are paid.

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

Bills obligatory
under seal and
bills or notes
promising pay-
ment of money
to any person,
or order, or bear-
er, assignable,
and how recov-
erable.

Sec. 8. *And be it enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand of such person or persons, his, her, or their assignee or assignees successively, and so as to enable such assignee or assignees to bring and maintain an action thereupon in his, her, or their name or names; and the bills and notes which may be issued by said corporation, signed by the president, and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her, or their order, or bearer, though not under the seal of said corporation, shall be binding and obligatory on the same, and with like power and effect as upon any private person or persons, if sued by him or them in their private and natural capacity or capacities, and shall be assignable or negotiable in like manner as if they were issued by such private person or persons, and shall be received in payment for all debts due to said corporation: *Provided*, that no bill nor note issued by said corporation, payable to bearer or to any person or persons, his, her, or their order, or bearer, shall

Proviso.

express any place of payment other than the office of the said banking company.

Sec. 9. *And be it enacted*, That it shall be the duty of the directors of the said corporation to make semi-annual dividends of so much of the profits of said bank as to them, or a majority of them, shall seem advisable, but that they shall make no dividend of any part of the capital stock; and that the rate of discount at which loans may be made by the said corporation, shall not exceed the legal rate of interest of this state for the time being.

Semi-annual dividends to be made.

Sec. 10. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths or affirmations, and under seal of the corporation, annually to lay before the legislature of this state, a statement of its capital stock paid in, and of its notes, debts, and specie on hand; and if the said president and cashier shall fail to do the same for the space of three years together, that then this charter and all the privileges hereby conferred, shall cease and be forever at an end.

Annually exhibit to the legislature of the affairs of the bank.

Sec. 11. *And be it enacted*, That if at any time after the passing of this act, the said president directors and company shall neglect, on demand being made at their banking house during their regular hours of doing business, to redeem, in specie or other lawful money of the United States, their said bills, notes or other evidences of debt, issued by the said corporation, the said president, directors and company, shall forfeit their charter, forever, and wholly discontinue and close their banking operations, either by way of discount or otherwise; and the said bank shall be liable to pay to the holder or holders of such notes or bills, the payment whereof has been refused or delayed, upon demand as aforesaid, damages for the non-payment thereof, at and after the rate of ten per centum per annum, from the time of such demand until the same shall be paid as aforesaid, or otherwise satisfied.

When charter to be forfeited.

Sec. 12. *And be it enacted*, That the president and directors of the corporation shall, in their individual capacities, and jointly, and severally be, and continue liable to every creditor, for the payment of any bills obligatory or of credit, note or notes, that they or any of them may issue and circulate; and upon demand of payment being made at the bank during the usual hours of business, and refusal thereof, an action may be brought against the president and directors of the said company in their individual capacities, and jointly, or severally; and it shall be lawful for the plaintiff or plaintiffs to declare thereon generally for money had and received, with a specification of the dates, sums, payees and numbers of the said bills or notes so demanded, and payment whereof hath been neglected or refused; and upon judgment being rendered, execution shall issue.

President and directors jointly and severally liable to creditors.

When bank to
commence operations.

Sec. 13. *And be it enacted*, That it shall not be lawful for the bank to issue any notes or bills, until an affidavit by the president and cashier shall have been made and filed in the office of the secretary of state, stating that fifty thousand dollars of the capital stock of the said corporation shall have been subscribed and paid in, conformably to the provisions of this act.

Limitation.

Legislature may
repeal or modify
this act.

Sec. 14. *And be it enacted*, That this act shall be and continue in force until the first day of February, one thousand eight hundred and fifty-two, and no longer; and further, that it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal this act, whenever, in their opinion, the public good requires it.

Passed February 28, 1832.

AN ACT to incorporate the "Newark Mechanics' Association and Lyceum."

Preamble.

WHEREAS it appears that John Taylor, Stephen Dod, Caleb H. Shipman, Seth Boyden, Asa Torry, Aaron L. Burnet, Samuel Hayes, and others, to the number of one hundred and twenty, and upwards, have associated themselves together, under the name of "The Newark Mechanics' Association and Lyceum," for mutual improvement in the arts and sciences, and have, by voluntary contributions, purchased, and now hold, a considerable library of useful books, a philosophical apparatus, and a valuable collection of natural and artificial curiosities: AND WHEREAS, for the protection of the property of the said association, and for the promotion of the objects thereof, an application hath been made to the legislature to pass an act erecting the said association a body politic and corporate; and it appearing to the legislature that the objects of the said association are laudable, and that all proper efforts for the promotion of education and the more general diffusion of knowledge, ought to receive all reasonable and necessary patronage and aid from the government—Therefore,

Style of incorporation.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said John Taylor, Stephen Dod, Caleb H. Shipman, Seth Boyden, Asa Torry, Aaron L. Burnet and Samuel Hayes, and all such persons as now are, or hereafter may be members of the said association, be, and

they are hereby constituted a body corporate and politic, in this state, by the name of "The Newark Mechanics' Association and Lyceum," and that, by that name, they and their successors shall be known in law, and have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all causes and proceedings whatsoever, and shall and may have and use a common seal, and the same may change and alter at their pleasure.

Sec. 2. *And be it enacted*, That the objects of the said association shall be limited exclusively to the cultivation and promotion of literature, the arts and sciences, and the diffusion of useful knowledge.

Objects of incorporation.

Sec. 3. *And be it enacted*, That the officers of the said association shall consist of a president, two vice presidents, one corresponding, and one recording secretary, a treasurer, librarian, cabinet keeper, three curators, and such others as the association shall deem necessary, who shall, severally, be annually elected by a majority of the votes of the members present, at a regular annual meeting of said association, to be holden on the third Tuesday of May, in each and every year; and in case the said association shall omit to elect all or either of the said officers at their annual meetings, to be held as aforesaid, then the person or persons last appointed shall continue in office until a new election shall be had.

Officers how elected, and their duration in office.

Sec. 4. *And be it enacted*, That for the purpose of supplying any vacancies that may happen, by an omission to elect at the annual meeting, or by death, or resignation, or otherwise, an election may be held at such time as the association at any regular meeting may appoint, by a resolution entered on the minutes of said association, specifying the officer or officers to be elected: *Provided*, such election be not more than four, nor less than two weeks from the time of such appointment.

Vacancies how supplied.

Sec. 5. *And be it enacted*, That the treasurer shall give bond to the said association, with sufficient security, to be approved of by the president and vice presidents, or any two of them, in such sum as the association, at their annual meeting shall direct, conditioned for the faithful execution of his office.

Treasurer to give bond and security.

Sec. 6. *And be it enacted*, That the said association and their successors, by the name aforesaid, shall be in law capable of purchasing, holding and conveying any real estate for the use of said association: *Provided*, that the clear annual income of such real estate, does not exceed the sum of three thousand dollars: *And provided also*, that the real or personal estate of said association, or any part thereof, or the income or proceeds thereof, shall in no case be divided among the members of said association, or their representatives.

Amount of real estate which may be held.

Powers of incorporation.

Sec. 7. *And be it enacted*, That the said association shall have power to make by-laws prescribing the duties of their several officers, regulating the management and disposition of their property and concerns; for the admission, discipline and expulsion of members, and for such other purposes as they may deem necessary: *Provided*, the said by-laws be not inconsistent with the constitution and laws of the United States, or of this state.

Funds not to be employed for banking purposes.

Sec. 8. *And be it enacted*, That the said association shall not use any of their funds for banking operations, or in any other way, except as is provided for by this act.

May repeal or alter this act.

Sec. 9. *And be it enacted*, That the legislature may at any time hereafter alter, amend, or repeal this act.

Passed, February 23, 1832.

AN ACT to authorize Edmund T. Williams to sell certain real estate therein named.

Preamble.

WHEREAS it appears that Isaac Saxton, late of Shrewsbury, county of Monmouth, now deceased, died, seized and possessed of three small lots of land in said township, and by his last will and testament, executed in due form of law, to pass real estate, authorized and directed Doctor Samuel W. Tenbrook and Tylee Williams, his executors therein named, to sell and dispose of said lots for the purposes therein mentioned; and that the said Tylee Williams, one of the said executors, proved the same, and took upon himself the burthen of the execution thereof, and that he and the said Samuel W. Tenbrook are both deceased, and that letters of administration de bonis non, with the will of the said Isaac Saxton, deceased, annexed, hath been granted to Edmund T. Williams, of said township: AND WHEREAS, it further appears, that some time in the year eighteen hundred and nineteen, the said Tylee Williams, in his life time, acting executor as aforesaid, agreed to sell and convey to Garret Dangler, of said township, said lots of land for the sum of one hundred and fifty dollars, to be paid in three payments of fifty dollars each, the first on the first day of November in said year, the second on the first day of April following, and the last on the first day of April then next following, without interest, the deed to be executed when payments made; and that under said agreement, the said Garret Dangler entered into the possession of said premi-

ses and improved the same, and paid at different times the sum of one hundred and five dollars, on account of the consideration money: AND WHEREAS, it is represented that the said Garret Dangler is now willing to pay the balance of the consideration money now due on said contract, upon receiving a deed therefor; but inasmuch as the said Tylee Williams is now deceased, and the said Edmund T. Williams, administrator as aforesaid, hath no power in the premises to make and execute a deed under said contract, and hath petitioned for legislative aid in the premises—Therefore,

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Edmund T. Williams, administrator *de bonis non* of the said Isaac Saxton, deceased, with the will of

the said Isaac Saxton, deceased, annexed, be, and he is hereby authorized and empowered to sell and convey to the said Garret Dangler, the said three lots of land in accordance with the terms of the contract between the said Garret Dangler, and the said Tylee Williams, acting executor as aforesaid, upon the said Garret Dangler paying to the said Edmund T. Williams the balance of the consideration money aforesaid, now due thereon, and to execute and deliver as good and sufficient deed therefor, as the said Tylee Williams, acting executor as aforesaid, could have done in his life time, and to be equally effectual in law, as if made by the said Tylee Williams, executor as aforesaid, under said will.

Administrator of
Isaac Saxton,
deceased, em-
powered to con-
vey three lots of
land to Garret
Dangler.

Sec. 2. *And be it enacted,* That the proceeds of said sale, when completed, shall be applied by the said Edmund T. Williams, administrator as aforesaid, in the manner directed by the will of the said Isaac Saxton, deceased:

Proceeds of sale
how to be ap-
plied.

Passed, February 28, 1832.

AN ACT for the preservation of Cranberries.

WHEREAS it has been represented to the legislature, that Cranberries, if suffered to remain on the vines until sufficiently ripened, would be a valuable article of exportation: Therefore,

Preamble

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That if any person or persons shall, after the passing of this act, take or gather from the vines, at any

Cranberries not
to be gathered
between the first
of June and fifth
of October.

time after the first day of June, and before the fifth day of October, cranberries on the common or unlocated lands within this state, or on any lands not their own property, or for which they pay no tax, such person or persons shall forfeit and pay, for every such offence, the sum of six dollars, and also the further sum of four dollars for each and every bushel so taken or gathered, within the times aforesaid, to be sued for and recovered by action of debt, in any court where the same may be cognizable, with costs of suit, to be applied, one half, if on the common or unlocated lands, to and for the use of the county where the offence shall have been committed; or if on any of the located lands, one half to be paid to the owner or possessor of said lands, and the other half to the use of the person or persons who shall sue for and recover the same.

Penalty.

Repeal of former
act.

Sec. 2. *And be it enacted*, That the act entitled "An act for the preservation of Cranberries," passed the tenth day of November, seventeen hundred and eighty-nine, and all other acts coming within the purview of this act, be, and the same are hereby repealed.

Passed, February 16, 1832.

AN ACT to authorize the guardian of Rebecca and Hannah Jaggard, minor children of Randal Jaggard, deceased, to sell timber.

Preamble.

WHEREAS it appears to this legislature, that Randal Jaggard, late of the county of Gloucester, deceased, departed this life intestate, leaving real estate in said county, and two orphan children, minors, Rebecca, aged three, and Hannah, one year; and that the personal estate of said deceased is insufficient for their maintenance and education, and that it would be much more to the benefit and advantage of said minors if their guardian was authorized by law to sell the timber on a tract of land of theirs, being part of said real estate, lying in Deptford township, principally covered with ripe timber fit to cut, than to sell the soil in pursuance of a decree of the orphans' court; **AND WHEREAS** there is no law of this state authorizing guardians to sell timber—
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 Thomas Bee, guardian of the said Re-

AN ACT to enable the owners and possessors of the meadows, low land and swamps, lying upon or adjoining the Assanpink Creek, in the counties of Hunterdon, Burlington and Middlesex, to clear out and straighten the said creek within the limits therein named.

Managers for
opening, clear-
ing out and
straightening
Assanpink
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 John B. Hutchison, Ezekiel Rogers, David K. Schenck, William Tindall and William J. Tindall, shall be, and they are hereby appointed managers for the opening, and clearing out and straightening of the Assanpink Creek, from the old dam, near the head of James Mount's millpond, on the line between the counties of Burlington and Hunterdon, up said creek to the westerly line of the farm whereon Allison Ely, jr. now lives, and the line between the townships of East and West Windsor, in the county of Middlesex; and shall continue managers until the second Saturday in April, in the year of our Lord one thousand eight hundred and thirty-three, and until their successors in office are appointed; and it shall and may be lawful for the said managers, or either of them, to enter into and upon the meadows, low lands and swamps, lying upon said creek, within the limits aforesaid, with all necessary workmen and implements, to open, widen, clear out, straighten, and remove every obstruction, (division swinging pole fencing across the said creek excepted) to the free passage of the water within the limits aforesaid, fourteen feet wide, and not less than three, nor more than five feet deep, and the mud and other obstructions taken out of said creek, equally to cast out upon the meadows, swamps and low lands next adjacent.

Managers to ap-
portion the
amount to be
paid by each
owner.

Sec. 2. And be it enacted, That the said managers, or a majority of them, shall and may apportion the amount that each respective owner or possessor of said meadows, swamps and low lands lying upon said creek, or in the vicinity thereof, within the limits aforesaid, to be benefitted by the opening, clearing out and straightening said creek, shall pay for each and every of the expenses which may accrue in carrying this law into effect, and shall and may demand and receive of all and every of the owners and possessors of said meadows, swamps and low lands, such sum or sums of money so by them assessed; and on neglect or refusal of the payment thereof, for the space of sixty 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 any court having cognizance thereof; all which sum or sums of money so assessed and received, shall be applied by the managers to the purposes in this act before mentioned.

becca and Hannah Jaggard, be, and he is hereby authorized and empowered to sell at public vendue, in lots of not more than five acres each, the timber now standing, lying or growing on about ninety-four acres of land, late of said deceased, situate in the township of Deptford, in said county, bounded by the public road leading from Woodbury to Great Eggharbour on the west, and by the public road leading from Barnesborough to Blackwoodtown on the north, adjoining the poor-house farm of said county and others; he, the said guardian, advertising the same in the Village Herald, a newspaper published in said county; and also in handbills, and circulate and set up the same generally through the neighborhood where the same are situate, at least thirty days immediately preceding the time therein set forth to sell the same at public sale on the premises; and may appropriate such part of the proceeds of said sale, together with the interest and profits thereof, as may be necessary for the maintenance and education of said minors.

Guardian of Rebecca and Hannah Jaggard, empowered to sell timber on certain lots of land.

Proceeds to be applied to support of the minors.

Sec. 2. *And be it enacted*, That before the said guardian enter upon the execution of the trust hereby assigned him, he shall enter into bond with surety, to the Governor of this state, for the use of said minors, in such amount as shall be approved of by the Orphans' Court of said county, conditioned for the faithful performance of the trust by this act assigned to him, which bond shall be deposited in the Surrogate's office of said county.

Guardian to give bond and surety.

Sec. 3. *And be it enacted*, That the said guardian shall, within one year after the sale of said timber, make and exhibit, under oath or affirmation, to the Surrogate of said county of Gloucester, a true statement of the amount of said sale, to be by him filed in his office; and that the said guardian shall be accountable for all moneys received by him by virtue of this act, deducting all necessary expenses and such reasonable compensation for his services, as may be allowed by the Orphans' Court of said county of Gloucester.

Statement to be filed in Surrogate's office.

Passed, February 29, 1832.

Sec. 3. *And be it enacted*, That it shall and may be lawful for the owners and possessors of the meadows, swamps and low lands, lying within the limits expressed in the first section of this act, to meet at the house where Aaron Eldridge, inkeeper, in the township of West Windsor, Middlesex county; now lives, on the second Saturday in April, in the year of our Lord one thousand eight hundred and thirty-three, and appoint by plurality of votes, five managers, who shall be owners or possessors of the meadows, swamps and low lands aforesaid, yearly and every year, after the second Saturday in April, in the year of our Lord one thousand eight hundred and thirty-three; which said managers shall continue in office one year, next ensuing such choice, and until others shall be chosen; and shall, during the continuance of the year, be vested with all the powers herein before given to the managers named in the first section of this act, or either of them.

Annual election
of future managers.

Sec. 4. *And be it enacted*, That if any person or persons who are now named, or hereafter shall be chosen manager or managers as aforesaid, shall die or resign before the expiration of the time for which he or they are so chosen, or who shall refuse to take upon him or themselves the management aforesaid, then, and in such case, it shall and may be lawful for any five owners or possessors of said meadows, swamps and low lands, to call a meeting of the owners and possessors of the said property, by fixing up advertisements in at least three of the most public places in the neighborhood of said owners or possessors, expressing the time and place and intention of such meeting; who shall, when met, elect a person or persons to supply the place or places of such manager or managers so refusing, dying, or resigning; and the person or persons so chosen, shall have all the power and authority herein before given to the managers named in this act.

How vacancies
supplied.

Sec. 5. *And be it enacted*, That if any person or persons whatsoever, after the passing of this act, shall wilfully fall any tree, or cast or put any thing whatsoever in the said creek, that will in any way obstruct or be an impediment to the free course of the water in said creek within the limits aforesaid, he, she or they, so offending, shall pay the sum of ten dollars for each and every offence, to be recovered by any one of the said owners or possessors of the said meadows, swamps and low lands, in an action of debt, with costs of suit, in any court having cognizance of the same, one half to the prosecutor, and the other half to be paid over to the manager or managers above mentioned, or either of them, to be appropriated towards the clearing out the said creek.

Penalty for obstructing the free course of water.

Sec. 6. *And be it enacted*, That the said managers shall severally be entitled to receive, for each and every day that he or they may be employed in discharging the duties required by this act, the sum of one dollar.

Compensation of managers.

Passed March 1, 1832.

AN ACT to compel the owners of lands adjoining Flatkill or Flatbrook, to clear the same within the limits therein mentioned.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the owners of lands adjoining that part of the stream commonly called Flatkill or Flatbrook, which runs through the township of Sandyston, below its junction with Little Flatbrook, and through the township of Wallpack to where it empties into the river Delaware, in the county of Sussex, are hereby required to remove and clear out every obstruction to the free passage of the waters, either from the bed of the stream or the banks thereof, within the limits aforesaid, (division swinging pole fencing across said stream excepted) between the first day of May next, and the first day of May one thousand eight hundred and thirty-four.

Owners of adjacent lands required to clear out obstructions in Flatbrook.

When owners neglect, surveyors of highways and freeholders to cause it to be done.

Sec. 2. *And be it enacted,* That if any of the owners of said lands shall neglect or refuse to remove the obstructions within the time aforesaid, or when any two or more owners of land on each side of the stream cannot agree as to the amount of work to be done by each, then it shall and may be lawful for the owners of said lands, or either of them, or any persons interested, to apply to the two surveyors of highways and the two chosen freeholders of said township in which the lands lie, who are hereby directed and required, upon ten days notice given for that purpose, as well to the persons through whose lands or possessions said water course is proposed to be cleared, as to the surveyors and freeholders, particularly specifying the time and place of meeting to view the premises; when they, or a majority of them, may authorize any person or persons to enter upon said lands, and remove such obstructions as may appear to them necessary, with as much regard to economy, and with as little detriment to the owners of the lands as the circumstances will admit of; and to assess the owners of said lands such a sum for clearing out said obstructions, as may appear to them just and reasonable, to be paid to the person or persons by whom such work is caused to be done, who is hereby authorized and empowered to prosecute and recover the amount, with costs, in an action of debt in any court having cognizance of the same.

Sec. 3. *And be it enacted,* That in case either of the surveyors or freeholders aforesaid should be interested in the removal of said obstructions, application shall be made to any other surveyor or freeholder of the same county, chosen as aforesaid, being disinterested, and living nearest the premises; who is hereby directed and required to perform the same duties, upon notice as aforesaid, as is enjoined upon the surveyors and freeholders of the township in which the removal of said obstructions is applied for.

When surveyors of other townships may act.

Sec. 4. *And be it enacted,* That there shall be allowed to the surveyors and freeholders, for the time they are respectively employed by the duties enjoined on them by this act, the sum of one dollar a day, each, to be paid by the person or persons whose neglect or refusal to comply with the requirements of the first section of this act, shall have rendered such services necessary; to be recovered by action of debt, with costs, in any court having cognizance of the same.

Compensation to
surveyors, and
freeholders.

Sec. 5. *And be it enacted,* That if any person or persons whatsoever, after passing this act, shall wilfully fell any tree, or cast any thing whatsoever into said stream, that will obstruct or be an impediment to the free passage of the waters thereof, within the limits aforesaid, the person or persons so offending, shall pay a sum not less than five dollars, nor more than twenty dollars, at the discretion of the court before whom the same shall be tried, to any owner or occupant of lands along said stream, within the limits aforesaid, who shall prosecute for the same, to be recovered in an action of debt, with costs, in any court having competent jurisdiction: *Provided always,* that nothing contained in this act shall authorize or empower any person or persons to remove any mill-dams, bridges, or other works, which have heretofore been erected on or across said stream, or shall prohibit them hereafter from erecting such dams, bridges or other works, or converting the waters of said stream to such uses as they had a legal right to, before the passing of this act.

Penalty for ob-
structing the free
passage of the
water.

Proviso.

Passed March 1, 1832.

A SUPPLEMENT to an act entitled "An act relative to the Delaware and Raritan Canal, and the Camden and Amboy Rail Road and Transportation Companies."

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the said Delaware and Raritan Canal, and the Camden and Amboy Rail Road and Transportation Companies, to transfer to this state one thousand shares of the joint capital stock of the said companies, upon which all the instalments shall be paid by the said companies, so that neither at the time of the said transfer, nor at any time thereafter, the payment of any money thereon or therefor, shall be required from the state; a certificate of which stock shall be held by the treasurer of this state, for the use of the state; and all dividends of the company be declared and payable thereon, as if the state had subscribed for such stock and paid the several instalments thereon.

One thousand
shares of stock
to be transferred
to the state.

No money here-
for ever to be
required of the
state.

Not lawful to construct any rail road to compete with C. and A. rail road without their consent.

Proviso.

Sec. 2. *And be it enacted,* That it shall not be lawful, at any time during the said rail road charter, to construct any other rail road or rail roads in this state, without the consent of the said companies, which shall be intended or used for the transportation of passengers or merchandise between the cities of New York and Philadelphia, or to compete in business with the rail road authorized by the act to which this supplement is relative: *Provided always,* that nothing in this act shall be so construed as to prevent the construction of a rail road from the city of New Brunswick to the Hudson river, or any lateral road that may be hereafter authorized by an act of the legislature, from a suitable point or points, intersecting said road, to be designated and agreed upon by the said companies, or any lateral road or roads not intended or used for the purpose of competition as aforesaid.

Thirty thousand dollars guaranteed to the state for their annual dividend and transit duties.

Sec. 3. *And be it enacted,* That if within one year from the time that the said rail road from Bordentown to Amboy is so far completed that passengers and merchandize be transported thereon, the transit duty reserved by the acts incorporating said companies, and the dividends on the stock hereby authorized to be transferred shall not amount to thirty thousand dollars, it shall be the duty of the said companies to pay such deficiency to the treasurer of this state, out of the joint funds of the said companies, before any dividend is made to the stockholders; and that each and every year thereafter, such deficiency, if any shall exist, shall be paid by the said companies, so as to secure to the state the aforesaid sum of thirty thousand dollars, at least in each and every year during said charter.

Surplus fund not to exceed \$100,000.

Sec. 4. *And be it enacted,* That in declaring and making dividends of the nett profits, the president and directors of the said companies shall declare and divide the whole of the actual nett profits accruing to the time of such dividend, retaining only such surplus funds as may be deemed requisite to meet unexpected and extraordinary damages to the works respectively, which surplus fund shall in no case exceed, in the whole, the sum of one hundred thousand dollars.

State to appoint a director.

Sec. 5. *And be it enacted,* That the state shall be entitled to the appointment of one director to represent the said stock, but that no vote shall be given for said stock at any elections of the stockholders.

Lateral road to be constructed from Spottswood to N. Brunswick.

Sec. 6. *And be it enacted,* That it shall be the duty of the said companies to construct a lateral rail road from a suitable point on said road, at or west of the village of Spottswood, to a suitable point or points in the city of New Brunswick, to be determined upon by the said companies, by and with the assent of the corporation of said city, in the construction and use of which said road, the said companies shall be entitled to all the powers and privileges, and subject to all the

conditions and limitations contained in the act incorporating said rail road company, and which said lateral road shall be completed as soon as any rail road shall be made from the said city of New Brunswick to the Hudson river: *Provided* ^{Provided:} *always,* that the said companies shall not charge more than two dollars and fifty cents for each and every passenger carried thereon, from and to the cities of New Brunswick and Philadelphia.

Sec. 7. *And be it enacted,* That the assent of a majority of the stockholders of the said companies to the provisions of this act, in writing, shall be submitted to and approved by the Governor of this state, or the person administering the government of the same, and filed in the office of the secretary of this state within forty days after the passing of this act, or this act shall be void. ^{Assent of stockholders required to this act.}

Sec. 8. *And be it enacted,* That the twenty-third section of the act incorporating the said Delaware and Raritan Canal Company, be, and the same is hereby repealed. ^{Repeal of former act.}

Passed March 2, 1832.

AN ACT to divorce John Williams from his wife, Isabella Williams.

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

Passed March 2, 1832.

A SUPPLEMENT to the act entitled "An act to regulate fees," passed the thirteenth day of June, seventeen hundred and ninety-nine.

Constables attending Supreme Court to be paid by Treasurer.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the sum of seventy-five cents per day, directed to be paid to the constable for attending the sessions of the supreme court, by the county collector of the county in which such sessions are held, as provided in the second section of the act to which this is a supplement, shall hereafter be paid to said constable or constables by the treasurer of the state, on a certificate produced by such constable or constables from the presiding justice of such court, setting forth the number of days he may have so attended.

Sec. 2. *And be it enacted,* That so much of the second section of the act to which this is a supplement, and all acts and parts of acts affected by the provisions of this act, be, and the same are hereby repealed.

Passed March 6, 1832.

AN ACT to incorporate the Belvidere Delaware Bridge Company.

Preamble.

WHEREAS it is represented to the legislature, by the petition of a number of the inhabitants of the county of Warren, that the erection of a Bridge over the Delaware river at Belvidere, near the mouth of the Pequest river, would be a great convenience and accommodation to the public—Therefore,

Capital stock.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the capital stock of the Belvidere Delaware Bridge Company shall amount to twenty thousand dollars, and that the same shall be divided into shares of fifty dollars each, and the subscribers to the said capital stock shall pay the sum or sums of money for the share or shares by them respectively subscribed, at such periods and in such proportions as the directors of said company may determine.

Sec. 2. *And be it enacted,* That Garret D. Wall, of the city of Burlington, and John Kinney, Esq. Jeremy Mackey, and George Green, of the county of Warren, New Jersey,

be, and they are hereby appointed commissioners on the part of this state, who, with commissioners to be appointed by the commonwealth of Pennsylvania, shall be authorized to receive subscriptions to the said capital stock, at such times and places as they, or a majority of them may direct, giving notice thereof in a newspaper published in the county of Warren, in this state, and in two of the newspapers published in the county of Northampton, in the state of Pennsylvania, for at least twenty days, of the times and places, when and where, the said subscription shall be received; and at the time of subscribing for the said stock, five dollars shall be paid on each share subscribed for, to the commissioners or some of them; which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and that the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons, as the president and directors of the company shall, from time to time direct, and give public notice of; and upon failure of payment thereof as so directed, for thirty days thereafter, the said president and directors shall have power to forfeit the shares of each and every person so failing, to pay the said instalments, or any of them, to and for the use of said company: *Provided*, that if the number of shares subscribed for, shall exceed the amount or number of shares authorized by this act to be subscribed for, that then the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed as aforesaid.

Commissioners on the part of N. J. to receive subscriptions for stock.

Mode of subscribing and money to be paid.

If excess is subscribed for, commissioners to apportion the stock.

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

Style of incorporation.

