

ACTS
OF THE
FIFTY-FOURTH
GENERAL ASSEMBLY

OF THE
State of New-Jersey.

AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-SEVENTH DAY OF OCTO-
BER, ONE THOUSAND EIGHT HUNDRED AND TWENTY-NINE.

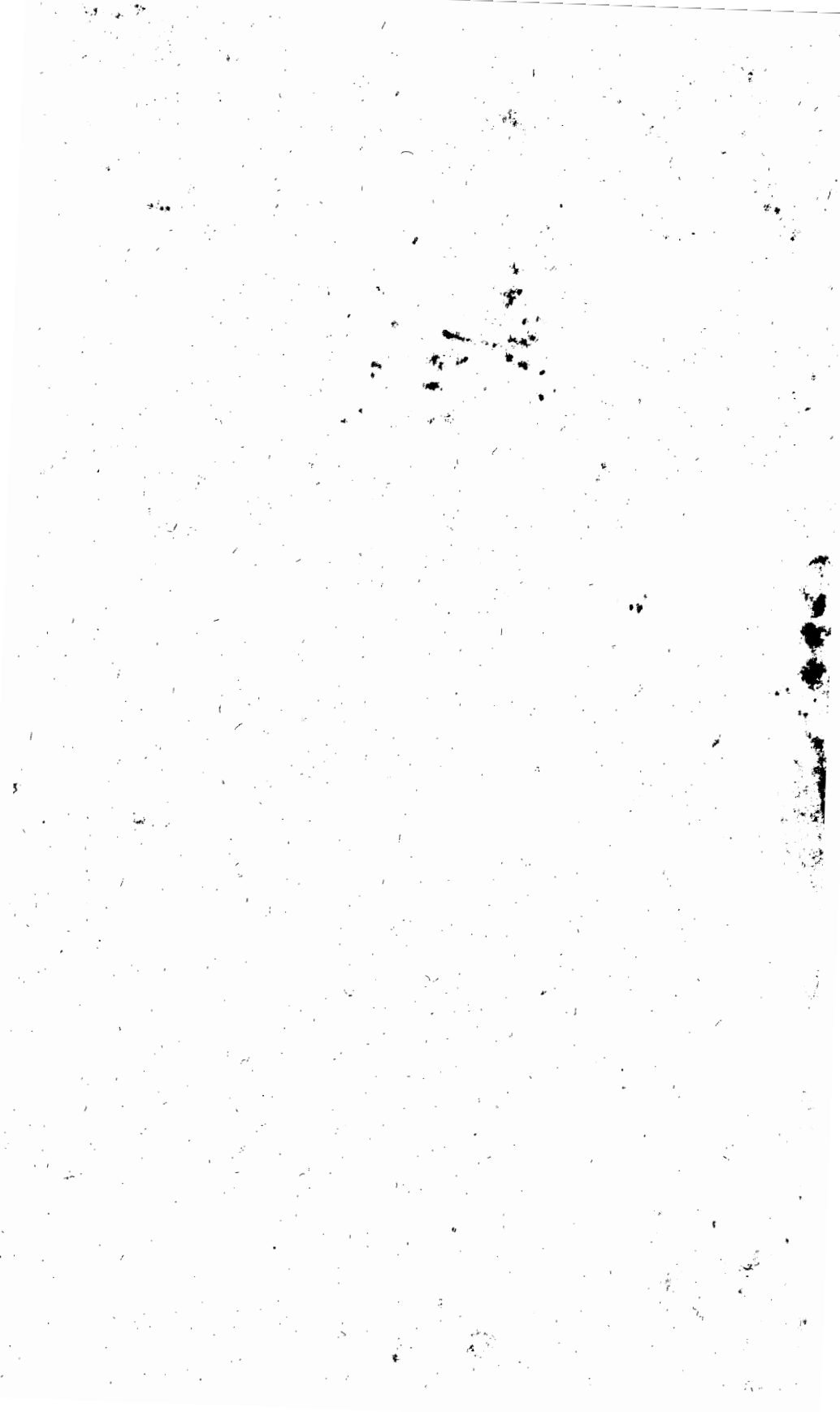
BEING THE FIRST SITTING.



TRENTON:

PRINTED BY JOSEPH JUSTICE.

1829.



ACTS
OF THE
FIFTY-FOURTH
GENERAL ASSEMBLY
OF THE
State of New-Jersey.

AN ACT to build a Bridge over West Creek, in the counties of Cumberland and Cape-May.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall and may be lawful for the chosen freeholders of the counties of Cumberland and Cape-May, to direct and cause a bridge to be built over West Creek, in the road leading from Leesburg to Dennis Creek, between Daniel Robinson's and William Goff's; and that the said Bridge be built with a draw, or of sufficient height from the water to admit of scows loaded with wood or hay, to pass under or through said Bridge.

The chosen freeholders, &c. authorized to build a bridge, &c.

C. Passed November 4, 1829.

AN ACT to exempt minors from Militia Duty in time of peace.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all persons under the age of twenty-one years be, and they are hereby, exempt from militia duty in time of peace.

Minors exempted from certain military duty.

SEC. 2. *And be it enacted,* That the enrolment of the militia of this state, shall be made agreeably to the first section

Duty of officers
prescribed.

of the act establishing a militia system, passed the eighteenth of February, one thousand eight hundred and fifteen; and it shall be the duty of the officer making such enrolment, to write opposite to the name of each minor, the words "*under age*;" *Provided*, That all persons under the age of twenty-one years as aforesaid, who are actually enrolled in, or shall, after the passing of this act, join any uniform corps, shall be entitled to the same privileges and subject to the same penalties as are prescribed in the above mentioned act.

C. Passed November 6, 1829.

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

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

Fees of the sev-
eral officers of
the government
prescribed.

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 eleven hundred 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 quartermaster 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 the 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 Joseph Jackson, of Morris; Littleton Kirkpatrick, of Middlesex; James West, of Monmouth; and Samuel Black, of Burlington, or any two of them, for the members of Assembly.

Per diem allowance of the members of the Legislature and their officers &c. prescribed, &c. &c.

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 entering the Minutes of Council and Assembly, and the Joint Meeting, fairly in the Journals; and five 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 the Speaker of the House of Assembly, for the Clerk of Assembly.

Printers.

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 Doorkeepers 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, on a certificate of the amount, signed by the President or Vice-President of Council, or by the Speaker of the House of Assembly.

Engrossing clerks fees prescribed, &c. &c.

SEC. 6. *And be it enacted,* That this act be, and continue in force for one year, from the twenty-seventh day of Octo-

Limitation of this act, &c.

ber, in the year our Lord, one thousand eight hundred and twenty-nine, and no longer.

C. Passed, November 5, 1829.

AN ACT to incorporate the New-Jersey Iron Company.

Names of persons incorporated, style of, and powers and privileges of the incorporation delineated, &c.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That William Green, jun., Apollos R. Wetmore, and David W. Wetmore, with all others, who are, or shall hereafter become associated with them, their successors and assigns, be, and they are hereby incorporated by the name of "The New-Jersey Iron Company," for the purpose of manufacturing iron chain cables, wire, and other articles, at Boonton, in the county of Morris, and in any of the counties through which the Morris Canal runs in this state, and carrying on the business incident to such manufactory; and by that name, they and their successors and assigns, shall and may have continual succession, and be persons in law, capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity; and that they and their successors, may have and use a common seal, and may alter the same at their pleasure; and that they and their successors, by the same name and style, shall be, and hereby are authorized and empowered, to purchase, hold, possess, use and enjoy, to them and their successors, all or any such lands, tenements, waters, goods, chattels, and effects, of whatever kind they may be, as shall be necessary for the views and purposes of said corporation, not exceeding, in value, two hundred thousand dollars, exclusive of such lands, goods, chattels, and other property, as shall be taken in payment or satisfaction, of, or in security for debts due the corporation, or that may become necessary for them to purchase at any sheriff's sale, in order to secure any debts or moneys that may be due them, and to sell, mortgage, and dispose of the same at pleasure, and also, to sell or lease any surplus land or water power they may possess.

Amount of capital stock, and number of shares &c.

SEC. 2. *And be it enacted,* That the capital stock of said corporation, shall be two hundred and fifty thousand dollars, which shall be divided into shares of five hundred dollars each; but it shall nevertheless be lawful for the said corporation, when and so soon as seventy thousand dollars of the said capital stock shall have been subscribed for and paid, or se-

cured to be paid to said company, to commence and carry on their said business.

SEC. 3. *And be it enacted*, That the stock, property, and affairs of the said corporation, shall be managed by not less than three, nor more than seven directors, one of whom they shall appoint their president, who shall hold their offices for one year, and until others shall be chosen, and no longer; which directors shall at all times during their continuance in office, be stockholders in said company, in their own right to the amount of at least five shares, and shall be citizens of the United States, and shall be elected at the annual meeting of the stockholders, which shall be held on the second Monday in August in each year, at such hour of the day, and at such place as the regulations of said corporation shall prescribe; a majority of directors shall, on all occasions, when assembled, at such place as the by-laws of the company direct, constitute a board competent to the transaction of business, and all questions before them shall be decided by a majority of voices; and a majority of the stockholders, or their proxies present, at any legal meeting of such stockholders, shall be capable of transacting the business of such meeting, each share entitling the owner thereof, or his proxy, to one vote; but no share shall entitle the holder to vote unless the same shall have been held by him at least three months next immediately preceding such election, and the transfer books of said company shall be conclusive evidence as to the ownership of such stock; and that Richard T. Haines, James Jenkins, and William Green, jr., shall be, and hereby are, authorized at such time and place as they may choose, to open books, and receive subscriptions as capital stock of said company; and when the sum of seventy thousand dollars shall have been subscribed, then they shall call the first meeting of the said company for the choice of directors; which said directors shall at their first meeting after they are so chosen as aforesaid, appoint a clerk or secretary to the company, who shall reside and keep an office in the State of New-Jersey.

Number of directors, their powers and duties prescribed, &c. &c.

Manner of voting.

Books to be opened.

Secretary to be appointed, and office to be kept.

SEC. 4. *And be it enacted*, That the said president and directors for the time being, or a major part of them, shall have power to fill any vacancy which may happen in their board, by death, resignation, or otherwise, for the then current year; and to appoint and employ from time to time a secretary, treasurer, and such other officers, mechanics, and laborers, as they may think proper, for the transaction of the business and concerns of the said company; and also, to make and establish such by-laws, rules and regulations as they shall think expedient for the better management of the concerns of the said company, and the same to alter and repeal; *Provided always*, that such by-laws, rules, and regulations, be not inconsistent with the laws of this state or the United States; and the said directors shall and may, whenever they shall deem it expedi-

Vacancies, how to be filled.

Proviso.

ent, and at such time and place, and with such notice, as they shall think proper, and as often as the interests of the stockholders shall require, and the affairs of the said company will permit, declare a dividend or dividends of profit on each share, which shall be paid by the treasurer of said company.

When elections may be held under certain circumstances.

SEC. 5. *And be it enacted*, That if it shall so happen that an election of directors should not take place on any day when pursuant to this act it ought to be made, the said corporation shall not for that cause be dissolved, but such election may be held on any convenient day within one year thereafter to be fixed on by the directors, they previously giving public notice thereof.

Capital stock to be estimated personal property, &c. &c.

SEC. 6. *And be it enacted*, That the capital stock of said company, shall be deemed personal property, and that all shares shall be transferrable on the books of said company, in such form as the by-laws shall ordain, and shall be valid only after it shall have been registered on the books of said company; and said company shall at all times have a lien upon all the stock or property of the members of said corporation invested therein, for all debts due from them to said company.

The books of the company to be always open for the inspection of directors, &c.

SEC. 7. *And be it enacted*, That the books of said company, containing their accounts, shall at all times be open for the inspection of any of the directors of said company, and at the general meeting of the stockholders, to be held annually, agreeably to the third section of this act, a general statement of the affairs of said company shall be made out and exhibited by the president and directors.

Certain powers of the directors relative to paying instalments further prescribed.

SEC. 8. *And be it enacted*, That the directors may call in the subscriptions to the capital stock, by instalments in such proportions, and at such times and places as they may think proper, giving such notice thereof as the by-laws and regulations of said company shall prescribe; and in case any stockholders shall neglect or refuse payment of such instalment or instalments for the term of sixty days after the same shall have become due and payable, and after he, she, or they have been notified thereof, such stockholder or stockholders, so neglecting or refusing to pay, shall, at the election of the directors either forfeit to said company, all his, her, or their previous instalments, together with all his, her, or their rights and interest whatever, in said stock, or be compelled to pay up such further instalment, by suit at law or otherwise.

Banking operations prohibited.

SEC. 9. *And be it enacted*, That the corporation hereby created, shall not use any part of their capital or property in carrying on any banking operations.

Legislature may repeal, &c.

SEC. 10. *And be it enacted*, That the legislature may alter, modify, or repeal this act, whenever in their opinion the public good requires it.

C. Passed November 7, 1829.

AN ACT to defray Incidental Charges.

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

To William Gould, for locks and other articles furnished the Assembly Room, and services, five dollars and eighty-one cents.

To John Milledge, for four days services in attending upon Council, and cleaning Council Chamber, eight dollars.

To A. W. Phillips, for printing twenty quires of ruled militia blanks for the Adjutant General, fifteen dollars.

To George Sherman, for printing public acts of last Legislature, and other printing, as by bill rendered, forty-six dollars and sixty-seven cents.

To William P. Sherman, for publishing public acts of last Legislature in the True American, fifteen dollars.

To Hezekiah King, for carriage hire on account of state-prison committee, five dollars.

To Caleb Newbold, for one day's service at Trenton, meeting the trustees of the school fund, and apportioning the same, three dollars; and for mileage going and coming thirty miles, four dollars and fifty cents, making an aggregate of seven dollars and fifty cents.

To the secretary of Council and to the clerk of Assembly, three cents by the sheet, computing one hundred words to the sheet, in addition to what is allowed by law, for the copy of the minutes made out for the printers.

To Charles Parker, for expenses going, while at, and returning from Philadelphia, five times, on business of the New-Jersey School Fund, twenty-seven dollars and eighty-six cents; for postage, twenty-one dollars and seventeen cents; for bales and twine to envelope and secure the laws, &c. four dollars and ninety-six cents; for transporting Gordon's Map to the Executive of the several States of the United States, ten dollars and seventeen cents; for four and three-quarters cords of hickory wood, twenty-eight dollars and fifty cents; for cash paid to William Ellis for cutting and cording wood, five dollars; for conveyance of Common School Laws to Monmouth county, fifty cents; for putting up fence between the property of E. Ryno and the Government lot, five dollars and thirty-eight cents; for Blank Books, for register of votes and proceedings, eleven dollars; for cash paid for putting coal in the cellar, sixty-two and a half cents.

making an aggregate of one hundred and fifteen dollars and sixteen cents.

To Joseph Justice, for Stationary and Printing, as per items of bill rendered, eighty-one dollars and ninety cents.

To Joseph Justice, for working over one sheet of Law Reports, by order of Chief Justice, thirty-two dollars.

To Daniel Fenton, for Stationary, &c. furnished to Council, as by bill rendered, twenty dollars and fifty-three cents.

To Daniel Fenton, for Stationary, tape, &c. furnished the House of Assembly, as per items of bill rendered, twenty-two dollars and sixty-six cents.

C. & A. November 10, 1829.

ACTS
OF THE
FIFTY-FOURTH
GENERAL ASSEMBLY

OF THE
State of New-Jersey,

Jan.
AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-SEVENTH DAY OF OCTO-

BER, ONE THOUSAND EIGHT HUNDRED AND TWENTY-NINE.

BEING THE SECOND SITTING.



TRENTON:

PRINTED BY JOSEPH JUSTICE.

1830.

ACTS
OF THE
FIFTY-FOURTH
GENERAL ASSEMBLY

OF THE
State of New-Jersey.

AN ACT to authorize the President of the Council of Proprietors in West-Jersey, to administer oaths and affirmations to witnesses in certain 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 it shall and may be lawful for the President of the Council of Proprietors, or, in his absence, the Vice-President or President, pro tem., to administer oaths or affirmations to witnesses, touching any dispute or controversy, that may come before the said Council of Proprietors for their adjudications.

Additional powers of the President, &c. of the Council of Proprietors, prescribed.

SEC. 2. *And be it enacted,* That it shall and may be lawful, for deputy surveyors to take depositions or affirmations of citations, being duly served, as also, in relation to corner lines and boundaries of land, wherein they are called to survey, or re-survey, which depositions or affirmations, they are hereby authorized to administer; and the oaths and affirmations so as aforesaid authorized to be administered by the President of said Council, Vice-President or president pro tem., or deputy surveyors, shall have the same force and effect, as if they had been taken before a justice of the peace of the proper county; and if any person, so as aforesaid, taking an oath or affirmation before any of the officers aforesaid, shall falsely, wilfully, and corruptly swear or affirm to any matter or thing, which if the same had been sworn or affirmed to before any court of law in this state, would have amounted to wilful and corrupt perjury, then such person, so offending, shall be deemed and adjudged to be guilty of wilful and corrupt perjury, and on conviction thereof, shall be punished accordingly; and

Deputy surveyors authorized to take depositions, &c. which are to be as effectual as if taken before justices of the peace.

the officer administering such oath or affirmation, shall cause the name of the witness, and the purpose for which he was so sworn or affirmed, to be entered on the journals of said Council of Proprietors.

C. Passed, Jan. 13, 1830.

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.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful to erect a dam and other water works across the creeks or guts situate between the main forks of Antuxet creek, and below where those forks are already dammed across, in the township of Fairfield, and county of Cumberland.

A dam authorized at a certain place in the township of Fairfield.

SEC. 2. *And be it enacted,* That the owners and possessors of marsh, meadow and swamp, lying between the main forks of Antuxet creek aforesaid, below where those forks are already dammed, shall meet at the house now occupied by Jeremiah Whitekar, at Cedarville, on the first Tuesday in April next, and yearly and every year thereafter, at some house in said township, at two o'clock, P. M. and then and there, by plurality of voices, of those met, choose one or more manager or managers, who shall be persons interested in said marsh; and at the same time and place, and in the same manner, shall choose three disinterested freeholders, who shall view the marsh, hear the parties, and make such valuation as shall be equitable.

When a manager or managers to be chosen.

SEC. 3. *And be it enacted,* That the manager or managers so chosen, shall erect a dam sufficient to keep out the tide, and lay a sluice or sluices sufficient to drain said marsh, and shall at all times keep up and maintain the same, and shall enter upon the contiguous marsh, and take and use the mud and earth sufficient for said works without hindrance.

Their duties prescribed, &c.

SEC. 4. *And be it enacted,* That the expense of making and repairing said dam and sluices, and all other expenses connected with the damming and draining said meadow, shall be defrayed by a tax to be assessed on said marsh by the managers, whenever they may think it necessary, in a ratable proportion on the marsh of each individual according to the valuation of the commissioners.

Expenses how to be defrayed.

SEC. 5. *And be it enacted,* That for the security of moneys

expended, or to be expended under this act, the marsh of each owner shall be pledged for the payment thereof, and it shall be such lien as to bind the meadow, notwithstanding any judgment, execution, sale or alienation thereof: *provided*, such lien shall not effect any bona fide purchaser or mortgagee without notice.

The marsh of each owner pledged to defray the expenses.

Proviso.

SEC. 6. *And be it enacted*, That the manager or managers shall give notice in writing, to the respective owners or possessors of said marsh, of the amount of their tax, which if they neglect or refuse to pay, for thirty days thereafter, it shall and may be lawful for said manager or managers to enter upon the marsh of such delinquents, and take the rents, issues, and profits thereof, or sell and dispose of the grass, hay, or grain thereon, by giving eight days notice in three of the most public places in the neighborhood of said premises, from time to time, until the tax shall be fully discharged, together with a reasonable allowance to the managers for their trouble.

SEC. 7. *And be it enacted*, That the manager or managers, shall yearly and every year, at their annual meeting, produce their accounts and vouchers for inspection and settlement by the company, and shall be allowed for their trouble, for assessing, collecting, and managing said dam and works, five cents on every dollar expended about the same.

C. January 14, 1830.

A SUPPLEMENT to an act, entitled "An act to authorize the enclosure of a certain tract of land, situate in the township of Caldwell, in the county of Essex, called the Hetfield Swamp," passed January twenty-eighth, 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 all the land included within the following boundaries, viz. beginning at the corner of Nathaniel S. Crane's land, adjoining the lands of Timothy Crane, thence running south forty-six degrees east, five chains and forty-two links; thence south two degrees east nine chains and twenty-four links; thence south fifty-two degrees east four chains; thence south forty degrees west four chains and thirty-two links; thence south fifty-six degrees east five chains and ten links; thence south forty degrees west fourteen chains and eighty-seven links; thence south fifty degrees east six chains; thence south forty-nine degrees west five chains and fifty-six links; thence south thirty-seven degrees west eleven chains and twenty-five links; thence south fifteen degrees and thirty

Boundaries of the tract prescribed.

minutes west seven chains; thence south forty-five degrees and thirty minutes east six chains and sixty-nine links; thence south forty degrees west forty-two chains and sixty-nine links; thence south forty-four degrees west thirteen chains and seven links; thence north forty-six degrees west thirty chains; thence north ten degrees west five chains and ninety-three links, to the Passaic river; thence the several courses as the said river runs, to the place where it intersects the line described in the act to which this is a supplement, be deemed and taken to be within the provisions of the act entitled "An act to authorize the enclosure of a certain tract of land, situate in the township of Caldwell, in the county of Essex, called the Hetfield swamp, passed the twenty-eighth January, A. D. eighteen hundred and twenty-nine; and that the owners of the said lands, be in all respects subject to the rules and regulations contained in the said act.

Damages how to
be recovered.

SEC. 2. *And be it enacted*, That in addition to the poundage or sums of money allowed by the fifth section of the act to which this is a supplement, for horses, cattle, sheep and hogs, found trespassing upon any of the lands comprehended in this act, and in the act to which this is a supplement, the owner of such horses, cattle, sheep, or hogs so found trespassing, shall be liable to pay the damages actually done thereby, to the owner or owners of the land on which the injury shall be committed; to be recovered in an action of trespass in any court having jurisdiction thereof, any thing in the said fifth section of the act to which this is a supplement notwithstanding.

Section repealed.

SEC. 3. *And be it enacted*, That the sixth section of the act to which this is a supplement, be, and the same is hereby repealed.

C. Passed, January 16, 1830.

REPEALED

AN ACT to incorporate the Woodstown Fire Engine Company of Salem County.

Name and style
of the incorporation,
with their
powers and
privileges.

SEC. 1. 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 Cayley, Paul Scull, Empson Haines, Joseph L. Risley, and Joseph Barnes, and all such other persons, not exceeding one hundred, as now are, or hereafter shall become associates of the Woodstown Fire Engine Company, 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 Woodstown Fire Engine Company, 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 and concerning the objects of said corporation, and shall have full power and authority to make, form, and adopt such by-laws and regulations for their government, not inconsistent with the laws of this State, or of the United States, as they shall think proper.

SEC. 2. *And be it enacted*, That the capital stock of the said company, shall not exceed the sum of two thousand dollars, which shall be solely and exclusively applied to 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 Woodstown, and its vicinity, from injury by fire.

Amount of capital stock, &c.

SEC. 3. *And be it enacted*, That the said company shall have power to elect, annually, a president, and such other officers and assistants as they shall find necessary for conducting their affairs, according to their constitution and by-laws; and that the 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.

Officers to be elected annually.

SEC. 4. *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 repeal at their pleasure.

C. Passed January 23, 1830.

AN ACT to amend an act, entitled "An act to incorporate a company, to form an artificial navigation, between the Passaic and Delaware rivers," passed thirty-first December, one thousand eight hundred and twenty-four, and for other purposes.

WHEREAS, the Morris Canal and Banking Company, have pe-

Preamble.

tioned for certain amendments, modifications, and alterations of the acts, incorporating and effecting the said company—

Vacancies, how
to be filled.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That where any freeholder who may have been, or hereafter may be appointed, as an appraiser, pursuant to the sixth section of the act, entitled "An act to incorporate a company to form an artificial navigation between the Passaic and Delaware rivers," shall die, remove from the state, refuse to act, or his place or office otherwise become vacant, it shall be lawful for any justice of the Supreme Court in this state, not being a stockholder, to appoint in the manner prescribed by the said last mentioned act, some other discreet and disinterested freeholder, as appraiser, to fill such vacancy, and so as often as such vacancy shall happen as aforesaid; and the justice of the Supreme Court, to whom application shall be made in this behalf, shall determine and decide upon such testimony as may be presented to him before he makes any new appointment as aforesaid, that such vacancy has happened within the true intent and meaning of this act; and when such new appointment shall be duly made, the appraisers, for the time being, shall proceed according to the provisions of the last mentioned act, and shall in all things conform thereto, in the same manner as if the freeholders, then being appraisers, had been the persons originally appointed as appraisers, pursuant to the said act incorporating the said company.

Further privileges granted to
the company, &c

SEC. 2. *And be it enacted,* That the Morris Canal and Banking Company, may, from time to time, borrow all such sum and sums of money as to the board of directors of the said company shall appear necessary and proper, and for securing the due payment of the sums so borrowed, with the interest thereof, it shall and may be lawful for the said company to pledge or hypothecate, by way of mortgage, trust, or otherwise, howsoever, the Morris Canal with all its privileges, appendages, and appurtenances, and all the property and chartered rights of the said company; and such pledge, hypothecation, mortgage or trust, may be valid for the due payment of any sum or sums of money, with the interest thereof, which the same may be given to secure; and in case default shall be made in the payment of any sum or sums of money, so borrowed as aforesaid, or the interest thereof, the person or persons, body politic or corporate, or their legal representatives or assigns, claiming under such pledge, hypothecation, mortgage or trust, may, by due process of law, acquire, and have, and hold, use, and enjoy the said canal with its appendages and appurtenances, and the property of the said company, and take and receive the tolls, rents, issues, and profits

thereof, during the whole residue of the term, for which the said company is chartered or incorporated, in as full and ample a manner as the stockholders of the said company could or might have had, used, and enjoyed the same, subject nevertheless to all the restrictions, limitations, and conditions contained in the said first mentioned act or charter of the said company : *provided*, that any deed by which any pledge, hypothecation, mortgage, or trust, shall be created by virtue of this act, shall be entered of record in the office of the secretary of state of this state : *provided also*, that nothing herein contained shall be taken or construed to effect or impair any prior lines that there may be on the said canal, or on the rights or property of the company ; and that all person or persons, bodies politic or corporate, claiming by virtue of any pledge, hypothecation, mortgage, or trust, made pursuant to this act, shall have no right or title otherwise than according to the priority of their respective incumbrances, or of the pledge, hypothecation, mortgage, or trust, which may have been given or created for his or their benefit. Proviso.

A. January 28, 1830.

AN ACT to incorporate Medical Societies for the purpose of regulating the practice of physic and surgery in this state.

WHEREAS, the Medical Society of New-Jersey, have presented to this legislature, a petition setting forth the inadequacy of their incorporating act, passed the sixteenth February, eighteen hundred and sixteen, and the supplement to the act passed the tenth February, eighteen hundred and eighteen :—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 Medical Society of New-Jersey, already incorporated by the style and name of "The Medical Society of New-Jersey," shall continue to be a body corporate and politic, in fact and in name, and by that name shall be 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, and in all matters and causes whatsoever, and shall and may have and use a common seal, and may change and alter the same at their pleasure ; and that the said society shall be composed of four delegates, chosen by and from each of the district societies which now are, or may hereafter be formed in the respective counties of the state in equal representation ; the officers for Name and style of the incorporation, and the powers, privileges, &c. of the same prescribed.

Time of the annual and semi-annual meetings, &c.

the time being, shall be ex-officio members of the Medical Society of New-Jersey, independently of the authority of delegation; the society thus composed, shall meet on the second Tuesday of May, which is hereby made the time of annual meeting; there shall also be a semi-annual meeting on the second Tuesday of November, yearly and every year; the said society, when constituted as aforesaid, shall be authorized to choose by ballot, a president, three vice-presidents, secretary and treasurer, and such other officers as they may deem necessary; prescribe their duties, and fix their compensations, and shall make such by-laws, rules, and regulations, for the due management of their concerns as may be necessary; *provided*, the same be not in any instance contrary to any law of this state, or of the United States, or to the constitution of either of them.

District societies authorized in the several counties, their powers and privileges also prescribed.

SEC. 2. *And be it enacted*, That the said Medical Society of New-Jersey, whenever applied to for that purpose, or may judge it expedient, may appoint five licensed physicians or surgeons of skill, learning, and integrity, practitioners and residents in each or any county in this state, who shall respectively meet at the county town, in each of the different counties, at such time or times as may be assigned, and of which due notice shall be given by the Medical Society of New-Jersey, and then and there the said physicians and surgeons shall form themselves into a society, to be called "The District Medical Society for the county of _____ in the State of New-Jersey," and being so convened, and not less than five in number they are hereby constituted a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, of defending and being defended in all courts and places, and in all matters and causes whatsoever, and shall and may have and use a common seal, and may change and alter the same at their pleasure; that they are hereby authorized to fix the times and places of their meetings, if within the limits of the respective counties, and also to choose a president, vice-president, secretary, and treasurer, and such other officers as they may deem necessary; prescribe their duties, and fix their compensations; and shall make such by-laws, rules, and regulations, for the due management of their concerns as may be necessary; *provided*, the same be not in any instance contrary to any law of this state, or of the United States, or of the Medical Society of New-Jersey, or to the constitution of either of them; and it is hereby made the duty of the secretary of each of the County Medical Societies, to present to the Medical Society of New-Jersey, at any anniversary meeting, immediately succeeding their first meeting (and also of all those now in existence, if not already done) a copy of all their proceedings had at their first meeting; and the secretary of the Medical Society of New-Jersey

is hereby required to file the same among the archives of the said society.

SEC. 3. *And be it enacted*, That the Medical Society of Counties, already in existence, shall be, and they are hereby constituted bodies corporate and politic in fact and in name, by the names of the Medical Society for the county, where such societies have respectively been formed, and by that name shall be 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, and in all matters and causes whatsoever, and shall and may have a common seal and may alter and renew the same at their pleasure; and they are hereby authorized and empowered to exercise and enjoy all the privileges and immunities in all matters and things for the due management of their concerns may be necessary, in the same manner, and as fully as it is set forth in the preceding section, and with the same restrictions.

The Medical Societies of the several counties in the state now established, constituted by this act, bodies corporate and politic, &c.

SEC. 4. *And be it enacted*, That all physicians who have heretofore been presidents of the Medical Society of New-Jersey, the physician who now is, and all physicians who may hereafter be presidents of said society, shall rank as fellows of the Medical Society of New-Jersey, and be entitled to all the rights and privileges of delegated members.

Privileges of certain members prescribed.

SEC. 5. *And be it enacted*, That the Medical Society of New-Jersey (including both fellows and delegates) are hereby authorized to institute regulations, which shall again be approved by a majority of the whole number of fellows, acting separately, according to which regulations the said Medical Society of New-Jersey may confer the degree of doctor of medicine.

The society authorized to confer degrees, &c.

SEC. 6. *And be it enacted*, That the Medical Society of New-Jersey, established as aforesaid, is hereby empowered to examine all students who shall and may present themselves for that purpose, and to give diplomas under the hand of the president and seal of the society; which diploma shall be sufficient to empower the person so obtaining the same, to practice physic or surgery, or both, as shall be set forth in the said diploma, in any part of this state.

To examine students, and to grant diplomas,

SEC. 7. *And be it enacted*, That it shall and may lawful for the Medical Society of New-Jersey, and also the District Medical Societies of the respective counties of this state, to purchase and hold any estate, real and personal, for the use of said respective societies: *provided*, the annual income of such estate, as well real as personal, which the Medical Society of New-Jersey is hereby authorized to hold, shall not exceed the sum of three thousand dollars, and that the annual income of the estate, as well real as personal, which the county societies are hereby respectively authorized to hold, shall not exceed the sum of one thousand dollars.

The society and district societies authorized to purchase & hold real estate, &c.

How, and to whom, applications for license to practice physic, must be made.

Manner of examination of applicants, &c.

Certain studies & qualifications required, in order to obtain license, &c.

Proviso.

Further duties of physicians and surgeons prescribed, &c.

SEC. 8. *And be it enacted*, That all applications for a license to practice physic or surgery, or both, within any of the counties of this state, shall be made in such manner as the society shall direct; and it shall be the duty of said society, at its annual meetings, to appoint three or more censors, which number, when so appointed, shall be called "The Board of Censors for the Medical Society of New-Jersey," from and for each of the following districts, viz. the eastern, which shall be composed of the counties of Sussex, Warren, Morris, Essex, and Bergen; the middle, which shall be composed of the counties of Hunterdon, Somerset, Middlesex, and Monmouth; and the western district, which shall be composed of the counties of Burlington, Gloucester, Salem, Cumberland, and Cape-May; four of whom, at least, shall proceed to examine the applicant or applicants, carefully and impartially on the subjects of Materia Medica, Pharmacy, Chemistry, Anatomy, Surgery, the practice of Physic and Midwifery, and he or they shall exhibit a general acquaintance with each of the above subjects, before receiving a certificate; and three approving signatures shall be necessary to make valid each certificate recommending the applicants for license.

SEC. 9. *And be it enacted*, That no person shall be considered qualified for examination before the board of censors for the Medical Society of New-Jersey, unless he shall have studied under the particular direction and preceptorship of a regular practising physician or surgeon, or both, of this state; and the said board shall not proceed to examine any candidate until he can give satisfactory evidence (and he is hereby required to do the same,) of having arrived to the age of twenty-one years, studied under the direction of a regular and licensed practitioner of medicine as aforesaid, the term of four years, and attended at least one course of medical lectures; but if he shall have obtained a diploma from any college, then three years' study, including a course of lectures, shall be considered sufficient: *provided*, this act, or any section of it, shall be so construed as not to prevent any person coming from another state, with the aforesaid certificates and qualifications, from presenting himself before the board of censors of the Medical Society of New-Jersey for examination.

SEC. 10. *And be it enacted*, That, from and after the passage of this act, it shall be the duty of every physician and surgeon, who shall undertake to teach the profession to others, whenever any person commences as a student of medicine, under his particular charge, to file a certificate with the Secretary of the Medical Society of New-Jersey, or the Secretary of any one of the District Medical Societies, setting forth, that the said student had commenced the study under his care and preceptorship, with the date thereof: the day of filing such certificate, to be the commencement of his term of study;

and when the said student shall present himself before the board of censors, for the Medical Society of New-Jersey, for examination, he shall exhibit the said certificate, endorsed by the said secretary, that such had been the deposit at the commencement of his course of study; and if the said applicant has received a diploma from any college, he shall produce the same before the said board of censors, that they may proceed to examine him according to the directions aforesaid: *And further*, the said student offering for examination, shall satisfy the board of censors, by certificate or otherwise, that he has pursued a regular course of study under the care and direction of a regular physician or surgeon of this state.

SEC. 11. *And be it enacted*, That it shall be lawful for any student of medicine, who, after a due course of instruction, shall believe himself qualified to commence the practice of physic or surgery, to apply to the Medical Society of New-Jersey, as aforesaid, for license to practice physic or surgery, or both; and it shall be the duty of the said Society, thereupon, to cause the student so applying, to be carefully and impartially examined by their board of censors, in the presence of at least four of them; and if the said applicant, after said examination, shall be adjudged to be duly qualified to commence practice, he shall be entitled to receive from the said board, or a majority of them, a certificate under their hands, of his being qualified to commence practice as a physician or surgeon, or both, which certificate, when presented to the President of the Medical Society of New-Jersey, shall authorize and empower him to grant a license under his hand and the seal of the Society, to the person named in the certificate, to practice physic or surgery, or both, in the State of New-Jersey, for which the said president shall be authorized to demand and receive from the person so licensed, a sum not exceeding fifteen dollars, to be appropriated in such manner as the members of said society shall order and direct.

How students
are to be exam-
ined before ob-
taining license.

SEC. 12. *And be it enacted*, That no person shall commence the practice of physic or surgery, within this state, until he shall have passed an examination, and received a diploma from the Medical Society of New-Jersey, established as aforesaid; and if any person shall practice as a physician or surgeon without having first obtained a license for that purpose, or who was not a respectable practitioner without a license, previous to the passage of the act of the fifteenth of February, eighteen hundred and sixteen, he shall forfeit and pay for every prescription, the sum of twenty-five dollars, to be recovered with costs of suit by action of debt, in any court of judicature within the county where such offence occurs; one half thereof to be given to the complainer, and the other half paid into the treasury of the township, in which said offender resides, for the use of the poor; and it is hereby made

Penalties for
practising physic
without a proper
license.

the duty of the District Society, in any county where such penalty shall be incurred, to prosecute for the same; *and further* if any person shall so practice contrary to the provisions of this act, he shall forever thereafter be disqualified from collecting any debt or debts incurred by such practice, in any court in this state.

A copy of each license to be filed in the office of the clerk of the county.

SEC. 13. *And be it enacted*, That all persons who may be hereafter licensed to practice physic and surgery, shall deposit a copy of such license with the clerk of the county in which such practitioner may reside, and until such license shall be so deposited, those practitioners who shall neglect the same, shall be liable to the penalty of this act, in the same manner as if they had no license; and it shall be the duty of the said clerk to file such license in his office, for each of which he shall receive twelve and a half cents and no more, from the practitioner who may deposit the same.

Certain characters prohibited under certain penalties, from practising physic, &c.

SEC. 14. *And be it enacted*, That this act shall be so construed, as to prevent all irregular bred pretenders to the healing art, under the names or titles of practical botanist, root, or indian doctor, or any other name or title involving quackery of any species, from practising their deceptions, and imposing upon the ignorance and credulity of their fellow citizens; and if any person shall attempt so to practice in any of the counties of this state, he shall be considered an illegal practitioner, and subject to all the penalties contained in the twelfth section of this act; and it is hereby made the duty of the overseers of the poor in any township where such offenders may reside, as well as the duty of the District Societies, to prosecute to conviction all such offences against the laws and well being of the people of this state.

Under specific exceptions.

SEC. 15. *And be it enacted*, That nothing in this act shall be so construed as to prevent any person, not duly qualified by law, from practising physic or surgery in special cases or emergencies, when a regular physician or surgeon cannot conveniently be had; nor shall this act, or any section of it, be so construed as to prevent any licensed physician or surgeon, living in an adjoining state, from practising in this state occasionally, when consulted for that purpose.

Physicians enjoined to exhibit a bill of particulars to each patient.

SEC. 16. *And be it enacted*, That any person now lawfully practising physic or surgery, or who shall be licensed, as by this act directed, shall deliver his account or bill of particulars, to all patients or their lawful representatives respectively, in plain English words, or as nearly so as the articles will admit.

This a public act.

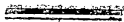
SEC. 17. *And be it enacted*, That the present act shall be taken and considered as a public act.

SEC. 18. *And be it enacted*, That the act passed the fifteenth of February, eighteen hundred and sixteen, to incor-

porate the Medical Society of New-Jersey, and the supplement to the same, passed the tenth of February eighteen hundred eighteen, and the fourth supplement to the act entitled, "An act to incorporate the Medical Society of New-Jersey," passed the twenty-eighth of November, eighteen hundred and twenty-three, and the further supplement to the act entitled "An act to incorporate the Medical Society of New-Jersey," passed the twenty-fourth of November, eighteen hundred and twenty-five, be, and the same are hereby repealed.

Certain former
acts repealed.