Powers of incorporation

Sec. 4. *And be it enacted*, That as soon as three hundred shares of the said capital stock shall be subscribed as aforesaid, it shall be the duty of the said commissioners to give

Election of first
directors and
treasurer.

Election of
commissioners
to fix upon a site
for the bridge.

Manner of
voting.

Annual election
of officers.

Certificates of
stock to be
issued.

Assignable and
mode of transfer.

Quorum.

notice in a newspaper printed in the county of Warren, in the state of New Jersey, and in two or more newspapers printed in the county of Northampton, in the state of Pennsylvania, of the time of a meeting of said stockholders at Belvidere, in the county of Warren aforesaid, not less than thirty days from the time of issuing said notice, at which time and place the said stockholders shall proceed to organize the said company, and shall choose by ballot, by a majority of votes to be delivered in person or by proxy, one president, six directors, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until other officers shall be appointed; and may make such by-laws and regulations, not inconsistent with the laws and constitution of this state or of the United States, as shall be necessary for well ordering the affairs of said company; and also, at the meeting aforesaid, the said stockholders shall elect, by ballot, three commissioners, who shall, within thirty days from said election, fix upon the site or location of said bridge, and return a survey of the same to the president of the said company: *Provided always*, that no person shall have more than twenty votes at any election, or in determining any question arising at such meetings, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held, not exceeding twenty.

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

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

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

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

How directors to draw orders on treasurer.

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

How directors are to proceed when they cannot agree with owners for lands necessary for bridge.

Justice of Supreme Court to appoint freeholders to examine the premises.

Who are to report what sum shall be paid by the company.

Report to be approved by Supreme Court and filed with map in Clerk's Office.

The company on payment of the sum to have and hold the lands.

Proviso.

Accounts to be annually submitted to stockholders.

Rates of tolls.

dollars to each arbitrator for every day employed in the said business, and their necessary expenses, the said company shall be entitled to have and to hold, to them and to their successors and assigns forever, the said lands and tenements, as fully and effectually as if the same had been granted to them by the respective owner or owners thereof; and it shall and may be lawful thereupon, and not before, for the said president and directors to enter upon the said lands and tenements, and to commence and complete the erection of said bridge: *Provided*, that there shall be paid to the said justice of the supreme court, for the services herein provided for, the sum of ten dollars; to the supreme court, for a confirmation of the report of said freeholders, the sum of two dollars; and to the clerk of said court, the sum of two dollars.

Sec. 9. *And be it enacted*, That the president and directors of said company shall keep fair and just accounts of all moneys received by them from the stockholders, and of the amount of profits on shares that may be forfeited as aforesaid, and of all voluntary contributions, and also, of all moneys by them received and expended in the prosecution of said work; and shall, at least once in each year, submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and until all the costs, charges and expenses for effecting the same, shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained.

Sec. 10. *And be it enacted*, That when a good and complete bridge is erected over the said river Delaware, at the place aforesaid, the property of the said bridge shall be vested in the said company, their successors and assigns forever; and the said company, their successors and assigns may demand, and receive toll from travellers and others, not to exceed the following rates:

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

And for the like carriages, with two horses, the sum of fifty cents.

For every waggon with four horses, the sum of sixty-two and a half cents.

And for every carriage of the same description, drawn by two horses, the sum of fifty cents.

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

And for the same, with one horse, the sum of twenty-five cents.

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

For every driven horse, or mule, the sum of six and a quarter cents.

For every foot passenger, the sum of two cents.

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

For every sheep or swine, the sum of one cent.

And the said company shall so erect said bridge, as in no wise to injure, stop, or interrupt the navigation of said river, or prevent boats or rafts from passing, or persons from fording said river.

Navigation not to be interrupted.

Sec. 11. *And be it enacted*, That if any person or persons shall wilfully cut, destroy, break, or remove from off the said bridge, or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other materials whatsoever, belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she or they, so offending, shall forfeit and pay for every such offence, over and above the damages done to the said bridge, the sum of thirty dollars, to be recovered in any court having cognizance thereof.

Penalty for injuring the bridge.

Sec. 12. *And be it enacted*, That if the said company, their successors and assigns, and whosoever shall own or possess said bridge, shall collect or demand any greater rate or prices for the passing over on said bridge, than what are herein before prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they so offending, shall, for every such offence, forfeit and pay the sum of thirty dollars, one third thereof for the use of the poor of the county of Warren, in New Jersey, and one third thereof for the use of the poor of the county of Northampton, in the state of Pennsylvania, and the other third thereof, for the use of the person or persons who may sue for the same: *Provided always*, that no suit or action shall be brought for the same, unless within thirty days after such offence shall be committed.

Penalty for charging greater tolls, and how applied.

Sec. 13. *And be it enacted*, That the said president and directors shall have power to agree with any owner or owners of ferries or shad fisheries that may be injured by the creation of said bridge, and to compensate them for any damages they may thereby sustain; and if they cannot agree with such owner or owners, then, and in such case, the said damages shall be ascertained and paid in the same manner as is provided for in the eighth section of this act: *Provided*, that no person shall receive any compensation for ferrying at any ferry which shall have been purchased and paid for by said company, after said bridge shall have been completed.

When directors cannot agree with owners of ferries or shad fisheries, damages ascertained as before provided.

Sec. 14. *And be it enacted*, That the said president, directors and company, shall also keep a just and true account of all and every the moneys received by their respective collect-

Semi-annual
dividends to be
made and
published.

ors of tolls for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof, among all the stockholders of said company, deducting first therefrom all contingent costs and charges, and such proportion of said income as may be deemed necessary for a growing fund, to provide against the decay, and for the rebuilding and repairing of the said bridge; and shall, on every first Monday in May and November in each and every year, publish the dividend to be made of the said clear profits thereof, amongst the stockholders, and of the time and place, where and when the same shall be paid, and shall cause the same to be paid accordingly.

Sec. 15. *And be it enacted*, That this act shall not take effect, or go into operation, until the legislature of the commonwealth of Pennsylvania shall pass a law appointing commissioners on their part, and vesting like power and authority in the subscribers to the said capital stock of erecting a bridge at the place aforesaid, and of extending the same from shore to shore, with as full and ample powers, privileges, franchises and emoluments, as to the said company are hereby given.

Capital not to be
employed in
banking or
insurance
operations.

Sec. 16. *And be it enacted*, That the said company shall not employ any of their funds in any banking or insurance operations.

Passed March 5, 1832.

AN ADDITIONAL SUPPLEMENT to the act entitled "An act to incorporate a company to erect a turnpike road from the town of Paterson to the village of Hackensack.

Preamble.

WHEREAS the Hackensack and Paterson Turnpike Company have, by their memorial, represented that they will not be able to finish their road within the time prescribed by law for that purpose, and it appearing that it will be proper to grant the said company the indulgence required by them—
Therefore,

Time for com-
pleting road
extended three
years.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the time for completing the said road be extended to three years, from and after the sixth day of February next.

Passed March 6, 1832.

A SUPPLEMENT to an act entitled "An act to appoint a commissioner to settle up the business of Gabriel Hoff, late sheriff of the county of Hunterdon," passed the first day of March, one thousand eight hundred and thirty.

SEC. 1. 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 is hereby declared to be the intent and meaning of the act, entitled "An act to appoint a commissioner to settle up the business of Gabriel Hoff, late sheriff of the county of Hunterdon," passed on the first day of March, in the year of our Lord one thousand eight hundred and thirty, that in any and every case in which the said Gabriel Hoff, as sheriff of the said county, did make sale of any lands, tenements, hereditaments or real estate, by virtue of an execution against the same, and did not before his decease make a deed or conveyance therefor, he, the said John Rockafellar, the commissioner in the said act named, was, and is, vested with full power and authority to sign, seal, and deliver to the purchaser or purchasers, or his, her, or their legal representative or representatives, a deed or conveyance of the lands, tenements and hereditaments so sold, which deed is, and shall be as good and valid, and shall have the same force and effect, as if the said Gabriel Hoff, as sheriff as aforesaid, had signed, sealed and delivered a deed or conveyance for the said lands, tenements, hereditaments and real estate, in due form of law; and also to receive any moneys arising from such sales, and remaining unpaid to the said Gabriel Hoff, at his decease, and thereof to dispose agreeably to law, and therein to act under the like penalties, regulations and restrictions, as are in the said act mentioned.

John Rockafellar
empowered to
make deeds for
lands sold by
Gabriel Hoff,
late sheriff of
Hunterdon.

Passed March 6, 1832.

AN ACT to divorce Frederica Kallenback from her husband,
Balthaser Ignace Kallenback.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Fr  derica Kallenback be, and she is hereby divorced from her husband, Balthaser Ignace Kallenback, and that the marriage contract heretofore existing between them, the said Balthaser Ignace Kallenback and Frederica, his wife, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed March 7, 1832.

A SUPPLEMENT to the act entitled "An act for facilitating the communication from Elizabeth Town, in the county of Essex, through Morristown, in the county of Morris, and from thence into the county of Sussex," passed the ninth of March, eighteen hundred and one.

Preamble.

WHEREAS it is represented to the legislature, by the memorial of the Morris Turnpike Company, that the line of the Morris Canal intersects the road of the said Turnpike Company, on the top of the hill on the north side of the Musconetcong river, at Stanhope, in the county of Sussex, and that the erection of a bridge over the canal at its junction with the said road, of sufficient height to admit the passage of boats, could not be used by loaded teams; and it appearing that an arrangement has been made between the said Morris Turnpike Company and the Morris Canal and Banking Company, by which a new road has been constructed, on the east of the line of the present road of the said Turnpike Company, with good and substantial stone bridges, over the said river and canal, thereby avoiding the said hill, and greatly facilitating the travelling—Therefore,

Company may abandon part of the road.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall and may be lawful for the Morris Turnpike Company to abandon so much of the turnpike road laid out and constructed under the act to which this is a supplement, as lies between the corner of the new road near the residence of Gamaliel Bartlett and the Musconetcong river, together with the bridge over the said river in the line of the said road.

New road declared part of turnpike.

SEC. 2. *And be it enacted,* That the new road, lately constructed on the east of the present line of the road of the said turnpike company, running from the said turnpike road, near the dwelling house of the said Gamaliel Bartlett, over the new bridge on the said river and canal, into the line of the present road of the said turnpike company, in front of the tavern house of the said Gamaliel Bartlett, be deemed and taken as a part of the road of the said turnpike company, and subject to all the provisions and requirements of the said act to which this is a supplement, in as full and ample a manner as the other parts of the turnpike road constructed under and by virtue of the said act to which this is a supplement.

Passed March 6, 1832.

AN ACT to vest certain real estate, whereof Henry McFarlan died seized, in trustees.

WHEREAS Henry McFarlan, late of the city and state of New York, in his life time was seized in fee of a large and valuable real estate, situate in the counties of Morris and Sussex, in this state, one equal undivided moiety thereof to his own use, and the other equal undivided moiety thereof, in trust for Joseph Blackwell, late of the city and state of New York, and his heirs forever: AND WHEREAS, on the second day of October, in the year of our Lord one thousand eight hundred and twenty-seven, the said Joseph Blackwell departed this life, intestate, leaving Eliza Justina Blackwell, his widow, and Eliza Bayard Blackwell, Justina Blackwell, Mary Blackwell, Harriet Van Rensselaer Blackwell, William Blackwell, Julia Adela Blackwell, Rosina Augusta Blackwell, and Josephine Blackwell, his children and heirs at law, all of whom are minors, under the age of twenty-one years, of which said minor children, Stephen Van Rensselaer, jr. of the city of Albany, hath been appointed guardian: AND WHEREAS, on the twenty-eighth day of June, in the year of our Lord one thousand eight hundred and thirty, the said Henry McFarlan, being so seized as aforesaid, also departed this life, having duly executed his last will and testament for the conveyance of real estate, appointing his sons, Henry McFarlan, and Charles McFarlan, and Daniel Ayres, the executors thereof, with power to sell one equal undivided moiety of the said real estate, but which said last will and testament has not been proved in the state of New Jersey, and leaving Mehitable McFarlan, his widow, and Mary Ann McFarlan, Harriet McFarlan, Henry McFarlan, Alitheia McFarlan, and Charles McFarlan, (severally of full age) and Helen McFarlan, Elizabeth McFarlan, and Francis McFarlan, (each of whom are minors, under the age of twenty-one years) his children, beneficially interested in the said real estate, under and by virtue of the said last will and testament, of which said minor children, no guardian hath been appointed: AND WHEREAS, it is represented to the legislature, that from the peculiar situation of the said real estate, and the number of persons interested therein, no partition thereof can be made, and that a sale of an undivided part, or of the whole thereof, under any proceeding authorized by the laws of this state, would be highly prejudicial to the interests of all persons interested therein: AND WHEREAS the said Eliza Justina Blackwell, widow of the said Joseph Blackwell, deceased, Stephen Van Rensselaer, jr. guardian of the minor children of the said Joseph Blackwell, deceased, Mehitable McFarlan, widow of the said Henry McFar-

lan, deceased, for herself, and for Helen McFarlan, Elizabeth McFarlan, and Francis McFarlan, her minor children, Mary Ann McFarlan, Harriet McFarlan, Henry McFarlan, Alithea McFarlan, and Charles McFarlan, and Daniel Ayres, executor as aforesaid, have, by their memorial, prayed that Stephen Van Rensselaer, jr. of the city of Albany, in the state of New York, and Henry McFarlan and Daniel Ayres, both of the city and state of New York, may be appointed trustees of the said real estate, for the benefit of all persons interested therein, with all powers necessary to execute the said trust; and the prayer of the said memorialists appearing to be reasonable and proper—Therefore,

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all and singular the lands, tenements, hereditaments and real estate, situate, lying and being in the counties of Morris and Sussex, in this state, whereof the said Henry McFarlan died siezed, be, and the same are hereby vested in Stephen Van Rensselaer, jr. of the city of Albany, in the state of New York, and in Henry McFarlan and Daniel Ayres, both of the city and state of New York, and in the survivors and survivor of them and his heirs, in as full and ample a manner as the same were vested in the said Henry McFarlan, at the time of his decease, to have and to hold the same unto the said Stephen Van Rensselaer, jr. Henry McFarlan and Daniel Ayres, and the survivors and survivor of them and his heirs forever, with full power to lease, mortgage, alien, or dispose of the same, and of any and every part thereof, at their or his discretion, to take and receive the rents, issues and profits thereof, and of every part and parcel thereof, in their or his own names or name, to demand, sue for, and recover the same, to compound and agree therefor, to execute releases and discharges thereof, and to do all other acts, matters and things, touching the premises, in as full and ample a manner as the said Henry McFarlan, if living, might do; but nevertheless, upon the trusts, and to and for the uses, intents and purposes hereinafter mentioned, expressed, limited and declared, and to and for no other use, purpose, or intent whatever: that is to say, that the said Stephen Van Rensselaer, jr. Henry McFarlan and Daniel Ayres, and the survivors and survivor of them, and his heirs, do and shall stand seized of the said lands, tenements and real estate, in trust, to pay and satisfy any lawful claims and demands that may exist against the said Henry McFarlan and Joseph Blackwell, now deceased, they having been, while living, joint partners in trade, and joint owners and possessors of said property; and also, that they shall, after the payment of debts as aforesaid, stand seized of one equal undivided moiety thereof, in trust, for the widow and heirs

Real estate vested in trustees.

Trustees have power to sell or lease the whole or a part.

To pay demands against estate.

of the said Joseph Blackwell, and for such other person or persons as by the laws of this state, may be legally or beneficially interested therein; and also, in trust, to pay the proceeds of the sales of the said undivided moiety; and the rents, issues and profits thereof, as the same may accrue, first deducting therefrom all necessary costs and charges, together with such reasonable compensation as shall be allowed for their services, as hereinafter specified, unto and among such person or persons, or the legal representatives of such person or persons, as may be legally entitled thereto, and in such parts, shares and portions as they may severally be entitled to, in the said real estate; and also, that the said Stephen Van Rensselaer, jr. Henry McFarlan and Daniel Ayres, and the survivors and survivor of them, and his heirs, do, and shall stand seized of the other equal undivided moiety thereof, in trust, for such person and persons, as under and by virtue of the last will and testament of the said Henry McFarlan, deceased, may be legally or equitably entitled thereto; and also, in trust, to pay the proceeds of the sales of the said last mentioned moiety, and the rents, issues and profits thereof, first deducting therefrom all necessary costs and charges, together with such reasonable compensation as shall be allowed for their services as hereinafter specified, unto and among such person and persons, or the legal representative of such person and persons, at such time or times, and in such parts, shares and portions, as the said Henry McFarlan, deceased, in and by his said last will and testament, did limit, direct and appoint.

Half of remainder of proceeds to widow and heirs.

Remaining half of proceeds, to such as are entitled thereto.

Sec. 2. *And be it enacted*, That it shall be the duty of the said Stephen Van Rensselaer, jr. Henry McFarlan and Daniel Ayres, and the survivors and survivor of them, and his heirs, on the third Tuesday of January, in the year of our Lord one thousand eight hundred and thirty-five, and on the third Tuesday of January, triennially thereafter, during the continuance of the said trust, to make and exhibit, under oath or affirmation, to the chancellor of this state, in the court of chancery thereof, for allowance and confirmation, a just, true and full account of all the moneys or other valuable consideration, by them or him received, from the proceeds of the sales of the said real estate, and from the rents, issues and profits thereof, and of every part and parcel thereof, or otherwise howsoever, under and by virtue of this act, and of all payments and disbursements out of the same; the said trustees or trustee giving at least two months public notice of their or his intention to exhibit such account as aforesaid, by advertisements published in one of the newspapers printed and published at Morristown, in this state, and circulated in the said counties of Morris and Sussex; and also in one of the newspapers published and circulated in the city of New York; and the said chancellor, upon due proof of notice as aforesaid,

Account of receipts and disbursements to be exhibited.

Time and place of exhibition of accounts to be advertised.

and being satisfied of the truth and fairness of the said account, and no exception being made thereto, 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 said account, the chancellor shall either proceed to hear the proofs and allegations, and correct or amend any mistake or errors that may happen in the account as exhibited, or refer the same to a master of the said court, who shall examine and re-state the said account, after hearing parties and witnesses, and make report to the next, or some subsequent court, for confirmation and allowance as aforesaid.

Exceptions may be made.

Chancellor may examine trustees on oath, and issue precept for parties and witnesses.

Sec. 3. *And be it enacted*, That it shall be lawful for the chancellor, when any account is exhibited for allowance as aforesaid, or for the master to whom such account is referred as aforesaid, at the instance of any party interested in the same, or by his own proper authority, to examine the said trustees or trustee exhibiting said account, on oath or affirmation, touching the truth and fairness of the same, or any part or item thereof; and also that it shall be lawful for the said chancellor, if need be, to cause such precept or other process to be issued, to require and compel the attendance of parties and witnesses before the said chancellor, or before the master to whom such account is referred as aforesaid; and also to enforce any order, sentence, or decree of the said court, touching the same, as is used and authorized by the practice of the said court, in causes pending therein.

Compensation to trustees.

Sec. 4. *And be it enacted*, That it shall be lawful for the said chancellor, from time to time, to allow to the said trustees, and to the survivors and survivor of them, and to his and their executors or administrators, a just and reasonable allowance and compensation for their services and responsibility, in and about the execution of the trust reposed in them by this act, regard being had to their actual pains, trouble and risk, in and about the execution of the said trust; and in case any difference should arise between the said trustees, in regard to the proportion of commissions between them, the chancellor shall determine the same, having regard to their respective services.

Decree of Chancellor confirming accounts, conclusive.

Sec. 5. *And be it enacted*, That the order or decree of the said Chancellor, for the allowance and confirmation of the accounts of the said trustees or trustee, so exhibited, or reported as aforesaid, shall be conclusive upon all parties, and shall exonerate and forever discharge the said trustees and trustee, from all demands of creditors, legatees, or others, beyond the amount of such settlement, except for moneys or other valuable consideration, 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 Chancellor.

Sec. 6. *And be it enacted*, That the said Stephen Van Rensselaer, junior, Henry M'Farlan, and Daniel Ayres, shall, before entering upon the execution of the said trust, or the performance of the duties required of them by this act, enter into bond to the Chancellor of this state, with two or more competent sureties, in such penalty as the said Chancellor shall think reasonable, conditioned for the due execution of the said trust, and for the fair and faithful performance of all and singular the acts and duties required and enjoined by this act, which said bond shall be good to all intents and purposes, and pleadable in any court of justice; and in case the said bond shall become forfeited, it shall and may be lawful for the Chancellor to cause the same to be prosecuted in any court of record, at the request of any party aggrieved by such forfeiture; and the moneys recovered upon such bond shall be applied towards making good the damages sustained by the not performing the said condition, in such manner as the Chancellor shall by his sentence or decree direct: and it is hereby declared to be the true intent and meaning of this act, that no title whatever to the said real estate or any part thereof, shall vest in the said Stephen Van Rensselaer, junior, Henry M'Farlan, and Daniel Ayres, or in either of them, until the execution and delivery of the said bond, as required by this act.

Trustees to give bond.

Title not to vest in trustees till bond is given.

Sec. 7. *And be it enacted*, That nothing in this act contained, shall be so construed as to affect or impair the rights of any person or persons, who may claim, by any title, or titles, prior or paramount to the title of the said Henry M'Farlan, any of the property conveyed by this act to the said trustees; nor shall any thing in this act contained, be so construed as to deprive the Court of Chancery, of this state, of its ordinary jurisdiction, in relation to the said trust; but, that all persons interested may be at liberty to apply to that court for such aid or relief, touching the same, as may be consistent with the powers and practice of the said court.

Act not to be construed to affect persons claiming under titles other than H. M'Farlan.

Sec. 8. *And be it enacted*, That the trust hereby enacted, shall cease and determine at the expiration of one year after the youngest of the heirs, herein before mentioned, shall have arrived at full age, if not sooner determined by the Court of Chancery, at which time the said trustees or trustee, shall exhibit their or his final account in the said Court of Chancery, in the mode prescribed by the second section of this act.

When trust shall cease.

Passed March 6, 1832.

AN ACT to incorporate "The New Jersey Rail Road and Transportation Company."

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That John S. Darcy, William Chetwood, Isaac Baldwin, Abraham W. Kinney, Garret Sip, William Edgar, Cornelius L. Hardenburg, Thomas Muir, William R. Allen, James C. Vandyke, and their associates, shall be, and are hereby constituted, a body politic and corporate, by the name of "The New Jersey Rail Road and Transportation Company," and by that name they and their successors shall be known in law, and have power to sue and be sued, and to defend and be defended, in all courts, whether in law or equity; and by that name shall be capable of purchasing, or of otherwise receiving and becoming possessed of, and holding or conveying any real or personal estate; shall have perpetual succession, and may also have a common seal, and alter or renew the same at pleasure; and shall have, enjoy, and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act.

Style of incorporation.

Capital stock.

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

Commissioners to open books, and times and places of receiving subscriptions

Sec. 3. *And be it enacted,* That the above named persons, together with William Pennington, Zephaniah Drake, Amzi Dodd, Jacob K. Mead, Thomas Safer, Ashbel W. Cory, Joseph W. Scott, and James S. Nevius shall be commissioners to open books for receiving subscription to the capital stock of the said corporation; the said books shall be opened by the said commissioners, or a majority of them three days in succession, the first day at New Brunswick, the next day at Elizabeth-town, and the third day at Newark, and shall be kept open from ten o'clock in the morning till five o'clock in the afternoon, each day; and twenty days notice shall be given by said commissioners, of such times and places, in two of the newspapers printed in Newark and New Brunswick, and one printed in Elizabeth-town and Rahway; and if more subscriptions be taken than the amount of the capital stock, it shall be the duty of the commissioners by whom the said books are opened, or a majority of them, to make a fair and just apportionment of the stock among the subscribers, giving a preference to the citizens of New Jersey; and at the time of subscribing for said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some one of them; and that the residue of the subscription shall be paid

If excess of stock be subscribed, commissioners to make apportionment.

in such instalments, and at such times and places, and to such persons, as the president and directors of the company shall, from time to time direct, by giving thirty days public notice thereof, as aforesaid; and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay said instalments, or any of them, to and for the use of the company.

Stock forfeited
on non-payment
of instalments.

Sec. 4. *And be it enacted*, That when the said capital stock shall be subscribed for, and the books closed, and the apportionment made, if the same be necessary, it shall be the duty of the aforesaid commissioners, or a majority of them, to give a like notice as above, to choose nine directors; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share entitling the holder thereof to one vote; and the said commissioners, or any two of them, shall be inspectors of the first election of directors of said corporation, and shall certify, under their hands, the names of those persons duly elected; and deliver over the subscription books to said directors, and the moneys paid to them for subscriptions to said capital stock, as shall remain in their hands, after defraying the expenses of subscription and incidental expenses; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors; and the time and place of holding the first meeting of directors, shall be fixed by the said persons who act as inspectors aforesaid; and the first directors, and yearly, the directors chosen at any election for that purpose, shall, as soon as may be after the election, choose out of their own number, a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the board of directors; and in case of the absence of the president, the said board, or a majority of them, may appoint a president, pro tempore.

Election of first
directors.

Subscription
books and mo-
neys delivered
over.

Annual election
of directors.

Election of pre-
sident.

Vacancies how
supplied.

Sec. 5. *And be it enacted*, That five directors of said corporation shall form a board, and they, or a majority of them, shall be competent to transact the business of the said corporation, and may have power to call in the remainder of the capital stock of the said corporation by such instalments, not exceeding five dollars on each share at any one time, and at such times as they may direct: *Provided*, that such instalments be not required at shorter periods than thirty days from each other; and to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate, and effects of the said corporation; and shall also have power to appoint a secretary, treasurer, engineer, agents, superintendents, and servants as may be required to transact the business of the corporation, with such compensation to them and the president, as to the board shall

Five directors
to form a board.

Powers.

Treasurer to
give security.

seem proper; and that they shall require from the treasurer such security as they may deem sufficient for the due performance of his trust, and generally to do all other acts and things they may deem expedient, for the purpose of carrying into effect the objects contemplated by this incorporation..

Route of rail
road.

Sec. 6. *And be it enacted,* That the said president and directors of the said corporation shall be, and they are hereby invested with all the rights and powers necessary to the survey, laying out, and construction and repair of a rail road, not exceeding sixty-six feet in width, with as many sets of tracks as they may deem necessary from such convenient point in the city of New Brunswick, to be determined on by said company, by and with the consent of the corporation of said city, through or near the villages of Rahway and Woodbridge, and within one half mile of the market-house of Elizabethtown, and through Newark, by the most practicable route; and thence contiguous to, or south of, the bridges crossing the Hackensack and Passaic rivers, crossing Bergen Ridge south of the turnpike road, to some convenient point, not less than fifty feet from high water mark, on the Hudson river, opposite to the city of New York:

May make branches.

Provided always, that it shall be lawful for the said company to make any branch rail road to any ferry on the Hudson river, opposite to the city of New York aforesaid, to which the main line of said road shall not be located, which branch shall intersect the main line at a suitable point within one hundred yards of the Hackensack river, if the said main line shall cross said river within one hundred yards of the present bridge; but if the said main line shall cross said river at a greater distance from said bridge, then to such point on said main line, west of said river, as may be best calculated to give to said ferries equal facilities of communication with Newark; and if the said company shall not make any such branch as soon as the main line shall be made from Newark to the Hudson, then it shall be lawful for any person or persons owning such ferry, to construct such branch as aforesaid, and to charge tolls thereon in the same manner, and at the same rates, as this corporation is authorized to charge; and for the purpose of constructing said branch rail road, he or they shall be invested with the same privileges, and be subject to the same liabilities and reservations, as this corporation are entitled and subject to; and the said companies and their agents and servants, or others in their employ, may enter upon, take possession of, and use and excavate or level any land which may be wanted for the site of the said road; but all lands and real estate thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners thereof, at a price to be mutually agreed upon between them; and in case of a disagreement as to price, it shall be the duty of either of the justices of the supreme court, upon a notice to be given him by the said corporation, or by the owner or owners of such land or real estate, to appoint three disinterested com-

Proceedings on
a disagreement
as to price, be-
tween company
and owners of
lands.

commissioners from the county in which the lands lie, to determine the compensation and damages which the owner or owners of the said real estate or land have sustained by reason of the occupancy thereof by the said corporation; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing, making and maintaining the fencing on the line of the route of said road, through any improved lands over which the same may run; and it shall be the duty of the said commissioners, after having taken an oath or affirmation faithfully and impartially to discharge the trust herein reposed in them, to deliver to the said corporation a written statement, signed by them, or a majority of them, of the awards they shall make, containing a description of the lands or real estate appraised, together with the amount of assessment for running, making, and maintaining the fencing, to be recorded by the said corporation, in the office of the clerk of the county where such lands are situated; and upon payment or tender of such compensation as aforesaid to the said owner or owners, then the said corporation shall be deemed seized and possessed in fee simple of all such land or real estate; and in case any owner or owners of such land or real estate so appraised, shall be feme covert, under age, non compos mentis, or out of the state, then, and in such case, the said corporation shall pay the amount which has been awarded as due to the last mentioned owners respectively, into the Court of Chancery, to the clerk thereof, subject to the order of said Court, for the use of the said owner or owners; all which proceeding shall be had at the proper costs and charges of the said corporation, to be determined by the said Justice of the Supreme Court: *Provided always*, that should the owners of any real estate, land or materials, feel himself or themselves aggrieved by the decision of the commissioners aforesaid, he or they may appeal to the next court of common pleas, in the county where the land lies, reserving to either party the right of trial by jury in such court, and the decision of the said court, in the premises, shall be final and conclusive; but the party so appealing, shall in no case be entitled to any costs, unless a larger sum shall be recovered than that awarded by the commissioners: *And provided also*, that in case the said company, after the same is completed, shall abandon the said road, or any part thereof, or cease to use and keep the same, or any part thereof, in repair, at any time for three successive years, that then, and in that case, this charter shall be annulled, and the title to the lands over which the said road shall pass, shall be re-vested in the person or persons from whom the lands were taken by concession or by inquisition, as aforesaid; their heirs and assigns: *And provided further*, if the state of New Jersey shall take possession of said road, then the said road and the title to the said lands shall be, and hereby is, vested in the state of New Jersey, so long as they shall maintain the same.