C. & A. January 28, 1830.



A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Newark and Pompton Turnpike Company," passed the twenty-fourth day of February, one thousand eight hundred and six.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall and may be lawful for the President and directors of the Newark and Pompton Turnpike Company, to abandon so much of the turnpike road laid out and constructed under the act to which this is a further supplement, as lies between Mead's Basin, on the Morris Canal, and Colfax's Corner, being six miles of the upper end of the road; and that such part of said road be discharged from the operation and effect of the said act, shall be deemed to be, and be worked and managed as a public highway; *provided*, that it shall not be lawful for the said the president and directors of the Newark and Pompton Turnpike Company, to exercise any control or authority over that part of said road so abandoned, or to receive any toll on the same.

What part of the
road abandoned?

Proviso.

SEC. 2. And be it enacted, That it shall and may be lawful for the treasurer of the said company, first giving notice thereof, for at least thirty days, by advertisements in some newspaper published in the city of New-York, and in one of the newspapers published at Newark, in the county of Essex, to open, at his office, books for subscribing stock in said road to the amount of twenty-five thousand dollars, to liquidate the debts of the said company; and if the said stock shall not be subscribed within sixty-days after the opening the books, and notice aforesaid, then it shall and may be lawful for the creditors of the said company to subscribe for as ma-

Books to be
opened, stock to
be subscribed,
&c.

Tolls & resources how to be appropriated.

Proviso.

ny shares in the capital stock of the said company, as at the original subscription price, shall be equal to the debts due to them respectively, which shares, so to be subscribed for by the said creditors, shall be called new or preferred stock; and all the tolls and revenues of the said company, after deducting thereout the necessary expenses of keeping the said road in repair, and other incidental expenses shall annually or semi-annually be applied, in the first place, to the payment of lawful interest to the holders of such preferred stock, upon the amount of such stock by them respectively held; and in case the net proceeds of the tolls, and revenues aforesaid, shall be more than sufficient to pay such interest, then the surplus of such proceeds shall be applied to pay off the said debts, and so far to extinguish the said new or preferred stock; *provided always*, that the said company shall have a right, at any time hereafter, to pay off or otherwise satisfy the said debts, and thereby to redeem and extinguish such new or preferred stock; which shares so to be subscribed for, shall be transferrable in the same manner as the original shares are, by the act to which this a further supplement, made capable of being transferred, and shall entitle the holders or owners thereof, to all the rights and privileges to which the original subscribers are by law entitled.

Obstructions to be removed, &c.

SEC. 3. *And be it enacted*, That it shall and may be lawful for the president and directors of the said company, to cause to be removed, at the expense of the transgressor, any fences, timber, wood, or other obstructions, that now are, or hereafter may be placed in said road; and any person who shall so obstruct said turnpike road, dig up, or otherwise injure the same, shall be liable to a penalty of ten dollars for every offence, to be sued for by said company, and recovered by action of debt, in any court of competent jurisdiction.

C. Passed, January 28, 1830.

AN ACT to authorize Thomas Benton and Henry Andrew to convey Real Estate therein named.

Preamble.

WHEREAS, it is represented to this legislature, that Henry Pope, formerly of the city of New-York, now deceased, in his life time was the owner of a certain lot of land, situate, lying, and being in the town of Jersey, in the county Bergen, known and distinguished as lot number twenty-five, Mercer-street, on the corner of Green-street, and westerly side thereof, which said lot was, and is, subject to an annual ground rent for ever, to the associates of the Jersey Com-

pany, which said lot he offered to convey to one William Durant, of the same place, subject to the ground rent aforesaid, provided he would first erect and build a house, or make permanent improvements thereon, to at least the value of two hundred and fifty dollars, as a security for the payment of the said rent to the said "The Associates of the Jersey Company," thereby exempting the said Henry Pope and his heirs, from the operation of his covenant to the said company forever, to pay the rent aforesaid; as is contained in all their deeds of conveyance of lots in said town of Jersey: *And whereas*, it is further represented to this legislature, that the said William Durant has complied with his part of the agreement aforesaid, by erecting and building on the said lot, a house and other improvements, of at least double the value aforesaid, and that the said Henry Pope died, in England, having previous to his departure from New-York, left a power of attorney to Thomas Benton and Henry Andrew, both of said city to sell and convey his real estate in New-York and New-Jersey; and also, previous to his death, wrote to the said Thomas Benton, directing him to convey to the said William Durant, his heirs and assigns, the said lot of land, which power of attorney, and the authority contained in the said letter, were revoked by the decease of the said Henry Pope, all which appearing to be true—Therefore,

SEC. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the said Thomas Benton and Henry Andrew, or the survivor of them, be, and they are hereby authorized and empowered to execute, in due form of law, a deed of conveyance of all the estate and interest of the said Henry Pope, to the said William Durant, and his heirs and assigns, of, and for all that certain lot, known as lot number twenty-five, Mercer-street, in the town of Jersey, and county of Bergen.

Persons authorized to convey certain real estate therein specified.

SEC. 2. And be it enacted, That the said deed, so to be made, shall convey and vest in the said William Durant, his heirs and assigns, all the estate, right, title, and interest, which the said Henry Pope, deceased, had, at the time of his death, of, and in the said lot of land, and shall be as valid and effectual for that purpose, as if made, executed, and acknowledged by the said Henry Pope, during his lifetime.

To Wm. Durant, his heirs and assigns.

C. Passed, January 29, 1830.

AN ACT to authorize Samuel White and Theodore Ivins, administrators of Joseph Frazer, deceased, to fulfil a contract for the sale of a wheelright shop, and a lot of land made by the said Joseph Frazer, deceased, with Charles H. Brian.

Preamble.

WHEREAS, it appears that Joseph Frazer, late of the county of Burlington, deceased, did, in his lifetime, contract and sell, by a certain contract, to Charles H. Brian, a certain wheelright shop and lot of land, situated in the village of Columbus, in the township of Mansfield, in said county, containing about half an acre of land, or thereabouts, and now in the possession of the said Charles H. Brian; and that a part of the consideration money has been paid by the said Charles H. Brian, to the said Joseph Frazer, in his lifetime, all which appearing just and reasonable—Therefore,

Administrators,
&c. authorized
to fulfil a certain
contract, &c.

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 White and Theodore Ivins, administrators of Joseph Frazer, deceased, be, and they are hereby authorized and empowered to make a deed of conveyance unto the said Charles H. Brian, and to his heirs and assigns, for a certain lot of land in the village of Columbus, in the township of Mansfield, in the county of Burlington, containing about half an acre, or thereabouts, and now in the possession of the said Charles H. Brian, and which the said Joseph Frazer, by a certain contract, in his lifetime, agreed to convey unto the said Charles H. Brian, which deed, when duly executed and delivered, shall be as good and effectual for the conveyance of the said wheelright shop and lot of land, as if the same had been made and executed by the said Joseph Frazer, in his lifetime.

A. January 29, 1830,

AN ACT to authorize William G. Bull, one of the executors of the last will and testament of William G. Reynolds, deceased, to fulfil a contract for the sale of a certain lot of land and premises, made by the said William G. Reynolds with Edward I. Brown.

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

the same, That William G. Bull, one of the executors of the last will and testament of William G. Reynolds, formerly of Middletown Point, in the county of Monmouth, and state of New-Jersey, deceased, be, and he is hereby authorized and empowered to make and execute a deed of conveyance to the said Edward I. Brown, and to his heirs and assigns of, and for a certain lot of land with an office partly standing thereon, situate in Middletown Point aforesaid, on the road leading to Mount Pleasant, bounded northerly by a lane; easterly by land now or late of Abraham Brown; southerly by land late of William H. Whitlock; and westerly by said road, containing half an acre more or less, with the appurtenances thereunto belonging; and which lot of land and premises the said William G. Reynolds, in his lifetime, did agree to convey to the said Edward I. Brown, and which deed when duly executed and delivered, shall be as good and effectual for the conveyance of the said land and premises, as if the same had been executed by the said William G. Reynolds in his lifetime.

Executor empowered to convey certain real estate.

A. January 29, 1830.

AN ACT to incorporate the Clinton Manufacturing Company.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That William Jackson and Silas D. Halsey, with all others, who are, or shall hereafter become associated with them, their successors and assigns, be, and they are hereby incorporated by the name of the "Clinton Manufacturing Company," for the purpose of manufacturing iron chain cables, wire, nails, cotton, wool and other articles, at Clinton works, in the county of Bergen, in this state, and carrying on the business incident to such manufactory; and by that name they and their successors and assigns, shall and may have continual succession, and be persons in law, capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity; and that they and their successors may have and use a common seal, and may alter the same at their pleasure; and that they and their successors, by the same name and style, shall be and hereby are authorized and empowered to purchase, hold, possess, use, and enjoy, to them and their successors, all or any such lands, tenements, waters, goods, chattels, and ef-

Manner of the incorporation with the powers, privileges, &c. thereof prescribed.

Proviso.

fects, of whatever kind they may be, as shall be necessary for the views and purposes of said corporation; *Provided*, that the said real estate to be purchased and holden, shall be such only as is now owned by the said William Jackson, in the county aforesaid, or as may be necessary for the purposes for which this corporation is established, not exceeding in value two hundred thousand dollars, exclusive of such lands, goods, chattels, and other property, as shall be taken in payment or satisfaction, of, or in security for debts due the corporation, or that may become necessary for them to purchase at any sheriff's sale, in order to secure any debt or moneys that may be due them, and to sell, mortgage, and dispose of the same at pleasure; and also, to sell or lease any surplus land or water-power they may possess.

Amount of the capital stock of the said company.

SEC. 2. *And be it enacted*, That the capital stock of said corporation, shall be two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each; but it shall, nevertheless, be lawful for the said corporation, when, and so soon as, fifty thousand dollars of the said capital stock shall have been subscribed for and paid, or secured to be paid to said company, to commence their said business, and with that capital to conduct and carry it on, until they shall find it expedient to extend their capital, which they are authorized to do, from time to time, to the amount herein before mentioned.

Number of directors, president, number of shares, time of meeting, &c. prescribed.

SEC. 3. *And be it enacted*, That the stock, property, and affairs of the said corporation, shall be managed by five directors, one of whom they shall appoint their president, who shall hold their offices for one year, and until others shall be chosen, and no longer; which directors shall, at all times during their continuance in office, be stockholders in said company, in their own right, to the amount of at least ten shares, and shall be citizens of the United States, and shall be elected at the annual meeting of the stockholders, which shall be held on the third Monday of May in each year, at such hour of the day, and at such place as the regulations of said corporation shall prescribe; a majority of directors shall, on all occasions, when assembled at such place, as the by-laws of the company direct, constitute a board competent to the transaction of business; and all questions before them, shall be decided by a majority of voices; and a majority of the stockholders or their proxies, present at any legal meeting of such stockholders, shall be capable of transacting the business of such meeting, each share entitling the owner thereof, or his proxy, to one vote; but no shares shall entitle the holder to vote, unless the same shall have been held by him at least three months next immediately preceding such election; and that William Jackson, John H. Stevens, and William Scott, shall be commissioners, and hereby are authorized, at such time and

place as they may choose, to open books and receive subscriptions for the capital stock of said company; and when the sum of fifty thousand dollars shall have been subscribed, then they shall call the first meeting of the said company, for the choice of directors; and the said commissioners shall be inspectors of the first election of directors of the said company, and shall certify under their hands, the names of those duly elected, and deliver over to them the subscription books, and the moneys and securities received for subscriptions; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners.

SEC. 4. *And be it enacted*, That the said president and directors, for the time being, or a major part of them, shall have power to fill any vacancy which may happen in their board by death, resignation, or otherwise, for the then current year, and appoint and employ, from time to time, a secretary, treasurer, and such other officers, mechanics and laborers, as they may think proper, for the transaction of the business and concerns of the said company; and also, to make and establish such by-laws, rules, and regulations, as they shall think expedient, for the better management of the concerns of the said company, and the same to alter and repeal: *Provided always*, that such by-laws, rules, and regulations be not inconsistent with the laws of this state or the United States; and the said directors shall and may, whenever they shall deem it expedient, and at such time and place, and with such notices as they shall think proper, and as often as the interests of the stockholders shall require, and the affairs of the said company will permit, declare a dividend or dividends of profit on each share which shall be paid by the treasurer of said company.

How vacancies
are to be filled,
&c.

Proviso:

SEC. 5. *And be it enacted*, That if it shall so happen that an election of directors should not take place on any day, when on pursuant to this act it ought to be made, the said corporation shall not for that cause be dissolved; but such election may be held on any convenient day, within forty days thereafter, to be fixed on by the directors, they previously giving public notice thereof, by publishing the time and place of holding such election in two or more of the newspapers printed and published in the said county of Bergen, or in the next adjoining counties, and one newspaper in the city of New-York, for at least fifteen days next preceding the time appointed for such election.

When election
may be held &c.
to be advertised.

SEC. 6. *And be it enacted*, That the capital stock of said company shall be deemed personal property, and that all shares shall be transferrable on the books of said company, in such form as the by-laws shall ordain; and such transfer shall be valid only after it shall have been registered on the books of said company; and said company shall at all times have a lien upon all the stock or property of the members of said cor-

Capital stock to
be deemed per-
sonal property,
& shares trans-
ferrable.

poration invested therein, for all debts due, or to become due, from them to said company.

Books to be kept
at the manufac-
tory, &c.

SEC. 7. *And be it enacted*, That the books of said company containing their accounts, shall at all times be kept at their manufactory at Clinton Works, and be open for the inspection of any of the stockholders of said company; and at the general meeting of the stockholders, to be held annually, agreeably to the third section of this act, a general statement of the affairs of said company shall be made out and exhibited by the president and directors.

Subscriptions
how to be col-
lected, &c.

SEC. 8. *And be it enacted*, That the directors may call in the subscriptions to the capital stock by instalments, in such proportions and at such times and places as they may think proper, giving such notice thereof, as the by-laws and regulations of said company shall prescribe; and in case any stockholder shall neglect or refuse payment of such instalment or instalments, for the term of sixty days after the same shall have become due and payable, and after he, she, or they shall have been notified thereof, such stockholder or stockholders so neglecting or refusing to pay, shall as the directors may elect, either forfeit to said company all his, her or their previous instalments, together with all his, her or their rights and interest whatever in said stock, or be compelled to pay up such further instalment by suit at law or otherwise.

Privileges of
certain voters
granted to the
company.

SEC. 9. *And be it enacted*, That the said company shall and may be allowed to use the waters of the Buck Mountain Pond, now owned by the said William Jackson, in the said county of Bergen, and the waters of the Cedar pond, in the said county, or either of them, by raising a dam or dams at such place or places as they may think proper, at the outlet of each of said ponds, not more than ten feet high, for the purpose of forming reservoirs of water to supply the manufactories which now are, or which may hereafter be erected by the said company in pursuance of this act: *Provided*, that nothing in this act, shall authorize the said company to appropriate to their use, or to overflow any lands not belonging to the said company, without the consent of the owner or owners thereof.

Proviso.

Banking opera-
tions prohibited.

SEC. 10. *And be it enacted*, That the corporation hereby created, shall not use any part of their capital or property in carrying on any banking operations.

Legislature au-
thorized to
amend or repeal.

SEC. 11. *And be it enacted*, That the legislature may alter, modify, or repeal this act, whenever in their opinion the public good requires it.

A. February 1, 1830.

A SUPPLEMENT to an act, entitled "An act to authorize Peter Kean to fulfil the last Will and Testament of Peter Van Burgh Livingston, esquire, deceased," passed the fourth day of February, in the year of our Lord, one thousand eight hundred and fifteen.

WHEREAS, it hath been represented to the Legislature, that since the passing of the act to which this is a supplement, Peter Kean, esquire, the trustee therein named, hath departed this life, leaving the said trust unexecuted in part, whereby the said trusts, and all the estate, right and title of the said Peter Kean in the trust estate, descended to his heirs at law, all of whom are infants, under the age of twenty-one years: *And whereas*, the persons in interest are desirous that Anthony Rutgers, of the county of Essex, should be substituted in the place of the heirs at law of the said Peter Kean, and be authorized to perform the trusts so as aforesaid, remaining unperformed at the time of the death of the said trustee, and the said Anthony Rutgers having accepted the said trustship—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 Anthony Rutgers, of the county of Essex, be, and he is hereby constituted and appointed a trustee, to execute the trust in the said act mentioned, and to do and perform all such acts which might have been done by the said Peter Kean, in the premises, in virtue of the said act to which this is a supplement; subject, nevertheless, to the provisions, conditions, and restrictions contained in the said act; and that all the right, title, estate and interest of the said Peter Kean, of, in, and to the premises in the said act mentioned, and of his heirs at law in the same, be, and the same is hereby vested in the said Anthony Rutgers, in as full and ample a manner as the same were vested in the said Peter Kean, in his life time, to the same uses, trusts, and purposes, as are set forth in the said act.

A new trustee in lieu of Peter Kean, esquire, appointed, &c.

C. Passed February 9, 1830.

AN ACT to enable the owners and possessors of the Meadows, Low Lands, and Swamps, adjoining the Dead River, to clear the same within the limits therein mentioned.

SEC. 1. BE IT ENACTED *by the Council and General*

Managers appointed, and their duties prescribed.

Assembly of this State, and it is hereby enacted by the authority of the same, That John Worth, Isaac Moore, and Ephraim Stelle, shall be, and they are hereby appointed managers for removing the obstructions in the Dead River, between where said river empties into Passaic River and the Bridge that crosses said Dead River, near where Thomas Galtra now lives, and to clear the channel thereof; and shall continue managers until the first Monday in April, in the year of our Lord, one thousand eight hundred and thirty-one; and it shall and may be lawful for the said managers, or either of them, to enter into and upon the meadows, swamps, and low lands, of all persons whatsoever, lying upon said river, within the limits aforesaid, to clear the same and remove every obstruction, (division swinging pole fencing, across the said river excepted) to the free passage of the waters within the limits aforesaid, and the mud, and other obstructions, taken out of the said river, equally to cast out upon the meadow, swamps, and low lands next adjacent.

Expenses of the improvement how to be defrayed, &c.

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, swamps, and low lands, 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.

Meeting of the owners and possessors to be held annually, and their duties prescribed.

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 James Castner, innkeeper, in Bernard's township, Somerset county, now lives, on the second Monday in April, and appoint three managers, who shall be owners and possessors of the meadows, swamps, and low lands aforesaid, yearly and every year, after the first Monday in April, in the year of our Lord one thousand eight hundred and thirty-one; 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.

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 or possessors of the 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 neighbourhood 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 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.

Vacancies how 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 any thing whatsoever, into the said river, that will obstruct or be an impediment to the free course of the said river, within the limits aforesaid, 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, swamps, and low lands, in an action of debt, in any court having cognizance of the same, one half to the informant, and the other half to the manager or managers above mentioned, or either of them, to be appropriated towards clearing of the river aforesaid.

Penalty for wilfully obstructing the course of the road.

SEC. 6. *And be it enacted*, That the said managers shall severally be entitled to receive, for each day he or they may be employed in discharging the duties required by this act, the sum of seventy-five cents.

Wages.

C. Passed February 13, 1830.

AN ACT to incorporate the Medford Water Company.

WHEREAS, Edward Thomas, Benjamin Shreve, and George Haines, associated with others as a company, under the name and style of "The Medford Water Company," for the use and purpose of supplying the village of Medford with water, from the south branch of Rancocas Creek, for domestic purposes, and as a further security against loss by fire; by their petition presented to the Legislature, have requested to be incorporated, the better to enable

Preamble.

them to carry into effect the salutary objects of their institutions—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 such persons as now are or hereafter shall become stockholders, shall be and are hereby constituted a body corporate and politic, in fact and in name, by the style and title of "The Medford Water Company," and by that name, shall and may have continual succession, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of actions, matters and causes whatsoever; have a common seal, and make, change, or alter the same at pleasure; and to hold and enjoy such real and personal estate as may be necessary for the object aforesaid; that the stock of the said corporation shall be deemed personal property, and shall consist of one thousand shares of five dollars each; that the management of the concerns of the said company, shall be entrusted to seven directors, being stockholders and inhabitants of the township of Evesham; which directors shall be chosen each and every year, at the annual meeting of the stockholders, which shall be held the first Monday in February, at such hour and place in Medford, as said directors shall, from time to time appoint, by notices set up in three of the most public places in or near Medford, at least fifteen days previous to said election; that all elections shall be by ballot by the stockholders, personally or by proxy, under the direction and inspection of three stockholders not being candidates, each stockholder having one vote for two shares, two votes for five shares, and one additional vote for each succeeding five shares that he holds; and the seven persons having the greatest number of votes, shall be directors; that if any two or more persons have an equal number of votes, so as that seven directors shall not be elected, they shall again proceed, in like manner, to elect, out of the persons so having an equal number of votes, so many as shall complete the number of directors; out of which number the said directors shall, by a plurality of their votes, elect one for their president; and in case of vacancy in the office of any of the said directors, by death, resignation, or otherwise, others shall be elected, by said directors, to fill such vacancy; that in case it shall at any time happen, that an election of directors shall not be made on the day appointed by this act for that purpose, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful to hold an election for directors within thirty days thereafter.

Manner of the incorporation, with the powers, privileges, &c. thereof prescribed.

Directors to be chosen annually.

Elections to be by ballot.

Names of commissioners to open books, &c.

SEC. 2. And be it enacted, That Samuel Stackhouse, James Rogers, and Richard Reeves, be commissioners to procure subscriptions for the stock, and shall open books for that pur-

pose, at Medford, on the first Monday in March, eighteen hundred and thirty, having previously given ten days public notice; and whenever four hundred shares shall be subscribed, each stockholder paying at the time of subscribing, fifty cents for each and every share; the said commissioners shall call a meeting of the stockholders within ten days thereafter, by giving what they may consider sufficient notice, by public advertisement or otherwise, for the purpose of electing directors and transacting such other business as may come before them at such hour and place in the village of Medford, as they may deem proper; and to such directors, lawfully elected, they shall pay over such money as they shall have received, which said meeting shall be considered the first annual meeting.

and to call meeting of stockholders, &c.

SEC. 3. *And be it enacted,* That it shall and may be lawful for the directors, or a majority of them, to require payment of the stock subscribed in such proportions, and at such times as they, or a majority of them, may think proper, with the penalty of the forfeiture of all previous payments thereon; and that notice of the instalments required, and of the time when the same are to be made, shall be served on each stockholder, in writing, at least thirty days previous.

Stockholders to be informed when payments must be made.

SEC. 4. *And be it enacted,* That the directors shall be authorized, in their discretion, to appoint a secretary and other officers, agents, and servants, as they shall from time to time deem necessary, for carrying into effect the powers vested in said company; to establish rules, regulations, and by-laws, for, and concerning the conduct and government of such officers, agents, and servants, and for determining the compensation to which they shall be entitled, and for and concerning the manner of making transfers of the said stock, and the conduct and government of all persons with whom they shall contract for the use of the water, from their works, so far as respects the preservation of water furnished by said company and the use thereof, and to restrain the waste thereof; and by such laws and ordinances to impose penalties and forfeitures, for a neglect or refusal to comply therewith, so as that such penalty or forfeiture in any one case shall not exceed four dollars; which penalties or forfeitures shall be recoverable in the name of the said corporation, before any justice of the peace of the county of Burlington, with costs in an action of debt; and that for the purpose of effectually supplying the said village of Medford and its inhabitants, it shall and may be lawful to, and for the said directors and company, to erect works on the most eligible situation at the creek, lay out and conduct along the public highways and streets, any number of conduits necessary for, and calculated to supply such water through or over lands in the village of Medford; *provided*, that the same shall not be done without consent and

Directors authorized to appoint their officers, &c transfer stock, &c.

Penalties and forfeitures, &c. prescribed.

Proviso.

permission of the owners of property over or through which it may be necessary to pass.

Penalty for injuring any of the works of the said company.

SEC. 5. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatsoever, whereby the works of the said corporation or any pipe, conduit, aqueduct, plug, cock, reservoir, or any engine, machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured, or destroyed, the person or persons so offending, shall forfeit and pay to the said corporation, treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of said corporation, with costs of suit, by action of debt, to be brought in any court in this state having cognizance of the same.

The capital stock not to be otherwise appropriated.

SEC. 6. *And be it enacted*, That no part of the capital stock, created by this act, shall be applied to any other purpose whatever, than the supplying of the village of Medford with water conformably to the provision of this act.

A. February 18, 1830.

AN ACT for the relief of the New-Barbadoes Toll Bridge Company.

Certain alterations in the turnpike road allowed and confirmed.

SEC. 1. *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 turnpike road, as made by the New Barbadoes Toll Bridge Company, and as the same has been maintained and used, from where the said road strikes the western corner of the farm of John A. Berry, esquire, on the upland, thence over the meadows across Berry's Creek to the western abutment of the bridge over Hackensack river, be, and the same is hereby confirmed, and shall be deemed and taken to be a part of the turnpike road of the said the New Barbadoes Toll Bridge Company, within the provisions of the act entitled "An act to incorporate a company to extend the Paterson and Hamburg Turnpike to the Hudson River," passed the sixteenth day of February, one thousand eight hundred and sixteen, notwithstanding a part of the said road has, within the said limits been made off of the line prescribed for making the said road by the commissioners heretofore appointed to lay out said road: *Provided always*, that nothing in this act contained, shall prevent the owner or owners of any lands over which the said road has been made and now runs, from recovering compensation for the said lands, and all damages sustained by reason of the making said road in the manner prescribed by the act incorporating the said company,

Proviso.

or in any other legal manner, if such owner or owners are, by law, entitled to such compensation and damages or to either of them.

C. Passed February 18, 1830.

AN ACT to authorize Thomas J. Wharton, esq. administrator, &c. of Bloomfield M'Irvine, esquire, deceased, to make and execute a deed of conveyance to Robert Moses.

WHEREAS, Robert Moses, of the city of Burlington, hath by his memorial to this legislature, set forth that Joseph M'Irvine, esquire, late of the city of Burlington, deceased, by deed dated the first day of May, in the year of our Lord one thousand eight hundred and fifteen, and recorded in book D. 2, of deeds, page 194, B. in the clerk's office of the county of Burlington, purchased of the heirs of Jacob Myers, deceased, for the use of the said Robert Moses, as soon as he should pay the purchase money thereof, a lot of land situate in the township and county of Burlington, containing four acres and twenty-four hundredths of an acre of land; that the legal title to the said lot of land afterwards became vested by divers mesne conveyances, in Bloomfield M'Irvine esquire; that the said Bloomfield M'Irvine, hath died intestate, leaving his infant daughter his heir at law; and that administration of all and singular the goods and chattels, rights, and credits of the said Bloomfield M'Irvine, hath been duly granted to Thomas J. Wharton, esquire; that the said Robert Moses had paid a part of the purchase money of the said lot of land, to the said Joseph M'Irvine, and to the said Bloomfield M'Irvine, in their life times; and that he hath paid the full balance, remaining due, of the said purchase money, to the said Thomas J. Wharton, administrator as aforesaid, since the death of the said Bloomfield M'Irvine; that the said Robert Moses although he hath paid the full purchase money of the said lot of land, is still without a legal title therefor; and that the heir at law of the said Bloomfield M'Irvine, from her infancy, is incompetent to convey the same; and the said Robert Moses having prayed the legislature to pass an act authorizing Thomas J. Wharton, esquire, administrator, &c. of Bloomfield M'Irvine, esquire, deceased, to convey the said lot of land to the said Robert Moses, and the same 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 autho-

Administrator
authorized to
fulfil a certain
contract.

rity of the same, That Thomas J. Wharton, esquire, administrator, &c. of Bloomfield M'Ilvaine, esquire, dec. be, and he hereby is authorized and empowered to make, execute, and deliver, to the said Robert Moses, his heirs and assigns, a deed of conveyance for the lot of four acres and twenty-four hundredths of an acre of land above mentioned; which deed of conveyance so made, executed, and delivered by the said Thomas J. Wharton, administrator, as aforesaid, to the said Robert Moses, his heirs and assigns, shall be as good and effectual for the conveyance of the same, as a deed of conveyance from the said Bloomfield M'Ilvaine, immediately before his death, to the said Robert Moses, his heirs and assigns, duly executed and delivered, would or could have been.

A. Passed February 18, 1830.

AN ACT to empower Isaac Smith, guardian of Aaron Griggs, to sell certain real estate of his ward.

Preamble.

WHEREAS, Aaron Griggs, a minor under the age of twenty-one years, son of Aaron Griggs, deceased, and grandson of Benjamin Griggs, late of the township of Newton, in the county of Sussex, in this state, deceased, as one of the heirs of the said Benjamin, is seized in fee of an undivided share, part, and interest of, and in a farm and tract of land, whereon the said Benjamin lately lived, and of which he died siezed, situate in said township: *And whereas*, it is represented that it would be to the interest of the said Aaron Griggs, the minor, to sell and convey the said land in fee simple; but that the same cannot be done without the aid of a special law for that purpose; and the said Isaac Smith, his maternal grandfather and guardian, hath, by his petition, asked for a law to empower him to sell the same, and that an advantageous sale thereof can be made, if power therefor be given—Therefore,

Guardian empowered to sell
certain real estate.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the said Isaac Smith, guardian of the said Aaron Griggs, be, and he hereby is authorized and empowered to grant, bargain, sell, and convey the lands, tenements, and real estate aforesaid, of the said Aaron Griggs, his ward 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

were made by the said Aaron Griggs, the ward himself; after he had attained his full age of twenty-one years: *Provided always*, that such deed or deeds shall have no force or effect, until the said sale or sales shall be reported to the Orphans' Court of the county of Sussex, and approved by the said court, and the said Isaac Smith give such additional security, for the faithful performance of his guardianship aforesaid, as the said court may direct and approve of, if the said court deem any additional security necessary.

A. February 18, 1830.

AN ACT to alter the corporate name of "The First Congregational Church in the county of Morris, located at Chester, in said 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 from and after the passing of this act, the name of the said corporation, be, and the same is hereby changed to the name of "The First Congregational Church in the township of Chester, county of Morris, and state of New-Jersey."

SEC. 2. *And be it enacted*, That all deeds, gifts, grants, devises, bequests, records, acts, matters, and things whatsoever, in which the said corporation has heretofore been described by the first above mentioned name, shall be good and available in law, and shall accrue to the benefit of said corporation under the last above mentioned name, as fully and effectually as if no change were made in the name of said corporation, and the said "The First Congregational Church in the township of Chester, in the county of Morris, and state of New-Jersey," may have, claim, sue for, and recover in any court of law or equity, all debts, dues, rights, choses in action, and demands whatsoever, real and personal, which have in any manner accrued or appertained to the said corporation, by its first above mentioned name, or which shall hereafter accrue to it by its name as changed by this act.

A. Passed February 26, 1830.

AN ACT to divorce Mary Smith from her husband Peter T. Smith.

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

C. Passed, February 27, 1830.

AN ACT to repeal an act entitled a supplement to the act entitled "An act for the preservation of Sheep," passed the ninth day of June, eighteen hundred and twenty.

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 a supplement to the act entitled "An act for the preservation of sheep," passed the ninth day of June, eighteen hundred and twenty, which said supplement was passed on the twelfth day of December, eighteen hundred and twenty-six, be, and the same is hereby repealed; and that so much of the fifth and seventh sections of the act, for the preservation of sheep, as were repealed by the said supplement, be, and they are hereby declared to be revived and of full force: *Provided,* that nothing herein contained, shall affect any act done, or resolution passed, under the law hereby repealed.

C. Passed, February 4, 1830.

AN ACT to incorporate the Farmers' and Merchants' Bank of Middletown Point.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That William Little, De Lafayette Schenck, and Daniel Holmes, or any two of them, be appointed commissioners to open books of subscription for \$50,000, &c.

missioners to open a subscription at Middletown Point, to raise the sum of fifty thousand dollars, in shares of fifty dollars each; the said commissioners to give notice of the time and place or places of opening the books of subscription, by advertising the same, in one of the newspapers published in Freehold, New-Brunswick, and Trenton, 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 fifty thousand dollars be subscribed, the commissioners shall make an equitable deduction and apportionment: *Provided always*, that the stock shall be subscribed and owned by citizens of this state exclusively.

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 and made a corporation and body politic, by the name and style of "The President, Directors, and Company of the Farmers' and Merchants' Bank of Middletown Point," 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, 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, or with this charter; 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.

Style of the incorporation, its powers & privileges, &c.

SEC. 3. *And be it enacted*, That the sum subscribed, shall be paid in manner following, that is to say: ten dollars on each share, at the time of subscribing, to the persons receiving subscriptions, and the remainder in instalments of five dollars on each share, when called for by the president and directors of the said company, appointed and chosen in the manner hereinafter prescribed, upon thirty days previous notice being given, by the cashier of the said company, in one of the newspapers printed at Freehold, New-Brunswick, and Trenton; and any person, co-partnership or body politic, failing

How and when instalments are to be paid.

to pay any instalments, or any part thereof, at the time prescribed and required, shall forfeit to the said company, every share upon which there shall be a deficiency, and all money thereon previously paid.

Directors, their qualifications & duties prescribed, &c.

SEC. 4. *And be it enacted,* That all the officers, property, and concerns of the said corporation, shall be managed and conducted by eleven directors, all of whom shall be stockholders and citizens of this state; and that De Lafayette Schenck, William Little, Joseph Ellis, Asbury Fountain, Samuel Stillwell, Daniel Holmes, Francis P. Simpson, Garret P. Conover, Holmes Van Mater, John A. Vanderbilt, Leonard Walling, shall be the first directors, and shall respectively hold their offices until the first Monday in January, in the year one thousand eight hundred and thirty-one, and until others shall be chosen by the stockholders; and the said directors shall choose one of their number for President as hereinafter directed; and all moneys received by the commissioners on the subscriptions to the said capital stock, excepting so much as shall be allowed for their services, shall be delivered over to the said directors, when duly organized, together with the original books of subscription.

When elections are to be held annually.

Directors to be chosen annually, &c.

Manner of voting and other duties and privileges of the incorporation further prescribed.

SEC. 5. *And be it enacted,* That there shall be an election of directors on the first Monday in January, in the year one thousand eight hundred and thirty-one; and on the same day annually thereafter, at the banking house of the company, at such hour of the day as the board of directors, for the time being, may appoint, two weeks previous notice thereof being given by the cashier in the newspapers herein before mentioned, which directors shall hold their offices for one year, and until others are chosen; and no person shall be eligible as a director, who shall not be at the time a stockholder; and the said elections shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, voting agreeably to the ratio hereinafter established, for the number of shares held by them respectively; and all such elections shall be by ballot, and the persons who shall have the majority of votes given, shall be directors: *Provided*, that no president, cashier, director, or other officer of said bank, or candidate for any office in the bank, shall be allowed to vote in virtue of any proxy: *And provided further*, that in all cases where two or more persons shall have an equal number of votes, the directors of the preceding year, or a majority of them, shall, by ballot and by a majority of votes, determine which of the directors so having an equal number of votes, shall be director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall elect one of their number, by ballot and by a majority of the votes, for president, who shall be an inhabitant of the place, living within three miles of the banking house of said company; and whenever any vacan-

cy 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 other directors, for the time being, or a majority of them, shall appoint; and if the office of president shall, at any time during the year, become vacant, the directors shall meet as soon as may be thereafter, and elect in the manner before mentioned, another person qualified as aforesaid for president: *Provided*, that in case it should happen that an election of directors shall not be made upon the day herein prescribed, the said company shall not thereby be considered to be dissolved, but it shall be lawful on any other day thereafter, to hold an election for directors, for the year, in such manner as the by-laws of the corporation shall direct.

SEC. 6. *And be it enacted*, That there shall be a meeting of the board of directors at least quarter yearly, who shall have power to adjourn from time to time; and the president and any three of the directors; may call a special meeting at any other time they may think necessary.

Quarterly meetings to be held.

SEC. 7. *And be it enacted*, That the said directors at every quarterly meeting, shall choose three of their body to inspect the business of the company, for the ensuing three months; and the inspectors so chosen, shall twice in every month, examine into the state of the cash account and other business of the said company, and see that the accounts are regularly balanced and transferred, and make report thereof at the next meeting of the board.

Inspectors to be chosen quarterly, and their duties prescribed.

SEC. 8. *And be it enacted*, That the capital stock and funds of the said corporation shall be deemed personal estate.

Capital stock deemed personal estate.

SEC. 9. *And be it enacted*, That the following shall be the fundamental articles of the constitution of said company:

Fundamental articles, &c. exhibited.

ARTICLE I.

The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he, she, or they shall hold, in the proportion following: that is to say, for one share, and not exceeding ten shares, one vote for every share; for every two shares above ten, and not exceeding twenty shares, one vote; for every five shares above twenty shares, and not exceeding forty shares, one vote; and for every ten shares above forty shares, one vote, which he, she, or they shall have held in his, her, or their name or names, and have been the owner of, for at least three months before the time of voting.

ARTICLE II.

For the well ordering and conducting the election of directors, the stockholders at their annual meeting, shall appoint

three of the stockholders, not being directors, or candidates for any office, to be judges of the election, who shall be authorized to conduct and regulate the same, and shall be sworn or affirmed faithfully and impartially to execute the duties of their appointment.

ARTICLE III.

A general statement of the affairs of the company, shall be exhibited every year at the banking house of the company, at least thirty days before the annual election of directors, and remain open to the inspection and examination of any stockholder during the usual hours of business.

ARTICLE IV.

That all the books of said company, shall at any time during the usual hours of transacting business, be opened to the examination of every stockholder, of such company for fifteen days previous to any election of directors; and if any officer having charge of such books, shall, upon demand by any stockholder, as aforesaid, refuse or neglect to exhibit such books, or submit them to examination as aforesaid, he shall for every such offence, forfeit the sum of two hundred dollars, the one half thereof to the use of the state of New-Jersey, and the other moiety to the person who will sue for the same, to be recovered by action of debt in any court of record, together with the costs of such suit; and further, that the book or books aforesaid, shall be evidence, who are the stockholders of such company entitled to examine such book or books, and to vote in person or by proxy, at any election for directors of said company.

ARTICLE V.

Not less than seven directors shall constitute a quorum to do business, of whom the president shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by any other director chosen by the directors so met for business; *Provided however*, that three directors, when met for the purpose, may be allowed to make discounts.

ARTICLE VI.

The directors shall make such compensation to the president for his services, in the business of the said company, as shall appear to them reasonable; but in fixing such compensation, the president shall not be entitled to a vote; but no other director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at the time of their annual meeting for election of officers.

ARTICLE VII.

The shares of the capital stock, at any time owned by any stockholder, shall be transferrable on the books of the said company only, according to such rules as shall be instituted in that behalf, by the laws and ordinances of the said corporation; and no transfer of such stock of the said corporation shall be valid and effectual, until all debts which may be due to said company from the persons transferring, shall have been fully discharged, and such transfer registered in a book or books to be kept for that purpose; 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 thereupon, under the hand or hands of such person or persons, and his, her or their assignee or assignees, successively, and shall enable such assignee or assignees, to bring and maintain an action thereupon, in his, her or their name or names; and bills or notes, which may be issued by order of said corporation, signed by the president, and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with the like effect, as upon any private person or persons, if issued by them in their private or natural capacity or capacities, and shall be received in the payment of all debts due to the said corporation.

ARTICLE VIII.

The total amount of the debts which the said corporation shall at any time owe, whether by bond or bill, or note, or other contract, shall not exceed double the amount of the capital paid in; and in case the said debts shall exceed double the amount of the capital paid in, then, and in such case, the directors (except as hereinafter excepted) under whose administration such malepractice shall occur, shall be liable to pay to every creditor of the said bank, the amount of such claim as such creditor may have against said bank, to be recovered by action of debt, with costs of suit: *Provided always*, the money deposited in the bank of said company, shall not be considered as the debts of the said bank, within the provisions of this clause: *And provided also*, that no director shall be liable as aforesaid, who shall have been absent from the meeting of the board, or shall have dissented from the act or resolution by which such malepractice shall have been authorized: *And provided also*, that such director shall forthwith give notice of the fact, of his absence or dissent, to the governor of the state, for the time being, and to the stockholders, at a general meeting, which the said directors shall have power to call for that purpose.