Commissioners
to appraise lands
and injuries done

Owners may ap-
peal to court of
common pleas,
whose decision
to be conclusive.

Charter annulled
in certain cases.

Sec. 7. *And be it enacted*, That the said corporation may

Corporation may
take materials.

Damages ascer-
tained.

May charge
tolls.

Rates of tolls.

Farmers with
their produce,
charged as for
empty carriages.

Proviso.

When road to be
commenced and
finished.

build bridges, fix scales and weights, raise embankments, or make any other works necessary for the construction, use or enjoyment of the said rail road, and may also enter upon said road, and take possession of and use any materials necessary therefor; and if the said corporation, and the owner or owners of such materials, do not agree as to the price, the same shall be determined and settled in the manner heretofore provided for in the case of real estate or land; and in case of any damage done to the lands contiguous, by workmen and teams in the employ of the said corporation, either in constructing, repairing, or maintaining said rail road, the damages shall be determined in like manner by commissioners appointed as aforesaid.

Sec. 8. *And be it enacted*, That the said president and directors shall have power to charge and demand tolls and rates for the passage of all carriages upon the said rail road or roads, and to fix, make, and at pleasure, change and alter such tolls and rates, and also to make regulations and rules for the collection and levying of the same, and to regulate the time and manner of transporting goods and passengers, and manner of collecting tolls on the said rail road, and also the description and formation of carriages that shall or may be used on said rail road, and all necessary machines, engines, wagons, carriages or vehicles: *Provided*, that the said corporation shall cause the rates of tolls charged to be inscribed or painted in some conspicuous place at each gate where toll shall be required to be paid: *Provided also*, that the said tolls so to be charged, shall at no time, exceed the following rates, viz: for an empty carriage with its appendages, weighing less than one ton, two cents per mile; above one and under two tons, four cents per mile; above three tons or more, eight cents per mile; and the following additional tolls for passengers and freight, viz: in the carriages as charged as aforesaid, for every species of property, six cents per ton per mile, and three cents per mile for each and every passenger carried on said rail way, in said carriages: *And provided also*, that no farmer belonging to this state, shall be required to pay any toll for the transportation of the produce of his farm to market over the said road or roads, in his own carriage, weighing not more than one ton, when the weight of such produce shall not exceed one thousand pounds, but the said farmer may be charged toll as for an empty carriage: *Provided, also*, that it shall be lawful for the said company to erect and build a branch rail road from their present route, or rail roads, to any landing on or near the Passaic river, not north of Bellville, or to any point or points within the township of Newark, as may be deemed expedient, and to charge tolls thereon, in the same manner, and at the same rate, as this corporation is authorized to charge.

Sec. 9. *And be it enacted*, That if the corporation, hereby created, shall not, within two years from the passage of this act, commence the construction of said road at Jersey City and New Brunswick, and within five years thereafter, construct, finish and

put in operation the said rail road or roads, then the said corporation shall thenceforth forever cease, and this act be null and void.

Sec. 10. *And be it enacted*, That the said corporation shall have power to purchase the turnpike roads and bridges on the route of the said rail road, which they may deem necessary, or any and all of the shares of the capital stock of such roads and bridge companies, and to hold the same as stockholders therein; and the state and individual stockholders of the Newark turnpike company, shall be at liberty to subscribe in the capital stock herein created, at any time within two years after the opening the books of subscription, an amount of shares equal in value to the fair actual value of their stock in the aforesaid company, at the time of passing this act, and in exchange therefor; and the said corporation shall purchase from the state and the stockholders of the said company, if requested so to do, the stock held by them therein, and to pay for the same, the fair actual value thereof as aforesaid, as may be mutually agreed upon within two years from the passing of this act, or, in case of disagreement, as shall be ascertained and determined by the Chancellor of this state: *Provided*, that the said Newark turnpike, and the bridges over the rivers Hackensack, Passaic and Raritan, and road, shall be preserved without obstructions as public roads, as heretofore, subject to the provisions of their several charters: *Provided also*, that nothing herein contained shall be so construed as to impair any reversionary interest or vested rights, which the state or any incorporated company or companies, or any individual may possess, in virtue of an act entitled "An act for building bridges over the rivers Passaic and Hackensack, and for other purposes therein mentioned," passed November twenty-fourth, seventeen hundred and ninety, and the act incorporating the "Newark Turnpike Company," passed December first, eighteen hundred and four.

Corporation
may purchase
turnpike roads
and bridges.

Proviso.

Sec. 11. *And be it enacted*, That for the purpose of protecting their works from the overflowing of the tides on the meadows or lowlands, on any part of the route of the said rail road, it shall and may be lawful for the said corporation or their agents, to enter into and upon any part of the said meadows or lowlands, to remove every obstruction to the free passage of the water within the limits aforesaid, and to erect, cast up, or make good and sufficient banks, dams, flood-gates, sluices, and every other work, which, on any part of the said meadows, they may deem necessary to keep out the tide at all times, and to dig, open, and clear out all such sluices and water courses as may be required to drain the same: *Provided always*, that the payment or tender of payment of all damages for the lands through which the said rail road shall be laid out, and also for all materials to be used in the making and constructing of said rail road, and also that all damages occasioned by entering upon the meadows or lowlands to remove obstructions to the free passage of the water,

May remove
obstructions in
waters, make
embankments,
and drain mea-
dows.

Proviso.

and to make dams, sluices, &c. be made before the said company, or any person under their direction or employ, shall enter upon and break ground on the premises, except for the purposes of surveying and laying out the said road, unless the consent of the owner or owners be first had and obtained in writing.

Sec. 12. *And be it enacted*; That the said corporation may construct the said rail road across or upon any road or highway, stream of water or water course, if the same be necessary; but the said corporation shall restore such road, highway, or stream of water or water course, to such state or condition as not to impair its usefulness: *Provided always*, that in case the said company shall deem it expedient to cross any navigable river with the said rail road, they shall be at liberty to erect and build a bridge for that purpose over the said river, with a draw therein of at least thirty feet width; and for the safety of persons navigating said river, the said company shall cause to be kept near the said draw, one or more lamps, which shall be lighted every evening thereafter before it grows dark, and continue lighted till day light, at the expense of said company, and shall keep or cause to be kept at such bridge, a careful person to open such draw for the free passage of vessels with standing masts; and for each and every neglect to light the said lamp or lamps for one night, and to open said draw, the directors of the said company shall forfeit and pay the sum of ten dollars, to be recovered with cost, in any court having jurisdiction thereof, by any person who shall sue for the same, within six months after the time of such neglect.

Should rail road cross rivers, bridges to be built, and lamps lighted.

Sec. 13. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on any rail road constructed by them, all machines, engines, wagons, carriages and vehicles, for the transportation of persons, or any species of property thereon, that they may think reasonable, expedient and right: *Provided*, that they shall not charge more than at the rate of six cents per mile per ton, for the transportation of property on the said road or roads, or six cents per mile for carrying each passenger on said rail ways, in the carriages of the company: *Provided also*, that the said company shall not be authorized to charge more than the sum of one dollar and twenty-five cents for each and every passenger carried on said road, from and to the cities of New Brunswick and New York.

Limitation of tolls, and prices of passage from N. Brunswick to New-York.

Sec. 14. *And be it enacted*, That the said company may have and hold real estate at the commencement and terminations of said road or roads, not exceeding three acres at each place, and may erect and build thereon, houses, ware-houses, stables, machine shops, and other buildings and improvements, as they may deem expedient for the safety of property, and construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the

What real estate may be held by the company.

privilege and authority to erect, build and maintain, on the rivers Passaic and Hackensack respectively, such wharves, piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

Sec. 15. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the said rail road, or any building, machinery, or other work of the said corporation, appertaining thereto, such person shall forfeit and pay therefor, to the said corporation, three times the amount of the damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit, in any court having cognizance of the same.

Penalty for injuring road, or property.

Sec. 16. *And be it enacted*, That on the first day of January next, after the completion of the said roads, the president and treasurer, and a majority of the directors of the said corporation, shall exhibit to the Governor of this state, on oath or affirmation, a true and perfect account of all the cost and expenditure of said corporation, in making said rail road, and the same shall be filed in the office of the secretary of this state, and the amount therein specified shall be deemed and taken to be the true value of said road; and it shall be the duty of the treasurer of the said corporation, under his oath or affirmation, to make thereafter, annual returns of the number of passengers, the number of tons of goods, wares and merchandises, transported upon said rail road, to the treasurer of this state.

Account of cost of road, on oath, to be exhibited to Governor and filed.

Sec. 17. *And be it enacted*, That at any time after the expiration of thirty years, from the completion of the said road, the legislature of this state may cause an appraisement of the said road and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state, for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature, within one year from the time of their appointment; or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after the said appointment by the said chief justice, then the three persons so appointed by him, shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, to make such appraisement as aforesaid; and thereupon the state shall have the privilege, for three years, of taking the said road, upon the payment to the company of the amount of the said report, within one year after electing to take said road, which report shall be filed in the office of the secretary of this

At the end of thirty years appraisement to be made of the road.

The state may take the road upon payment of the appraisement.

state; and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment of the amount so reported, to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the said road, and of all the receipts and disbursements of the company: *Provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company, or advance of the stock; and the said valuation shall in no case exceed the first cost of the said rail road, with the lands and appendages thereof.

Valuation to be made without reference to advance of stock, &c.

Sec. 18. *And be it enacted*, That from and after the completion of the said rail road, and after the expiration of five years, the said corporation shall pay into the treasury of this state, yearly and every year, a tax of one quarter of one per cent. upon their capital stock paid in; and after the expiration of ten years, a tax of one half of one per cent. upon the true amount of the capital stock of said company, and that no other or further tax or imposition shall be levied or imposed upon the said company: *Provided, nevertheless*, that in addition to the above, if at any time hereafter, any rail road shall intersect or be attached to the rail road hereby established, so as to make a continued line of rail roads, carrying passengers across the state of New Jersey, between the states of New York and Pennsylvania, respectively, then it shall be the duty of the treasurer of the company hereby chartered, under oath or affirmation, to make quarterly returns of the number of passengers, and the number of tons of goods, wares and merchandise, transported over the whole line of the road hereby chartered, to the treasurer of this state, for the time being, and thereupon to pay the said treasurer of this state at the rate of eight cents for each and every passenger, and the sum of twelve cents for each and every ton of goods, wares and merchandise, so transported thereon in manner aforesaid.

When the corporation shall pay tax to the state.

Proviso.

When quarterly returns to be made and transit duties to be paid to the state.

Sec. 19. *And be it enacted*, That it shall and may be lawful for the president and directors for the time being, whenever they may deem it expedient, to call a special meeting of the stockholders, by giving the like notice as herein before directed, for choosing directors, specifying therein the object of said meeting; but that no business shall be transacted by such meeting, unless there be present a majority in value of the stockholders, who may require any books, accounts, securities, or other papers of said corporation to be exhibited before them.

Meeting of stockholders may be called.

Sec. 20. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages over or under the said rail road or roads, where any public or other road shall cross the same, so that the passage of carriages, horses and cattle on said road shall not be

Passage over public roads not to be impeded by rail roads.

impeded thereby; and also, where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said road, so that they may pass and repass to and from the same.

Sec. 21. *And be it enacted*, That the state shall have the privilege of subscribing for one-fourth of the capital stock of this company; and shall have the appointment of three of the said directors of the company to represent the same; but if the said stock shall not be subscribed for, within two years after the location of the route of said road shall have been fixed and determined upon, and filed in the office of the secretary of state, then the right to subscribe therefor by the state, shall cease.

State may subscribe for one-fourth of capital stock.

Sec. 22. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever.

Sec. 23. *And be it enacted*, That no part of the funds of this company shall be used for banking or other purposes, not plainly indicated by the provisions of this act.

Passed March 7, 1832.

AN ACT relative to the estate of Robert Morris, deceased.

WHEREAS a petition has been presented to the legislature by James Boggs, surviving acting executor and trustee of, and under the last will and testament of Robert Morris, deceased, and by Maria E. Boggs and William Brenton Boggs, executors and trustees of, and under the last will and testament of Robert Boggs, deceased, from which it appears that the said Robert Boggs, a co-executor and co-trustee, named in the said last will and testament of Robert Morris, deceased, did the principal part of the business, and had the principal management of the concerns of the said estate; and that in some instances deeds have been executed to him, the said Robert Boggs, in his life time, in his own name, for real estate which had been purchased for the estate of the said Robert Morris, deceased, and the persons entitled thereto, under the said will and with the proceeds of said estate in his hands, and that among others, a deed was executed by Abraham Vanarsdalen, late sheriff of Middlesex, to him, the said Robert Boggs, for lands in the county of Middlesex, conveyed to him for and on account of the estate of the said Robert Morris, deceased, and the persons entitled thereto as aforesaid, and purchased

Preamble.

with the proceeds of said estate in his hands, and praying relief in the premises,

Executor empowered to sell certain lands.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said James Boggs, surviving acting executor of the last will and testament of the said Robert Morris, deceased, be, and he hereby is authorized and empowered to sell and convey all such real estate, held by the said Robert Boggs, in his life time, and at the time of his death, as was purchased by, and conveyed to him in trust, for and on account of the estate of the said Robert Morris, deceased, and the person or persons entitled thereto, whether such trust be or be not expressed in the deed or deeds therefor, to him, the said Robert Boggs; and that he, the said James Boggs, be, and he hereby is, authorized and empowered to execute and deliver to the purchaser or purchasers on such sales, a deed of conveyance, transferring to the purchaser or purchasers of such estate, the title thereof, as fully as the said Robert Boggs, in his life time, could have transferred and conveyed the same.

Passed March 7, 1832.

AN ACT to dissolve the marriage contract between Oliver H. Williams and Martha Ann Williams, 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 Oliver H. Williams and Martha Ann Williams, his wife, of the county of Cumberland, be, and the same is hereby declared to be dissolved to all intents and purposes whatsoever; and the said Oliver H. Williams and Martha Ann Williams, his wife, are hereby declared to be set free from their matrimonial contract, as fully as if they had never been joined in matrimony.

Passed March 7, 1832.

AN ACT for the relief of Sharp Halsey, a colored man, of the county of Morris.

WHEREAS it has been represented to this legislature, that Sharp Halsey, a colored man, of the township of Chatham, in the county of Morris, was formerly the slave of Joseph Halsey, late of the county of Morris aforesaid, and that the said Joseph Halsey, about the year one thousand eight hundred and three, manumitted the said Sharp Halsey, by an instrument of writing which was not recorded, and which has since been lost: **AND WHEREAS** it has been further represented that since the year one thousand eight hundred and three, the said Sharp Halsey has been considered a free man, has made contracts on his own account and for his own benefit; and about the year one thousand eight hundred and five, purchased from Grover Young and wife, by two separate deeds of conveyance, a certain tract of land in the township of Hanover, in the said county of Morris, containing about thirteen acres and thirty-five hundredths of an acre, which he afterwards sold and conveyed to one Jonathan Cutler, of the said county of Morris, by deed dated on or about the twenty-fifth day of April, in the year of our Lord one thousand eight hundred and fourteen, and recorded in the Morris county register of deeds, in book B2, folio 221, &c. and has since purchased a valuable real estate in the township of Chatham aforesaid, on which he now resides: **AND WHEREAS**, doubts have arisen since the loss of the said instrument of manumission, and the difficulty of proving the contents thereof respecting the competency of the said Sharp Halsey to hold and dispose of property, real or personal, and the said Sharp Halsey having by petition prayed that the said conveyance may be confirmed, and that he may be declared by law entitled to all the rights and privileges of a free colored man of this-state, and it being reasonable that the prayer of the said petition should be granted—Therefore,

Preamble.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the several deeds of conveyance from Grover Young and wife to Sharp Halsey, a colored man of the county of Morris, for a tract of land in the township of Hanover, in the said county of Morris, containing about thirteen acres and thirty-five hundredths of an acre, and the deed for the same land from the said Sharp Halsey to Jonathan Cutler, dated on or about the twenty-fifth day of April, in the year of our Lord one thousand eight hundred and fourteen, and recorded in the clerk's office of the county of Morris, in book B2 of deeds, folio 221, &c. and the several deeds of conveyance to the said Sharp Halsey, for the land now owned and occupied by him in the township of Chatham, in the said

Deeds heretofore made to Sharp Halsey, to vest a title.

county of Morris, be deemed, taken and considered as valid, effectual and operative, as if the said Sharp Halsey had been born free, or had been, previous to the time of the execution and delivery of the said several deeds, duly and regularly manumitted, according to the laws of this state.

Sharp Halsey
declared to be a
free man.

Sec. 2. *And be it enacted*, That the said Sharp Halsey be, and he is hereby declared to be entitled to all the rights, privileges and immunities of a free colored man of this state; may hold estates, real and personal, in his own right, and convey and dispose of the same by deed, will or otherwise.

To give bond
not to become
chargeable to
estate of Joseph
Halsey.

Sec. 3. *And be it enacted*, That unless the said Sharp Halsey shall, within three months from the passing of this act, make and file in the clerk's office of the county of Morris, such bond, with good and sufficient security, as shall be approved by the clerk of said county, with condition that the said Sharp Halsey shall, in no event, become chargeable upon the heirs or estate of the aforesaid Joseph Halsey, that then this act shall be void.

Passed March 7, 1832.

AN ACT to enable the owners and possessors of the meadows adjoining Assiscunk, or Birch Creek, within the townships of Springfield and Mansfield, in the county of Burlington, to improve the same.

Managers to re-
move obstruc-
tions.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That William Black, William Ridgway, Joseph Gouldy, William Shinn and Thomas Taylor, shall be, and they are hereby appointed managers for removing obstructions in the Assiscunk, or Birch Creek, between where Hancock's Bridge, on the old York Road, crosses said creek to the forks, to open and clear the same to the breadth of twelve feet; thence up the North or Petticoat Branch, to the breadth of eight feet, as far as the head of William Black's farm, now occupied by Nathan W. Black; thence from the forks up the Matacopany Branch, to the breadth of ten feet, as far as where the Monmouth road crosses the same; thence up the west branch of Matacopany, formerly known by Eldridge's Creek, to the breadth of eight feet, to the township line of Northampton; and shall continue managers until the second Tuesday in May, in the year of our Lord one thousand eight hundred and thirty-three; and it shall and may be law-

ful for the said managers, or either of them, after giving the owner or possessor of said meadows thirty days' notice, to enter into and upon the meadows, swamps and low lands of all persons whatsoever, lying upon said creek within the limits aforesaid, to clear the same, and remove every obstruction (division swinging pole fencing across the said creek excepted) to the free passage of the waters, and for the improvement of the said meadows within the limits aforesaid; and the mud and other obstructions, taken out of said creek, equally to cast out upon the meadows, swamps and low lands next adjacent.

Sec. 2. *And be it enacted*, That the said managers shall and may apportion the amount each respective owner or possessor of the said meadows shall pay, for all and every of the expenses which may accrue in carrying this law into effect; and shall and may demand and receive of all and every of the owners and possessors, such sum or sums of money so by them assessed, and on neglect or refusal of the payment thereof, for the space of sixty 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 recoverable by the laws of this state; all which sum or sums of money so assessed, received and recovered, shall be applied by the managers to the purposes in this act before mentioned.

Managers to apportion amount to be paid by the owners.

Sec. 3. *And be it enacted*, That it shall and may be lawful for the owners and possessors of the meadows lying within the limits expressed in the first section of this act, to meet at the house where Thomas Egly, innkeeper in Jacksonville, now lives, on the second Tuesday in May, at two o'clock, p. m. and appoint five managers, who shall be owners and possessors of the meadows aforesaid, yearly and every year after the second Tuesday in May, in the year of our Lord one thousand eight hundred and thirty-three; which said managers shall continue one whole year next ensuing such choice, and until others shall be chosen; and shall, during the continuance of the year, be vested with all the powers herein before given to the managers named in the first section of this act, or either of them.

Future elections of managers.

Sec. 4. *And be it enacted*, That if any person or persons who are now named, or hereafter shall be chosen 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 as aforesaid, then, and in such case, it shall and may be lawful for any five owners and possessors of the said property, by fixing up advertisements in at least three of the most public places in the neighborhood of such owners and possessors, expressing the time, place, and intention of such meeting; who shall, when met, elect a person or persons to supply the

Vacancies how supplied.

place or places of such manager or managers so refusing, removing or dying; and the person or persons so chosen, shall have all the power and authority herein before given to the managers named in this act.

Compensation
to managers.

Sec. 5. *And be it enacted*, That the managers shall have, each day they shall be employed in the overseeing and discharging the duties required of them by this act, seventy-five cents respectively: *Provided always*, that nothing in this act contained, shall be construed to extend to compel the proprietors of the meadow below the said fork to contribute to the expense of clearing and widening the said branches above the fork, or to compel any or either of the proprietors of the meadows on the said creek or branches, to pay any assessment or assessments, on him, her or them, laid and assessed by the managers in pursuance of this act, who shall, at his, her, or their own expense and charge, clean, scour and keep open his, her, or their proportion of the aforesaid creek or branches, adjacent and opposite to his, her, or their own meadows, any thing herein before to the contrary notwithstanding.

Owners to keep
open their own
proportion of the
creek.

Penalty for ob-
structing free
course of creek.

Sec. 6. *And be it enacted*, That if any person or persons whatsoever, after the passing of this act, shall wilfully fell any tree, or cast any thing whatsoever into said creek, that will obstruct or be an impediment to the free course of said creek, within the limits aforesaid, (without first obtaining the consent of the managers in writing, signed by at least three of them) he, she or they so offending, shall pay a sum not less than five dollars, and not exceeding twenty dollars, at the discretion of the court before which the same shall be tried, to be recovered by any one of the proprietors or possessors of the said meadows, in an action of debt, in any court having cognizance of the same, to be paid over to any one of the managers, to be appropriated towards carrying this act into effect as aforesaid.

Sec. 7. *And be it enacted*, That all acts and parts of acts coming within the purview and meaning of this act, be, and the same are hereby repealed.

Passed March 7, 1832.

A FURTHER SUPPLEMENT to an act entitled "An act to enable the owners of tide swamps and marshes, to improve the same, and the owners of meadows already banked in and held by different persons, to keep the same in repair," passed the twenty-ninth day of November, one thousand seven hundred and eighty-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 commissioners, appointed by the court, agreeable to the first section of said act, shall be authorized and required, after they shall have laid out the said banks, dams, sluices, and other water works, to cause a plot, map, or duplicate to be made, shewing the quantity and number of acres held by each person, respectively, as nearly as practicable from former surveys, duplicates, or other sources of information; that the said plot, map, or duplicate, shall be signed by a majority of the said commissioners, and placed in the hands of the managers that may be first chosen, there to remain until the water shall have been stopped off said meadow; said plot, map, or duplicate to be received as sufficient evidence of the quantity of acres belonging to each owner or possessor, and all assessments and votes, prior to the assessment and valuation made under the fourth and fifth sections of the act to which this is a supplement, shall be governed thereby; *Provided always*, that nothing in this act shall be construed, so as to prevent the stopping of any creek or river, which has been heretofore stopped, by the act to which this is a supplement, or any other act of the legislature.

Commissioners to make a map shewing the number of acres held by each owner.

Sec. 2. *And be it enacted*, That for the security of all moneys assessed or expended by virtue of this act or supplement, all the marsh or meadow enclosed by said bank or banks, laid out as aforesaid, shall be pledged and bound for the payment thereof, and be collected according to the sixth section of the said act, to which this is a further supplement.

Meadow pledged for payment of expenses.

Sec. 3. *And be it enacted*, That if after the meadow or marsh is drained, and a measurement and valuation had, according to the fifth section of the act, to which this is a supplement, it shall appear that any of the owners or possessors have paid more than their ratable proportion of taxes, to defray the expenses of all prior improvements, then the said managers shall assess the same upon those owners or possessors who have not paid their equitable proportion, in such manner as shall, to them, appear just, and with the moneys thus raised, refund to each individual, the sum or sums by him or her overpaid, with interest for the same.

Owners who have overpaid, surplus to be refunded.

Sec. 4. *And be it enacted*, That in all cases of an election for officers or for other purposes, the mode of voting shall be

Manner of voting at elections.

in person or by proxy, in writing, duly executed in the following ratio; every person owning or possessing meadow or marsh in the said company, as described by the said commissioners, shall be entitled to one vote for any quantity not exceeding five acres, which he, she or they may possess, and one vote for each and every five acres not exceeding twenty acres, and one vote for each and every additional ten acres.

When owners
of inside bank
to assist in main-
taining outside
bank.

Sec. 5. *And be it enacted*, That whenever the meadow land and premises of any company, or owner or owners, shall be protected and benefitted by an external or outside bank, which shall enclose the whole of an inner bank or banks, and keep the tide from overflowing said premises and affecting any inner bank if completed, then, and in every such case, the company, or owner or owners of the premises so protected and benefitted, shall not be liable to contribute to the expense of erecting, but shall be liable to an equitable proportion of the expense of maintaining the said outward bank, notwithstanding any interior bank, and the assessment shall be made, and the money for the maintenance of such outside and external bank, shall be collected in the same manner as is directed in and by the act to which this is a supplement.

Sec. 6. *And be it enacted*, That any person or persons, owning meadow already banked in, or that may hereafter be banked in, by virtue of the act to which this is a supplement, where the water courses and sluices are not sufficient to drain the same, and the company cannot agree on laying out and making sufficient water courses and sluices, he, she or they, having meadow so situate, may apply, according to the provisions of the act to which this is a supplement, for the appointment of commissioners to lay out and direct the erection of such water courses, sluice, sluices, or flood-gates, as they shall deem necessary to drain the same.

Passed March 7, 1832.

AN ACT respecting the recording of judgments in the Courts of Law.

SEC. 1. *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 clerk of the Supreme Court, and of the clerks of the several and respective Courts of Common Pleas, in this state, to enter on record in a

book, the proceedings and judgments, and to make a complete alphabetical index to the same, as required and directed by the seventy-sixth section of the act entitled "An act to regulate the practice of the Courts of Law," passed the fourteenth of February, seventeen hundred and ninety-nine, within six months after the final judgment in every civil cause, in which, by law, such final judgment is required to be entered as aforesaid, and no clerk shall charge any fee therefor, until such service shall have been actually performed: *Provided always*, that nothing herein contained shall affect the validity or legal effect of any such judgment as shall not be recorded within the time herein limited.

Judgment to be entered and indexed within six months.

Proviso.

Sec. 2. *And be it enacted*, That if any clerk shall neglect or omit to perform the duty required of him by the said seventy-sixth section, within the time mentioned in the first section of this act, the judges of the court, in which such neglect or omission shall have taken place, by order of said court, may give notice thereof to the attorney general of this state, and it shall be his duty, on receiving such notice, and that such duty remains unperformed, to proceed by action at law, upon the official bond of such defaulter, for the recovery of the penalty thereof, with costs; and when judgment shall be obtained upon any such bond, the court, where such judgment shall be recovered, shall direct so much money to be levied thereon, by execution, as in other cases, as shall be sufficient to pay all the expenses of entering or recording the said proceedings and judgments, which shall then remain unrecorded by the said clerk, and indexed as aforesaid; and which service, the judges of the court, when such default takes place, are hereby authorized and directed to have done and performed, and paid for, out of the money so recovered as aforesaid; and if, after judgment obtained on any such bond, any other neglect or default shall take place, the court, in which such judgment shall have been obtained, shall direct such further sum to be levied as aforesaid, thereon, as shall be sufficient to pay the expense of recording all such proceedings and judgments as remain to be recorded by the said clerk, and of making such index as aforesaid, and which service, the judges are hereby directed and authorized to have done and paid for as aforesaid, and so on, as often as any neglect or default shall take place: *Provided*, that the sureties in any such official bond shall not be charged, by virtue of this act, beyond the penalty of such bond.