ARTICLE IX.

After the first year, half yearly dividends shall be made to the stockholders of so much of the profits of the banking business as shall appear to the directors advisable, but the said directors shall not, at any time, make any dividend of any part of the capital stock of the said company, but only the net profits thereof; and in case they shall divide any part of the capital stock as aforesaid, the directors, under whose administration it shall happen, being present and consenting thereto, shall be liable for that part of the capital stock, so divided in their natural and private capacity.

ARTICLE X.

The lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall only be such as shall be required for its immediate accommodation, in relation to the convenient transaction of business, and such as shall have been in good faith mortgaged to it by way of security, or conveyed to it in satisfaction for debts previously contracted in the course of its dealings, or purchased at sales on judgments which shall be obtained for such debts.

ARTICLE XI.

The corporation shall not directly, nor indirectly, deal or trade in any thing, except bills of exchange, promissory notes, gold or silver bullion, or in the sale of goods, which shall be the produce of its lands.

ARTICLE XII.

That no loans or discounts shall ever be made by the said bank, on the stock, note, or notes of any stockholder or director, nor on any note or notes that may be drawn by one director, and endorsed by any other director; nor shall any note be discounted if any one director present shall object to such discount; and in case of any objection being made, the director objecting, shall not be required to give any reasons therefor, nor shall the bank discount any note or bill of exchange without at least one good endorser thereon.

ARTICLE XIII.

The cashier of the said bank shall be appointed annually, and the votes of seven of the directors shall be necessary to a choice; and every cashier, before he enters on the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than twenty thousand dollars, with condition for his good and faithful discharge of the duties of his office.

ARTICLE 14:

Each director and cashier of said corporation, before he enters on the duties of his offices, shall take an oath or affirmation that he will faithfully execute the duties of his office according to the best of his skill and understanding.

SEC. 10. *And be it enacted*, That the said corporation shall not issue notes or bills of a less denomination than one dollar, nor shall any bill or note issued by the said corporation, and made payable to bearer, or to any person or persons, his, her or their order, or bearer, express any other place of payment than the office of the said banking company.

Not a less denomination to be issued.

SEC. 11. *And be it enacted*, That this corporation shall not take more for, or upon, its loans and discounts, than the legal rate of interest for the time being; and the capital stock of the said company shall be subject to the same tax as other banks in this state are or shall be subject to, and the same shall be levied, collected and paid, in the same manner as the taxes on other banks in this state now are, or hereafter may be recovered.

The legal rate of interest not to be exceeded.

SEC. 12. *And be it enacted*, That if at any time after the passing of this act, the said president, directors and company, shall neglect or refuse, on demand being made at their banking house during the regular hours of doing business, to redeem, in specie, any of the bills, notes or other evidences of debts issued by the said corporation, and which shall be due and payable, the said president, directors, and company, shall on pain of forfeiture of their charter, wholly discontinue and close their banking operations, either by way of discount or otherwise, unless the said president, directors, and company, shall resume the redemption of their said bills, notes, and evidences of debt, in specie, within three months after such demand shall have been made; and the said company shall be liable to pay the holder or holders of such notes, or bills, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the non payment thereof, at and after the rate of ten per cent. per annum, from the time of such demand, and until the same shall be paid or otherwise satisfied; and 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 at the bank during the usual hours of business, and refusal thereof, an action may be brought against the said persons then acting as president and directors, of the said company, 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

Certain defalcations how to be punished.

whereof hath been neglected or refused; and upon judgment being rendered execution shall issue thereon.

The corporation obligated to make an annual return of their transaction to the treasurer of the state.

SEC. 13. *And be it enacted*, That between the first and fifteenth days of November, in each and every year, the president and cashier under the seal of the corporation, and under oath or affirmation, shall furnish to the treasurer of the state, to be laid before the legislature, a correct statement of the stock of said company, and the manner in which the same is employed, and of their debts and credits; and if they fail to render such statements, this charter shall be void.

Amount of the capital stock may be increased.

SEC. 14. *And be it enacted*, That if the said company, shall at any time hereafter deem it expedient, it shall be lawful for them, to increase the amount of their said capital stock to one hundred thousand dollars, by opening subscriptions for the additional sum of fifty-thousand dollars, in the same manner and under the same provision as is directed and contained in the first section of this act, and subject to all the conditions and regulations herein before imposed, except that the commissioners for receiving said subscriptions may be appointed by the said company.

Limitation of this act.

SEC. 15. *And be it enacted*, That this act shall be and continue in force for and during the term of twenty years from the passing thereof, and no longer; but it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal the same.

C. February 3, 1830.

Continued on next page

A FURTHER SUPPLEMENT to the act, entitled "An act for the relief of creditors against absconding and absent debtors, passed the eighth day of March, A. D. seventeen hundred and ninety-eight.

Auditors, their powers and duties prescribed, &c. &c.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That whenever the auditors that have been, or may hereafter be appointed, pursuant to the fifteenth section of the act to which this is a supplement, or any two of them, shall have reason to believe that any person or persons are indebted to the defendant or defendants, in attachment, in any sum of money not exceeding one hundred dollars, on book account, promissory note, or otherwise, it shall and may be lawful for such auditors to institute a suit, by sum-

mons, before any justice of the peace, in the name or names of the defendant or defendants, in attachment, but for their use as such auditors against the person or persons so by them believed to be indebted as aforesaid, to the defendant or defendants in attachment, for the recovery thereof; which suit or suits, so commenced, shall not be discontinued or dismissed, without the consent of the said auditors; but shall proceed to trial and judgment, in the same manner as if the plaintiff or plaintiffs named therein, was or were personally present, conducting the same; *Provided always*, that the defendant or defendants in such suits, shall be entitled to all just set offs in the same manner as he or they would be, if the plaintiff or plaintiffs, in such suit or suits, was or were prosecuting the same in person for his or their own use.

Provide;

SEC. 2. *And be it enacted*, That if judgment shall be given in any such suit or suits as aforesaid, for the plaintiff or plaintiffs thereon, the money thereby recovered, whether collected by execution or otherwise, shall be paid to the said auditors in attachment, to be by them disposed of according to law; and if judgment shall pass against the plaintiff or plaintiffs in such suit or suits, the said auditors shall pay the costs of such suit or suits, and shall be allowed to retain the same out of any moneys or effects, that may come to their hands as such auditors.

Moneys recovered by execution or otherwise to be paid to said auditors, &c.

SEC. 3. *And be it enacted*, That the freeholder who may be employed by any sheriff, to make an inventory and appraisal of the property attached, pursuant to the fifth section of the act to which this is a supplement, shall be entitled for such service to the sum of one dollar; and if employed more than one day in such service, then at the rate of one dollar a day; and the freeholder employed by any constable to perform the like service under an attachment issued by a justice of the peace, shall be entitled to fifty cents therefor, and no more; which compensation shall be paid by the said officers to the freeholders employed by them respectively, for the purpose aforesaid; and shall be allowed to the said officers, in addition to their other fees, for serving the said writs.

Freeholders employed by sheriff to make inventory to be compensated, &c.

SEC. 4. *And be it enacted*, That the sheriff or other officer, serving an attachment, shall not in any case, summon a jury to try the right and property of any goods, chattels, or effects, seized or taken in attachment, unless the person or persons claiming right and title thereto, shall exhibit and deliver to such sheriff or officer, such claim in writing, specifying the articles and property claimed, requesting a jury to be summoned to try the right, and agreeing to be bound by, and submit to the finding of such jury in the premises; *Provided always*, that the sheriff or other officer, may notwithstanding such claim, if directed so to do, and sufficiently indemnified by the plaintiff or plaintiffs in attachment for so doing, refuse

Sheriff &c. may not summon a jury, except on certain conditions, &c.

Provide.

to summons such jury; but the sheriff or officer, in such case may retain the goods, chattels, and effects, so attached, in his hands, to answer and abide the judgment of the court, pursuant to the seventh section of the act to which this is a supplement.

The duty of the sheriff further prescribed, &c.

SEC. 5. *And be it enacted*, That when, upon such claim of right and title to the property attached, the sheriff or other officer shall proceed to summons a jury, he shall appoint the time and place of trial, and shall give notice thereof to the plaintiff or plaintiffs in attachment, and to the claimant or claimants of the property, which time shall not be less than ten days from the time such claim shall be put in; and the sheriff or other officer shall have power, not only to administer the usual oath or affirmations to the jurors, but to swear or affirm the witnesses offered by either party and admitted by him; and it shall be the duty of the sheriff or officer before whom such inquest shall be taken, to keep a correct minute of all the proceedings before him had in the premises, and to file the same, together with the inquest found by the jury, and the claim, so as aforesaid, put in, to the property attached in the office of the clerk of the court out of which the writ of attachment issued, there to remain of record.

Sheriff may adjourn trial, &c.

SEC. 6. *And be it enacted*, That the sheriff or other officer, upon reasonable cause shewn by either party, and upon such terms as he may judge proper, may adjourn such trial and hearing, from time to time, as occasion may require.

Sheriff authorized to issue subpoenas, &c.

SEC. 7. *And be it enacted*, That the sheriff or other officer, shall have power to issue subpoenas, under his hand and seal, for such witnesses as either party may require; which subpoenas may be served, as subpoenas for witnesses in other cases are required by law to be served, and the witnesses shall be entitled to the same fees, and be subject to the same penalties for not attending as are allowed and provided for by law, in causes depending in the Supreme Court, or in the Inferior Courts of Common Pleas in this state.

Juries to have certain qualifications, &c.

SEC. 8. *And be it enacted*, That the jury to be summoned in pursuance of this act, and the act to which this is a supplement, shall consist of twelve men, qualified to be jurors in other cases, all of whom must agree to the verdict or finding rendered by them; which shall be reduced to writing, and signed by the jurors, and the sheriff or officer before whom the same shall be taken.

Duties of the jury under certain contingencies.

SEC. 9. *And be it enacted*, That in case the jury shall find that none of the property claimed by the person or persons putting in a claim thereto, belongs to such claimant or claimants, then such claimant or claimants shall pay the costs of such inquiry, which shall be taxed by the sheriff or other officer holding such inquest, and on neglect or refusal of such claimant or claimants to pay the same, it shall be lawful

for the said sheriff or officer, to issue his warrant therefor, to any constable of the county in which such inquest shall have been held, commanding him to make the amount of such costs, and the costs of such warrant, and of executing the same, by a levy upon, and sale of the goods and chattels of such claimant or claimants; *provided*, that if the claimant or claimants reside out of the county in which such attachment was served, the sheriff or officer may require him or them to give security for costs, before such sheriff or officer shall proceed to hold such inquest as aforesaid. Proviso.

SEC. 10. *And be it enacted*, That if the jury shall find the property claimed, or any part thereof, to belong to the claimant or claimants, then the costs of such inquiry shall be paid by the plaintiff or plaintiffs in attachment; and in case of his or their neglect, or refusal to pay such costs, the same may be recovered of him or them in the same manner, as is provided for the recovery of costs, from the claimant or claimants in the last preceding section; *Provided always*, that the plaintiff or plaintiffs in attachment, in case he or they have to pay such costs, shall be entitled to be repaid the same out of the estate of the defendant or defendants in attachment, before any division or distribution shall be made thereof to or among the creditors. The costs to be paid by the plaintiffs &c. on certain contingency, &c.

SEC. 11. *And be it enacted*, That the following fees shall be allowed and taxed for the services required by this act, and no more, that is to say: Fees allowed, &c. prescribed.

To the sheriff for summoning the jury, one dollar.

For swearing or affirming the jury twenty-five cents.

For swearing each witness, five cents.

For drawing the inquest one dollar.

For keeping a minute of the proceedings before him fifty cents.

To the clerk of the county, for filing the claim, sheriff's minutes, and the inquest, twenty-five cents; and for a copy thereof, when required, at the rate of eight cents a folio.

To the sheriff, for every subpoena issued by him, ten cents.

For a warrant for costs, when actually issued, twenty-five cents.

And to the constable, for executing the same, fifty cents.

And the jurors each twenty-five cents.

SEC. 12. *And be it enacted*, That the bond and security required by the twenty-eighth section of the act to which this is a supplement, to be entered into by the plaintiff or other creditor, if approved of by the auditors, or by any two of them, shall be as good and sufficient as if the same were approved of by the court, and one security instead of two, shall be deemed sufficient, unless more than one shall be required by the court or auditors. Bond, &c. to be approved by the auditors, &c.

Auditors authorized to administer oaths or affirmations &c.

SEC. 13. *And be it enacted*, That the auditors in attachment, or any one of them, two at least being present, shall have power to administer oaths or affirmations, to all witnesses that may be produced before them in support of, or in opposition to any claims or demands that may be put in by the plaintiff in attachment, or by any other person or persons claiming to be creditors of the defendant or defendants in attachment.

What parts of sections of a specified law repealed.

SEC. 14. *And be it enacted*, That so much of the fourteenth section, and also of the twenty-eighth section of the act to which this is a supplement, as is inconsistent with the provisions of this act, be, and the same is hereby repealed.

C. Passed February 13, 1830.

AN ACT relative to the Prerogative Court.

Privilege of the ordinary on certain contingencies, &c.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the Ordinary or Surrogate General of this State, in any case in which he may be interested, or may have been concerned for either party, or may have given an opinion as attorney, solicitor or counsel for either party, or in any other case in which he may deem it expedient, to call to his assistance any one or more of the Justices of the Supreme Court, to sit and advise with him on the hearing or arguments of any such case, or any motion touching the same, and by and with the advice of such Justice or Justices of the Supreme Court, to make and pronounce such order, sentence or decree, as shall be according to law, and the rules and practice of said Prerogative Court.

Fees to be granted.

SEC. 2. *And be it enacted*, That the Justice or Justices of the Supreme Court, so sitting with the Ordinary in the Prerogative Court, shall be entitled to receive the same compensation, as is allowed by law for sitting with the Chancellor in the Court of Chancery of this state.

A. Passed February 19, 1830.

AN ACT concerning small notes for the payment of money.

SEC. 1. BE IT ENACTED *by the Council and General*

Assembly of this State, and it is hereby enacted by the authority of the same, That from and after the first day of July next, it shall not be lawful for any person or persons, or body corporate, to issue or pay away, pass, exchange, or transfer, or cause to be issued, paid away, passed, exchanged, or transferred, any bank note, bill, ticket, or paper, purporting to be a bank note, or of the nature, character, or appearance of a bank note, or calculated for circulation as a bank note, of any less denomination than five dollars, excepting the bills of any incorporated banks of this state, and of the city of New-York.

Certain specified bank notes not to be received or passed after the first of July ensuing, excepting as herein excepted.

SEC. 2. *And be it enacted,* That any and every person and persons and body corporate, offending against any of the provisions of the first section of this act, shall forfeit and pay for every such offence the sum of five dollars, to be recovered by any person suing for the same as debts of like amount are by law recoverable, one half for his own use, and the other half to be for the use of the county within which such offence shall have been committed.

Penalty for violating this act.

SEC. 3. *And be it enacted,* That no such note, bill, check, tickets, or paper mentioned in the first section of this act, shall be held or taken to be void, or of null effect by reason thereof; but all suits or actions may be brought and sustained on such bill, check, ticket, or paper, any thing herein contained to the contrary notwithstanding; and such suits or actions, if the same shall be determined in favor of the plaintiff, judgment shall be rendered for the principal sum due on such note, bill, check, ticket, or paper, together with the interest and costs of suit.

How money may be recovered on such notes, bills, &c. with interest and costs of suit.

A. Passed February 19, 1830.

AN ACT to vest certain property in "The Rector, Church Wardens, and Vestrymen, of Trinity Church at Newark."

WHEREAS, it hath been represented to the legislature by the petition of "The Rector, Church Wardens, and Vestrymen of Trinity Church at Newark," that several years ago, certain members of that congregation, laid the foundation of a fund, with the intent that no part thereof should be used until it should be increased to six thousand dollars; and then that the interest and proceeds alone, should be applied towards the salary, maintenance, and support of the Rector of that church, which fund has been placed in the hands of George

Preamble.

Nelson, Caleb Sayres, and Frederick Babcock, and the survivors and survivor of them, for the purpose of keeping it distinct from the other church property, until it should be increased to six thousand dollars, and the same having now increased to that sum; AND WHEREAS, George Nelson, one of the said trustees, hath died since accepting the trust, Frederick Babcock, another trustee, has removed from the state of New-Jersey into the state of New-York, and Caleb Sayres has become very old and infirm, and the said surviving trustees having requested that they might be discharged from the said trust, and it appearing to be reasonable that the said trustees should be discharged, and that the said fund should be entrusted to the same persons that have the management and control of the other property of the said church; 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 that sum of money raised by the contributions of the members of Trinity Church, and otherwise referred to in the preamble to this act, and placed, by the resolution of the Vestry of that Church, passed on the first day of January, A. D. one thousand eight hundred and twenty, in the hands of George Neilson, Caleb Sayres, and Frederick Babcock, and the survivor and survivors of them, as trustees thereof, and all the increase and additions thereto, be, and the same is hereby vested in and transferred to "The Rector, Church Wardens, and Vestrymen of Trinity Church, at Newark," and their successors and assigns, with all stocks, bonds, notes, mortgages, and other securities for moneys, in which the same may be vested; and that it shall be lawful for the said trustees, and the survivors and survivor of them, to transfer the same accordingly.

The property formerly vested in the original trustees transferred to the rector, &c.

The funds to be kept at interest, &c.

Proviso.

The treasurer to receive dividends, &c.

SEC. 2. *And be it enacted,* That the said fund of six thousand dollars shall, by the said "The Rector, Church Wardens, and Vestrymen of Trinity Church, at Newark," their successors and assigns, be placed and kept at interest, either in the stock of the United States, or on bond and mortgage, and the interest and profits alone arising therefrom, applied towards the salary, maintenance and support of such person and persons as shall be Rector, from time to time, of Trinity Church, at Newark; but that the principal sum of six thousand dollars shall in no case be expended: *Provided always,* that it shall not be lawful to loan any part of the said money to any person who may, at the time, be a Rector, Church Warden, or Vestryman of said church.

SEC. 3. *And be it enacted,* That it shall and may be lawful for the treasurer of said church to receive, from time to time, the dividends and interest accruing on the said stock and securities, and to receipt for the same.

SEC. 4. *And be it enacted*, That it shall be lawful for the court in which any suit may now be pending, by the said trustees, or the survivors, to substitute as plaintiffs or complainants, "The Rector, Church wardens and Vestrymen of Trinity Church at Newark," in any stage of such suit.

A. Passed February 26, 1830.

A SUPPLEMENT to the act entitled "An act to authorize the holding of special terms of the Courts of Common Pleas in and for the counties therein named," passed December tenth, one thousand eight 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 the act to which this is a supplement shall be extended, and is hereby extended to all the counties of this state; and that the Courts of Common Pleas of the said several counties are hereby authorized to appoint Special Terms, for the purposes in said act mentioned; *Provided always*, that the said Courts of Common Pleas, may at such Special Terms, hear and determine appeals from the Courts for the Trial of Small Causes; when there has been a trial by jury, if the parties consent to waive the right of trial by jury, at the time of setting down such appeal for hearing at the Special Term.

Courts of Common Pleas authorized to hold special terms.

C. and A. Passed, February 20, 1830.

AN ACT to provide for the more equal, and just representation of the several counties of this state, in the General Assembly.

SEC. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That at the next annual election for members of the General Assembly, to be holden in the several counties of this state, it shall be lawful for the counties of Sussex, Warren, Essex, Hunterdon, Burlington, Gloucester, and Middlesex, respectively, to elect and send to the General Assembly, one member for each of the said counties, in addi-

The names of counties who are authorized to send an additional member to the House of Assembly.

tion to the number of members to which said counties are now by law respectively entitled.

After next census the number each county may send, &c.

Proviso.

SEC. 2. *And be it enacted*, That after the next census, of this state, that shall be taken in pursuance of any law of the Congress of the United States each county in this state shall be entitled to elect, and send to the General Assembly, one member for every six thousand free inhabitants, which such county shall contain at the time of taking said census, as near as may be; *Provided always*, that no county shall have a less number of representatives than such county, is now by law entitled to elect and send to the General Assembly; *And provided also*, that no county shall be entitled to more than five representatives in the house of Assembly.

C. Passed February 20, 1830.

AN ACT respecting Clerks of the Courts of Common Pleas in this State.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, it shall not be lawful for any Clerk of any Court of Common Pleas in this State, to hold or exercise the office of justice of the peace, any law of this state heretofore passed to the contrary notwithstanding.

A. Passed February 26, 1830.

AN ACT in revival of "An act respecting forfeited estates."

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the second, fourth and fifth sections of an act entitled "An act respecting forfeited estates," passed the twenty-second day of November, one thousand eight hundred and eight, be, and the same are hereby revived and declared to be in full force and effect, as much as if the same had never been repealed; *Provided however*, that nothing in the said act contained, shall be construed to impair the legal and vested rights of any person or persons whatsoever.

SEC. 2. *And be it enacted*, That the Governor or person administering the government of this state, be, and he is here-

by authorized and empowered to appoint for any of the counties in this state; in which he may deem such appointment expedient, three commissioners, which commissioners or any two of them, shall possess the same powers as the commissioners appointed in the first section of the act to which this is a supplement, were invested with by virtue of the provisions of the said act.

A. Passed February 26, 1830.

AN ACT to incorporate the Belvidere Bank.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same;* That Matthias O. Halsted, Nathan Stigers, George Green, John I. Blair, and Abraham Warne, be, and they are hereby appointed commissioners, which commissioners, or any three of them, shall open a subscription at Belvidere, and at such other places in the county, as the said commissioners may deem proper, to raise the sum of fifty thousand dollars, in shares of fifty dollars each; 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 Belvidere, Morristown, and Trenton, at least three weeks; and the books to continue open, from day to day, for ten 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 fifty thousand dollars be subscribed, the commissioners shall make an equitable deduction and apportionment: *Provided always*, that the stock shall be subscribed and owned by citizens of this state exclusively.

Names of commissioners appointed to open books of subscription.

Places of opening books, &c. prescribed.

Provided.

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 and made a corporation and body politic, by the name and style of "The President, Directors; and Company of the Belvidere Bank," 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

Style of the incorporation, its powers & privileges, &c.

Provided,

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 compensations for their services, as shall be deemed reasonable.

Manner of payment, &c. prescribed.

SEC. 3. *And be it enacted*, That the sum subscribed, shall be paid in the manner following, that is to say: five dollars on each share, at the time of subscribing, to the persons receiving subscriptions, and the remainder in instalments of five dollars on each share, when called for by the president and directors of the said company, appointed and chosen in the manner hereinafter prescribed, upon thirty days previous notice being given, by the cashier of the said company, in the newspapers aforesaid; and any person, co-partnership or body politic, failing to pay any instalments, or any part thereof, at the time prescribed and required, shall forfeit to the said company, every share upon which there shall be a deficiency, and all money thereon previously paid.

Names of the Directors, their qualifications & duties prescribed, &c.

SEC. 4. *And be it enacted*, That all the property, and concerns of the said corporation, shall be managed and conducted by eleven directors, all of whom shall be stockholders and citizens of this state; and of whom at least five, together with the president, shall have been resident within the county of Warren, for at least six months immediately preceding their election; and that John Kinney, jun. Daniel Swayze, Daniel Axford, Garret Vliet, Ross Crane, Charles Carter, William P. Robeson, George R. King, John Young, Jared Sexton, and Jonah Turner, shall be the first directors, and shall respectively hold their offices until the first Monday in January, in the year one thousand eight hundred and thirty-one, and until others shall be chosen by the stockholders; and the said directors shall choose one of their number for President as hereinafter directed; and all moneys received by the commissioners on the subscriptions to the said capital stock, excepting so much as shall be allowed for their services, shall be delivered over to the said directors, when duly organized, together with the original books of subscription.

Elections of officers of the corporation, when to be held, their qualifications, &c.

SEC. 5. *And be it enacted*, That there shall be an election of directors on the first Monday in January, in the year one thousand eight hundred and thirty-one; and on the same day annually thereafter, at the banking house of the company, at such hour of the day as the board of directors, for the time be-

ing, may appoint, two weeks previous notice thereof being given by the cashier in the newspaper printed at Belvidere; which directors shall hold their offices for one year, and until others are chosen; and no person shall be eligible as a director, who shall not be at the time a stockholder; and the said elections shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, voting agreeably to the ratio hereinafter established, for the number of shares held by them respectively; and all such elections shall be by ballot, and the persons who shall have the majority of the votes given, shall be directors: *Provided*, that no president, cashier, director, or other officer of said bank, or candidate for any office in the bank, shall be allowed to vote in virtue of any proxy: *And provided further*, that in all cases where two or more persons shall have an equal number of votes, the directors of the preceding year, or a majority of them, shall, by ballot and by a majority of votes, determine which of the directors so having an equal number of votes, shall be director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall elect one of their number, by ballot and by a majority of the votes, for president, who shall be required to reside within three miles of the banking house of the said company; and whenever any 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 other directors, for the time being, or a majority of them, shall appoint; and if the office of president shall, at any time during the year, become vacant, the directors shall meet as soon as may be thereafter, and elect in the manner before mentioned, another person qualified as aforesaid for president: *Provided*, that in case it should happen that an election of directors shall not be made upon the day herein prescribed, the said company shall not thereby be considered to be dissolved, but it shall be lawful on any other day thereafter, to hold an election for directors, for the year, in such manner as the by-laws of the corporation shall direct.

Proviso.

Vacancies, how to be filled, &c.

Proviso.

SEC. 6. *And be it enacted*, That there shall be a meeting of the board of directors at least quarter yearly, who shall have power to adjourn from time to time; and the president or any three of the directors, may call a special meeting at any other time they may think necessary.

Meeting of the board of directors to be quarterly.

SEC. 7. *And be it enacted*, That the said directors at every quarterly meeting, shall choose three of their body to inspect the business of the company, for the ensuing three months; and the inspectors so chosen, shall twice in every month, examine into the state of the cash account and other business of said company, and see that the accounts are regularly balanced and transferred, and make report thereof at the next meeting of the board.

Three inspectors to be chosen quarterly.

Capital Stock
to be deemed
personal estate.

SEC. 8. *And be it enacted*, That the capital stock and property of the said corporation shall be deemed personal estate.

SEC. 9. *And be it enacted*, That the following shall be the fundamental articles of the constitution of said company :

ARTICLE I.

The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he, she, or they shall hold, in the proportion following : that is to say, for one share, and not exceeding ten shares, one vote for every share ; for every two shares above ten, and not exceeding twenty shares, one vote ; for every five shares above twenty shares, and not exceeding forty shares, one vote ; and for every ten shares above forty shares, one vote, which he, she, or they shall have held in his, her, or their name or names, at least three months before the time of voting.

ARTICLE II.

For the well ordering and conducting the election of directors, the stockholders at their annual meeting, shall appoint three of the stockholders, not being directors, or candidates for any office, to be judges of the election, who shall be authorized to conduct and regulate the same, and shall be sworn or affirmed faithfully and impartially to execute the duties of their appointment.

ARTICLE III.

A general statement of the affairs of the company, shall be exhibited every year at the banking house of the company, at least thirty days before the annual election of directors, and remain open to the inspection and examination of any stockholder during the usual hours of business.

ARTICLE IV.

That all the books of said company, shall at any time during the usual hours of transacting business, be opened to the examination of every stockholder, of such company for fifteen days previous to any election of directors ; and if any officer having charge of such books, shall, upon demand by any stockholder, as aforesaid, refuse or neglect to exhibit such books, or submit them to examination as aforesaid, he shall for every such offence, forfeit the sum of two hundred dollars, the one half thereof to the use of the state of New-Jersey, and the other moiety to the person who will sue for the same, to be recovered by action of debt in any court of record, together with the costs of such suit ; and further, that the book or

books aforesaid, shall be evidence, who are the stockholders of such company entitled to examine such book or books, and to vote in person or by proxy, at any election for directors of said company.

ARTICLE V.

Not less than seven directors shall constitute a quorum to do business, of whom the president shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by any other director chosen by the directors so met for business; *Provided however*, that three directors, when met for the purpose, may be allowed to make discounts.

ARTICLE VI.

The directors shall make such compensation to the president for his services, in the business of the said company, as shall appear to them reasonable; but in fixing such compensation, the president shall not be entitled to a vote; but no other director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at the time of their annual meeting for election of officers.

ARTICLE VII.

The shares of the capital stock, at any time owned by any stockholder, shall be transferrable on the books of the said company only, according to such rules as shall be instituted in that behalf, by the laws and ordinances of the said corporation; and no transfer of stock of the said corporation shall be valid and effectual, until all debts which may be due to the said company from the persons transferring, shall have been fully discharged, and such transfer registered in a book or books to be kept for that purpose; 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 thereupon, under the hand or hands of such person or persons, and his, her or their assignee or assignees, successively, and shall enable such assignee or assignees, to bring and maintain an action thereupon, in his, her or their name or names; and bills or notes, which may be issued by order of said corporation, signed by the president, and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with the like effect, as upon any private person or persons, if issued by them in their private or natural capacity or capacities, and shall be received in the payment of all debts due to the said corporation.

ARTICLE VIII.

The total amount of the debts which the said corporation shall at any time owe, exclusive of deposits, whether by bond or bill, or note, or other contract, shall not exceed double the amount of the capital paid in; and in case the said debts shall exceed double the amount of the capital paid in, then, and in such case, the directors (except as hereinafter excepted) under whose administration such malepractice shall occur, shall be liable to pay to every creditor of the said bank, the amount of such claim as such creditor may have against said bank, to be recovered by action of debt, with costs of suit: *Provided always*, that no director shall be liable as aforesaid, who shall have been absent from the meeting of the board, or shall have dissented from the act or resolution by which such malepractice shall have been authorized: *And provided also*, that such director shall forthwith give notice of the fact, of his absence or dissent, to the governor of the state, for the time being, and to the stockholders, at a general meeting, which the said directors shall have power to call for that purpose.

ARTICLE IX.

After the first year, half yearly dividends shall be made to the stockholders of so much of the profits of the banking business as shall appear to the directors advisable, but the said directors shall not, at any time, make any dividend of any part of the capital stock of the said company, but only the net profits thereof; and in case they shall divide any part of the capital stock as aforesaid, the directors, under whose administration it shall happen, being present and consenting thereto, shall be jointly and severally liable for that part of the capital stock, so divided in their individual and private capacity.

ARTICLE X.

The lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall only be such as shall be required for its immediate accommodation, in relation to the convenient transaction of business, and such as shall have been in good faith mortgaged to it by way of security, or conveyed to it in satisfaction for debts previously contracted in the course of its dealings, or purchased at sales on judgments which shall be obtained for such debts.

ARTICLE XI.

The corporation shall not directly, nor indirectly, deal or trade in any thing, except bills of exchange, promissory notes, gold or silver bullion, or in the sale of goods, which shall be the produce of its lands.

ARTICLE XII.

That no loans or discounts shall ever be made by the said bank, on the stock, note, or notes of any stockholder or director, nor on any note or notes that may be drawn by one director, and endorsed by any other director; nor shall any note be discounted if any one director present shall object to such discount; and in case of any objection being made, the director objecting, shall not be required to give any reasons therefor, nor shall the bank discount any note or bill of exchange without at least one good endorser thereon.

ARTICLE XIII.

The cashier of the said bank shall be appointed and removed at the pleasure of the board of directors, and the votes of seven of the directors shall be necessary to a choice; and every cashier, before he enters on the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than twenty thousand dollars, with condition for his good and faithful discharge of the duties of his office, which bond shall be renewed annually as long as he continues in office.

ARTICLE XIV.

Each director and cashier of said corporation, before he enters on the duties of his offices, shall take an oath or affirmation that he will faithfully execute the duties of his office according to the best of his skill and understanding; which oath or affirmation shall be taken and subscribed before some judge or justice of the peace, and filed in the office of the clerk of Warren County.

Sec. 10. *And be it enacted*, That the said corporation shall not issue any notes or bills of a less denomination than one dollar; nor shall any bill or note issued by the said corporation, and made payable to bearer, or to any person or persons, his, her or their order, or bearer, express any other place of payment than the office of the said banking company.

Notes of a less denomination of one dollar not to be issued.

Sec. 11. *And be it enacted*, That this corporation shall not take more for, or upon, its loans or discounts, than the legal rate of interest for the time being; and the capital stock of the said company shall be subject to the same tax as other banks in this state are or shall be subject to, and the same shall be levied, collected and paid, in the same manner as the taxes on other banks in this state now are, or hereafter may be recovered.

No higher discounts than legal interest to be taken.

The company subject to pay taxes, &c.

Sec. 12. *And be it enacted*, That if at any time after the passing of this act, the said president, directors and company, shall neglect or refuse, on demand being made at their banking

Certain defalcations how to be punished.

house at any time during the regular hours of doing business, to redeem, in specie, any of the bills, notes or other evidences of debts issued by the said corporation, and which shall be due and payable; the said president, directors, and company, shall on pain of forfeiture of their charter, wholly discontinue and close their banking operations, either by way of discount or otherwise, unless the said president, directors, and company, shall resume the redemption of their said bills, notes, and evidences of debt, in specie, within thirty days after such demand shall have been made; and the said company shall be liable to pay the holder or holders of such notes, or bills, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the non payment thereof, at and after the rate of ten per cent. per annum, from the time of such demand, and until the same shall be paid or otherwise satisfied; and 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 at the bank during the usual hours of business, and refusal thereof, an action may be brought against the said persons then acting as president and directors, of the said company, 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 as in other cases.

Certain duties of the president and cashier prescribed on pain of forfeiture of the charter.

SEC. 13. *And be it enacted*, That between the first and fifteenth days of November, in each and every year, the president and cashier under the seal of the corporation, and under oath or affirmation, shall furnish to the treasurer of the state, to be laid before the legislature, a correct statement of the stock of said company, and the manner in which the same is employed, and of their debts and credits; and if they fail to render such statement, this charter shall be void.

On certain conditions the capital stock may be increased, &c.

SEC. 14. *And be it enacted*, That if the said company, shall at any time hereafter deem it expedient, it shall be lawful for them, to increase the amount of their said capital stock to one hundred thousand dollars; by opening subscriptions for the additional sum of fifty-thousand dollars, in the same manner and under the same provision as is directed and contained in the first section of this act, and subject to all the conditions and regulations herein before imposed, except that the commissioners for receiving said subscriptions may be appointed by the said company.

SEC. 15. *And be it enacted*, That this act shall be and

continue in force for and during the term of twenty-one years from the passing thereof, and no longer; but it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal the same. Limitation of this act.

C. Passed February 13, 1830.

AN ACT to incorporate the Warren Mining Company.

SEC. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That David Bruce, David Kirkendall, Edward H. Swayze, Christopher Little, Henry Miller, and such other persons, as are or may be hereafter associated with them for mining purposes, and for raising, smelting, and manufacturing all such ores and minerals so obtained, 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 Warren Mining Company," and by that name, they and their successors and assigns, shall and may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and make, change and alter the same at their pleasure; and that they and their successors by the same name and style, shall be capable of leasing, purchasing, holding and conveying any lands, tenements or hereditaments, situate in the counties of Warren or Sussex, or either of them, and also of buying and disposing of all such goods and chattels, and personal estate, as may be necessary to enable them to prosecute the process of mining, and the object of this corporation in general, to effect. Style of incorporation, powers, privileges, &c.

SEC. 2. *And be it enacted,* That the stock, property, concerns and affairs of the said corporation shall be managed and conducted by five directors, who shall after the first organization of the said company be annually elected on the first Tuesday in May, at such time and place, in the county of Warren, and State of New-Jersey, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in at least one of the newspapers printed in this state, and most generally circulated in the counties of Warren and Sussex; and the election shall then and there be made by such of the stockholders as shall Election of directors.

President how
chosen, and va-
cancies filled.

Proviso.

Capital stock.

Quorum.

By-laws, and
may be made.

Prohibition.

Stock, personal
estate, stock-
holders how far
liable.

attend for that purpose, in person or by proxy; all elections shall be by ballot, each share having one vote, and the persons who shall have the greatest number of votes shall be the directors; who shall hold their offices for one year, and from thence until others be elected in their stead; and the said directors, so soon as may be after their election, shall elect one of their number to be their president; 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 remaining part of the year in which it may happen, by the president, under the seal of the corporation; *Provided always*, that in case an election of directors should not be held as aforesaid, the company shall not be dissolved thereby, but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

SEC. 3. *And be it enacted*, That the capital stock of the said corporation, shall not exceed the sum of one hundred thousand dollars, and that the shares in the said stock shall be twenty-five dollars each; and it shall be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, or may still be due on the stock they hold at such time and in such proportions as they shall deem expedient, under the pain of forfeiting their shares and all previous payments made thereon, to the said corporation; always giving at least thirty days previous notice of such call and demand, in the newspapers printed in the counties of Warren and Sussex, in this state.

SEC. 4. *And be it enacted*, That a majority of the directors for the time being shall form a quorum for the transaction of the business of the corporation, and shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the constitution and laws of the United States or of this State, as to them shall appear necessary and proper, touching the management and disposition of all such matters and things as pertain to the concerns of the corporation.

SEC. 5. *And be it enacted*, That the said corporation shall not use its funds for any other purposes than are herein before expressed on pain of forfeiting their charter.

SEC. 6. *And be it enacted*, That the stock of the said company shall be deemed and considered personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said company; and for all debts which shall be due from, or owing by the company, the persons then composing such company, shall be jointly and severally responsible, individually, to the extent of their stock, and no farther; but

this shall not exempt the said corporation or any estate, real or personal which they may hold, as a body corporate from being liable.

SEC. 7. *And be it enacted*, That no transfer of stock of said corporation, shall be valid or effectual, until such transfer shall be registered in the book or books to be kept by the president and directors of said company for that purpose, which shall at all times be open to the inspection of the stockholders. Transfers.

SEC. 8. *And be it enacted*, That whenever twenty-five thousand dollars are subscribed, it shall and may be lawful for the subscribers to proceed to organize the said company by the election of officers, in the manner prescribed by the second section of this act. When company may be organized.

SEC. 9. *And be it enacted*, That this act shall continue in force for twenty-one years and no longer, unless sooner repealed, and may be altered or amended at any time. Limitation of charter.

C. Passed February 16, 1830.

AN ACT to secure and defend the public revenue arising from lands let or to be let, for planting or taking oysters, by or under the authority of this state.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall not be lawful for any person or persons to fish for oysters or shell fish, on any lot of land under tide water, which now is, or hereafter may be let upon rent to any tenant or tenants, by this state, or under the authority of the same, except the tenant or tenants themselves, to whom the lot may be let, or those authorized by such tenant or tenants; and any other person or persons, who shall either by day or by night, openly or clandestinely, wilfully so fish, or enter upon said premises, for the purpose of fishing, as aforesaid, shall be considered as offenders against this act, and disturbers of the public peace and revenue, and shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment or both; the fine not to exceed five hundred dollars, nor the imprisonment three years; and any boat or boats, vessel or vessels, with their tackle, apparel and furniture, used or occupied by such offender or offenders, for the purpose of fishing as aforesaid, shall be forfeited to the state of New-Jersey, to be disposed of in manner hereinafter mentioned. Oyster lots protected from depredations.

By what penalties.

Boats, &c. forfeited.

Offenders arrested, &c.

Security required.

Boats, &c. to be seized and reported, &c.

In what case to be sold, and how.

SEC. 2. *And be it enacted*, That it shall be lawful for any person or persons, to arrest and to assist in arresting any offender or offenders as aforesaid, and also all such as shall be taken or found in the same boat or vessel, with him, her or them, and to convey him, her or them, before any justice of the peace of the county in which the offence was committed; and it shall be the duty of such justice to bind over the offender or offenders, and all such persons as shall be taken or found with him, her or them, in the same boat or vessel, to appear at the next Court of Oyer and Terminer and General Gaol Delivery, to be holden in such county, in a recognizance, with good freehold surety or sureties, in any reasonable sum not less than two hundred and fifty dollars each; and for want of such surety or sureties, to commit the said offenders, and all persons taken and found with them, or any of them, in the same boat or vessel, to the common gaol of the county, there to remain until delivered by due course of law.