Clerk prosecuted for neglect on official bonds.

Money recovered to be paid to officers performing service.

Proviso.

Sec. 3. *And be it enacted*, That, if heretofore, the person who has been the clerk of any of the said courts, has neglected to enter the proceedings and judgments as directed by the said seventy-sixth section, and the said duty still remains to be done, it is hereby made the duty of the present clerk of the court, wherein such default has taken place, to certify and report the same to the legislature, within the first week

Clerks to certify to legislature, when predecessors have neglected to enter judgments.

of their next session, stating the particular periods of time, within which the said default or defaults have occurred.

Passed March 7, 1832.

AN ACT to authorize Jane C. Hough and Thomas Haines, administrators, with the will annexed, of Jonathan Hough, deceased, to make and execute a deed of conveyance to Joseph E. Butterworth.

Preamble.

WHEREAS, Joseph E. Butterworth, of the township of Northampton, in the county of Burlington, did, in the year of our Lord one thousand eight hundred and twenty-four, purchase of Jonathan Hough, now deceased, a tract of pine land, situate in the township and county aforesaid, adjoining other lands of the said Jonathan Hough, and lands of Beziah Ewing and others, containing about forty acres of land, at the price of three dollars and seventy-five cents per acre, for which said tract of land, the said Jonathan Hough and Jane C. his wife, made and executed a good and sufficient deed of conveyance to the said Joseph E. Butterworth: AND WHEREAS, it having been made to appear to the satisfaction of the legislature, that the said Joseph E. Butterworth hath paid the full amount of the purchase money of the said tract of land, and that the dwelling house of the said Joseph E. Butterworth was lately destroyed by fire, and the said deed from the said Jonathan Hough and wife for the said tract of land, therein consumed, not having been previously recorded—Now therefore,

Administrators
empowered to
convey land.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Jane C. Hough and Thomas Haines, administrators, with the will annexed, of Jonathan Hough, deceased, be, and they are hereby authorized and empowered to make, execute and deliver, to the said Joseph E. Butterworth, a sufficient deed of conveyance, conveying and assuring to the said Joseph E. Butterworth, his heirs and assigns, the said above mentioned tract of pine land, in fee simple, absolute, which said deed of conveyance being so made, executed and delivered by the said Jane C. Hough and Thomas Haines, administrators as aforesaid, to the said Joseph E. Butterworth, shall be as good and effectual for the conveyance of the same, as a deed of conveyance from the said Jonathan Hough, in his life time, and Jane C. his wife, could or would have been.

Passed March 8, 1832.

AN ACT to authorize Carrol Carty and William Biddle, administrators of John Carty, deceased, to fulfil a contract for the sale of a lot of land made by the said John Carty, deceased, with Benjamin Blake.

WHEREAS it appears that John Carty, late of the county of Burlington, deceased, did, in his life time, contract and sell by a certain verbal contract, to Benjamin Blake, a certain lot of land situated in the township of Mansfield, in said county, containing about two acres of land, or thereabouts, and now in the possession of the said Benjamin Blake; and that a part of the consideration money has been paid by the said Benjamin Blake to the said John Carty, in his life time; all which appearing just and reasonable—Therefore,

Preamble.

SEC. 1. *BE 'IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Carrol Carty and William Biddle, administrators of John Carty, deceased, be, and they are hereby authorized and empowered to make a deed of conveyance unto the said Benjamin Blake, and to his heirs and assigns, for a certain lot of land in the township of Mansfield, in the county of Burlington, containing two acres of land, or thereabouts, and now in possession of the said Benjamin Blake, and which the said John Carty, by a certain contract, in his life time, agreed to convey unto the said Benjamin Blake, which deed, when duly executed and delivered, shall be as good and effectual for the conveyance of the said lot of land, as if the same had been made and executed by the said John Carty, in his life time.

Administrators
empowered to
convey land.

Passed March 8, 1832.

AN ACT to authorize Henry B. White, Isaac P. White, and Esek T. White, surviving heirs at law of Esek White, deceased, to fulfil certain contracts, for the sale of several lots of land, to the persons therein named.

WHEREAS it appears that Jacob Butcher, and Harriet, his wife, in their life time, since deceased, Henry B. White, Isaac P. White, and Esek T. White, which said Harriet, Henry, Isaac and Esek, were children and heirs at law of Esek White, late of the township of Shrewsbury, and county of Monmouth, deceased, agreed to bargain and sell off

Preamble.

the real estate which descended to them from the said Esek White, deceased, to Jeremiah Chandler and William B. Little, a lot of about twenty acres, to John Cochrane, about ten acres, to Elisha White, one acre, and to Esek T. White, one acre, more or less, in the township of Shrewsbury, and county of Monmouth, for a full and fair consideration, they to execute good and sufficient deeds therefor, in one year from the time of said contracts; that previous to the expiration of the time mentioned in the said agreement, Jacob Butcher and Harriet, his wife, died intestate, leaving two infant children, their heirs at law; that the said Isaac P. White administered upon the estate of Harriet Butcher, deceased, and obtained letters of guardianship for the said children; that in consequence of the death of the said Jacob Butcher and Harriet, his wife, and the infancy of their said heirs, no deeds have been executed to the above named persons for the lots sold them respectively, and they have not paid the consideration therefor, although in the possession thereof, under the said contract: AND WHEREAS the said Henry B. White, Isaac P. White and Esek T. White, have petitioned for legislative aid in the premises, to authorize them to make and execute good and sufficient deeds to the above named persons, for the said lots, in accordance with said contracts; all of which appearing just and reasonable—Therefore,

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the said Henry B. White, Isaac P. White, and Esek T. White, be, and they are hereby authorized and empowered to make, execute and deliver good and sufficient deeds to the said Jeremiah Chandler and William B. Little, to John Cochrane, to Elisha White, and to Esek T. White, and to their respective heirs and assigns forever, for the respective lots, of land by them purchased, under said contracts, all situate in the township of Shrewsbury, and county of Monmouth; they, the grantees, respectively, paying to them the consideration therefor; and that such deeds shall have the same legal force and effect, as if executed by the said Henry, Isaac, and Esek T. White, and the said Jacob Butcher and Harriet, his wife, in their life time.

Sec. 2. *And be it enacted*, That the said Henry B. White, Isaac P. White and Esek T. White shall, and they are hereby required to divide and distribute the consideration money aforesaid, among themselves, in the proportions to which, by the laws, they are respectively entitled as heirs at law of the said Esek White, deceased, the said Isaac P. White, guardian of the infant children of the said Harriet Butcher, deceased, to retain their shares of the same, and he to be chargeable and accountable therefor as such guardian, in the settlement of his accounts.

Passed March 8, 1832.

Henry B. White
&c. empowered
to execute deeds
in fulfillment of
a contract, &c.

Manner of dis-
tributing pro-
ceeds.

AN ACT to authorize Jesse Havens, one of the executors of Aaron Havens deceased, to fulfil a certain agreement made by said deceased, with one Safety Layton.

WHEREAS Aaron Havens, late of the township of Howell, in the county of Monmouth, deceased, in his life time, entered into an agreement with one Safety Layton, bearing date the sixth day of October, eighteen hundred and twenty-four, for the sale of a certain tract of land situate in said township, containing about twenty-eight acres, more or less, and the said Safety Layton went immediately into the possession of the same, and still remains in the possession thereof; and the said Aaron Havens departed this life, on or about the twenty-eighth day of September, eighteen hundred and twenty-six, without making and executing said deed, as mentioned in said agreement, or authorizing any person to fulfil the same by will or otherwise; and the said Aaron Havens leaving, at the time of his death, nine children, five of whom are now minors, under the age of twenty-one years—Therefore,

Preamble.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Jesse Havens, one of the executors of the last will and testament of the said Aaron Havens, deceased, is hereby authorized and empowered to execute and deliver to the said Safety Layton, a deed for the said land and premises, pursuant to said agreement between him and said deceased, which deed shall have the same force and effect as a deed from the said Aaron Havens, in his life time, would have had.

Executor empowered to convey certain land.

Passed March 8, 1832.

AN ACT for the appointment of trustees to take care of a fund for the support and education of poor orphan children of the township of Newark, in the county of Essex, devised from Jabez Longworth, deceased.

WHEREAS, Jabez Longworth, now deceased, late of said township, by his last will and testament, bearing date the thirtieth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, devised and be-

Preamble.

queathed, upon the death of certain persons therein named, certain real and personal estate to James Vanderpool, Theodore Frelinghuysen, and Luther Goble, trustees therein named, and the survivors and survivor of them, in trust, to put and keep the same at interest, upon good security, and the interest thereof to appropriate and apply for the support and education of poor orphan children of the township of Newark, in the county of Essex, aforesaid, under certain regulations therein stated: AND WHEREAS the aforesaid devise and bequest hath been compromised with the heirs of the said Jabez Longworth, for the sum of five thousand dollars, at present secured by a bond and mortgage on certain real estate at Cincinnati, in the state of Ohio, given by Nicholas Longworth, one of the said heirs, to the aforesaid trustees: AND WHEREAS it is right and proper that the sum of money, so accepted, in lieu of the devise in the said will, should be secured and applied, as near as may be, in the manner contemplated by the testator, in and by his said will—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 aforesaid sum of five thousand dollars, at present secured by the said bond and mortgage of Nicholas Longworth, with the interest thereof, be, and the same is hereby vested in James Vanderpool, Theodore Frelinghuysen and Luther Goble, and the survivors and survivor of them, in trust, to put and keep the same at interest upon good security, and the interest thereof forever to appropriate and apply for the support and education of poor orphan children of the township of Newark, in the county of Essex aforesaid, and in such way and manner, and for such and so many of such children as aforesaid, as the township committee of the said township shall designate, and, in writing, nominate from year to year.

Sec. 2. *And be it enacted,* That if all the said interest and income shall not be necessary for the support and education of the poor orphan children of the said township of Newark, designated in writing by the township committee in any year, such surplus sum shall constitute an additional principal sum with the aforesaid five thousand dollars, and be subject to the like trust.

Sec. 3. *And be it enacted,* That the trustees herein named shall state, yearly and every year, an account, in writing, of the situation of said trust estate to the annual town meeting, and shall pay over the interest aforesaid to the township committee of the said township of Newark, for the time being, upon their order, who shall have the direction of the manner in which the same shall be applied towards the support and education of the poor orphan children of the said township of

\$5,000 vested
in trustees.

Interest for the
support and
education of
poor orphan
children of
Newark.

Annual surplus
to be added to
principal.

Trustees to
account, to
town-meeting.

Newark, and whose duty it shall be to present to the annual town meeting, every year, a statement in writing of the number and names of the children who receive the benefit of said trust fund, and the amount expended for each.

Sec. 4. *And be it enacted*, That upon the resignation or death of either of the trustees herein named, or who may hereafter be appointed, it shall be lawful for the township committee of the said township, for the time being, by writing, under their hands, to appoint another trustee or trustees to supply such vacancy: *Provided*, that such person or persons are respectable freeholders and inhabitants of the said township of Newark.

Vacancies how
supplied.

Sec. 5. *And be it enacted*, That if at any time it shall become necessary to prosecute the trustees under this act, for any interest moneys, or for any abuse of their duties as such trustees, the same shall be done at the instance and under the direction of the township committee of said township of Newark, for the time being, but in the name of "The inhabitants of the township of Newark, in the county of Essex."

How trustees
to be sued.

Passed March 8, 1832.

AN ACT to incorporate "The Mechanics' Institute of Paterson."

WHEREAS it appears that Joseph Grame, Aaron Stafford, James Truelove, Robert Crompton, Henry T. Smith, Cephas Hall, and others, to the number of one hundred and upwards, have associated themselves together under the name of "The Mechanics' Institute of Paterson," for the promotion of the arts and sciences, and have, by voluntary contributions, purchased, and now hold, a considerable library of useful books, a philosophical apparatus, and a collection of natural and artificial curiosities: AND WHEREAS for the protection of the property of the said Institute, and for the promotion of the objects thereof, an application hath been made to the legislature to pass an act creating the said Institute a body politic and corporate; and it appearing to the legislature that the objects of the said institute are laudable, and that all proper efforts for the more general diffusion of knowledge ought to receive all reasonable and necessary aid from the government—Therefore,

Preamble,

Style of incorporation.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said Joseph Grame, Aaron Stafford, James Truelove, Robert Crompton, Henry T. Smith, Cephas Hall, and all such persons as now are, or hereafter may be, members of the said Institute, be, and they are hereby constituted a body corporate and politic in this state, by the name of "The Mechanics' Institute of Paterson," and by that name they and their successors shall be known in law, and have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all causes and proceedings whatsoever; and shall and may have and use a common seal, and the same may change and alter at their pleasure.

Officers how elected.

Sec. 2. *And be it enacted*, That the objects of the said Institute shall be limited exclusively to the cultivation and promotion of the arts and sciences, and the diffusion of useful knowledge.

Sec. 3. *And be it enacted*, That the officers of said Institute shall consist of a president, a vice president, a secretary, treasurer, a librarian and inspector, and such others as the said institute shall deem necessary, who shall severally be elected by a majority of votes of the members present at a regular meeting of said institute, to be appointed at such times as shall be prescribed by the by-laws of the institute.

Treasurer to give bond.

Sec. 4. *And be it enacted*, That the treasurer shall give bond to the said institute, with sufficient security, to be approved of by the president and vice president, in such sum as the institute shall direct, conditioned for the faithful execution of his office.

Amount of real estate lawful to be held.

Sec. 5. *And be it enacted*, That the said institute and their successors, by the name aforesaid, shall be, in law, capable of purchasing, holding, and conveying any real estate for the use of said institute: *Provided*, the clear annual income of such institute does not exceed the sum of two thousand dollars: *And provided also*, that the real or personal estate of said institute or any part thereof, or the income or proceeds thereof, shall in no case be divided among the members of said institute or their representatives.

Powers of the corporation.

Sec. 6. *And be it enacted*, That the said institute shall have power to make by-laws, prescribing the duties of their several officers, the times of holding the elections, regulating the management and disposition of their property and concerns, for the admission, discipline and expulsion of members, and for such other purposes as they may deem necessary: *Provided*, the said by-laws be not inconsistent with the constitution and laws of the United States or of this state.

Sec. 7. *And be it enacted*, That Joseph Grame be the pre-

sident, John Brown, vice president, John Keenan, secretary, Albert G. Pool, treasurer, Ralph Sharrock, inspector, and James R. Thompson, librarian, of the said institute, who shall hold their offices respectively until others are elected, which shall be in one year from the passing of this act.

Sec. 8. *And be it enacted*, That the said association shall not use any of their said funds for banking operations, or in any other way, except as is provided for by this act.

Sec. 9. *And be it enacted*, That the legislature may at any time hereafter alter, amend or repeal this act.

Passed March 8, 1832.

AN ACT to incorporate the Paterson and Fort Lee Rail Road Company.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Daniel Richards, John Voorhis, John Degroot, James H. Brinkerhoff, Abraham Westervelt, and such other person or persons as may hereafter be associated with them, shall be, and are hereby ordained; constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "The President and Directors of the Paterson and Fort Lee Rail Road Company," and by that name they and their successors and assigns shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same, at pleasure, to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels, necessary or expedient to the objects of this corporation; and shall be clothed with all the rights, powers and privileges pertaining to corporate bodies, and requisite for the purposes aforesaid.

Style of incorporation.

Powers.

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

Amount of capital stock.

Shares personal property and transferrable.

Sec. 3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of said corporation, at such time or times and

Books opened for subscriptions to stock.

places, as they or a majority of them may deem proper, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in the newspapers printed in Paterson, and in a paper printed in the city of New York; and that the said books shall be kept open as long as the said persons or a majority of them shall think proper; and if more subscriptions be taken than the amount of the capital stock, it shall be in the power of the said persons, or a majority of them, to apportion the stock to the subscribers as they may deem expedient and conducive to the object of the incorporation.

Ten dollars on each share paid on subscribing.

Election of first directors.

Annual election of directors.

Election of president.

Vacancies how supplied.

On failure to hold election on day prescribed, charter not to be forfeited.

Sec. 4. *And be it enacted*, That at the time of subscribing for said stock, ten dollars shall be paid to the above named persons, or some one of them, upon each share subscribed for, which money shall be paid over to the treasurer of the company as soon as one shall be appointed; and when the said capital stock shall be subscribed for, and the books closed, and the apportionment made, if the same become necessary, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose seven directors; and such election shall be made by ballot, at the said time and place, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said named persons or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors; and the time and place of holding the first meeting of directors, shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation, shall, as soon as may be after every election, choose out of their own number, a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president, pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

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

Sec. 6. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation, and they shall have power to call in the remainder of the capital stock of said company, by such instalments, not exceeding five dollars on each share at any one time, and at such times as they may direct: *Provided*, that such instalments be not required at shorter periods than ninety days from each other; and in case of the non-payments of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate, and effects of the said corporation; and shall also have power to appoint a secretary, treasurer, engineer, agents, superintendents, and such servants as may be required to transact the business of the corporation, with such compensation to them and the president, as to the board shall seem proper; and that they shall exact from the treasurer sufficient security for the due performance of his trusts: *Provided*, said by-laws be in no respect repugnant to the laws of this state or of the United States.

Five directors
to transact
business.

Stock forfeited
on non-payment
of instalments.

Powers.

Sec. 7. *And be it enacted*, That the president and directors be, and they are hereby authorized and invested with all the rights and powers necessary and expedient, to survey, lay out, and construct a rail road, or lateral roads, from one or more suitable place or places in the town of Paterson, one at least of which shall commence at or near the intersection of Main and Market streets, in the town of Paterson, to Fort Lee, on the Hudson river, in the county of Bergen, not further than fifty feet from high water mark, nor exceeding sixty-six feet wide, with as many set of tracks and rails as they may deem necessary, crossing the Passaic river, upon or adjoining the toll bridge of the Hackensack and Paterson Turnpike Company, with their consent; but if such consent cannot be obtained, then as near said bridge as practicable, and crossing the Hackensack river upon or adjoining the bridge over said river, near the town of Hackensack, if not upon the bridge, then as near the said bridge as practicable, with a draw, in a line and corresponding with the present one, and of equal or greater width; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, and others in their employ, to enter, at all times, upon all lands and waters, for the purpose of exploring, surveying, levelling, and laying out the route or routes of such rail road or lateral roads, and of locating the same; and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes and location of such road or lateral roads shall have been determined upon, and a survey of such route or routes, or location, deposited in the office of the secretary of state, then it shall be lawful for the said company, by its

Location of
rail road.

Route of rail
road.

Company may
enter upon lands

officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable and necessary for the completion or repair of the said road or roads, and to carry into full effect the object of this incorporation; and may also take and use any stone, gravel, sand, clay, or other earth, on or near the said route, which may be required for the construction of, repairing, altering, or extending the said road or roads, or of any of the works or appendages, subject to such compensation, to be made therefor as is hereinafter provided, and repairing any breaches they may make in enclosures: *Provided always*, that the payment, or the tender of the payment of all damages for the occupancy of lands through which the said rail road or rail roads may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon, or break ground in the premises, except for the purpose of surveying and laying out said road or roads, unless the consent of the owner or owners of such lands be first had and obtained in writing.

Proviso.

Proceedings on
a disagreement
as to price, be-
tween company
and owners of
lands.

Damages sus-
tained by owners
of lands assessed
by a jury.

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

give at least twenty days notice, in writing, to all and every the owner or owners of the lands and tenements in the said writ described, or to so many of them as can be found, or to the agent or agents of such owners, if known, and if not known, such notice to be published in some newspaper printed in the county in which such lands lie, for the same length of time before executing said writ, of the time of executing the same; and he shall cause to come upon the premises, at the time appointed, twelve good and lawful men of his bailiwick, who shall be selected in such manner, and upon like notice to the parties, as struck juries usually are, to whom he shall administer an oath or affirmation, that they will diligently enquire concerning the matter and things in the said writ specified, and a true inquisition make, according to the best of their skill and judgment, without favor or partiality; and thereupon, the said sheriff and inquest shall proceed to view all and every the lands and tenements, in such writ specified; and having considered the quantity of lands, materials, or other matter and things necessary or requisite to be vested in the said company for the purposes aforesaid, they shall cause the same to be minutely and accurately described by metes and bounds, or other particular descriptions, and shall value or appraise the value of the lands, and the injury or damages, if any, which the owner or owners of said lands, tenements or improvements, or materials, will, according to their best judgment and skill, sustain and suffer by means of so much of the said lands and tenements being vested in the said company, or by means of such improvements being destroyed or rendered useless, or of less value, defining and ascertaining, as well all such lands and tenements and privileges so to be vested in said company, as the several sums at which the said injuries and damages shall be so assessed; and in making such valuation and appraisement, it shall be the duty of the jury or juries to allow compensation for the lands, tenements and hereditaments to be taken for the use aforesaid, at the fair value they would have come to before the location of the said road or roads, and a full value for all gravel and other materials that may be used by the said company for the purposes aforesaid; and the said sheriff and jury shall make an inquisition under their hands and seals, distinctly and plainly setting forth all the matters and things aforesaid; and the sheriff shall return the same, together with the said writ, to the office of the clerk of the Supreme Court, according to the command of the court; and the justices of the said court shall examine the same at the term to which it is returned; and if the said writ shall appear to have been duly executed, and the return thereof sufficiently certain to ascertain the lands and tenements, rights and privileges, intended to be vested in the said company, and the several compensations awarded to the owners thereof, then the said court shall enter judgment,

Sheriff to return
the inquisition to
the Supreme
Court.

Inquisition *de novo* may be awarded.

and the said company paying the said inquisition assessed, or bringing the same into the said court, over and besides the cost of such writ, and executing and returning the same to be taxed by the justice who issued it, shall be entitled to have and to hold, to them and their successors and assigns, all and every the lands, tenements, rights and privileges in the said inquisition described, as fully and effectually as if the same had been granted to them by the respective owners thereof; and if any return so to be made, shall not be sufficiently certain for the purposes aforesaid, the said court shall award an inquisition *de novo*; and upon payment, or bringing into court all such moneys as by such judgment shall be required to be paid or brought into court, all such lands, tenements, rights and privileges, shall be fully and absolutely vested in the said corporation, who shall become seized and possessed thereof in like manner as the then late owner or owners was, or were, seized or possessed thereof.

Passage over public roads not to be impeded by rail roads.

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

Limitation of tolls.

Sec. 10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on any rail road constructed by them, all machines, engines, wagons, carriages and vehicles, for the transportation of persons, or any species of property thereon, that they may think reasonable, expedient and right: *Provided*, that they shall not charge more than at the rate of six cents per mile per ton, for the transportation of property on the said road or roads, or six cents per mile for carrying each passenger on said rail ways, in the carriages of the company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said rail-ways in carriages of others, and three cents per mile for each empty carriage; and that the said company are hereby authorized to demand and receive money for toll, and the transportation of persons and every species of property, at the aforesaid, or such less rates as they, from time to time, shall think reasonable and proper; and that the rail road or roads, and their appendages and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and

all other property whatsoever, belonging to the said company, at any time or times, are hereby vested in the said company, incorporated by this act, and their successors and assigns, during the continuance of this act.

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

Semi-annual dividends to be made.

Sec. 12. *And be it enacted*, That if any person or persons, shall wilfully impair, injure, destroy or obstruct the use of any rail road, constructed under the provisions of this act, by the said company, or of any of their necessary works, wharves, bridges, carriages or machines, such person or persons, so offending, shall forfeit and pay to the said company, any sum not exceeding two hundred dollars, at the discretion of the court or jury, to be by them recovered in an action of debt, in any court having competent jurisdiction; and also, shall be liable to pay to said company double the amount of damages sustained thereby, to be sued for in an action of trespass.

Penalty for injuring road or property.

Sec. 13. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said road or roads, not exceeding two acres at each place, and may erect and build thereon, houses, ware-houses, stables, machine shops, and other buildings and improvements, as they may deem expedient for the safety of property, and construction of carriages and other necessary uses, to take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain, on the rivers Passaic, Hackensack and Hudson, respectively, such wharves, piers, bridges, and other facilities, as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act, subject to the aforesaid restrictions; and for the safety of the navigators, one or more lamps shall be placed at one side of the draw of said bridge, which lamp or lamps, shall be lighted every evening thereafter as long as said bridge shall stand, before it grows dark, and continue lighted until day-light, at the expense of the said company; and shall keep, or cause to be kept at the said bridge, a careful person to open the draws for the free passage of vessels with standing masts; and for each and every neglect in opening the draws, and each and every night's neglect to light the lamp or lamps, the directors of said company shall pay the sum of ten dollars, to be recovered in an action of debt, by any person suing for the same; *Provided*, that nothing

What real estate may be held by the company.

May erect bridges.

Lamps at the draw to be lighted at night.

Penalty for neglect.

herein contained shall be so construed, as to give the company hereby incorporated, the right to establish or carry on a ferry for the carrying of passengers or freight.

Sec. 14. *And be it enacted,* That the road or roads, authorized by this act, be, and the same are hereby declared a public highway, and free for the passage of any rail road carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *Provided always,* that the said carriages so used thereon, shall be of the same description as those used by the company, and shall be so regulated as to time of starting, rates of travelling, and rates of tonnage, as not to interfere with the carriages of the company, nor injure the said road.

Rail road declared a public highway.

Proviso.

When road to be commenced and finished.

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

Funds not to be used for banking operations.

Sec. 16. *And be it enacted,* That no part of the capital stock or moneys of the company incorporated by this act, shall be used or employed by said company for banking purposes, under the penalty of forfeiting this charter.

At the end of thirty years appraisement to be made of the road.

Sec. 17. *And be it enacted,* That at any time after the expiration of thirty years, from the completion of the said road, the legislature of this state may cause an appraisement of the said road and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state, for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature, within one year from the time of their appointment; or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after the said appointment by the said chief justice, then the three persons so appointed by him, shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, to make such appraisement as aforesaid; and thereupon the state shall have the privilege, for three years, of taking the said road, upon the payment to the company of the amount of the said report, within one year after electing to take said road, which report shall be filed in the office of the secretary of this state; and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the

The state may take the road upon payment of the appraisement.

said road, and of all the receipts and disbursements of the company: *Provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company, or advance of the stock; and the said valuation shall in no case exceed the first cost of the said rail road, with the lands and appendages thereof. Proviso.

Sec. 18. *And be it enacted*, That from and after the completion of the said rail road, it shall be the duty of the treasurer of the said company, under oath or affirmation, to make annual returns of the number of passengers, and the number of tons of merchandise and other articles transported thereon, to the treasurer of this state; and that the said company shall, after the expiration of six years from the passing of this act, pay to the treasurer of this state, for the time being, yearly and every year, a tax of one quarter of one per cent. upon their capital stock paid in; and yearly and every year, after the expiration of ten years, a tax of one half of one per cent. upon the capital stock so paid in as aforesaid; and that no further or other tax or impost shall be levied or assessed upon said company. Transit duty to be paid to the State.

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

Passed March 8, 1832.

AN ACT to divorce Betsey Clayton, of the county of Middlesex, from her husband, David Clayton.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Betsey Clayton, of the township of South Amboy, in the said county of Middlesex, be, and she is hereby divorced from her husband, David Clayton; and that the marriage contract heretofore existing between the said Betsy Clayton and David Clayton, her husband, be, and the same is hereby forever dissolved, as fully, to all intents and purposes, as if they had never been joined in matrimony: *Provided nevertheless*, that the children of the said marriage shall not be deemed illegitimate by reason of this act.

Passed March 8, 1832.

AN ACT authorizing the Tilburry and Windham Union Road Company to construct a road across the town marsh in the county of Salem.

Preamble.