SEC. 3. *And be it enacted*, That the person or persons, arresting or assisting to arrest such offender or offenders, are hereby authorized and empowered to capture and seize the boat or boats, vessel or vessels, in which such offenders or any of them shall be found, or which they shall have used or brought on said premises, for the purpose of fishing as aforesaid, with their tackle, apparel and furniture; and after securing the said boat or boats, vessel or vessels, on the shore, shall report such seizure to the said justice by word of mouth, and the probable value of the same, at the time the said offender or offenders are before the said justice, who shall deliver the said boat or boats, vessel or vessels, with their tackle, apparel and furniture, to the said offender or offenders, or any other person authorized by him or them to receive the same, upon the said offender or offenders, or any of them, entering into a bond to the state of New-Jersey, in double the sum at which the same was or were valued as aforesaid, with two good and sufficient freeholders of said county as sureties, with condition to deliver the said boat or boats, vessel or vessels, with her or their tackle, apparel and furniture, in as good condition as the same are in at the date of the said bond, to the said justice, or to the collector of the said county, or to any other person or persons by them or either of them appointed, in writing, to receive the same at any convenient wharf therein to be mentioned, within ten days after the said offenders, or any of them, captured in said boat or boats, vessel or vessels, shall be convicted as aforesaid; and in case no such bond shall be tendered to the justice within ten days after such seizure, the said boat or boats, vessel or vessels, with their tackle, apparel and furniture, shall be sold at auction by the said justice, at some short time thereafter, upon not less than five days public notice being given by him, at

some public inn, or other public place, reasonably near to the shore where the said boat or boats, vessel or vessels shall lie, and to pay over the money arising from said sale, to the county collector of the said county, for the use of the state; *Provided always*, that if all the offenders captured in said boat or boats, vessel or vessels, shall be acquitted upon trial, or otherwise, the said justice is authorized upon a certificate of such acquittal, under the hand of the clerk of the court, to cancel and deliver up said bond; or if a sale shall have been made, and the money paid over to the county collector, it shall be the duty of such collector, upon a like certificate of acquittal tendered to him, to pay the said money to the said person or persons, captured in said boat or boats, vessel or vessels, or any of them, taking his or their receipt for the same, on the back of the said certificate of acquittal; but if all or any of the said offender or offenders shall be convicted upon trial or otherwise, and shall not deliver up the said boat or boats, vessel or vessels, with her or their tackle, apparel and furniture, without any previous notice or demand for that purpose, pursuant to the condition of such bond, in case a bond shall have been given as aforesaid; it shall be the duty of the said justice to deliver over the said bond to the Attorney General, or prosecutor of the pleas of said county, to be prosecuted according to law; and in case such boat or vessel shall be delivered up, pursuant to the condition of the said bond, the said justice shall proceed to sell and dispose of the same, and pay over the moneys to the collector of the county, in the mode pointed out, in case such bond shall not be given as aforesaid.

What to be done
in case offend-
ers acquitted.

In case of con-
viction.

SEC. 4. *And be it enacted*, That if in arresting or attempting to arrest any such offender or offenders, they, or either of them, shall commit any assault or battery, or any of the persons attempting to make such arrest, the offender or offenders, guilty of such assault or battery, upon conviction thereof, shall be sentenced to imprisonment at hard labor for any term not less than two years, and be also fined in any sum the court may see fit to impose, not exceeding five hundred dollars, together with the costs of prosecution; and if the said offender or offenders shall wilfully kill any person or persons, so arresting or attempting to arrest and convey him, her or them before a justice, the person or persons so killing, shall be adjudged guilty of murder, and suffer death accordingly.

Penalty in cases
of resistance.

SEC. 5. *And be it enacted*, That if any persons to the number of five or more, composed in whole or in part of foreigners or citizens of any other state, shall be found offending against the provisions of this act, at the same time, and shall not submit themselves peaceably to an arrest therefor, it shall be lawful for any person or persons, to arrest or capture them,

Foreigner tres-
passing, how
treated.

or any of them, by force, together with the boat or boats, vessel or vessels, in which they or any of them may be found, and for this purpose to attack the same with fire arms or any other weapons or means, either in an armed vessel or vessels, upon the waters of this state, or by ordnance and other means from the banks and shores thereof, until the said offenders shall be arrested, or shall have escaped out of the waters of this state; and if the persons or any of them so endeavouring to arrest or drive off the said offenders, shall happen to kill or wound any one of them, or more, by the use of such fire arms, or other means, it shall be accounted no crime, misdemeanor, or offence, in the person or persons so killing or wounding, or aiding or assisting in the use of such means, to the intent that the laws of this state, for the security and defence of the public revenue, may be held in due respect, and made to prevail over private force and combination.

Construction,
&c.

SEC. 6. *And be it enacted*, That nothing in this act contained, shall be considered as repealing the seventh section of the act, entitled "An act to incorporate certain tenants, holding oyster lots under this state upon rent."

Death, &c. of
justice provided
for.

SEC. 7. *And be it enacted*, That in case any justice of the peace, who shall have performed part of the duties enjoined by this act, shall cease to act from death, resignation, removal, or any other cause, it shall be the duty of the attorney general, or prosecutor of the pleas, in the county, to nominate, in writing, another justice of the peace in his place, who shall perform the further duties required under this act.

Act may be al-
tered, &c.

SEC. 8. *And be it enacted*, That it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify or repeal this act, whenever in their opinion the public good shall require it.

Rights derived
from proprietors,
saved.

SEC. 9. *And be it enacted*, That nothing in this act contained, shall go to prohibit such person or persons, who now claim from the shore to low water mark, under and by virtue of any bona fide deed of conveyance, survey, release, quitclaim, or otherwise, whereby the right of the proprietors of the Eastern and Western division of this state, are now, or may hereafter be extinguished, from fishing for oysters, or other shell fish, in the manner as heretofore prescribed by law.

C. Passed February 20, 1830.

AN ACT to incorporate the Delaware and Raritan Canal Company.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That subscription books to the capital stock of the Delaware and Raritan Canal Company, shall be opened within six months after the passing of this act, by James Parker and James Neilson, of Middlesex, John Potter, of Somerset, William Halsted, of Hunterdon, and Garret D. Wall, of Burlington, or any three or more of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they or a majority of them may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least three of the newspapers published in this state, three in the city of Philadelphia, and three in the city of New-York.

Books to be opened.

Notice.

SEC. 2. And be it enacted, That the capital stock of the said company shall be one million of dollars, to be divided into shares of one hundred dollars each; and that when five thousand shares are subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company by the name of "The Delaware and Raritan Canal Company," and by that name shall be capable of purchasing or of otherwise receiving and becoming possessed of, holding, and conveying of real and personal estate; shall have perpetual succession, and power to make and use a common seal, and by said corporate name may sue and be sued, and shall have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies, and necessary to perfect an expeditious and complete line of communication from Philadelphia to New-York, and to carry the objects of this act into effect.

Capital stock to be divided into shares.

When company may be organized.

Powers.

SEC. 3. And be it enacted, That at the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and that the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons as the president and directors of the company shall from time to time direct and give public notice of; and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of the said company: *Provided*, that if the number of shares sub-

Subscriptions how paid.

Shares how forfeited.

Apportionment,
and what sub-
scriptions may
not be reduced.

scribed for, shall exceed the amount or number of shares authorized by this act to be subscribed for, that the said commissioners shall apportion the said stock, among such subscribers in proportion to the amount or number of shares by them subscribed for as aforesaid: *Provided also*, that no subscription for less than six shares of said stock shall be reduced by such apportionments.

In what case
charter void.

SEC. 4. *And be it enacted*, That if the number of shares herein before made necessary for the incorporation of said company, be not subscribed within one year from the time of opening the said subscription books, this act, and all the subscriptions under it, shall be null and void, and the said commissioners, after deducting thereout the expenses incurred, shall return the residue of the money paid in, to the respective subscribers or their representatives, in proportion to the sums paid by them.

Money returned.

Meeting of
stockholders to
be called and
how.

SEC. 5. *And be it enacted*, That when five thousand shares of the said stock are subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days notice of the time and place of said meeting, as herein before directed, with regard to the opening of the books; at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot, nine directors, a majority of whom shall be citizens of this state, to manage the affairs of the said company for one year; of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect the same number of directors, a majority of whom shall be citizens of this state as aforesaid; and that at every such election, and in all other cases in which the stockholders shall be entitled to a vote, a vote may be given for each share by the holder or holders thereof, either in person or by proxy.

Election of di-
rectors.

Election.
Compensation
and duties of a
president.

SEC. 6. *And be it enacted*, That within twenty days after their annual election, as aforesaid, the said directors shall elect a president of their said company, who shall hold his office for one year, and until another shall be elected, and receive such compensation for his services, as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of the said directors, and have the casting vote when they shall be equally divided: he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same power and authority, and perform all the duties herein prescribed.

SEC. 7. *And be it enacted*, That the said directors, or a ma-

majority of them, may supply any vacancy occurring in the interval between the annual elections by the death, resignation, removal, or refusal to act of any president or director, and may appoint a treasurer and all other officers, engineers, agents, superintendants, and servants, that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls, and have the superintendence and direction of all the receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfers of stock, and for the general government of the company, and management of its affairs: *Provided*, the same are not repugnant to the laws of this state, or of the United States.

Vacancies how supplied.

Officers to be appointed.

By-laws.

SEC. 8. *And be it enacted*, That at the annual meetings of the stockholders, it shall be the duty of the president and directors of the preceding year, to exhibit to the stockholders a full and complete statement of the affairs of the company during the said term.

Statement to be exhibited at annual meetings.

SEC. 9. *And be it enacted*, That special meetings of the stockholders may be called by order of the said president and directors, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, as is herein before directed with regard to the annual meetings, which said notice shall specify the particular object of the meeting; but that no business of the company shall be transacted at such special meetings, unless a majority in value of the stockholders attend and concur therein, who may require the books, accounts, and all other papers and proceedings of the company, to be exhibited to them by the president and directors.

Special meetings.

SEC. 10. *And be it enacted*, That if, from any cause, any election herein before named, shall not be had at the time specified therefor, the same may be made at any other time, on notice as aforesaid; and that until such election is had, the officers for the preceding year shall continue to hold their respective offices until others are elected in their stead; and that the charter shall not be defeated or avoided by reason of the irregularity or want of such election.

Elections in certain cases.

SEC. 11. *And be it enacted*, That it shall be lawful for the said canal company to construct, make, erect, and execute, a canal or artificial navigation from the waters of the Delaware river to the waters of the Raritan, and to improve the navigation of the said rivers, respectively, as may from time to time become necessary, below where the said canal shall empty into the said rivers, respectively; which canal shall be at least fifty feet wide at the water line, and the water there-

Canal to be constructed, and navigation of river improved.

Size of canal.

Feeder.

in be at least five feet deep throughout; and the said company are hereby empowered to supply the said canal with water from the river Delaware, by constructing a feeder, which feeder shall be so constructed as to form a navigable canal, not less than thirty feet wide, and four feet deep, to conduct the water from any part of the river Delaware.

Further powers of the company.

SEC. 12. *And be it enacted*, That it shall be lawful for the said company to construct, make, and execute, all the locks, works, devices, wharves, toll-houses, and offices, necessary for the use of said canal and feeder; and it shall and may be lawful for the said company, by the president and directors, and by any agent, engineer, superintendant, or contractor, or any other person or persons employed in the service of said company, to enter from time to time, and at all times, upon all lands, whether covered with water or not, for the purpose of exploring or surveying the route or routes for said canal and feeder, and locating the several works as above specified, doing thereunto no unnecessary damage; and when the said route or routes shall have been fixed upon, and its several works located by the president and directors, or a majority of them, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for them, and for any agent, superintendant, engineer, contractor, or any person or persons employed in the service of said corporation, at any time to enter upon, take possession of, and use all and singular such lands, waters and streams, subject to such compensation to be made therefor, as is hereinafter directed.

Compensation to owners of land how made.

SEC. 13. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required lands or materials for the use or purchase thereof, and the damages sustained by such owner or owners, 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 of the said canal and feeder, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the 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 in this state, or if unknown or out of the state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid,

Notice to be given.

Commissioners appointed.

he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, not resident in the county in which the lands or materials in controversy lie, or owners reside, commissioners to examine and appraise the said land or materials, 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 to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages; and after taking into view the benefits that will result from the canal or feeder, to the owner or owners of the lands or materials, shall report what sum, if any, shall be paid by the said company, for such land or materials and damages aforesaid; which report shall be made in writing under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein, which report, or a copy thereof, certified by the clerk of said county, shall, at all times, be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy, the said land or materials, or of the said owner or owners, to recover the amount of said valuation, 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 the demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company, in the nature of a mortgage; and 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 justice of the Supreme Court, commissioners, clerks, and other persons performing any of the duties prescribed in this section of this act, as they or he shall think equitable and right, and to order and direct by whom the same shall be paid, under the circumstances of the case.

Oath.

Damages how
ascertained.

Lien.

Costs.

SEC. 14. *And be it enacted,* That in case the said company or the owner or owners of the said land 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 re-

Trial when had
at the circuit.

Damages how
assessed.

port, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy, to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next Circuit Court, to be holden in the said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, having regard to the benefits aforesaid; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered, or the said commissioners awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct: *provided* that such application shall not prevent the company from taking the said land or materials upon the filing of the aforesaid report.

Company may
take materials,
&c.

Compensation.

How ascertain-
ed in case of
disagreement.

SEC. 15. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendants, engineers, workmen, laborers, and other person or persons by them employed, with carts, wagons, and other carriages, and with their beasts of burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route or track of the canal and feeder, doing as little damage thereto as possible, repairing any breaches they make in the enclosures thereof, and to take and carry away any stone, gravel, clay, sand, earth, or other materials there, being most conveniently situated, and being most suitable for making or repairing said canal and feeder, or the locks and other devices before mentioned thereto belonging, the said owners or occupants being entitled to a fair compensation or remuneration for their materials taken, and damage done, if claimed within twelve months from the time of such damage sustained, or materials taken away; and in case of disagreement as to the amount of such damage sustained, or the value of such materials taken away, then it shall be lawful for the said company to apply to one of the justices of the Supreme Court, not being a stockholder, or interested in any way, and in case he shall be a stockholder, or interested, then to one of the judges of the Court of Common Pleas, not being a stockholder; nor in any way interested, whose duty it shall be, upon such application, to appoint three judicious and disinterested freeholders of the state, not resident in the county where such lands lie; and thereupon the said apprai-

sers, having given at least fifteen days' notice in the manner aforesaid, of the time and place of their meeting to the owner or owners, occupant or occupants, or person or persons having charge of such lands, to meet at such time and place, and having taken an oath or affirmation fairly and impartially to inquire into and report the value of the said materials, and the amount of the said damages, which may be submitted to their judgment, shall proceed to view and examine the premises, and make a valuation and appraisement under their hands and seals, and deliver the same into the office of the secretary of the state of New-Jersey; which said valuation and appraisement shall be conclusive evidence of the value of the said materials, and the amount of damages sustained by such owner or owners of such lands, in any suit to be brought therefor; and every such owner or owners of the said land, having first made demand of the said company, for the amount so valued or appraised, may sue for and recover the same by action of debt, with costs of suit.

SEC. 16. *And be it enacted*, That it shall be the duty of the company to construct and keep in repair good and sufficient bridges or passages over the said canal and feeder, where any public or other roads shall cross the same, so that the passage of carriages, horses, and cattle on said roads shall not be prevented thereby, and also where the said canal or feeder shall intersect the farm or lands of any individual, to provide and keep in repair a suitable bridge or bridges as aforesaid, so that the owner or owners and others may pass the same.

Bridges to be made.

SEC. 17. *And be it enacted*, That the said company are hereby authorised to demand and receive such sum or sums of money, for tolls and the transportation of persons and every species of property, whatsoever, on said canal and feeder, as they shall from time to time think reasonable and proper: *provided*, that they shall not charge more than at the rate of four cents per ton per mile, toll, for the transportation of every species of property, nor more than five cents per mile, toll, for the carrying of each passenger, on the canal, and not more than half that rate of toll on the feeder; and that the said canal and feeder, and their appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatever belonging to the company, are hereby vested in the said company incorporated by this act, and their successors, for and during the continuance of this charter; and the shares of the capital stock shall be deemed and considered personal estate: *Provided always*, that in case the said company shall not complete the canal and feeder within the time herein before limited, or, if after the same is completed, shall abandon the said canal and feeder, or cease to use and keep the same in repair, at any time,

Tolls demandable.

Rates of toll.

Property personal estate.

When charter annulled.

Canal, &c. when
vested in the
state.

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 canal and feeder shall pass, shall be revested in the person or persons from whom the lands were taken by concession or by inquisition as aforesaid, their heirs or assigns; *Provided always*, if the state of New-Jersey shall take possession of said canal and feeder, then the said canal and feeder, and the title to the said lands shall be, and hereby are vested in the state of New-Jersey, to be used or disposed of as the legislature may deem proper.

Dividends when
made.

SEC. 18. *And be it enacted*, That the president and directors of said company shall, as soon as the affairs of the company will admit, declare and make such dividend as they may deem prudent and proper, of the net profits thereof; and shall semi-annually declare such dividend, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, or in case they fail so to do, assign their reasons to the stockholders, in writing, for not doing so.

Route may be
altered.

SEC. 19. *And be it enacted*, That under the powers, restrictions, and conditions, stipulated and prescribed in the foregoing enactments, it shall be lawful for the company aforesaid, to alter any part or parts of the route of the canal or feeder, if in constructing the same they meet with any insurmountable obstructions arising from rocks or other physical causes, making compensation to owners, as herein before directed; and that it shall not be lawful for any person or persons, body corporate or politic, whatsoever, to construct any canal within five miles of any point of the said canal or feeder, without the consent of the said company, expressed in writing under their common seal, saving to any person or persons, body politic or corporate, any of their just and legal rights already vested, to the contrary of this prohibition; and it shall be the duty of the chancellor of this state, upon an application made therfor, by bill in due form of law, by the said company, to issue his injunction to stay and prevent the erection and construction of any such canal.

No other canal
to be made with-
in five miles.

Public highway.

SEC. 20. *And be it enacted*, That the said canal and feeder, and the works to be erected thereon, in virtue of this act, for the transportation of passengers and freight as aforesaid, when so far completed as to be used, shall be esteemed a public highway, free for the transportation of passengers, or any goods, commodities, or produce, whatever, on payment of the established tolls.

Penalty for in-
juries, &c.

SEC. 21. *And be it enacted*, That if any person or persons shall, in any manner, wilfully or maliciously destroy, injure, or obstruct said canal or feeder, or any of their parts or works therewith connected, or unnecessarily and maliciously open any gates thereon, he, she or they shall forfeit and pay

to the said company, any sum not exceeding one hundred dollars, to be by them recovered in any court of competent jurisdiction, in an action of debt; and also be liable to pay double the amount of damages sustained thereby.

SEC. 22. *And be it enacted*, That if it shall be necessary to carry into full effect the objects of this act, the stockholders shall have the power to increase the capital stock of the said company, any sum not exceeding five hundred thousand dollars, by increasing the number of shares for that purpose.

Capital stock
may be increas-
ed.

SEC. 23. *And be it enacted*, That the legislature of this state shall have the right of subscribing for one fourth of the capital stock of the company created by this act, and in case the state shall so subscribe, it shall have the appointment of two of the directors of the said company; or if the state shall subscribe for a less number of shares, then the state shall have the appointment of one director, which directors or director shall be appointed in such manner as the legislature shall by law direct: *Provided always*, that if the legislature shall omit or refuse to authorize such subscription as aforesaid, for the space of two years after the said company shall have fixed upon and agreed to the size, dimensions, and routes or location of the said canal and feeder, then the said right to subscribe shall cease; *And provided also*, that if the state shall subscribe for any portion of the said stock, not less than one eighth part thereof, the company shall not thereafter alter or change the size, dimensions or location thereof, without the consent of the legislature.