WHEREAS a number of the inhabitants of the townships of Salem and Elsinborough, in the county of Salem, owners of meadow in the Tilburry Bank Company, and lands late of the estate of Darkin Nicholson, deceased, and also the lands belonging to the heirs of John Thompson, deceased, having been deprived of the road they formerly used, in consequence of the destruction thereof, by the tide overflowing the same for eight years past, are desirous of having a private road leading from Broadway street, in the town of Salem, across the town marsh, a westerly course across the same to the Tilburry road, from thence to the fast land belonging to Joseph Bassett, and that occupied by John M. Sinnickson, belonging to Jonathan Dallas, which said road and bridges will cost the said inhabitants a large sum of money to complete—Therefore,

Commissioners to lay out a road across the town marsh to 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 for the accommodation of the owners and possessors of the lands and meadows called Tilburry and Windham, and the lands belonging to the heirs of John Thompson, deceased, Morris Hall, Anthony Nelson, John Denn, Aaron Waddington, Jonathan Woodnutt and Joseph Black, be, and they are hereby appointed commissioners, specially, for the purpose, by giving ten days notice for the purpose aforesaid, of laying out a road not less than sixteen feet wide through the upland, and not less than two rods wide through the marsh; and the report of the proceedings of a majority of such of the commissioners as shall meet, when made, shall be conclusive to all parties interested in the premises, and the same shall be recorded in the clerk's office of said county; which said road is to begin in Broadway street, at some place between the house occupied by Joseph Bassett, and the creek at the old wharf, in the town of Salem, and run from thence a south-westerly course, through lands of Elizabeth Rowan, Samuel Clement, John Sinnickson, Mary I. Smith, formerly belonging to Thomas Jones, deceased, John Tuft, David B. Smith and Jonathan Dallas, or either of said lands, as said commissioners may think proper, to the Tilburry road, and from thence to the end of the road in the line between Joseph Bassett and lands occupied by John M. Sinnickson, belonging to said Jonathan Dallas, and there to end.

Beginning and course of the road.

Sec. 2. And be it enacted, That the owners and possessors of the said Tilburry meadows, Windham lands, and lands of the heirs of John Thompson, deceased, shall take the name

and style of "The Tilburry and Windham Union Road Company," who shall elect one or more manager or managers, treasurer, and clerk, for the said company, who shall keep an accurate account of the moneys assessed and collected for the making and maintaining the said road and bridges, so, as aforesaid, to be laid; and all other proceedings touching the same, and to lay the same before the said company at their annual meetings, which will be on the last Saturday in March; the first meeting of said company shall be on the thirty-first day of March, eighteen hundred and thirty-two, which said first meeting shall be advertised in three of the most public places in the neighborhood of said road; so to be laid, or in one of the newspapers published in the town of Salem, at least ten days prior to said meeting; and the said company are authorized to hold special meetings, from time to time, as they may think necessary.

Duties of managers, treasurer and clerk of the Company.

Meeting of the company.

Sec. 3. *And be it enacted*, That the said owners and possessors, at their first meeting, shall order and direct what sum or sums of money shall be assessed for making and repairing said road and bridges, and all other necessary expenses appertaining thereto; and the said manager or managers shall assess the same on each owner or possessor of the Tilburry meadows, and each owner of the Windham lands, and lands of the heirs of John Thompson, at so much per acre, for each acre they may possess, (excepting such part or parts of the Windham lands, that are occupied by John M. Sinnickson and Hester Thompson, and the lands of the heirs of John Thompson, deceased,) and the said commissioners are hereby authorized to order and direct what number of acres shall be assessed by the said manager or managers, to the said John M. Sinnickson, and the said Hester Thompson, and for the heirs of John Thompson, and their successors, for the benefits they may derive for the use of said road and bridges, which said duplicate of assessment shall be made out and delivered to the treasurer, twenty days before the same is made payable.

Meeting to direct what money to be assessed for making and repairing roads and bridges.

Sec. 4. *And be it enacted*, That it shall and may be lawful for the said treasurer, upon the receipt of said duplicate, in person, or by notice in writing, left at the usual place of abode of each owner or possessor, to demand from each owner or possessor, or their agent, twelve days before the time of payment, the sums so assessed, as aforesaid; and if any of said owners or possessors shall neglect or refuse to pay the sum so assessed, for the space of five days after the time fixed for the payment thereof, then the said treasurer is hereby authorized to sue for and recover the same, by action of debt, in any court having cognizance thereof, with cost of suit.

Treasurer to sue for sum assessed if not paid in five days after notice.

Sec. 5. *And be it enacted*, That if the said treasurer shall neglect or refuse, for five days after request in writing made for that purpose, to sue as is directed in the foregoing sec-

If treasurer neglects, any member of the company may sue.

tion, then, and in such case, it shall and may be lawful for any person belonging to said Tilburry and Windham Union Road Company, to sue, in his own name, the said treasurer, to and for the use of said company, for such neglect in refusing to collect said duplicate, or in paying forward the moneys so by him collected.

Meeting to fix wages & salaries

Sec. 6. *And be it enacted*, That the owners and possessors, at their annual meeting, from time to time, shall fix and determine, by a vote of a majority of those met, the wages or salaries to be paid to said manager or managers, treasurer, and clerk, from year to year.

Road vacated.

Sec. 7. *And it is further enacted*, That the said commissioners are hereby authorized to vacate such part or parts of the old road leading from said town of Salem, to the said Tilburry road, as they may think proper, and make return of their proceedings to the clerk of said county, to be recorded.

If bank is thrown down, no tax to be paid.

Sec. 8. *And be it enacted*, That if the said Tilburry bank should be thrown down, and the meadow therein enclosed, should be rendered useless to the owners thereof, then the said owners of said Tilburry meadow shall be exempt from the payment of any tax for the maintenance of said road and bridges.

Passed March 8, 1832.

AN ACT to repeal an act "to enable William S. Pennington, of the county of Essex, to carry into effect a certain trust therein named," passed the twenty-seventh day of November, eighteen hundred and twenty-three; and also, a "supplement to said act," passed the fifth day of November, eighteen hundred and twenty-eight.

Former act and supplement repealed.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the act to enable William S. Pennington, of the county of Essex, to carry into effect a certain trust therein named, passed the twenty-seventh day of November, eighteen hundred and twenty-three, (in relation to a tract of land situate in the county of Morris, containing sixteen hundred and eighty acres, or thereabouts, at this time known by the name of the Dutch Valley Tract;) and also, the supplement to said act, passed the fifth day of November, eighteen

hundred and twenty-eight, be, and the same are hereby repealed: *Provided*, that nothing herein contained, shall be construed to affect any act or acts heretofore done by said trustee or trustees under said laws, or to affect any suit or suits now pending on behalf of said trustees. Proviso.

Passed March 8, 1832.

AN ACT to incorporate the New Jersey, Hudson and Delaware Rail Road Company.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Jacob M. Ryerson, Samuel Fowler, Thomas C. Ryerson, Joseph E. Edsall, James Stoll, John Bell, William Dickey, William Heyberger, James M. Porter, John Hagerly, John Moore, and Daniel M. Broadhead, and such other persons as may hereafter be associated with them, and their successors, be, and they are hereby ordained, constituted, and declared to be, a body politic and corporate, in fact, name and law, by the name of the "New Jersey, Hudson and Delaware Rail Road Company;" and by that name they and their successors and assigns shall and may have continual succession, and shall be capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors, by the same name and style, shall be capable of purchasing, taking, holding and conveying any lands, tenements, goods and chattels, whatsoever, necessary or expedient to carry into effect, the objects of this incorporation.

Style of incorporation.

Powers.

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

Amount of capital stock.

Shares personal property and transferrable.

Sec. 3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of said corporation, at such time or times and places, as they or a majority of them may deem proper, giving notice thereof at least twenty days prior to the opening of said

Books opened for subscriptions to stock.

If excess of stock be subscribed, apportionment to be made.

books, by publishing the same in one of the newspapers printed in Paterson, and in Newtown, in the county of Sussex, and also in a paper printed in the city of New York; and that the said books shall be kept open as long as the said persons or a majority of them shall think proper; and if more subscriptions be taken than the amount of the capital stock, it shall be in the power of the said persons, or a majority of them, to apportion the stock to the subscribers as they may deem expedient and conducive to the object of the incorporation.

Five dollars on each share paid on subscribing.

Sec. 4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid to the above named persons, or some one of them, upon each share subscribed for, which money shall be paid over to the treasurer of the company as soon as one shall be appointed; and when the said capital stock shall be subscribed for, and the books closed, and the apportionment made, if the same become necessary, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose eleven directors; and such election shall be made by ballot, at the said time and place, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said named persons or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors; and the time and place of holding the first meeting of directors, shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation, shall, as soon as may be after every election, choose out of their own number, a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president, pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Election of first directors.

Annual election of directors.

Election of president.

Vacancies how supplied.

On failure to hold election on day prescribed, charter not to be forfeited.

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

Sec. 6. *And be it enacted*, That seven directors of said corporation shall be a quorum of the board of directors, competent to transact all business of the said corporation, and they shall have power, giving notice thereof as aforesaid, to call in the capital stock of said company, by such instalments, and at such times as they may direct; and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares on which such default shall arise, and to make and prescribe such by-laws, rules and regulations, touching the management and regulation of the stock, property, estate, and effects of the said corporation, and transaction of their business, as to them shall appear needful and proper, not repugnant to the laws of this state or the United States; and also to appoint a secretary, treasurer, and such and so many clerks, agents and servants as to them shall seem meet and proper, and to establish and fix such salaries or compensation for services to them, and also to the president, as to the board of directors shall appear proper: *Provided*, that not over one-tenth of the capital stock be required to be paid in at one instalment, and such instalments be not required at shorter periods than ninety days from each other.

Seven directors
to transact
business.

Stock forfeited
on non-payment
of instalments.

Proviso.

Sec. 7. *And be it enacted*, That the president and directors of said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient, to survey, lay out, and construct a rail road, or lateral roads, commencing at any point or places on the Delaware river, between the New-York state line, and where the Paulingskill empties into said river, with power to construct a bridge or bridges across the said river, by and with the consent of the state of Pennsylvania, so as not to cause any obstruction or impediment to the free navigation of said river; from thence to Snufftown, in the county of Sussex, or as near thereto as the situation of the ground will admit; and from thence to the Hudson river, opposite the city of New-York, or to join upon any other rail road or rail roads already chartered or to be chartered, leading to or terminating at the Hudson river, opposite said city, by and with the consent of the company or companies authorized to construct said road or roads; *Provided always*, that if the said rail road shall be extended to the Hudson, it shall not cross the Passaic south of the village of Bellville, nor shall the said rail road or lateral roads, approach at any point within three miles of the present bridge crossing the river Passaic, at Newark, nor shall any part of said road or roads be located south of the turnpike road or causeway, leading from Newark to Jersey City; which rail road and branches shall be constructed not exceeding sixty six feet wide, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors of said company, their agents, engineers, superintendents, and others in their employ, at all

Rail road to be
constructed from
a point on the
Delaware river,
to the Hudson,
opposite New
York.

Survey of route and location to be filed in the office of secretary of state.

Company may enter upon lands for certain purposes.

Proviso.

Proviso.

Proceedings on a disagreement as to price, between company and owners of lands.

times, to enter, upon all lands and waters, for the purpose of exploring, surveying, levelling, and laying out the route or routes of such rail road or lateral roads, and of locating the same; and to do, make, and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such road or lateral roads shall have been determined on, and a survey of such route or routes, deposited in the office of the secretary of this state, then it shall be lawful for the said company, by its officers, engineers, agents, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, use and occupy such lands and waters, and to excavate and erect embankments, build bridges, erect walls, lay rails, and do all other works necessary or suitable for the erection, completion, and repair of said road or branches, and to enter into any lands adjacent or near to the route of said road or branches, and search for and take sand, gravel and stone, necessary for the erection or repair thereof, subject to such compensation to the owners of such lands, waters or materials as is hereinafter provided; *Provided always*, that payment, or tender of the payment of all damages for the occupation of lands through which the said rail road or branches thereof, may be laid out, be made before the said company, or any person in their employment, or under their direction, shall enter upon, or break ground in the premises, except for the purpose of surveying and laying out said road or branches, or searching for sand, gravel or stone, unless the consent of the owner or owners of such lands be first had and obtained; *And provided also*, that in passing through the county of Sussex, the main line of said rail road shall be laid out and constructed as nearly through the centre of said county, as the nature of the ground and formation of the country will permit, without prejudice to the interest of the stockholders.

Sec. 8. *And be it enacted*, That when the company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required, for the use of said company, in the construction or repairs of said road, shall be given in writing, under oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the Supreme Court of this state, who shall cause the said company to give notice thereof, to the persons interested, if known, and resident in this state, or if unknown, or out of this state, to make publication thereof, as he shall direct, for any term not

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

Justice of the
Supreme Court
to appoint com-
missioners.

Commissioners
to be sworn.

Oath

To report the
value of lands or
materials.

Report to be filed
in clerk's office
of the county.

Report, evidence
of right of com-
pany to lands or
materials.

Costs to be paid
by company.

other persons performing any of the duties prescribed in this section, as he or they shall think equitable and right, which costs shall be paid by the said company.

Persons dissatisfied with report of commissioners may apply to Supreme Court.

Supreme Court may direct a jury to assess the value.

Proviso.

Passage over public roads not to be impeded by rail roads.

May erect bridges.

Sec. 9. *And be it enacted*, That in case the said company, or the owner or owners of the said lands or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the Supreme Court, at the next term after the filing of the said report, the said court shall have power, on good cause shewn, to set the same aside, and thereupon to direct a proper issue for the trial of said matter in controversy, to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials in question to be had, and the said issue to be tried at the next Circuit Court to be holden in the said county, in the same manner as other issues in fact are tried in said court, upon twenty days notice of trial, and six days notice of the view being given by either party to the other; and upon such trial, it shall be the duty of the said jury to assess the value of the said lands or materials, and damages sustained, by reason of the taking thereof as aforesaid; and if they shall find a greater sum than the said commissioners have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution be awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same, or a less sum than the said commissioners shall have awarded, then costs shall be paid by the said applicant or applicants, and deducted out of the sum so found by the jury, or execution awarded therefor, as the court shall direct: *Provided*, that such application for an issue shall not prevent the said company from taking and using the said land or materials upon the filing of the said report, and tender of the sum awarded by the commissioners.

Sec. 10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages over or under the said rail road or roads, where any public or other road shall cross the same, so that the passage of carriages, horses and cattle on said road or roads shall not be impeded thereby; and also, where the said road or roads shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said road, so that they may pass and repass the same; and in case the said company shall deem it expedient to cross any navigable river with the said rail road, they shall be at liberty to erect and build a bridge for that purpose over the said river, with a draw therein of at least thirty feet width; and for the safety of persons navigating said river, the company shall cause to be kept near the said draw, one or more lamps which shall be lighted every evening thereafter before it grows dark, and continue lighted till day-light, at the expense of said company; and shall keep, or

cause to be kept at such bridge, a careful person to open such draw for the free passage of vessels with standing masts; and for each and every neglect to light the said lamp or lamps for one night, and to open said draw, the directors of the said company shall forfeit and pay the sum of ten dollars, to be recovered, with cost, in any court having jurisdiction thereof, by any person who shall sue for the same, within six months from the time of such neglect.

Lamps at the draw to be lighted at night.

Sec. 11. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and to place and use on any rail road constructed by them, all such machines, engines, carriages, wagons or vehicles, for the transportation of persons, or property thereon, as they shall think proper and expedient, and to charge, take and receive compensation for the transportation of persons or property on said road or roads: *Provided*, they shall not charge more than at the rate of six cents per mile per ton, for the transportation of property on the said road or roads; or six cents per mile for carrying each passenger on said road or roads in the carriages of the company; or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said road or roads, in the carriages of others; and three cents per mile for each empty carriage; and the said rail road or roads, and their appendages, and the lands over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever, belonging to the said company, at any time or times, are hereby invested in the said company, incorporated by this act, and their successors and assigns, during the continuance of this act.

Limitation of tolls.

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

Semi-annual dividends to be made.

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

Penalty for injuring road or property.

Sec. 14. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said road or roads, and other places along the same, not ex-

What real estate may be held by the company.

ceeding two acres at each place, and may erect and build thereon, ware-houses, machine shops, and such other buildings and improvements, as they may deem expedient for the safety of property, and the construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof: *Provided*, that if it should be necessary to use stationary power on any part of the line of said rail road, and water power can be advantageously used therefor, then it may be lawful for said company to have and hold so much additional land and real estate as may be necessary and useful in constructing the same; and also to make the necessary embankments, reservoirs, aqueducts, and other works necessary to create such power thereon.

Rail road declared a public highway.

Sec. 15. *And be it enacted*, That the said road or roads, authorized by this act, be, and the same are hereby declared to be public highways, and shall be constructed with a track for one or more horses, and free for the passage of any rail road carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *Provided always*, that the said carriages so used thereon, shall be of the same description in the formation of the wheels and length of the axle, as those used by the company, and shall be so regulated as to the times of starting, and speed of travelling, as not to interfere with the carriages of the company.

When road to be commenced and finished.

Statement of the cost of road to be filed in the office of secretary of state.

Sec. 16. *And be it enacted*, That in case the said road or roads shall not be commenced within ten years, and completed within twenty years from the passage of this act, then and in that case, this act shall be null and void; and that the president or treasurer of said company shall, within three years after the completion of the said road or roads, file in the office of the secretary of this state, under oath or affirmation, a statement of the whole cost and expenses of the said road or roads and appendages; and annually thereafter a statement of the nett proceeds thereof; and whenever the annual nett proceeds of the said road shall amount to seven per centum per annum upon the cost of the said road or roads with their appendages, the said company shall pay to the treasurer of this state, the one half of one per cent. per annum, on the said cost, to be paid on the first Monday in January in each year: *Provided*, that no other tax or impost shall be levied or assessed upon said company.

When to pay a tax.

When legislature may take the road.

Sec. 17. *And be it enacted*, That at any time within three years after the expiration of ninety-nine years from the completion of the said road, the legislature of this state shall have the privilege of taking the said road or roads, with the appendages, upon the payment to the said company, of the amount of the cost of the same.

Public act.

Sec. 18. *And be it enacted*, That this act shall be deemed and taken as a public act, and recognized as such, at all times, and in all courts and places whatever.

Passed March 8, 1832.

A SUPPLEMENT to an act entitled "An act to incorporate the Endeavor and Fulton Fire Engine Companies in the city of Burlington.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the first section of the act to which this is a supplement, be, and the same is so far amended as to increase the number of thirty-five persons therein mentioned, to forty persons, for the Fulton Fire Engine only, any thing in the said act to which this is a supplement to the contrary notwithstanding; which said forty persons shall enjoy every privilege which fire companies may enjoy, by virtue of an act entitled "An act for the encouragement of Fire Companies," passed the fourteenth day of December, eighteen hundred and twenty-six.

Number of members extended to forty.

Passed March 9, 1832.

AN ACT to authorize a trustee therein named, to sell certain real estate, late of Jedediah Ewell, deceased.

WHEREAS, Jedediah Ewell, late of Deptford township, in the county of Gloucester, died, leaving a last will and testament, which was duly proved and recorded in the Surrogate's office of Gloucester aforesaid, in which, among other things, he devised a certain house and ferry at Woodbury Dam, together with the small piece of meadow ground used as a garden, there enclosed in fence, to Selby Ewell, during the term of his natural life; and if the said Selby Ewell should have a lawful child, then the said property to such child; but if said Selby Ewell should die without lawful issue, that then, and in that case, the said ferry house and garden lot to be all sold, and the money thence arising, to be divided among the relations of the said testator, according to the provisions of the said will.

Preamble.

AND WHEREAS, the said Selby Ewell having departed this life before the said testator, and without lawful issue, and no provision is made in the said last will and testament, or authority given to any person or persons to carry into effect the said last will and testament, by selling and disposing of the lands so as aforesaid devised to be sold, and Levin Dunstan, in behalf of his wife Pamela Dunstan, and John Johnson, legatees named in the said will, having petitioned

the legislature for a law authorizing and appointing Josiah S. Franklin, trustee, to carry into effect the said last will and testament—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 Josiah S. Franklin be, and he is hereby appointed a trustee, with full power to sell and convey a certain ferry house and garden lot, part of the land and real estate of the said Jedediah Ewell, deceased, as was, in and by the last will and testament of said deceased, directed to be sold, for the highest sum or sums of money the same will bring, and for the same to execute and deliver, in due form of law, in his own name, as trustee aforesaid, a good and sufficient deed of conveyance, according to the estate, right, title and interest which the said Jedediah Ewell had in the same at the time of his death; and which sale, so made and confirmed by deed, shall entitle the purchaser to all the estate, right, title, claim, interest and demand, which the said Jedediah Ewell, deceased, had in the premises at the time of his death, and which the heirs of the said Jedediah Ewell, deceased, now have in and to the same.

Trustee to sell
certain real estate.

Trustee to account to Orphans' Court.

Sec. 2. And be it enacted, That the said trustee shall keep a fair account of the sale so made by him under this act, and after deducting all legal costs and expenses, to be allowed by the Orphans' Court of the county of Gloucester, to pay over the whole amount of the balance arising from such sale to the respective legatees, agreeably to the direction, and according to the true intent and meaning of the testament and last will of the said Jedediah Ewell, deceased.

Distribution of
proceeds of sale.

Sec. 3. And be it enacted, That before the said Josiah S. Franklin engage in the trust assigned him by this act, he shall enter into bond to the Governor of this state, in such sum, and with such security as the judges of the Orphans' Court for the county of Gloucester shall approve, conditioned for the faithful performance of the said trusts, which bond shall be deposited in the secretary's office of this state.

Trustee to give
bond.

Sec. 4. And be it enacted, That the said Josiah S. Franklin shall, within six months after the sale of said land and real estate, make, subscribe and exhibit, under oath or affirmation, to the Surrogate of the county of Gloucester, a true statement of the amount of such sale, to be by him recorded and filed; and the said Josiah S. Franklin, his executors and administrators, shall be accountable for all moneys received by him, them, or either of them, by virtue of this act: *Provided always,* that no sale or conveyance of the lands or tenements of the said deceased, made under this act, shall affect the rights of any person or persons other than the heirs and devisees of the said Jedediah Ewell, deceased, and their legal representatives.

Trustee accountable for moneys received.

Proviso.

Passed March 10, 1832.

AN ACT to dissolve the marriage contract between Joseph Blake and Nancy 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 Joseph Blake, of the county of Middlesex, and Nancy his wife, be, and the same is hereby declared to be dissolved, to all intents and purposes, as fully as if they had never been joined in matrimony.

Passed March 10, 1832.

AN ACT for the relief of Francis Test.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the Treasurer of this state, for the time being, shall, and he is hereby authorized and required, half yearly, to pay to Francis Test, a soldier in the service of the United States in the revolutionary war, or to his order, at the rate of sixty dollars by the year, from the passing of this act during the life time of the said Francis Test; and the receipt of the said Francis Test, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid by virtue of this act in the settlement of his accounts.

Sec. 2. *And be it enacted,* That if the Congress of the United States shall hereafter provide for the remaining soldiers of the revolution, and the said Francis Test be provided for thereby, that this act shall cease and become void; and the payment of the pension hereby granted, shall be discontinued from the time of the commencement of his pension from the United States.

Passed March 10, 1832.

AN ACT to authorize a trustee; therein named, to sell the real estate of John Curtis, deceased.

Preamble.

WHEREAS it is represented to this legislature, that John Curtis, deceased, late of the township of Shrewsbury, in the county of Monmouth, and state of New Jersey, was, in his life time, owner of certain real estate in the said township of Shrewsbury, consisting of several small lots of land, and a small farm of about twenty acres; and that the said John Curtis departed this life, intestate, on or about the twenty-second day of June, in the year one thousand eight hundred and twenty-five, after a short illness, leaving a widow and seven children, four of whom are now of lawful age, the other three, minors, under the age of twenty-one years; that the said premises, from their location and small value, are not susceptible of division, without great injury to them: AND WHEREAS the patrimony they have received from the estate of their father, is insufficient for the support of the minor children, upon a division of the same, and they being desirous the premises should be sold for their mutual benefit, in the proportions to which they are entitled by the laws of the state of New Jersey; application being now made to this legislature by the petition of Ann Curtis, widow of the said deceased, and by Margaret Curtis, John C. Curtis, Timothy Curtis, and Ann Curtis, children of said deceased, being of lawful age, and of John C. Curtis, guardian of Elizabeth Curtis, Susan and Thomas Curtis, minors, under the age of twenty-one years, for a law authorizing the sale of the aforesaid property, and the same appearing to this legislature to be just and reasonable—Therefore,

Trustee empowered to sell real estate.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Jacob Corlies, jr. of Shrewsbury, be, and he is hereby appointed a trustee, with full power and authority to sell, convey, and dispose of all or any part of the real estate of John Curtis, deceased, situate in the township of Shrewsbury, county of Monmouth, and state of New Jersey, as soon as conveniently may be, for the highest sum the same will bring at public sale, upon the same notice as is required by the law in the case of executors or administrators' sales; and when sold, to make, execute and deliver, in due form of law, in his own name, as trustee aforesaid, a good and sufficient deed of conveyance, according to the estate, right, title and interest, which the said John Curtis had in the same, at the time of his death; which sale being made, and confirmed by deed, shall entitle the purchaser or purchasers to all the estate, right, title, interest, claim and demand, which the heirs and widow of the said John Curtis now have, in and to the same.

Sec. 2. *And be it enacted*, That the said trustee shall keep a fair account of the sale or sales by him made, and after deducting reasonable costs and charges for executing the trust created by this act, to be allowed by the Orphans' Court of the county of Monmouth, and shall put out and invest, in good and sufficient securities, upon interest, the proceeds or purchase money for any such sale or sales, under the order and direction of the said Orphans' Court: *And provided*, the said Ann Curtis shall relinquish her right of dower, in the said premises, the said trustee shall pay to the said Ann Curtis, during her natural life, and in satisfaction of the right of dower, one-third of the interest of the proceeds of the purchase money, annually; and shall receive and pay to the four children, who are now of lawful age, their distributive shares of the principal of the purchase money, such shares to be ascertained according to law; and shall also pay to the guardian of the three minor children, their distributive shares of the principal of the purchase money, such shares to be ascertained according to law; nevertheless, retaining in his hands one-third of the principal of the purchase money, during the life time of the said Ann Curtis, in order to enable him to make the payment aforesaid, in lieu of her dower; and at her decease, such principal sum shall be distributed among the parties interested, in the manner herein before directed.

Proceeds of sale to be invested under direction of Orphans' Court.

Sum paid to widow for relinquishment of dower.

Trustee to give bond and security.

Sec. 3. *And be it enacted*, That before the said trustee shall undertake the execution of the trust hereby assigned to him, he shall enter into bond, with security, to the Governor of the state, for the use of the said children, and of the said Ann Curtis, in such amount as shall be approved of by three of the judges of the Orphans' Court of the county of Monmouth, conditioned for the faithful performance of the trust, by this act assigned to him, which bond shall be deposited in the Surrogate's office of the said county.

Statement to be filed in Surrogate's office.

Sec. 4. *And be it enacted*, That the said trustee, within six months after making any sale or sales by virtue of this act, shall make, subscribe and exhibit, under oath or affirmation, a fair and exact statement of such sale or sales, to the Surrogate of the said county of Monmouth, to be filed in the Surrogate's office of the said county: *Provided*, that no sale or deed, which shall be made by virtue of this act, shall impair, or in any way affect the right, title, interest, or claim of any person or persons whatever, other than the heirs and widow of the said John Curtis, deceased.

Passed March 10, 1832.

AN ACT for the better protection of the Morris Canal, its works and appendages.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That if any person or persons shall, in any manner, wilfully or maliciously destroy, injure or obstruct, the Morris Canal, or any of its parts, or any of the works therewith connected, or thereunto appertaining, or shall wilfully or maliciously injure or obstruct the passage of any boat therein, or navigating the same; or if any person or persons shall, against the will or consent of the person who may be by the said company appointed to have usage of, or to attend any lock or inclined plane on the said canal, open any gate of such lock or plane, or shall work or attempt to work such plane, or to pass a boat, raft, or other floating thing through or over such lock or plane; or if any person shall wilfully or maliciously let off or discharge water from the said canal, through or by any waste-wier, or waste-gate, or otherwise, or shall shut down or close, either in part or in whole, any feed-gate, or water-wier, or water-gate, which may have been opened to feed the said canal or any part thereof, or to discharge water for the safety thereof; the person or persons so offending, shall forfeit and pay to the said company, the sum of twenty-five dollars, to be recovered by, and in the name of, the president and directors of the Morris Canal and Banking Company, in any court having competent jurisdiction: *Provided*, that nothing herein contained shall be taken or construed to prevent the said company from proceeding, if they shall elect so to do, under and pursuant to the provisions of the thirteenth section of the act entitled "An act to incorporate a company to form an artificial navigation between the Passaic and Delaware rivers," against the person or persons so offending, as in the said act is specified, and saving to the said company the right also to prosecute a civil suit as it is given to them by the said act: but there shall, nevertheless, be no more than one penalty imposed upon any person or persons, in virtue of this act, and the last mentioned act for the same offence.

Prohibition of certain injuries to the canal or works.

Penalty.

Proviso.

Passed March 10, 1832.

AN ACT to repeal an act entitled "An act to incorporate the New Germantown Turnpike Company," passed the eleventh day of February, eighteen hundred and thirteen, and for other purposes.

WHEREAS the New Germantown Turnpike Company having the right and interest in the road hereinafter mentioned, have, by their memorial to the legislature, prayed that the act entitled "An act to incorporate the New Germantown Turnpike Company," might be repealed, but so that the said road should be a public and common highway for the citizens of this state to pass and repass at pleasure, free from obstruction and tolls; and it being deemed for public interest that the prayer of the memorialists should be granted—Therefore,

Preamble.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State; and it is hereby enacted by the authority of the same,* That the act entitled "An act to incorporate the New Germantown Turnpike Company," passed the eleventh day of February, eighteen hundred and thirteen, be, and the same is hereby repealed.

Repeal of former act.

Sec. 2. *And be it enacted,* That the said road, immediately after the passing of this act, shall become and be a public and common highway, in the same manner as if the same had been laid out under the act entitled "An act concerning roads;" and that the township committees of the several townships through which the said road runs, shall appoint overseers of the same, agreeably to the fourteenth section of the said act concerning roads; and that the said highway shall be worked and managed in the same manner, in all respects, as the other public and common highways are required to be worked and managed by the laws of this state.

New-Germantown turnpike road declared to be a public and common highway.

Sec. 3. *And be it enacted,* That this act, in consequence of its connexion with the public roads, shall be deemed and taken to be a public act, whereof all persons, bodies politic and corporate, shall take notice.

Public act.

Passed March 12, 1832.

AN ACT for the extinguishment of every right, title or claim, which the Delaware tribe of Indians, formerly residents of New Jersey, and now located at Green Bay, in the territory of Michigan, now have, or ever had, to any part of the territory of New Jersey, or its franchises.

Preamble,

WHEREAS the Delaware tribe of Indians, formerly residents of New Jersey, and now located at Green Bay, in the territory of Michigan, have memorialized the legislature of this state, setting forth that in the respective treaties, deeds and conveyances, whereby the lands south of the river Raritan were ceded and transferred to the state of New Jersey, the right of the said tribe to the fisheries in the rivers and bays of said state, south of the river Raritan, was reserved, and has never been relinquished or alienated, which fisheries are now used and possessed by the citizens of this state; and have authorized Bartholomew S. Calvin, a chief and principal member of said tribe, resident at Green Bay aforesaid, to lease, sell, or transfer said fisheries, and to receive such compensation for the same, as this legislature may deem proper to grant: AND WHEREAS it is represented, that the legal claims or title of said Indians to the fisheries aforesaid, are barred by reason of their voluntary abandonment of the use and occupancy of the same; but that this legislature should grant a remuneration for the right to said fisheries, as an act of voluntary justice, as a memorial of kindness and compassion to the remnant of a once powerful and friendly people, occupants and natives of this state, and as a consummation of a proud fact in the history of New Jersey, that every Indian claim, right and title to her soil and its franchises, have been acquired by fair and voluntary transfer—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, for the time being, shall pay to the aforesaid Bartholomew S. Calvin, the sum of two thousand dollars, as soon as the said Bartholomew S. Calvin shall make and file in the office of the secretary of this state, such deed or other instrument of transfer, which shall be approved by the Governor of this state, as a good and valid conveyance and transfer in the law, to the state of New Jersey, of all the soil, fisheries, or other rights or reservations which now are, or ever were, owned or possessed by the aforesaid Delaware tribe of Indians, to any portion of the territory of New Jersey.

Passed March 12, 1832.

\$2,000 to be paid B. S. Calvin on his filing in the office of Secretary of State a deed conveying all the right of the Delaware Indians to the soil and fisheries of New Jersey.

A SUPPLEMENT to an act entitled "An act establishing an Independent Regiment of Field Artillery in the county of Sussex," passed the fifth day of November, in the year of our Lord one thousand eight hundred and thirty.

SEC. 1. 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 troop of Horse Artillery commanded by Captain Thomas B. Egbert, be, and they are hereby set off and attached to, the first Independent Regiment of Field Artillery of the Sussex Brigade.

SEC. 2. *And be it enacted*, That it shall be lawful for the field officers of said regiment, at their discretion, upon application made to them by the officers of any company belonging to said regiment, when such company shall exceed ninety members, to divide and set off a new company from said company or companies, and the company so set off shall be called the youngest company in the battalion to which it is attached.

Passed March 12, 1832.

AN ACT to authorize Alletta Beekman, executrix of Jerome Rappleyea, late of the county of Somerset, deceased, to sell certain real estate.

WHEREAS Jerome Rappleyea, by his last will and testament, bearing date on the twenty-sixth day of June, eighteen hundred and thirty, and duly proved and recorded, authorized and empowered the said Alletta Beekman, his executrix therein named, to make sale of all his personal property, and so much of his lands and real estate as would satisfy his debts and funeral expenses, and devised the residue of his estate to the said Alletta, during her natural life, and after her death, to her two children, Cornelia and Ann, who are minors, and under the age of fourteen years: AND WHEREAS it appears that the said executrix, by virtue of said will, has sold a part of the real estate for the purpose therein specified, and that the remainder of the real estate is more than sufficient to pay the balance of said testator's debts remaining unpaid, but that the same is so situated that it cannot be sold without great sacrifice to the interest of the devisees of said testator, unless it is sold together—
Therefore,

Preamble.

Empowered to
sell real estate.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be lawful for the said Alletta Beekman, executrix as aforesaid, to make sale of the whole of the real estate of the said Jerome Rappleyea, deceased, that remains unsold, as soon as conveniently may be, at public vendue, by giving public notice thereof, as in the case of executors and administrators, for the highest sum that can be obtained for the same; and when sold, to make and execute in her name as executrix, as aforesaid, a good and sufficient deed of conveyance, according to the estate and title which the said Jerome Rappleyea, at the time of his death, had in and to the same.

How proceeds of
sale to be vested.

Sec. 2. *And be it enacted,* That the said Alletta Beekman, executrix as aforesaid, shall appropriate the proceeds of such sale to the payment of the debts of the said testator, and the balance shall be vested at interest on good and sufficient security, to be approved of by the judges of the Orphans' Court of said county, and the interest thereon be received by her during her natural life; and at her decease, the principal shall be divided between her two children, in the proportion specified in the said last will and testament of said testator.

Passed March 13, 1832.

AN ACT to divorce Cornelia Durant, from her husband William V. Durant.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the marriage contract heretofore existing between Cornelia Durant and William V. Durant, be, and the same is hereby dissolved, as fully, to all intents and purposes, as if they had never been joined in matrimony: *Provided nevertheless,* that the issue of such marriage shall not be deemed illegitimate in consequence of this act.

Passed March 13, 1832.

AN ACT to authorize Anna Clark, administratrix of Doctor Charles Clark, deceased, to make and execute deeds of conveyance for lands sold by said Charles Clark, in his life time.

WHEREAS it is represented by Anna Clark, as widow and administratrix of Doctor Charles Clark, deceased, late of the county of Cumberland, that Aaron Shints, of said county, after having made his last will and testament, and in the life time of said Charles Clark, died, and by his said will duly appointed said Charles Clark his executor, which said will was duly proven and recorded in the Surrogate's office of said county, the said Aaron Shints being seized of certain real estate, did thereby authorize and direct his said executor to sell and dispose of every part and parcel thereof; and the said Doctor Charles Clark, in pursuance of the directions of said will, did expose at public sale, a lot of meadow, situate in the township of Stoe Creek, in said county, containing about four acres, which lot was bid off and sold to Isaac Elwell, for the sum of one hundred and fifty dollars; and although the said sum of one hundred and fifty dollars was paid by the purchaser to said Charles Clark, and by him accounted for in the settlement of the estate of Aaron Shints, yet the said Charles Clark died without having made and executed to said Isaac Elwell, a deed for the same: Preamble.

AND WHEREAS it is also represented by said Anna Clark, as widow and administratrix of Doctor Charles Clark, deceased, that the said Charles Clark, as administrator to the estate of Alla M'Calla, deceased, late of said county, by virtue of an order of the Orphans' Court of the county of Cumberland, did expose at public sale, a lot of land with the buildings thereon, of which said Alla M'Calla died seized, situate at Roadstown, in the township of Stoe Creek and county aforesaid, containing about one acre and three quarters, which lot of land was bid off and sold to Daniel Gillman, for the sum of three hundred dollars; and although the said sum of three hundred dollars, was paid by the purchaser to the said Charles Clark, as administrator as aforesaid, yet the said Charles Clark died without having made and executed to said Daniel Gillman a deed of conveyance for the same.

AND WHEREAS it is also represented by the said Anna Clark, as widow and administratrix of Doctor Charles Clark, deceased, that the said Charles Clark, as administrator to the estate of Joseph Kelsey, deceased, by virtue of an order of the Orphans' Court of Salem county, did expose at public sale, a lot of bush land, of which said Joseph Kelsey died seized, situate in the township of Upper Alloways Creek,

county of Salem, containing about five acres, which lot was bid off and sold to Philip Fithian, for the sum of forty dollars; and although the sum of forty dollars was paid by the purchaser to the said Charles Clark, as administrator as aforesaid, yet the said Charles Clark died without having made and executed to the said Philip Fithian a deed for the same; all which appearing to be true, and it appearing just and proper that a deed of conveyance should be made to the said Isaac Elwell, Daniel Gillman, and Philip Fithian, for the respective lots of land purchased and paid for by them, respectively, as aforesaid—Therefore,

Anna Clark empowered to make a deed for certain lands to Isaac Elwell.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Anna Clark, administratrix of Doctor Charles Clark, deceased, is hereby authorized to execute and deliver to the said Isaac Elwell, a deed of conveyance for the lot of meadow first above named, containing about four acres, which shall have the same force and effect as a deed from the said Charles Clark, in his life time, as executor of Aaron Shints, would have had.

Or certain lands to Daniel Gillman.

Sec. 2. And be it enacted, That the said Anna Clark, administratrix of Charles Clark, deceased, is hereby further authorized to execute and deliver to the said Daniel Gillman, a deed for the second lot of land above mentioned, containing about one acre and three quarters, which shall have the same force and effect as a deed from the said Charles Clark, in his life time, as administrator of Alla M'Calla, deceased, would have had.

For certain lands to Philip Fithian.

Sec. 3. And be it enacted, That the said Anna Clark, administratrix of Charles Clark, deceased, is hereby further authorized to execute and deliver to the said Philip Fithian, a deed for the third lot of land above mentioned, containing about four acres, which shall have the same force and effect as a deed from the said Charles Clark, in his life time, as administrator of Joseph Kelsey, deceased, would have had.

Passed March 13, 1832.

AN ACT to empower the executors of Robert Thompson, late of the township of Independence, in the county of Warren, deceased, to sell and convey certain tracts of land.

WHEREAS James Thompson, late of Independence, in the

County of Warren, deceased, about the year eighteen hundred and twenty-four, died, seized of two certain messuages, farms and tracts of land, in said township, subject to a mortgage thereon, to one Thomas Shields, to secure the payment of a large sum of money, having first made and published his last will and testament, in due form of law, to devise real estate, and therein and thereby devised all his lands and real estate (subject to a life estate, in a small part thereof) which has been extinguished by the executors hereinafter named, to his sons Robert Thompson, above named, and William Thompson, to be divided equally between them, or in such proportions as they should pay off the said mortgage, the payment of which was made a condition upon which the said devise was to take effect: **AND WHEREAS** the said Robert Thompson hath paid large sums towards the satisfaction of said mortgage, and the said William Thompson hath paid nothing therefor, but hath released the said real estate to the said Robert Thompson: **AND WHEREAS** the said Robert Thompson hath since departed this life, having first made and published his last will and testament, in due form of law, and appointed John M. Young and Andrew Shiner, executors thereof, who have duly proved the same, and entered upon the execution thereof: **AND WHEREAS** a sale of the said lands, which consists of one farm of about one hundred acres, adjoining the homestead farm of the said Robert Thompson, deceased, and of another farm and tract of land adjoining land of Job Johnson, John Schenck and others, containing, by estimation, about two hundred and twenty-five acres, is necessary, as well to satisfy the said mortgage as to pay the other debts of the said Robert Thompson, and doubts are entertained whether a decree of the Orphans' Court of said county, on the application of the said executors of the said Robert Thompson, could effect the object, and enable the said executors to make a good and sufficient title: **AND WHEREAS** the petition of the said executors hath been presented to the Council and General Assembly of this state, setting forth the premises, and praying the passage of a law to authorize said sale—Therefore,

Preamble.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said John M. Young and Andrew Shiner, executors of the last will and testament of Robert Thompson, late of Independence, in the county of Warren, deceased, and the survivor of them, be, and they hereby are authorized to grant, bargain, sell and convey, by deed or deeds, in fee simple, the lands, tenements, hereditaments and real estate aforesaid, so devised as aforesaid, by the said James Thompson, to the said Robert Thompson and William Thompson; sale to be made at vendue or auction, after thirty

Executors empowered to convey certain lands

Distribution of
proceeds of sale.

days previous notice, published in such manner as is by law directed for sales of real estate, made by a decree of the Orphans' Court, and their deed or deeds, or the deed or deeds of the survivor of them, shall vest in the purchaser or purchasers of the said lands and tenements, or any part thereof, as good and perfect an estate, in fee simple, as the said Robert Thompson was seized or possessed of, at, and immediately before his decease: *And be it enacted by the authority aforesaid,* That the said executors and the survivor of them, shall appropriate and apply so much of the proceeds of said sale, or sales, as shall be necessary for that purpose, to extinguish and satisfy the mortgage, and the residue shall be assets in their hands, and in the hands of the survivor of them, as executors as aforesaid, and applied to the payments of the debts of the said Robert Thompson, deceased, or otherwise, in the same manner as other personal assets of the said Robert Thompson are applicable, and shall be accounted for in the same manner.

Passed March 13, 1832.

AN ACT to extend the act entitled "An act to establish the Sussex Bank at Newton, in the county of Sussex," passed the thirty-first day of January, eighteen hundred and eighteen.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the act entitled "An act to establish the Sussex Bank at Newton, in the county of Sussex," passed the thirty-first day of January, one thousand eight hundred and eighteen, be, and the same is hereby extended and declared to be in force until the thirty-first day of January, in the year of our Lord one thousand eight hundred and fifty-eight: *Provided* that the said Bank shall not take more than the legal rate of interest for or upon their loans or discounts.

Passed March 13, 1832.

AN ACT respecting a dam and water works across the creeks or guts included within the main forks of Antuxet creek, in the county of Cumberland.

SEC 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That if any of the owners or possessors included within the bounds of the Meadow company, authorized by the act entitled "An act to authorize the erection of a dam and water works across the creeks or guts included within the main forks of Antuxet creek, in the county of Cumberland," passed January fourteenth, in the year eighteen hundred and thirty, to which this is a supplement, shall neglect or refuse to pay any sum or sums of money heretofore assessed, or that shall hereafter be assessed agreeably to said act, 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 manager or managers of said company, and their successors in office, in the name of "The Managers of the Antuxet Meadow Company," to recover the amount thereof in an action of debt, in any court having cognizance thereof, and to give said assessment and this act, and the act to which this is a supplement in evidence; and on proof of such service having been made as aforesaid, the court in which, or the justice before whom such action may be brought, shall give judgment for the sum so assessed, with costs of suit, and issue execution thereon for the same.

Money assessed to owners of meadow may be recovered by action of debt.

Passed March 13, 1832.

AN ACT for the publication of Reports of cases decided in the Court of Chancery, and other purposes.

WHEREAS, it is important to the citizens of this state, that the rules regulating the proceedings and practice of the Court of Chancery, the principles of law and equity, applicable to the great variety of important cases cognizable in that court, and governing the property of the citizens of this state to so great an extent, should be promulgated and rendered equally accessible to citizens, officers and professional men, that the rules of practice and principles of law, applicable to cases cognizable in the Prerogative Court—and that important principles of law, determined and finally

Preamble.

settled in the Court of Appeals in the last resort, in all causes of law and equity, should be known and understood to the end that the rules of property may remain stable and uniform—Therefore,

Chancery Reporter appointed by joint meeting for five years.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, there shall be appointed by the joint-meeting of the Council and General Assembly of this state, a fit and proper person, skilled in the law, as chancery reporter, who shall hold his office for the term of five years from the date of his appointment, and shall be commissioned accordingly by the governor of this state; and receive such compensation for his services as the legislature shall provide.

To report important cases determined in court of Chancery, Prerogative court and court of Appeals.

Sec. 2. And be it enacted, That it shall be the duty of the said chancery reporter to collect, arrange and compile in regular order, all such cases as have been or shall be decided in the Court of Chancery, and in the Prerogative Court of this state, wherein the principles of law or equity in important or intricate cases, may have been or shall be discussed and determined, or rules of proceeding and practice in said courts, determined or established, as will tend to promulgate information useful to the citizens of this state, with the opinions of the chancellor, ordinary or surrogate general, or officers sitting with or for the chancellor, ordinary or surrogate general, in said courts thereon, together with such cases determined in the Court of Appeals in the last resort in all causes of law, as shall be important and useful to be generally known and understood.

Chancellor and Surrogate General to furnish reporter with their opinions.

Sec. 3. And be it enacted, That it shall be the duty of the chancellor, ordinary or surrogate general, or officers sitting with or for the chancellor, ordinary or surrogate general, in the Court of Chancery and Prerogative Court, to furnish to the said reporter, their opinions, in writing, in all such cases determined in said courts; and that it shall be the duty of the said chancery reporter, to furnish fair copies of all such cases and opinions, regularly digested with a proper index to the same, to the printer who may be appointed by the legislature to print the same, and if no other be appointed, then to the printer of the laws of this state, annually, or so often as the said cases shall be sufficient to form a volume of suitable size, which shall be printed by the said printer, and be published and distributed or disposed of, as the legislature may direct.

Reporter to digest and arrange the acts regulating the practice in Chancery and Prerogative court.

Sec. 4. And be it enacted, That it shall be lawful for the said reporter to collect, digest and arrange the acts of the legislature regulating the proceedings in cases cognizable in the said Court of Chancery and Prerogative Court, and the rules of practice, ordained and established for the regulation

of the practice of said courts, with such precedents of proceedings in said courts, as will be useful to afford information and maintain uniformity in the practice in said courts; and shall be approved of, and the publication thereof allowed by the chancellor, ordinary and surrogate general, for the time being, which, after being so approved, shall be printed by the printer who may print the chancery reports in a separate pamphlet, and distributed or disposed of as the legislature may direct.

Publish approved precedents.

Passed March 13, 1832.

AN ACT for the relief of the Union Fire Company of the City of Trenton.

WHEREAS it is represented to the legislature, by the petition of the Union Fire Company of the city of Trenton, that they have purchased the largest and most powerful engine in the city, for the purpose of more effectually protecting the property of the citizens, and the valuable property of the state, situate therein, in the event of their taking fire, and have become involved in pecuniary embarrassments to an amount which the limited funds of the company cannot discharge, without aid from some other source: **AND WHEREAS** the state of New Jersey is materially benefitted by the existence of the said company; and its property rendered more secure thereby—Therefore,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the treasurer of this state be, and he is hereby authorized to pay to the treasurer of the Union Fire Company, the sum of one hundred and seventy-five dollars, to be by him applied to the use and benefit of the said company; and the receipt of the treasurer of the said company shall be a sufficient voucher to the treasurer of this state in the settlement of his accounts.

Treasurer to pay Union Fire company \$175.

Passed March 13, 1832.

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

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That 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 forty thousand dollars, money of the United States, which sum shall be paid into the treasury of this state, on or before the twentieth day of January, one thousand eight hundred and thirty-three.

Amount of tax
raised.

Rates to be paid
by the several
counties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3. And be it enacted, That the assessors of the several townships of this state, to raise the sum of forty thousand

dollars, shall assess and rate the several articles and things hereafter enumerated, at the following specific sums:

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

All neat cattle, three years old and upwards, any sum not exceeding three cents.

Sec. 4. *And be it enacted*, That in assessing the aforesaid sum of forty thousand dollars, the following articles, persons and things, shall be valued and rated at the discretion of the assessors, to-wit: All tracts of land, any sum not exceeding one hundred dollars, by the hundred acres: *Provided always*, that houses and lots of ten acres and under, shall not be included in the above valuation, but shall be valued by the respective assessors at their discretion, having regard to the yearly rent and value thereof, proportioning the same, as nearly as may be, to the valuation of the land aforesaid.

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

All merchants, shopkeepers and traders, any sum not exceeding ten dollars.

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

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

All cotton manufactories, any sum not exceeding thirty dollars.

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

All woollen manufactories, any sum not exceeding ten dollars.

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

All cupola furnaces, any sum not exceeding fifteen dollars.

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

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

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

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

All paper mills, any sum not exceeding ten dollars.

All snuff mills, any sum not exceeding nine dollars.

All powder mills, any sum not exceeding fifteen dollars.

All oil mills, any sum not exceeding nine dollars.

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

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

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

Every single man, whether he lives with his parents or not, any sum not exceeding two dollars: *Provided*, that every single man possessed of a ratable estate, the tax whereof amounts to the sum above directed to be rated, shall be assessed for that estate only: *And provided also*, that any one taxed as a single man, shall not be taxed as a householder.

Every male slave under the age of sixty years, any sum not exceeding one dollar: *Provided*, no slave shall be taxed who is unable to labor.

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

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

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

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

Every four horse stage wagon, any sum not exceeding five dollars.

Every two horse stage wagon, any sum not exceeding two dollars and fifty cents.

Every covered wagon with a frame or fixed top, any sum not exceeding one dollar.

Every two horse chair or curricule with steel or iron springs, any sum not exceeding one dollar and fifty cents.

Every riding chair, gig, sulkey, or pleasure wagon, any sum not exceeding seventy-five cents.

Every dearborn wagon with steel, iron, or wooden springs, any sum not exceeding seventy-five cents.

Every printing, bleaching, and dying company, any sum not exceeding ten dollars.

Every glass factory where glass is manufactured for sale, any sum not exceeding ten dollars.

Every tobacco manufactory other than snuff mills, conducted by steam, horse or water power, having due regard to the extent and capacity of the same, any sum not exceeding ten dollars.

Sec. 5. *And be it enacted*, That it shall be the duty of every assessor to make and carry out, in his tax book, and the duplicate thereof, a fair valuation of all the real estate made

liable by law, having regard to the yearly rent and value thereof; and that the amount of the tax assessed in each township, above what is raised from the certainties, shall be levied by a per centage upon such valuation.

Sec. 6. *And be it enacted*, That the said sum of forty thousand dollars shall be assessed, levied and collected, in the manner prescribed in the act entitled "An act concerning taxes," passed the tenth day of June, in the year of our Lord one thousand seven hundred and ninety-nine, and the several supplements thereto; and the several officers therein mentioned, are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duties imposed by said acts; and the assessors collectors, and other officers concerned in the assessment and collection of said tax, shall be entitled to the fees and compensation allowed by the before recited acts.

Manner of assessing, and penalty for neglect.

Passed March 13, 1832.

A SUPPLEMENT to an act entitled "An act to lay out a road on the south side of Cohansey Creek, in the county of Cumberland, and to establish a ferry across said creek, from the town of Greenwich to the said road," passed June twenty-eight, seventeen hundred and sixty-six.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall be the duty of the chosen freeholders of the townships of Greenwich and Fairfield, or their successors in office, upon application to them made in writing within fifteen days from receiving such application, to cause a survey of the road and landing authorized by the act to which this is a supplement, to be made and recorded in the road book of the county; and also to stake out said landing and road, by a line of stakes not more than thirty rods apart, said line of stakes to be kept up by the chosen freeholders of said townships.

Freeholders to have the road surveyed, &c.

Sec. 2. *And be it enacted*, That if any person or persons shall wilfully or negligently break down, draw up, or injure said stakes, he, she, or they, so offending, shall, for every such offence, forfeit and pay the sum of two dollars, to be recovered in an action of debt, with costs of suit, by either of the chosen freeholders of said townships, for the use of the township where prosecuted.

Penalty for injuring stakes.

Penalty for travelling off the bounds of road.

Sec. 3. *And be it enacted*, That if any person or persons in going to, or returning from said ferry, shall travel off the bounds of said landing and road staked out as aforesaid, he, she, or they, so offending, shall, for each and every offence, forfeit and pay the sum of five dollars, to be recovered by action of debt, with costs, by any person who shall prosecute for the same, to and for the use of the prosecutor.

Penalty for injuring gates.

Sec. 4. *And be it enacted*, That if any person shall, at any time, shore or leave open, or wilfully cut, break, pull down, or injure the gates authorized by the act to which this is a supplement, he, she or they shall, for every offence, forfeit two dollars, to be recovered by action of debt, with costs of suit, by any person who shall prosecute for the same, and for the use of the prosecutor.

Passed March 13, 1832.

A FURTHER SUPPLEMENT to an act entitled "An act to empower the Governor of this State, to incorporate a company to cut a canal to shorten the navigation of Salem creek, in the county of Salem, and State of New-Jersey, passed November seventeenth, anno domini, one thousand eight hundred.

Commissioners to open books.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Henry Fries, John Tuft and Richard P. Thompson, be, and they are hereby appointed commissioners to open books to receive subscriptions to stock in said company, to the amount of six thousand dollars, divided into shares of five dollars each.

Commissioners may adjourn.

Sec. 2. *And be it enacted*, That the said commissioners shall receive subscriptions to the said stock, at such time and place as they, or a majority of them may direct, giving notice thereof at least fifteen days prior to the opening of said books, by publishing the same, in one of the newspapers printed in the county of Salem; and if the whole number of shares shall not be subscribed, the said commissioners may adjourn to such other time and place as they, or a majority of them shall think proper.

Part of 6th section of former act repealed.

Sec. 3. *And be it enacted*, That so much of the sixth section of a supplement to the aforesaid act, passed December the

fifth, one thousand eight hundred and twenty-five, as authorizes the said company to choose ten managers, be, and the same is hereby repealed.

Sec. 4. *And be it enacted*, That the first and second, and the seventh sections of the act supplementary to the said act of November the seventeenth, one thousand eight hundred, passed the seventeenth day of February, one thousand eight hundred and thirty-one, be, and the same are hereby repealed.

Passed March 13, 1832.

Sections of a
former supplement
repealed.

AN ACT to authorize Jeremiah Fish and Anthony Kinnard, to sell and convey certain real estate in the county of Gloucester.

WHEREAS Thomas Burroughs, late of the county of Gloucester, did, by his last will and testament, bearing date on the sixth day of December, in the year of our Lord one thousand eight hundred and twenty-four, direct his executor, therein named, to sell a certain plantation in the said will described, situated in the township of Waterford, in the said county, for the benefit of certain of his heirs, named in the said will: AND WHEREAS Levi Burroughs, one of the executors named in the said will, has since died, and the only surviving executor thereof has duly renounced his said trust and executorship, and the said property remaining undisposed of, according to the said directions of the said will which the heirs interested are desirous should be carried into effect, and it being important to them, and reasonable that the same should be done—Therefore,

Preamble.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Jeremiah Fish and Anthony Kinnard, the commissioners nominated by the said heirs for the purpose, be, and they are hereby authorized and empowered to sell at public sale, the said farm or plantation, so directed to be sold in the said will, and to convey to the purchaser or purchasers thereof, all the right and title thereto, which was vested in the said testator at the time of his death.

Commissioners
empowered to
sell real estate.

Sec. 2. *And be it enacted*, That before the said commissioners shall be enabled to make the title aforesaid, they shall file with the Surrogate of the said county of Gloucester, a bond with such security as shall be approved of by the judges

Commissioners
to give bond.

of the Orphans' Court of said county, conditioned for the faithful performance of the said duty, and for the payment of the proceeds of the sale of the said property to the heirs and persons entitled to receive the same, according to the direction, true meaning, and intent of the said will.

Passed March 14, 1832.

AN ACT to revive an act entitled "An act to authorize the Governor of this state to incorporate a company for erecting a bridge over the river Delaware, at Columbia Glass Manufactory."

Act of 1816 revived.

SEC. 1. *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 authorize the Governor of this state to incorporate a company for erecting a bridge over the river Delaware, at Columbia Glass Manufactory," passed the thirtieth day of January, in the year of our Lord one thousand eight hundred and sixteen, be, and the same is hereby revived and declared to be in full force.

Time for completion of bridge.

Sec. 2. *And be it enacted,* That if said company shall not complete said bridge within the space of seven years from the date of this act, it shall and may be lawful for the legislature of this state to resume all the rights and privileges hereby granted.

Passed March 14, 1832.

A SUPPLEMENT to an act entitled "An act to incorporate John Doughty and his associates, proprietors of the Morris aqueduct," passed the sixteenth of November, seventeen hundred and ninety-nine.

SEC. 1. *BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for "the

proprietors of the Morris aqueduct" to establish and carry on any milling and manufacturing business that they may deem expedient; and that, for that purpose, the said corporation may increase their capital stock, by creating additional shares to any amount, not exceeding fifty thousand dollars, in addition to their original stock, now invested in their aqueduct and water rights; that the stock of the said corporation shall be deemed personal property, and shall be transferrable on the books of the corporation only, in such manner as they, by their by-laws, shall direct; and that the omission of the said corporation to engage in, or their discontinuance of, any one or more of said branches of business, for a time, shall not be considered a forfeiture of the privileges hereby granted, but it shall be lawful for them to commence or resume the same at any after period, when they shall deem it advisable and conducive to the interest of the said corporation.

Proprietors may increase their capital.

Sec. 2. *And be it enacted*, That the said corporation shall be capable, in law, of contracting and being contracted with, by parol or otherwise, and of acquiring, purchasing, taking and holding, to them, their successors and assigns, in fee simple, or for any less estate, any lands, tenements, real or personal estate, and of selling, conveying, and disposing of the same at their pleasure: *Provided always*, that the said corporation shall not at any time hold lots, tracts or parcels of lands, or tenements, exceeding in the whole, one hundred acres, in the township of Morris, in the county of Morris, or elsewhere, except such lands as may be mortgaged or conveyed to them for debts bona fide due and owing to them, or purchased by them at sales upon judgments or decrees in their favor; and that they shall not erect or establish any mills, manufactories or trading houses, for the transaction of their business elsewhere than in the said township of Morris, in the said county of Morris: *And provided also*, that nothing in this act shall be so construed as to give banking privileges.

Powers.

Proviso.

Banking privileges denied.

Sec. 3. *And be it enacted*, That it shall be lawful for the legislature, at any time hereafter, for good cause, to repeal or amend this act.

Legislature may alter or repeal this act.

Passed March 14, 1832.

AN ACT to divorce Jane F. Snook from her husband William Snook.

SEC. 1. 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 Jane F. Snook and her husband William Snook, be, and the same is hereby dissolved.

Passed March 14, 1832.

AN ACT to authorize the sale of part of the real estate, late of Josiah Schenk, deceased.

Preamble.

WHEREAS it appears that Josiah Schenk, late of the county of Somerset, deceased, died intestate, leaving certain real estate, situate in the county aforesaid, which descended to his nine children, his heirs at law, as tenants in common; that Ann Conover, wife of Cornelius Conover, and one of the heirs at law of said deceased, departed this life after the death of said deceased, leaving the said Cornelius, her husband, and four children, all of whom are minors, her surviving, to whom her undivided share in the real estate of said Josiah Schenk, descended, subject to a life estate in her said husband: AND WHEREAS it appears to be for the interest of the said minor children, that their undivided ninth part of the said real estate should be sold—Therefore,

Trustees empowered to sell real estate.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Cornelius Conover be, and he hereby is appointed a trustee, with full power and authority to sell and dispose of the one equal undivided ninth part of the real estate of said Josiah Schenk, deceased, which descended to the said Ann Conover, and on her death, to her said minor children, at private or public sale, for the best price that can be obtained for the same; and after sale thereof, to make and execute a good and sufficient deed of conveyance to the purchaser or purchasers thereof, conveying all the title and interest of the said Cornelius Conover and the said minor children, in and to the said real estate.

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

phans' Court of the county of Somerset, at the term next succeeding such sale, for the proceeds of said sale; and after a fair and just allowance of all costs, charges and expenses attending the sale, made and allowed by said court, shall invest the balance of said proceeds at interest, upon good and sufficient security; and shall be entitled to receive the interest thereon, during his natural life; and at his death, the principal to be equally divided between the said children of the said Ann Conover, deceased.

Trustees to account to Orphans' court.

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

Trustee to give bond.

Passed March 14, 1832.

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AN ACT supplementary to the act entitled "An act making provision for carrying into effect the act for the punishment of crimes," passed the twenty-third of February, eighteen hundred and twenty-nine.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the costs of the conviction of offenders sentenced to hard labor and imprisonment in the state prison, as provided for in the first section of the act to which this is a supplement, shall hereafter be paid by the county collectors of the respective counties in this state, from which such offenders may be sentenced as aforesaid, on a certificate of the taxed bill of costs, signed by the clerk of the Court of Common Pleas of the county where such conviction shall be had.

Costs of conviction paid by counties.

Sec. 2. *And be it enacted*, That the several sheriffs and their deputies shall transport to the state prison at the same time, all offenders sentenced as aforesaid, during one term of the courts respectively; and that for transporting, sustaining and securing said offender or offenders, they shall be entitled to receive the following, and no other compensation, to-wit:

Prisoners sentenced at the same term, to be transported at same time.

For a single offender, forty cents per mile,

For two offenders, thirty-five cents per mile,

For three offenders, thirty cents per mile,

And for four or more offenders, twenty-five cents per mile

for each and every offender transported as aforesaid, which said sum or sums of money shall be certified and paid as heretofore provided for.

Compensation
of principal
keeper.

Sec. 3. *And be it enacted*, That the principal keeper of the state prison shall hereafter receive as a compensation for his services for the year, the sum of one thousand dollars, to be paid in the manner prescribed by the act to which this is a supplement.

Deputy keepers
and assistants
to give bond.

Sec. 4. *And be it enacted*, That the deputy keepers and assistants shall hereafter severally give a bond to the principal keeper, and likewise, the clerk to the inspectors, with two sufficient sureties, each to be approved of by the principal keeper and inspectors, respectively, in any sum not exceeding two thousand dollars each, conditioned for the faithful performance of all the trusts and duties severally reposed in them.

Salaries to be
retained till ac-
counts are set-
tled.

Sec. 5. *And be it enacted*, That the inspectors are hereby required to retain the salaries due to all or any of the officers of the state prison, until their several and respective accounts are satisfactorily adjusted and settled.

Part of former
act repealed.

Sec. 6. *And be it enacted*, That so much of the first and second sections of the act to which this is a supplement, as comes within the purview and meaning of this act, be, and the same are hereby repealed.

Passed March 14, 1832.

A SUPPLEMENT to "An act relative to guardians," passed the first day of February, seventeen hundred and ninety-nine.

Guardians em-
powered to sell
timber for sup-
port of wards.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That if the personal estate, and the rents and profits of the real estate of any minor child, shall be insufficient for the maintenance, education and support of such minor, then, upon application of the guardian of such minor to the Orphans' Court of the county in which the real estate of such minor may be situated, the said court, on investigation thereof, shall have power, from time to time, as occasion may require, to order the guardian to sell so much of the timber, growing or being upon the lands of such minor, as may be required for the maintenance, education and support of such minor.

Passed March 14, 1832.

AN ACT to incorporate the Eagle Fire Company, No. 1, of Orange.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Martin P. Powles, William Pierson, jr. Samuel D. Kilburn, Richard Kelsall, Abram Mandeville, and all such other persons, not exceeding thirty, as now are, or hereafter shall become members of the Eagle Fire Company, No. 1, of Orange, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of the "Eagle Fire Company, No. 1," and by such name they shall have succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever; and that they and their successors may have a common seal, and shall have power to make, change, and alter the same at their pleasure: and by their name as aforesaid, and under their common seal, may make, enter into and execute, any contracts or agreements, touching or concerning the objects of said corporation; and shall have full power and authority to make, form and adopt such by-laws and regulations for their government, not inconsistent with the laws of this state or of the United States, as they shall think proper.

Style of incorporation.

Powers.

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

Capital stock.

Objects to which it is to be applied.

Sec. 3. *And be it enacted*, That it shall be lawful for the Council and General Assembly of this state, at any time hereafter, to amend, repeal, or modify this act, as they shall think fit.

Legislature may alter or repeal this act.

Passed March 15, 1832.

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 upon the return of any writ of attachment issued by any justice of the peace of this state, according to the provisions of the thirty-third section of the act to which this is a supplement, the said justice shall appoint a day for the hearing of the said cause, not less than twenty days from the issuing of the said writ, on or before which day so appointed, the plaintiff in the said attachment shall file a copy of his account or state of demand; and it shall and may be lawful for the defendant in the said suit to cause his appearance to be entered, by filing with the said justice, at any time before judgment shall be rendered, a bond executed to the plaintiff by one or more sureties, being freeholders, resident in the county in which the said writ of attachment shall issue, in double the sum mentioned in the said writ, conditioned, that if the said defendant shall be condemned in the said action, he, the said defendant, shall pay the cost and condemnation money, or surrender himself to a constable, or execution to be issued thereon on the day judgment shall be obtained, which said bond shall be approved by the said justice, and filed by him for the use and benefit of the said plaintiff.

Defendant in attachment may have appearance entered.

To give bond with surety.

Sec. 2. And be it enacted, That after the filing of the said bond, the said defendant shall file his plea, copy of account, or set off, if any he have; and the said cause shall and may be adjourned and conducted in all things, in like manner, as if the same had been commenced by summons or warrant, under the act entitled "An act constituting courts for the trial of small causes."

Cause to be tried as if commenced by summons or warrant.

Passed March 15, 1832.

AN ACT to incorporate the Fort Lee and New York Steamboat Company.

WHEREAS John Degroot, Peter C. Westervelt, James H. Brinkerhoff, John Voorhees, Daniel Richards of the county of Bergen, and others, have associated themselves together for the purpose of permanently establishing a Steamboat Ferry between Fort Lee in said county, and the city of

Preamble.

New York, and have rented, for a term of years, of the owners of the land at Fort Lee, and of the Mayor, Aldermen and Commonality of the city of New York, suitable and convenient places at Fort Lee and the city of New York respectively, for such purpose, and have procured a large, commodious, and fast going steamboat, and caused to be built suitable wharves, stairs and other conveniences, whereon they have expended a large sum of money; and whereby the public will be much benefitted, and have thereupon prayed to be incorporated for the purpose of managing and conducting the business and concerns of the said ferry—Now therefore,

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Peter C. Westervelt, John Degroot, James H. Brinkerhoff, John Voorhees and Daniel Richards, and such person or persons as have been, or hereafter shall be associated with them, for the purpose of conducting a steamboat ferry from Fort Lee, on the Hudson river, in the county of Bergen, to the city of New York, and their successors and assigns, be, and are hereby ordained, constituted and declared to be, a body corporate and politic, in fact, and in the name of "The Fort Lee and New York Steamboat Company;" and by that name, they and their successors shall and may have succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors may have a common seal, and may change and alter the same at their pleasure; and they and their successors, by the name of "The Fort Lee and New York Steamboat Company," shall, in law, be capable of purchasing, holding and conveying any lands, tenements, hereditaments, or real or personal estate whatsoever, necessary for the objects of this incorporation; the capital to be employed by the said company for the establishment of a steamboat or boats to ply on the Hudson river, from Fort Lee to the city of New York, on the waters of said river: *Provided*, that nothing in this section shall be construed, to prevent their taking up or landing passengers, merchandise, or other goods and chattels, at any intermediate point or points.

Style of incorporation.

Powers.

Proviso.

Sec. 2. *And be it enacted*, That subscriptions shall be taken under the direction of Peter C. Westervelt, John Degroot, James H. Brinkerhoff, John Voorhees and Daniel Richards, or a majority of them, to the capital stock of the said corporation, notice of the time and place of taking said subscriptions, having been given by public advertisements inserted in one of the newspapers printed in the city of New

Commissioners to take subscriptions for stock.

York, and in one of the newspapers printed in the state of New Jersey, for two weeks previous thereto.

Sec. 3. *And be it enacted,* That the capital stock of the said company shall be fifty thousand dollars, with liberty for the company to increase the same to one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Amount of capital stock.

If excess of stock is subscribed, an apportionment to be made.

Sec. 4. *And be it enacted,* That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places, as they, or a majority of them may think proper, giving the notice as directed in the second section of this act; and that the said books shall be kept open as long as the said persons, or a majority of them, shall think proper; and if more subscriptions be taken than the amount of the capital stock, it shall be in the power of the said persons, or a majority of them, to apportion the stock to the subscribers as they may deem expedient and conducive to the object of the incorporation.

Five dollars to be paid on subscribing on each share.

Sec. 5. *And be it enacted;* That at the time of subscribing for said stock, five dollars shall be paid to the above named persons, or some one of them, upon each share subscribed for, which money shall be paid over to the treasurer of said company, as soon as one shall be appointed; and when the said capital stock shall be subscribed for, and the books closed, and the apportionment made, it shall be the duty of the persons named in the second section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose five directors; and such election shall be made by ballot, at the said time and place, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said named persons, or a majority of them, shall be inspectors of the first election of the said corporation, and shall certify, under their hands, the names of the persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter, upon like notice being given by the directors, for the time being, the stockholders shall, in the same manner, elect the same number of directors; and the time and place of holding the first meeting of directors, shall be fixed by the said persons named in the second section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation, shall, as soon as may be, after every election, choose out of their own number, a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the re-

Election of first directors.

Annual election of directors.

President to be chosen.

remainder of the year, wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, shall and may appoint a president pro tempore, who shall have such power and functions as the by-laws of said corporation shall provide.

Sec. 6. *And be it enacted*, That if an election of directors should not be made during the day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but such election may be held at any other time, on notice as aforesaid; and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 7. *And be it enacted*, That the elections for directors of said corporation shall be held in the state of New Jersey, and a majority of the said directors to be residents of, and their office to be kept in, this state.

Sec. 8. *And be it enacted*, That three directors of the said corporation shall be competent to transact all the business of the said corporation; and they shall have power to call in the remainder of the capital stock of the said company, by such instalments, not exceeding five dollars on each share at any one time, and at such times as they may direct; and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation; and shall also have power to appoint a secretary, treasurer, agents, superintendents, and such servants as may be required to transact the business of the said corporation, with such compensation to the president and other officers and servants, as to the board shall seem proper, and they shall exact from the treasurer sufficient security for the due performance of his trust; and whenever any share or shares of stock shall become forfeited for non-payment of the instalments, or any part thereof, in the manner set forth, the said share or shares may be sold by the president and directors for the time being, for such prices as can be had for the same, and the purchaser or purchasers thereof shall be considered as members of the company, as fully as if they had been originally stockholders.

Three directors competent to transact business.

Stock forfeited on non-payment of instalments.

Forfeited stock to be sold.

Sec. 9. *And be it enacted*, That in case either of the directors shall transfer the whole of his or their shares of stock in this company, the office of such director or directors shall thereupon become vacated; and in case of a vacancy in the office of director, for such cause, the remaining directors shall supply the same, and the director so chosen, shall have the

Office of director vacated on transferring all his stock.

same power, and be considered in all respects, as if elected by the stockholders.

Directors to regulate prices of transportation.

Sec. 10. *And be it enacted*, That the directors of the said corporation shall have power to fix and regulate the prices of transportation of passengers, goods, wares and merchandise, wagons and carriages, horses, cattle and stock of every description, to declare dividends, retaining such surplus funds as they may see proper, and do other acts necessary or expedient; to enable them to manage the property of the company to the best advantage.

On \$10,000, being paid in, ferry may be established.

Sec. 11. *And be it enacted*, That as soon as ten thousand dollars of the capital stock of said corporation shall be paid in, conformably to the provisions of this act, the said corporation may proceed to establish the ferry, and to do the business for which the incorporation was granted.

Penalty for injuries done to steamboats.

Sec. 12. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct, the steamboat ferry incorporated by this act, or any of their necessary works, wharves, docks, piers, bridges, steamboats, or other machines, such person or persons so offending, shall forfeit, and pay to the said company, any sum or sums not exceeding one hundred dollars, at the discretion of the court or jury, to be by them recovered in an action of debt, in any court having competent jurisdiction of the same; and shall also be liable to pay to said company, double the amount of damages sustained thereby, to be sued for in an action of trespass.

Capital not to be employed for banking purposes.

Sec. 13. *And be it enacted*, That no part of the capital stock or moneys of the company, incorporated by this act, shall be used or employed by said company for banking or other purposes not clearly indicated in this act, under the penalty of forfeiting this charter.

Sec. 14. *And be it enacted*, That this act shall continue and be in force, during the term of thirty years from the passage thereof: *Provided*, that it shall be lawful for the Council and General Assembly, at any time hereafter, to amend, repeal, or modify this act.

Passed March 15, 1832.

AN ACT to alter and amend the act entitled "A supplement to an act to incorporate societies for the promotion of learning," passed the sixth day of June, eighteen hundred and twenty.

WHEREAS it is represented that the elections for trustees of said incorporations, by virtue of the first section of the act to which this is supplementary, is required to be held on the day appointed by law, for the town meetings of the several townships in the counties of Bergen, Essex, Somerset, Middlesex, Hunterdon, Morris and Sussex, whereby the members of said incorporation are subjected to much inconvenience—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 elections for trustees directed to be held on the second Monday of April, in the first section of the act to which this is a supplement, shall be hereafter held on the third Tuesday of April, in each and every year; and that so much of said section as requires or directs said elections to be held on the second Monday of April, be, and the same is hereby repealed.

Preamble.
Election of trustees to be on third Tuesday of April.

Passed March 15, 1832.

AN ACT authorizing the sale of certain real estate of Jared Rockafellow, a minor, heir of Joseph Rockafellow, deceased.

WHEREAS it is represented to the legislature of this state, that Joseph Rockafellow, late of the county of Northumberland, in the commonwealth of Pennsylvania, deceased, died, seized, in fee simple, of two small lots of land, situate in the township of Amwell, in the county of Hunterdon, the one containing about ten acres, three rods, and twenty-seven perches of clear land, (adjoining lands of Peter S. Rockafellow, William Bellis, and the great road from Flemington to Trenton, opposite lands formerly of Benjamin Johnson) the other lot containing two acres and twelve perches of woodland, (adjoining lands of Peter S. Rockafellow, Joachim Hill, William Bellows and Isaac B. Conover) which said two lots of land were assigned and set off to the said Joseph Rockafellow, as his share, in the division of lands, late of his father, Jacob Rockafellow, deceased; that the

Preamble.

said Joseph Rockafellow died intestate, whereby the said two lots of land descended to John Ott Rockafellow and Jared Rockafellow, his only children and heirs at law; that the said Jared Rockafellow is a minor between seven and eight years of age; that James Moore, of the said county of Northumberland, hath been duly appointed guardian of the said infant, Jared Rockafellow; and that the said two lots being small, unimproved, unproductive, and liable to depreciate in value; and in consequence of the long minority of the said Jared Rockafellow, it is for the interest of the said minor that his undivided moiety of said lots be sold to the best advantage; which appearing to be true—Therefore,

Trustee empowered to sell lands of Jared Rockafellow.

SEC. 1. 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 Ott Rockafellow, brother of the said Jared Rockafellow, be, and he is hereby appointed trustee, with full power and authority to sell and dispose of all the right, title, interest, and undivided share of the said Jared Rockafellow, of, in, and to the said two lots of land and premises above mentioned, as soon as may be convenient, at public or private sale, as he may deem expedient, for the highest and best price that can be reasonably obtained for the same.

Report of sales to be made to, and approved by Orphans' Court.

Trustee to give bond with surety.

Sec. 2. And be it enacted, That upon such sale being made, and before any deed of conveyance therefor be executed, the said John Ott Rockafellow shall make a report of such sale, and the sum for which the premises were so sold, to the Orphans' Court of the county of Hunterdon, which report shall be filed in the Surrogate's office of said county; that upon such sale being approved by the Orphans' Court of said county, and the said John O. Rockafellow giving bond to the Ordinary and Surrogate General of the state of New Jersey, for the time being, and his successors in office, in such sum and with such security as shall be approved by said court, conditioned that he shall account for and pay over the nett proceeds of such sale to the said Jared Rockafellow, or his guardian, lawfully appointed, and filing the same in the Surrogate's office of the said county, it shall be lawful for the said John O. Rockafellow, trustee as aforesaid, to make, execute and deliver to the purchaser or purchasers of said premises, good and sufficient deed or deeds of conveyance, in fee simple, for the same, which deed or deeds shall be sufficient, in law, to convey to the said purchaser or purchasers, their heirs and assigns, all the estate, right, title and interest of the said Jared Rockafellow, of, in, and to the said premises so conveyed.

Passed March 15, 1832.

SUPPLEMENT to an act, entitled "An act to incorporate the New Jersey, Hudson and Delaware Rail Road Company," passed the eighth day of March, eighteen hundred and thirty-two.

WHEREAS it may be found necessary and expedient for the president and directors of the company incorporated by the act to which this is a supplement, their successors or assigns, to form a tunnel or tunnels under Weehawkin or Bergen hill, and other hills that may lie in the route where the said president and directors, their successors and assigns, may find it necessary and expedient to lay out and construct their said rail road or rail roads, which would add greatly to the expense of constructing and making their said road or roads, and be a great public accommodation—
Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That if the said president and directors of the "New Jersey, Delaware and Hudson Rail Road Company," their successors or assigns, should find it necessary, in the prosecution and construction of their road or roads, to form any tunnel under Bergen, or other hill or hills, in the line of their road or roads, then it shall be lawful for the said company, their successors or assigns, in addition to the tolls already allowed by law, to take and receive the further sum of twelve and a half cents for each and every passenger, and the sum of ten cents for each and every ton of goods, wares and merchandise, passing through any and every such tunnel or tunnels.

Preamble.

Company may construct a tunnel.

May charge additional tolls.

Sec. 2. Be it further enacted, That this supplemental act shall be deemed and taken as a public act, and recognized as such at all times and in all courts and places whatever.

Public Act

Passed March 15, 1832.

AN ACT to authorize the setting off fifteen acres of land in the township of Readington, in the county of Hunterdon, to the township of Tewksbury, in said county.

WHEREAS it is represented, that Archibald Kennedy, of the township of Readington, in the county of Hunterdon, is the

Preamble.

owner of, and resides upon, fifteen acres of land in the north-eastwardly corner of said township, and that the public convenience of said township of Readington, as well as the private accommodation of the said Archibald Kennedy, would be promoted by attaching the said fifteen acres of land to the township of Tewksbury, in said county of Hunterdon— Therefore,

Courses of line
between Tewks-
bury and Read-
ington townships

SEC. 1. 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 fifteen acres of land shall hereafter be attached to, and become a competent and integral part of the township of Tewksbury, and that to effect this purpose, the following line shall be established as a part of the line between the said townships of Readington and Tewksbury, to-wit: Beginning on the bank of the Alamatunk river, a little below the entrance of Cole-brook into said river, at an elm sapling marked for a corner between the said Archibald Kennedy and one Cornelius Vandebeak; thence south eighty-one degrees and eighteen minutes west, nine chain and fifty-three links to a wild cherry tree; thence north eighty-seven degrees and thirty minutes west, one chain and ninety-five links to a stone; thence north sixty-three degrees and fifty-seven minutes west, five chain and fifty-one links to the present existing line between said townships of Readington and Tewksbury.

Sec. 2. And be it enacted, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever.

Passed March 15, 1832.

AN ACT to authorize and empower trustees to sell and convey the real estate of Ann M. Pierce, deceased.

Preamble.

WHEREAS it is represented to this legislature, that Ann M. Pierce, late of the township of Chatham, in the county of Morris, in this state, was seized and possessed of two small lots of land, situate in said township of Chatham, with a dwelling house on each, one of which is large and valuable, and being so seized and possessed, the said Ann M. Pierce departed this life intestate, on or about the twentieth day of August, eighteen hundred and thirty-one, without issue, leaving two brothers and two sisters, all of full age, her surviving, to whom the said lots of land and pre-

misés, with the appurtenances, have descended: AND WHEREAS, since the decease of the said Ann M. Pierce, David L. Carter, one of the brothers and heirs at law of the said Ann M. Pierce, has also departed this life, leaving a widow and four infant children, which children are all under the age of ten years, to whom an equal undivided one-fourth part of the said lots of land and real estate hath descended, by reason of which, no sale or partition thereof can be made without legislative aid, and Aaron F. Carter, the surviving brother, and Locky Miller and Phebe B. Provost, the surviving sisters, and Rachel D. Carter, widow of the said David L. Carter, deceased, have, by their petition, prayed for a law authorizing and appointing trustees to sell the said lots of land and real estate—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 Aaron F. Carter, William Sayre, William Brittin and Elijah Ward, be, and they are hereby authorized and empowered to grant, bargain, sell and convey the

lands, tenements and real estate aforesaid, of the said Ann M. Pierce, in fee simple, and execute a deed or deeds thereof and therefor, which shall be as good and effectual to grant, sell, convey and assure the said lands; tenements and real estate, and the hereditaments and appurtenances to the same belonging, to the purchaser or purchasers thereof, as if the said deed or deeds had been made by the said Ann M. Pierce, in her life time: *Provided*, that the said trustees shall sell the said land and real estate at public auction, to the highest bidder, giving like notice of the time and place of such sale, as executors and administrators are required by law to give, in cases of sales of real estate.

Empowered to
sell real estate.

Proviso.

Sec. 2. *And be it enacted*, That the said trustees shall keep a fair account of such sale or sales by them made, and after deducting reasonable cost and charges for executing the trust created by this act, to be allowed by the Orphans' Court of the county of Morris, shall pay over all the nett proceeds of such sale or sales of the real estate so sold, as aforesaid, to the heirs at law of the said Ann M. Pierce, who now are of full age, and to the guardian or guardians of such as are minors, their respective distributive shares of the same, in such parts and proportions as they may be respectively entitled to, by the laws of this state, directing the descent of real estates: *Provided*, that if the said Rachael D. Carter, widow of the said David L. Carter, shall relinquish her right of dower in the said premises, the said trustees shall put out at interest, on bond and mortgage, the one-third of the one-fourth part of all the nett amount of money arising from such sale or sales of said estate, and pay the interest thence arising, annually, to the said Rachael D. Carter, during her natural life, and after

How proceeds of
sales to be
distributed.

Proviso.

her decease, the principal sum thereof to the said children of the said David L. Carter, deceased, their heirs or assigns.

Trustee to give
bond with
surety.

Sec. 3. *And be it enacted*, That before the said trustees shall undertake the execution of the trust hereby assigned to them, they shall enter into bond, with security, to the Governor of the state, for the use of the heirs at law of said Ann M. Pierce, in such amount as shall be approved of by three of the judges of the Orphans' Court of the county of Morris, conditioned for the faithful performance of the trust by this act assigned to them, which bond shall be deposited in the Surrogates' office of the said county.

Statement to be
exhibited to
surrogate.

Sec. 4. *And be it enacted*, That the said trustees shall, within six months after making any sale or sales by virtue of this act, make, subscribe and exhibit, under oath or affirmation, a fair and exact statement of such sale or sales, to the Surrogate of the said county of Morris, to be filed in the Surrogate's office of the said county: *Provided*, that no sale or deed which shall be made by virtue of this act, shall impair, or in any way affect the right, title, interest or claim of any person or persons whatever, other than the heirs at law of said Ann M. Pierce, deceased, and the widow and heirs at law of the said David L. Carter, deceased.

Passed March 15, 1832.

AN ACT to incorporate the Perseverance Fire Company of Camden.

Style of incor-
poration.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Nathan Davis, Gideon V. Stivers, Jeremiah H. Sloan, John Lawrence, Samuel D. Wessell, Isaac Cole, Ledden Davis, John Browning, Richard W. Howell, Joel Scull, Auley McCalla, Doctor Thomas Lee, William H. Ogden, and all other persons, not exceeding fifty in number, as now are, or hereafter shall become associates of the Perseverance Fire Company of Camden, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Perseverance Fire Company of Camden," and by such name; they shall have succession, and be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of judicature whatsoever; and that they and their successors

may have a common seal, and shall have power to make, change and alter the same at their pleasure; and by their name as aforesaid, and under their common seal, make, enter into, and execute any contracts or agreements, touching and concerning the objects of said corporation, and shall have full power and authority to make, form and adopt such a form of constitution, and such by-laws and regulations, for their government, not inconsistent with the constitution and laws of this State, or of the United States, as they shall think proper.

Powers.

Sec. 2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of fifteen hundred dollars, which shall be solely and exclusively applied to, procuring, maintaining and repairing such engines, hose, reservoirs of water, ladders, buckets, fire-hooks, engine-houses and other implements and machines, and to such other incidental expenses, as shall, to the said company, appear best calculated to secure the property of their fellow-citizens from injury or destruction by fire.

Amount of capital stock.

Sec. 3. *And be it enacted*, That the said company shall have power to elect, annually, a president, out of their own body, and such other officers and assistants, as they shall deem necessary, for conducting their affairs, according to their constitution and by laws; and that the said president shall keep in his custody, the common seal of said company, and at the expiration of his term of office, shall deliver it over to his successor.

Election of President and other officers.

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

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

Legislature may alter or repeal this act.

Passed March 15, 1832.

AN ACT to incorporate the Dundee Manufacturing Company, 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

Style of incorporation.

Commissioners to receive subscriptions for stock.

Election of first directors.

Annual election of directors.

Powers.

Objects of incorporation.

Real Estate may be held by the company.

of the same, That Jacob M. Ryerson, Peter M. Ryerson, Russell Stebbins, A. R. Thompson, William Chase, and their associates, shall be, and are hereby incorporated and made a body politic, by the name and style of "The Dundee Manufacturing Company," and shall have power to raise by subscription, in shares of fifty dollars each, a capital of one hundred and fifty thousand dollars, and the said persons above named, or any three of them, are hereby appointed commissioners to receive subscription for the said sum, by opening books for that purpose at Pompton, in the county of Bergen, by giving public notice of the time and place of opening said books at least two weeks previous, by advertisement in a newspaper printed at Newark, Paterson, and the city of New York; and as soon as one thousand shares shall be subscribed, the said commissioners, or any three of them, may, by public notice as aforesaid, call a meeting of the stockholders of said company for an election of five directors, each of whom shall be a stockholder, to be voted for by the said stockholders according to their respective shares, in person or by proxy, the said commissioners, or any three of them, to be inspectors and judges of such first election; and the said directors, when elected, shall choose one of their number to be their president; and the directors of the said company shall, annually thereafter, by public notice as aforesaid, call meetings of the stockholders for election of directors of said company, and shall appoint three of the stockholders, not being directors, as inspectors of such election; said directors shall continue in office until such election be complete, and shall at all times have power to make by-laws for the government of said company, not repugnant to the laws of the United States nor of this state; and shall also have power to call in said stock as shall be required, in instalments of five dollars on each share, by giving public notice as aforesaid.

Sec. 2. *And be it enacted*, That the said company may, for the purpose of manufacturing iron, cotton, wool and other articles, the manufacture of which shall not be prohibited by the laws of this state, buy, rent and hold such lands, tenements and water power, in the said county of Bergen, or otherwise to seize or become possessed of, and hold or convey, any real or personal estate, as may be necessary and useful for the purposes aforesaid, and the same may sell, let, or otherwise dispose of, as they shall deem proper; and that the said company, by the said corporate name, may sue and be sued, plead and be impleaded, in all courts established by the constitution or laws of this state; may have a common seal, and alter or renew the same at their pleasure; and shall have, enjoy, and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act.

Sec. 3. *And be it enacted*, That a dividend of the profits

of the said company shall be annually made by the said directors among the stockholders of the said company, and the books of the said company shall at all times be open for the inspection of said stockholders.

Annual dividends to be made.

Sec. 4. *And be it enacted*, That the stock of said company shall be personal property, and transferrable upon the books of said company; but that no part of the funds of this company shall be used for banking or other purposes, not plainly indicated by the provisions of this act.

Sec. 5. *And be it enacted*, That it may be lawful for the Council and General Assembly of this state, for good cause, to repeal or modify this act as they shall think fit.

Passed March 15, 1832.

AN ACT for the relief of Captain Isaiah Yard.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the treasurer of this state be, and he is hereby authorized and directed to pay unto Captain Isaiah Yard, an officer of the militia of the state of New Jersey, during the war of the revolution, the monthly sum of five dollars, to commence from the passage of this act.

Sec. 2. *And be it enacted*, That the monthly allowance to Captain Yard, above provided for, shall cease as soon as some general provision, including his case, shall be made by the Congress of the United States.

Passed March 15, 1832.

AN ACT for the relief of certain landholders.

WHEREAS it has been represented to the legislature, in behalf of certain landholders on the route of the Camden and Amboy rail road, that in many cases the said rail road, as now located and laid out, intersects their farms so as to produce great inconvenience and expense to them, which might be avoided by slight variations of the location which the said rail road company are willing to make—Therefore;

Preamble.

May change the location of the road.

Survey of alteration to be filed in office of Secretary of State.

Company to possess the same powers as on original line.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the said Camden and Amboy Rail Road and Transportation Company to change or alter the location of the said rail road, not exceeding, in any case, one-fourth of a mile from the line as now laid out and worked upon, where the same may be done without prejudice to the usefulness of the said road and the interests of the said company; and the said company, after filing in the office of the secretary of this state a survey of such location as varied from the original location, shall be invested with all the powers and privileges, and subject to all the conditions and restrictions, in taking possession of, and using the land on which the said road shall be re-located for the use and construction thereof, which, by their act of incorporation, they might or could exercise or enjoy, respecting the land over which the road was originally located.

Passed March 15, 1832.

AN ACT to incorporate the Phoenix Coal Company.

Preamble.

WHEREAS, Joshua Lippincott, Benjamin W. Richards and Abraham I. Nunes, have, with others, associated themselves together for the great and important purpose of finding coal and other minerals, and of supplying the public with the same, and have become the proprietors of lands wherein coal has been discovered, in such quantities and of such qualities as fully show that they may be usefully worked as mines: **AND WHEREAS** the said associates are desirous of extensively working the said mines and such others as they may discover, and of introducing into and transporting across this state, large quantities of coal; and have represented that the prosecution of their undertaking will be attended with expenses beyond the reach of individual enterprise, and have therefore prayed to be incorporated: **AND WHEREAS** the legislature duly appreciate the benefits that will result to the mechanic, manufacturer, and the community at large, by a ready and cheap supply of that valuable article of fuel—Therefore,

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Joshua Lippincott, Benjamin W. Richards and Abraham I. Nunes, and such others as now are,

or hereafter may be associated with them for the purposes aforesaid, shall, and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Phoenix Coal Company," and by that name, they and their successors, during the continuance of this charter, shall and may have continual succession, and be persons capable of suing and being sued, pleading and being impleaded, in all courts and places whatever, and to make and use a common seal, and the same to alter and renew at their pleasure; and shall be capable, in law, of purchasing, leasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided always*, that the real estate, or their interest therein, so to be holden, shall be such only as shall be requisite to promote and obtain the objects of this incorporation, and intended for mining, or for the purpose of forming depots on the Jersey shore, in the city of Camden, for the deposit and sale of coal, or which shall have been bona fide mortgaged to the said corporation, or purchased by and conveyed to it, in satisfaction of debts previously contracted.

Style of incorporation.

Powers.

Proviso.

Sec. 2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, and that the subscriptions to the said capital stock shall be opened and kept open, under the direction of the persons hereinafter named, until the number of shares subscribed shall amount to one thousand.

Capital stock.

Sec. 3. *And be it enacted*, That the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by nine directors, (one of whom to be president,) who shall hold their office for one year from the first Monday in June in every year hereafter, and the election shall be held at such time of the day, and at such place within this state, as the directors or a majority of them may direct, and give public notice of in at least two of the newspapers printed in this state, and two in the city of Philadelphia, for at least twenty days prior to said election; and the said election shall be made by such of the stockholders as shall attend for that purpose, or be represented by proxy, and be by ballot, each share having one vote, and the persons who shall have the greatest number of votes, shall be the directors; and the said directors, as soon as may be after their election, shall proceed to elect one of their number to be their president; and in case of the death, resignation, or refusal to act, of any of their members, may supply any vacancies created thereby until the next election; and the first directors shall be Joshua Lippincott, Benjamin W. Richards, Abraham I. Nunes, James Potter, Jacob Howey, John W. Mickle, Isaiah Toy, and Jeremiah H. Sloan and Joseph Kaighn, who shall hold their offices until the first Monday in June next.

Election of directors.

Manner of voting.

President to be chosen.

First directors.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 4. *And be it enacted*, That in case, at any time, an election should not be made on the day specified in this act, the said corporation, for that cause, shall not be deemed to be dissolved; but such election may be held on such other day, giving notice as aforesaid, as may be prescribed by the by-laws and ordinances of the said corporation.

Stock forfeited on non-payment of instalments.

Sec. 5. *And be it enacted*, That it shall be lawful for the president and directors to call and demand of the stockholders respectively, all such sums of money as are by them subscribed, at such times, and in such manner and proportions as they shall deem fit, under pain of forfeiture of their shares and all previous payments thereon to the said corporation, notice of such call or demand having been given as aforesaid.

Duties.

Sec. 6. *And be it enacted*, That a majority of the directors for the time being, shall form a board or quorum for the transaction of business, and shall have power to make and prescribe such by-laws, rules and regulations, not inconsistent or repugnant to the constitution or laws of this state, or of the United States, as to them shall appear needful and proper, touching the management and disposition of the property and affairs of the said corporation, the transfers of stock, the appointment of all officers, clerks, agents and servants, their compensation and duties, the election of directors, and all such other matters as appertain to the concerns of the institution.

Dividends.

Sec. 7. *And be it enacted*, That all dividends shall be made out of the profits of the company, and paid equally to the stockholders, in proportion to their respective interests.

Capital not to be employed for banking purposes.

Sec. 8. *And be it enacted*, That the said company shall not employ any of their funds in any banking operations, or for any other purpose than the objects contemplated by this act, and that this act shall continue in force for thirty years from the passage thereof.

Sec. 9. *And be it enacted*, That the legislature may, at any time hereafter, for good cause, alter, amend, or repeal this act.

Passed March 15, 1832.

AN ACT authorizing a change of the trustees of a certain legacy bequeathed by John Dawes, deceased, for the benefit of Susan Potts.

WHEREAS, John Dawes, late of the county of Hunterdon, deceased, in and by his last will and testament, bearing date on the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and twenty-three, did order and direct his executors therein named, to place one-sixth part of all the residue of his personal estate, and moneys arising from the sale of his real estate, at interest, on good security, and to pay the interest thereof to Susan Potts, (wife of William E. Potts,) or her order, during her life, annually, (the same not to be under the control, or liable to the debts of her husband,) and after her decease, did give and bequeath the said sixth part to her children, share and share alike; and appointed his sons Janney Dawes and John Dawes, his sons in law Joseph Briggs and Mahlon Briggs, executors, and his daughter Mary Dawes, executrix, of his said will; and it is represented, that of the said five executors and trustees named in the said will, two have declined acting as such executors or trustees, that a third hath proved the will as executor, but disclaims having any part of said legacy in his hands, and the remaining two executors have failed to fulfil the said trust, by placing the said trust moneys out at interest on good and sufficient security, and paying the interest thereof, annually, to the said Susan Potts, or her order, as in and by the said will is directed, and that the said Susan Potts, in consequence of such neglect, hath been subjected to great privation and distress; and doubts have arisen whether, under such circumstances, the Court of Chancery have power to change the said trustees, or appoint others for the management of said trust property—Therefore,

Preamble.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That if it shall be made to appear to the Chancellor upon satisfactory proof, that any two or more of the said trustees named in said will, have declined acting as said trustees, or disclaim having any of the said trust property in their hands, or that the said trustees have hitherto neglected or refused to place the said trust moneys out at interest, upon good and sufficient security, or to pay the interest accruing thereon to the said Susan Potts, or her order, in writing, annually, as the same became due, according to the terms of said trust, that then, and in any such case, it shall and may be lawful for the Court of Chancery to appoint a new trustee or trustees in the place and stead of the executors

Chancellor may appoint a new trustee.

Trustee to give
security.

named in the said will, the said trustee giving such sufficient security for the faithful execution of said trust, as the said court shall direct and approve, any law, usage or custom, to the contrary notwithstanding.

Certain rights
vested in new
trustees.

Sec. 2. *And be it enacted*, That upon such new trustee or trustees being so appointed, and approved of by said court, all the right and interest in the said legacy so given and bequeathed by the said testator for the benefit of the said Susan Potts, vested in the said executors, or any of them, shall become vested in such new trustee or trustees to the same extent, upon the same trust and confidence, for the same uses, interests and purposes, and shall be held, managed and applied by the said new trustee or trustees, in the same manner as is directed in and by the said last will and testament of the said John Dawes, deceased, to have been done by said executors.

Passed March 16, 1832.

AN ACT prescribing the mode of appointing directors in the Delaware and Raritan Canal, and Camden and Amboy Rail Road and Transportation Companies.

SEC. 1. *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 directors to be appointed on behalf of the state of New Jersey, in the Delaware and Raritan Canal, and Camden and Amboy Rail Road and Transportation Companies, shall be appointed annually by the Governor of the state for the time being, or the person administering the government.

Passed March 16, 1832.

AN ACT relating to the lands belonging to this state, at Paterson, in the county of Essex.

WHEREAS it is represented to the legislature, that certain lands belonging to this state, situate at Paterson, in the county of Essex, have, for many years past, yielded a very small annual income to the state, and that in order to render said lands valuable and profitable to the state, a large expenditure of money will be required to be laid out in fencing and improving the same: AND WHEREAS it is believed that the said lands may be sold for a sum of money, the annual income of which would exceed the annual profits which can be derived to the state from said lands; and that the interest of the state would be promoted by causing the said lands to be sold—Therefore,

Preamble.

SEC 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That William Dickey of Essex, Elijah Ward of Morris, and Andrew H. Hopper of Bergen, be, and they are hereby appointed commissioners to take charge of the lands belonging to this state, situate at and near Paterson, in the county of Essex, for the ensuing year, and to report to the legislature at their next sitting, the state and condition of said property, and whether any part, or the whole thereof, may be advantageously sold, and the best price that can be obtained for the whole, or any and what part, and in general, all matters and things touching and concerning said property, and the interest of the state in the same.

Commissioners to take charge of land, and report what part it may be expedient to sell.

Passed March 16, 1832.

AN ACT to incorporate the Camden Insurance Company, in the county of Gloucester.

WHEREAS sundry inhabitants of the city of Camden and its vicinity, in this state, have represented to the legislature, that insurance of houses and other property, situate and being in this state, is frequently, and to a large amount, made in the city of Philadelphia, and that an Insurance Company in Camden, under proper regulations, would tend to the great convenience of the inhabitants, and would confine, at home, a source of wealth which is yearly carried into another state—Therefore,

Preamble.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns, are, and shall be, hereby constituted and made a body corporate and politic, by the name and style of "The Camden Insurance Company," and by that name shall be known in law, and have power to sue and be sued, to defend and be defended in all courts, whether in law or equity, and by that name may also have, purchase, possess and enjoy, to them and their successors, lands, tenements, and hereditaments, goods, chattels and effects, of what nature and kind soever, necessary for the purposes of this corporation; and the same to grant, demise, alien, and dispose of at pleasure, for the benefit of the said company; and may also have a common seal, and alter and renew the same at pleasure; and also to make and establish such by-laws and regulations as shall seem necessary and expedient, for the well government of the said institution, and to put the same in execution: *Provided*, that the same be not contrary to the constitution and laws of the United States, nor of this state.

Sec. 2. And be it enacted, That the capital stock of the said company shall be fifty thousand dollars, with the privilege of increasing it to one hundred thousand dollars, which shall be divided into shares of twenty-five dollars each; and that the sum of twenty-five thousand dollars shall be subscribed and actually paid, before the said company shall be allowed to commence business.

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

Sec. 4. And be it enacted, That the secretary of said company shall give notice in the newspapers published in Camden and Bridgetown, at least twenty days preceding the day when each instalment is to be paid; and the person or persons failing to pay any such instalment, thirty days after, shall forfeit to the said company, all and every such share or shares upon which the instalment shall remain due, and all moneys previously paid thereon.

Sec. 5. And be it enacted, That the stock, property, affairs and concerns of the said company, shall be managed and conducted by thirteen directors, who shall hold their offices for one year, and until others shall be chosen, and no longer; which directors shall, at all times, during their continuance in office, be stockholders in the said company, in their own right; and the said directors shall be hereafter elected on the first Monday in June, in each and every year, at such hour of

Style of incorporation.

Powers.

Proviso.

Amount of capital stock.

Sum to be paid in previous to commencing business.

How subscriptions to be paid.

Stock forfeited on failure to pay instalments.

Annual election of directors.

the day, and at such place in the city of Camden, as the board of directors for the time being shall direct, of which election, public notice shall be given in the newspapers printed in Camden and Bridgetown aforesaid, at least two weeks previous to such election; and every such election shall be made by ballot, and by plurality of the stockholders present, or represented by proxies; and every stockholder shall be entitled to one vote for each share holden by him or her: *Provided*, that he or she shall have held such share for at least twenty days next preceding the election, and shall be citizens of the United States; and the first directors shall be Joseph W. Cooper, Robert W. Ogden, Richard Fettes, Thomas Lee, jr. Nathan Davis, Morris Croxall, Isaiah Toy, John H. Cowperthwaite, Joseph Kaighn, Ebenezer Toole, Jeremiah H. Sloan, John W. Mickle, and Isaac Smith, who shall hold their offices until the first Monday in June, in the year of our Lord one thousand eight hundred and thirty-two, and until other directors shall be chosen in their stead.

Manner of
voting.

First directors.

Sec. 6. *And be it enacted*, That the directors herein before mentioned, shall, as soon as convenient, after the passing of this act, and the directors who are annually chosen agreeably to the provisions of this act, shall, as soon as convenient, after their election, proceed to choose out of their body, one person who shall be resident in the city of Camden, to be president, who shall preside until the annual election therefor; and in case of death, resignation, or inability to serve, of the president or any director of such company, such vacancy or vacancies shall be filled, for the remainder of the term, by such person or persons as the board of directors may appoint; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall exercise all such powers and duties as the president might exercise.

President to be
chosen.

Vacancies how
supplied.

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

Appointment of
officers.

Sec. 8. *Be it further enacted*, That the aforesaid directors, or such committee as they may appoint, shall take in subscriptions to the capital stock of this company, and open subscription books for the purpose, at the city of Camden aforesaid, upon two week's notice, published in the newspapers of that city and Bridgetown, and shall continue open from day to day, for five days, unless the whole stock shall be sooner subscribed; and their secretary shall be the receiver of all moneys, and shall deposit or dispose of the same forthwith, as the directors, by resolution, shall direct.

Books for sub-
scription for
stock to be open-
ed.

What may be
lawful for com-
pany to ensure

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

Policies or con-
tracts founded
thereon, binding
on company.

Sec. 10. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president, or president pro tempore, or by such other officer as may be designated for that purpose, by the said company, and attested by the secretary, and being so subscribed and attested, shall be obligatory upon the said company, according to the tenor, intent and meaning of this act, and of such policies or contracts; and all such policies and contracts so made, subscribed, attested and executed, and the loans and other business of the company may be made, conducted and carried on without the presence of the whole board of directors, but by such committees or otherwise, as the board may authorize, and the same shall be binding on the company.

Judges of elec-
tion.

Sec. 11. *And be it enacted*, That for the well regulating and conducting of the election of directors, the president and directors, for the time being, shall, previously thereto, appoint three stockholders, not being directors, to be judges of the election, who shall conduct and regulate the same; and five stockholders shall constitute a quorum for the transaction of business, notice of the meeting being given to all.

Meeting of
stockholders
may be called.

Sec. 12. *And be it enacted*, That the board of directors, or fifteen stockholders, being proprietors of at least one half of the stock, may at any time call a meeting of the stockholders for the transaction of the business of the said company, previously advertising the time and place of such meeting, for at least two weeks, in the newspapers printed in Camden and Bridgetown, and mentioning the object of such meeting.

Sec. 13. *And be it enacted*, That it shall and may be lawful for the said company to purchase and hold such and so much real estate, as shall be necessary for their convenient accommodation in the transaction of their business; and also, to take and hold any real estate, or securities bona fide mortgaged or pledged to the said company, or to secure the payment of any debt which may be contracted with said company; and also, to proceed on the said mortgages, or other securities, for the recovery of the moneys thereby secured, either at law or in equity, or otherwise, in the same manner as any other mortgagee is, or shall be authorized to do; and

also, to purchase on sales made by virtue of any judgment at law, or any order or decree of a court of equity, or any other legal proceedings, or otherwise, to take and receive any real estate in payment, or towards satisfaction of debts previously contracted and due to the said company, and to hold the same until they can conveniently sell or convert the same into money or other personal property; *Provided*, that it shall not be lawful for the said company to use or employ any part of the stock, funds or moneys thereof, for, or in any banking operations, or in the purchase or sale of any stock or funded debt, created or to be created under any law of the United States, or of any particular state; or to emit any notes, or bills, or securities for the payment of money; but it shall nevertheless be lawful for the said company to purchase and hold any such, or other stock, or funded debt for the purpose of investing therein, any part of their capital stock, funds or moneys; and also to sell and transfer the same, and again to renew such investments, when and as often as the exigencies of the said company, or a due regard to its interests shall require; and also to make loans of its capital stock, funds and moneys, on bond and mortgages, and the same to call in and re-loan, as occasion may render expedient.

Proviso.

Funds not to be employed in banking operations.

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

Stock assignable and transferrable

Sec. 15. *And be it enacted*, That it shall be lawful for the directors of the said company to make dividends of so much of the profits of the company as shall appear advisable, and the said dividends shall be paid out semi-annually to the stockholders, or to their legal representatives, but the dividends shall at no time exceed the amount of clear profits made by the said company, and the capital stock shall be and remain unimpaired; and if the said directors shall at any time, knowingly, make dividend of the capital stock as aforesaid, they shall be individually liable for the proportion of stock so divided, and an action of debt may be brought against them, or any of them, their executors or administrators, in any court of record of this state, by any creditor of said company, and may be prosecuted thereon to judgment and execution; and each director present, when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give notice to the stockholders of the declaring of such dividend.

Semi-annual dividends to be made.

If dividend of capital stock is made, directors, knowing it, to be personally liable to creditors.

Sec. 16. *And be it enacted*, That at the annual meeting for choice of directors, a statement of the affairs and business of the company for the preceding year, shall be made out and shewn for the general satisfaction of the stockholders.

Annual statement to be exhibited to stockholders.

Officers to take
and subscribe an
oath.

Sec. 17. *And be it enacted*, That each director, the secretary, and every other officer of said company, shall, before he enters on the duties of his office, take and subscribe an oath or affirmation, (as the case may be) faithfully to exercise the duties of his office, according to the best of his skill and understanding, which oath or affirmation may be administered by any judge of the Inferior Court of Common Pleas, or justice of the peace of this state.

Books open to
inspection of
stockholders.

Sec. 18. *And be it enacted*, That the said company shall cause to be kept at their office, proper books of account, in which shall be fairly and truly entered, all the transactions of the company, which books shall be at all times open for the inspection of the stockholders.

Limitation.

Sec. 19. *And be it enacted*, That this act shall continue in force for the space of thirty years.

Sec. 20. *And be it enacted*, That it shall be lawful for the Council and General Assembly of this state, at any time hereafter, to amend, repeal or modify this act, as they shall think fit.

Passed March 16, 1832.

AN ACT to defray incidental charges.

Sundry incidental
charges directed to be paid
by 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 it shall be lawful for the treasurer of this state to pay the several persons herein after named, the following sums, viz:

To Thomas Yarrow, for taking depositions, &c. in the investigation of the Salem and Philadelphia Manufacturing Company, twenty-two dollars.

To Joseph L. Risley, for taking depositions, &c. in the above named investigation, thirty dollars.

To Alphonso L. Eakin, for taking depositions, &c. in the above investigation, fifty dollars.

To the County Collector of the county of Salem, to be by him appropriated to the payment of witnesses and constables' fees in the above investigation, thirty-one dollars.

To B. M. Voorhees, Clerk of the House of Assembly, for mileage to and from his place of residence, being twenty-five miles, seven dollars and fifty cents.

To John Cox, for bringing a fugitive from justice from the state of New York, under an order of the Governor, seventy-seven dollars and eighty-nine cents.

To D. Fenton, for stationary, &c. thirteen dollars and three cents.

To D. Fenton, for a bill of eighteen hundred and thirty, and eighteen hundred and thirty-one, one dollar and seventy-five cents.

To Jasper Scott, for repairs done to the state-house, four dollars and thirty cents.

To Daniel Packer, for a screw press for the secretary of state's office, twenty-five dollars.

To B. M. Voorhees, Clerk of Assembly, for issuing subpoenas, thirteen dollars and twenty-six cents.

To Thomas Ryall, for work done to the government house, two dollars.

To William Marseilles, for work done to the state-house, six dollars and twenty-five cents.

To James Faussett, for repairs to the state-house, five dollars and sixty-two cents.

To S. B. Scattergood, for coal, sawing and splitting wood, and for assistant, as per order of the house, thirty-one dollars and ninety-seven cents.

To Samuel and Thomas J. Stryker, for wood and rope, thirty-nine dollars and twenty-seven cents.

To Charles Parker, for postage, baling up law reports, &c. and for expenses, going to Philadelphia three times on business for the state and school fund, thirty-six dollars and fifty six cents.

To George Sherman, for advertising Courts of Appeals, for newspapers furnished, for extra work on seventh volume Reports, &c. twenty-four dollars and seventy-five cents.

To James D. Westcott, for services rendered, and postage paid, &c. thirty dollars.

To P. J. Gray, for newspapers furnished the House, thirty-three dollars and twenty cents.

To T. H. Howell, for pieces galoon, got by Engrossing Clerk, fifty cents.

To P. D. Vroom, for postage, &c. twenty-eight dollars and seventeen cents.

To Nathaniel Saxton, for services as commissioner under the appointment of the Governor, respecting the obstructions in the river Delaware, forty-eight dollars and twenty-four cents.

To John Kenney, for services as commissioner under an appointment of the Governor, respecting the obstructions to the navigation of the river Delaware, fifty-four dollars, seven and a half cents.

To Thomas Cain, for candles, four dollars and twenty cents.

To R. Sterling, for candles, &c. nineteen dollars and fifty-three cents.

To Joseph Justice, for printing, four hundred and sixty-nine dollars and fifty-five cents.

To John R. Smith, for repairs to the state-house, three dollars and sixty-four cents.

To Morris Justice, for tumblers, &c. furnished Council, ninety cents.

To James A. Simpson, for filing papers, &c. in secretary of state's office, fifty dollars.

Passed March 16, 1832.

JOINT RESOLUTIONS.

PREAMBLE AND RESOLUTIONS.

WHEREAS it is represented that the surviving officers and soldiers of the revolutionary war, resident in New Jersey, have memorialized Congress, setting forth their services and privations in the militia of New Jersey, during the most disastrous period of our revolutionary history, when our state was over-run with a cruel and relentless foe, who desolated her fields, and "filled her habitations with mourning:" AND WHEREAS it is represented that said memorialists performed a much greater amount of active duty, endured more hardships and privation, and rendered more efficient service than many officers and soldiers of the continental establishment, who are now enjoying the national bounty, under the recent acts of Congress "providing for certain persons engaged in the service of the United States during the revolutionary war;" and believing that a just and proper regard for our national reputation requires that something should be speedily done for these veteran relics of the revolution, and relying upon the wisdom of Congress to devise such relief as may best subserve the purposes of the memorialists—Therefore,

RESOLVED, *by the Council and General Assembly of the State of New Jersey*, That the claims of these venerated memorialists are presented with increased obligations upon the attention of the general government, from the amount and value of the services rendered by them during the most perilous periods of our revolutionary struggle, and that they have remained to this day unrequited and uncanceled.

RESOLVED, That while we rejoice that the funds of the general government have been furnished to the officers and soldiers of the continental establishment, we see, in the page of our history that records the services and privations of the New Jersey militia, equally strong claims to their country's regard.

RESOLVED, That though time has thinned their ranks, and left comparatively few to linger amongst us, we delight to honor the consecrated remnant, and do commend them with confidence to the gratitude and justice of the government of our country.

RESOLVED, That our senators and representatives in Congress be earnestly requested to exert themselves to procure the passage of a law, extending to the surviving officers and soldiers of the New Jersey revolutionary militia, such aid and relief as will remunerate the demands of patriotic servi-

ces and sacrifices, satisfy the dictates of public sentiment, and cheer the last days of those who gave their best, to purchase our liberty and independence.

RESOLVED, That the Governor of this state do transmit to each of our senators and representatives in Congress, a copy of the foregoing preamble and resolutions.

Passed February 25, 1832.

RESOLVED *by the Council and General Assembly of this State*, That the State Librarian be authorized to deposit in the Library, in the Supreme Court Room, for the use of said Court, one of the copies of the Pamphlet Laws of New Jersey, and of the Law Reports belonging to the state; and also such copies of the Laws and Law Reports of other states as may have been, or shall hereafter be received, and which may not be needed for the use of the state.

Passed March 2, 1832.

RESOLVED, *by the Council and General Assembly of this State*, That Joseph Justice, of Trenton, be appointed to print the laws of this session of the legislature, at thirty-two dollars per sheet; and that George Sherman, of Trenton, print the law reports at thirty-two dollars per sheet; said laws and law reports to be printed on the large octavo page heretofore used.

Passed March 16, 1832.

RESOLVED *by the Council and General Assembly*, That the librarian be authorized to continue the platform across the east end of the library room, and to cause to be made as many additional shelves and cases as may be found necessary, and that said librarian have leave to draw upon the treasurer of the state for the expenses incurred, in causing said additions to be made.

Passed March 16, 1832.

RESOLVED by the Council and General Assembly of this State, That the senators of this state in the Congress of the United States be instructed, and the representatives of this state in the Congress of the United States be requested, to procure a survey to be made of Raritan bay and river, of the Delaware river, and of the Passaic river and Newark bay, with a view to remove the obstructions to the navigation in the same.

Proposed survey
of bays and riv-
ers.

RESOLVED, That the Governor of this state do forward to each of the senators and representatives of this state, a copy of the foregoing resolution.

Passed March 16, 1832.



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