One fourth re-
served for the
state.

How long,

When rout may
not be altered.

SEC. 24. *And be it enacted*, That if the canal and feeder shall not be commenced within two years after the passing of this act, or shall not be completed within eight years, this act shall be void.

What shall
make void this
act.

SEC. 25. *And be it enacted*, That at the expiration of thirty years from the completion of the canal and feeder, the legislature of this state may cause an appraisement of the said canal and feeder, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the governor, or person administering the government of this state, 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, which value shall in no case exceed the first costs of the said canal and feeder, with the lands and appendages thereof, and thereupon the state shall have the privilege for ten years, of taking said canal and feeder, upon the payment to the company of the amount of the said report, within one year after electing to take said canal and feeder, which report shall be filed in the office of the secretary of this state, and the whole property and interest of the canal and

When state may
take canal, &c.
and how.

feeder, 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, whenever the legislature shall so request, a full and fair statement of the costs of the said canal and feeder with their appendages, and of the receipts and disbursements of said company: *Provided*, that if the said company shall, for the space of two months after the appointment of appraisers made by the state, refuse or neglect to appoint the requisite number of appraisers on their part, that then and in that case, the governor, or person administering the government of this state shall have the power to appoint two appraisers, who, with those appointed by the governor, or person administering the government, shall make the valuation aforesaid, and the said company shall be bound thereby: *And provided also*, that if the appraisers appointed by the governor, or person administering the government, and the company respectively, be equally divided, and the appraisers on the part of the company, shall refuse or neglect for two weeks, to appoint a seventh person, or cannot agree on the appointment of such seventh person within said period, as heretofore provided, that then and in that case, the governor, or person administering the government, shall appoint the said seventh person: *And provided also*, that if any of the said appraisers so appointed on the part of the state, shall refuse or neglect to perform the duties required, that the governor, or person administering the government, shall have power to appoint other appraisers in the place of those who do so refuse or neglect to perform the duty aforesaid.

Quarterly returns to be made.

Transit duty.

SEC. 26. *And be it enacted*, That from and after the completion of the said canal and feeder, it shall be the duty of the treasurer of the said company, under oath or affirmation, to make quarterly returns of the number of passengers, and the number of tons of merchandize, and other articles, transported thereon across the state, to the treasurer of this state, for the time being, and thereupon to pay the said treasurer of the state, the sum of eight cents for each and every passenger, and the sum of eight cents for each and every ton of merchandize so transported thereon, excepting the articles of coal, lumber, lime, wood, ashes and similar low priced articles, for which two cents per ton shall be paid as aforesaid; and that no other tax or impost shall be levied or assessed upon the said company.

SEC. 27. *And be it enacted*, That this act shall be deemed and taken as a public act, and as such taken notice of by all courts of justice in this state, without the necessity of pleading the same.

C. Passed February 4, 1830.

AN ACT to incorporate the Camden and Amboy 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 subscription books to the capital stock of the Camden and Amboy Rail Road and Transportation Company, shall be opened within six months after the passing of this act, by Samuel G. Wright, of Monmouth, James Cook, of Middlesex, Abraham Brown, of Burlington, Jeremiah H. Sloan, of Gloucester, and Henry Freas, of Salem, who are hereby appointed commissioners to receive subscriptions of the said stock, at such times and places as they or a majority of them may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least three of the newspapers published in this state, three in the city of Philadelphia, and three in the city of New-York.

Books to be opened.

Notice.

SEC. 2. And be it enacted, That the capital stock of the said company shall be one million of dollars, to be divided into shares of one hundred dollars each; and that when five thousand shares are subscribed for, the persons holding the same shall be, and they hereby are incorporated into a company by the name of "The Camden and Amboy Rail Road and Transportation Company," and by that name shall be capable of purchasing or of otherwise receiving and becoming possessed of, holding, and conveying of real or personal estate; shall have perpetual succession, and power to make and use a common seal, and by said corporate name may sue and be sued, and shall have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies, and necessary to perfect an expeditious and complete line of communication from Philadelphia to New-York, and to carry the objects of this act into effect.

Capital stock to be divided into shares.

When company may be organized.

Powers.

SEC. 3. And be it enacted, That at the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some one of them, which money shall be paid over to the treasurer of 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, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of the company.

Subscriptions how paid.

Shares how forfeited.

SEC. 4. And be it enacted, That if the number of shares

In what case
charter void.

herein before made necessary for the incorporation of said company, be not subscribed for within one year from the time of opening the said subscription books, this act, and all the subscriptions under it, shall be null and void, and the said commissioners, after deducting thereout the expenses incurred, shall return the residue of the money paid in, to the respective subscribers or their representatives, in proportion to the sums paid by them.

Money returned.

Meeting of
stockholders to
be called and
how.

SEC. 5. *And be it enacted*, That when five thousand shares of the said stock are subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days notice of the time and place of said meeting, as herein before directed, with regard to the opening of the books; at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot, seven directors, a majority of whom shall be citizens of this state, to manage the affairs of the said company for one year; of which election the said commissioners, or a majority of them, shall be the judges; and that at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect the same number of directors, a majority of whom shall be citizens of this state as aforesaid; and that at every such election, and in all other cases in which the stockholders shall be entitled to a vote, a vote may be given for each share by the holder thereof, either in person or by proxy.

Election of di-
rectors.

Election.

Compensation
and duties of a
president.

SEC. 6. *And be it enacted*, That within twenty days after their annual election, as aforesaid, the said directors shall elect a president of their said company, who shall hold his office for one year, or until another shall be elected, and receive such compensation for his services, as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of the said directors, and have the casting vote when they shall be equally divided: he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person in his place, who, for the time being, shall possess the same power and authority, and perform all the duties herein prescribed.

Vacancies how
supplied.

Officers to be
appointed.

SEC. 7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections by the death, resignation, removal, or refusal to act of any president or director, and may appoint a treasurer and all other officers, engineers, agents, superintendants, and servants, that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective

trusts as they may think expedient; they shall decide upon the description of carriages to be used on said road, when completed, the weight to be carried in a carriage, the times of starting, and rates of travelling, so that no injury may be done to the said road, or impediments offered to persons or property travelling thereon; and it shall be their duty to provide suitable steam or other vessels, at either extremity, for the transportation of passengers and produce from city to city, so that no delay shall occur for want thereof; they shall regulate the tolls, and have the superintendence and direction of all the receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfers of stock, and for the general government of the company, and management of its affairs: *Provided*, the same are not repugnant to the laws of this state, or of the United States.

Carriages.

Steam vessels.

By-laws.

SEC. 8. *And be it enacted*, That at the annual meeting of the stockholders, it shall be the duty of the president and directors of the preceding year, to exhibit to the stockholders a full and complete statement of the affairs of the company during the said term.

Statement to be exhibited at annual meetings.

SEC. 9. *And be it enacted*, That special meetings of the stockholders may be called by order of the said president and directors, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, as is herein before directed with regard to the annual meetings, which said notice shall specify the particular object of the meeting; but that no business of the company shall be transacted at such special meeting, unless a majority in value of the stockholders attend and concur therein, who may require the books, accounts, and all other papers and proceedings of the company, to be exhibited to them by the president and directors.

Special meetings.

SEC. 10. *And be it enacted*, That if, from any cause, any election herein before named, shall not be had at the time specified therefor, the same may be made at any other time, on notice as aforesaid; and that until such election is had, the officers for the preceding year shall continue to hold their respective offices until others are elected in their stead; and that the charter shall not be defeated or avoided by reason of the irregularity or want of any such election.

Elections in certain cases.

SEC. 11. *And be it enacted*, That to facilitate the objects of this act, the president and directors of the said company be, and they hereby are authorized and invested with all the rights and powers necessary to survey, lay out, and construct a rail road or roads, with all necessary appendages, from the Delaware river, at some point or points between Cooper's creek and Newton creek, in the county of Gloucester, in this state, to a suitable point or points, to be by them determined

Rail Road may be constructed from and to what points.

Width.

Further powers
of the company.

on, upon the Raritan Bay, with as many sets of tracks as they may deem necessary: *Provided*, that the said road or its branches, shall not exceed one hundred feet in width on the surface of the road; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter, at all times, upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route or routes of the said rail road or 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 roads shall have been determined upon, and a survey of such routes and location deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in its employ, to enter upon, to take possession of, hold, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails thereon, and to do all other things which shall be suitable and necessary for the effectual completion of the said road or roads, and to carry into full effect the object of this incorporation; and may 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.

Lateral road to
Bordentown.

SEC. 12. *And be it enacted*, That it shall and may be lawful for the said company to construct a lateral road from the main line of said road, from the nearest practicable point, of said main road, to Bordentown, and within three miles of Crosswicks creek, and as nearly as may be, at right angles with the said main road, to a suitable point or points on the river Delaware, in the borough of Bordentown; and that the said lateral road may be of the same width, and with as many tracks; and the said company, in the construction or use thereof, shall be entitled to all the privileges and immunities, and subject to all the provisions and restrictions herein contained relative to the main line of said road; *Provided, nevertheless*, that it shall not be lawful for the said company to construct the said lateral road until the main line of said road is completed.

Compensation
to owners of land
how made.

SEC. 13. *And be it enacted*, That when the said 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 lands or materials so required for the use of the said company, in the construction of the said roads, shall be given in writing, under the oath or affirma-

tion 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 in this state, or if unknown or out of the state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, 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 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 to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages; and after taking into view the benefits that will result from the rail road, to the owner or owners of the lands or materials, shall report what sum, if any, shall be paid by the said company, for such land or materials and damages aforesaid; which report shall be made in writing under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein, which report, or copy thereof, certified by the clerk of said county, shall, at all times, be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess and enjoy, the said land or materials, or of the said owner or owners, to recover the amount of said valuation, 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 shall from time to time 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 applica-

Notice to be given.

Commissioners appointed.

Oath.

Damages how ascertained.

Lien.

Costs.

tion of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses to the justice of the Supreme Court, commissioners, clerks, and other persons performing any of the duties prescribed in this section of this act, as they or he shall think equitable and right, and to order and direct by whom the same shall be paid, under the circumstances of the case.

Trial when had at the circuit.

Damages how assessed.

SEC. 14. *And be it enacted*, That in case the said company or the owner or owners of the said land 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 court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy, to be formed between the said parties; and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next Circuit Court, to be holden in the said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, having regard to the benefits aforesaid; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered, or the said commissioners awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct: *Provided* that such application shall not prevent the company from taking the said land or materials upon the filing of the aforesaid report.

Bridges to be made.

SEC. 15. *And be it enacted*, That it shall be the duty of the company to construct and keep in repair good and sufficient bridges or passages over the said rail road or roads, where any public or other roads shall cross the same; so that the passage of carriages, horses, and cattle on said roads shall not be prevented thereby, and also where the said rail road shall intersect the farm or lands of any individual, to provide and keep in repair suitable wagon-ways, so that the owners and others may pass the same.

Tolls demandable.

SEC. 16. *And be it enacted*, That the said company are hereby authorised to demand and receive such sum or sums of money, for tolls and the transportation of persons and every species of property, whatsoever thereon, as they shall from time to time think reasonable and proper: *Provided*, that

they shall not charge more than at the rate of eight cents per ton per mile, for the transportation of every species of property, nor more than ten cents per mile, for the carrying of each passenger; and that the said rail road or roads, and their appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatever belonging to the company, are hereby vested in the said company incorporated by this act, and their successors, for and during the continuance of this charter; and the shares of the capital stock shall be deemed and considered personal estate: *Provided always*, that in case the said company, after the same is completed, shall abandon the said road, or cease to use and keep the same in repair, at any time, for three successive years, that then and in that case this charter shall be annulled, and the title to the lands over which the said road shall pass, shall be re-vested in the person or persons from whom the lands were taken by concession or by inquisition as aforesaid, their heirs or assigns; *Provided always*, 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.

Rates of toll

Property personal estate.

Charter when annulled.

Rail Road when vested in the state.

SEC. 17. *And be it enacted*, That the president and directors of said company shall, as soon as the affairs of the company will admit, declare and make such dividend as they may deem prudent and proper, of the net profits thereof; and shall semi-annually declare such dividend, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, or in case they fail so to do, assign their reasons to the stockholders, in writing, for not doing so.

Dividends when made.

SEC. 18. *And be it enacted*, That if any person or persons shall wilfully injure, impair, destroy, or obstruct the use of any rail road constructed under this act by the said company, or any of their necessary works, carriages, or machines, such person or persons so offending, shall forfeit and pay to the said company, any sum not exceeding one hundred dollars, at the discretion of the court or jury, to be by them recovered in any court of competent jurisdiction, in an action of debt, and also be liable to pay double the amount of damages sustained thereby.

Penalty for injuries.

SEC. 19. *And be it enacted*, That if it shall be necessary to carry into full effect the objects of this act, the stockholders shall have the power to increase the capital stock of the said company, any sum not exceeding five hundred thousand dollars, by increasing the number of shares for that purpose.

Capital stock may be increased.

SEC. 20. *And be it enacted*, That the legislature of this state shall have the privilege of subscribing for one fourth of the capital stock of this company, and shall have the appoint-

One fourth reserved for the state.

ment of two of the said directors of the company to represent the same; or if they shall subscribe for a less number of shares, then as many directors, proportionably, as the number of shares subscribed by them shall bear to the whole amount of stock; but if the said stock shall not be subscribed for on or before the first day of January next, then the right to subscribe therefor by the legislature shall cease, and only be admitted by the approbation and consent of a majority of the stockholders, who shall have subscribed for the stock of said company.

How long.

What shall make void this act.

SEC. 21. *And be it enacted*, That if the rail road shall not be commenced within two years after the passing of this act, or shall not be completed within nine years, this act shall be void.

When state may take rail road, and how.

SEC. 22. *And be it enacted*, That at the expiration of thirty years from the completion of the said roads, the legislature of this state may cause an appraisement of the said roads, 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 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 a seventh man, then, upon two week's 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 said roads, 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 said roads, and of all the receipts and disbursements of the company.

Quarterly returns to be made.

SEC. 23. *And be it enacted*, That from and after the completion of the said road or roads, it shall be the duty of the treasurer of the said company, under oath or affirmation, to make quarterly returns of the number of passengers, and the

number of tons of goods, wares, and merchandize, transported upon said road or roads, to the treasurer of this state, for the time being, and thereupon to pay the said treasurer of this state, at the rate of ten cents for each and every passenger, and the sum of fifteen cents for each and every ton of merchandise so transported thereon, and that no other tax or impost shall be levied or assessed upon the said company. Transit duty.

SEC. 24. *And be it enacted*, That if the state of New-Jersey, shall authorize the construction of any other rail road for the transportation of passengers across this state, from New-York to Philadelphia, which road shall be constructed and used, and which shall commence and terminate within three miles of the commencement and termination of the said roads authorized by this act, then the payment of the said sum of ten cents for each passenger, and fifteen cents per ton for merchandise, to the treasurer of this state, shall cease, and the said company is hereby exonerated from the payment thereof: *provided*, that if any other rail road shall be constructed, for the transportation of passengers from Philadelphia to New-York, it shall be liable to a tax, not less than the amount payable to the state by this company. No other rail road to be made within three miles.

SEC. 25. *And be it enacted*, That this act shall be deemed and taken as a public act, and as such taken notice of by all courts of justice in this state, without the necessity of pleading the same. Public act.

SEC. 26. *And be it enacted*, That the company incorporated by this act, shall be deemed to be within, and subject to the provisions of the act entitled "An act to prevent frauds by incorporated companies," passed the sixteenth day of February, A. D. eighteen hundred and twenty-nine.

SEC. 27. *And be it enacted*, That the company incorporated by this act, shall not employ its capital, or any part thereof, in banking operations, nor engage in any transactions peculiar and appropriate to banking institutions.

SEC. 28. *And be it enacted*, That the said rail roads shall, and hereby are declared to be a public highway, subject to the regulations of the said company as contained in the seventh section of this act. Public highway.

C. Passed February 4, 1830.

AN ACT for the relief of Patrick Quin.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Patrick Quin, now, or late of the county of Essex, in this state, be, and he is hereby released and discharged from his recognizances entered into by him on or about the twenty-sixth day of May, A. D. one thousand eight hundred and twenty-seven, for the appearance of George Ryan and Margaret Ryan at the Court of General Quarter Sessions of the Peace in and for the county of Bergen, on the second Tuesday of June next, after entering into the said recognizances; and also from the judgments which were obtained against the said Patrick Quin on the said recognizances, on or about the twenty-fifth day of March, A. D. one thousand eight hundred and twenty-eight; and from the payment of any moneys to the state for which he has become liable by the forfeiture of the said recognizances, or the judgments rendered in consequence thereof: *Provided,* that the said Patrick Quin shall not hereby be exonerated from the costs of the suits on the said recognizances, but executions may issue against him for such costs in the same manner as if this act had not been passed.

A. February 4, 1830.

AN ACT to incorporate the Monmouth Steam-Boat 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 Martin Chandler, Peter Schenck, Jeremiah Chandler, Thomas L. Parker, and Joseph King, and all and every of the persons who shall, at the time of the passing of this act, be members or partners of the association, called and known by the name of "The Monmouth Steam-Boat Company," and the persons who shall hereafter become members, according to the provision hereinafter contained, shall be, and they are hereby created and declared to be, a body corporate and politic, by the name of "The Monmouth Steam-Boat Company," and they and their successors, by the name of "The Monmouth Steam-Boat Company," shall and may have continual succession, during the term of twenty-one years, from and after the passing of this act, and shall be able to sue and be sued, implead and be impleaded in all courts of record or elsewhere, and to purchase, receive, have, hold, and

Corporate name
and powers.

enjoy to them and their successors, lands, tenements, and hereditaments, goods, and chattels of what nature and kind soever, real, personal, or mixed, and choses in action, and the same, from time to time, to sell, grant, alien, demise, mortgage, pledge, or dispose of; and also to make and have a common seal, and the same to alter and renew at pleasure; and also to ordain, establish, and put in execution such by laws, ordinances, and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to the laws and constitution of this state, or of the United States; and generally to do all and singular the matters and things, which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering of the affairs thereof: *Provided*, that the president and directors, for the time being, shall jointly and severally be holden and liable for all debts of the said company, in their private and individual capacities; and that the powers, privileges, rights, and franchises herein and hereby granted, are upon the express condition, that the legislature of this state, shall at all times hereafter, have the power to revoke, repeal, alter, amend, and modify the same, as to the said legislature shall seem expedient and proper.

By-laws.

Liability of president and directors.

Charter may be revoked, &c.

SEC. 2. *And be it enacted*, That all the joint stock, and all other the estate, real, personal, and mixed, and all the securities, dues, claims, and demands, and all the records, books, papers, vouchers, and other documents whatsoever, in anywise belonging to, or held, or claimed, by the said association of persons named in the first section of this act, shall be transferred to, and vested in the said corporation of "The Monmouth Steam-Boat Company," hereby created, as absolutely and completely to all intents and purposes, as shall then respectively belong to, or be held and claimed by the said association, or by their officers and agents for their use; and also, all the contracts and other engagements, debts, obligations, and assumptions whatsoever, of the said association or partnership entered into, made, subsisting, due, or payable, or to become due, or payable at the time of passing this act, shall henceforth become and be as obligatory and binding upon the said incorporation of "The Monmouth Steam-Boat Company," hereby created, to all intents and purposes, as if the same respectively had been entered into, made, or contracted by the said company, subsequent to the incorporation thereof: *Provided*, that nothing in this section contained, shall impair the rights of creditors and others, having claims against the said association or partnership, but the same may be enforced the same way, as if this act had not passed.

Property vested in the corporation.

Liabilities.

SEC. 3. *And be it enacted*, That from and after the passing of this act, the following constitution shall be deemed the constitution of "The Monmouth Steam-Boat Company" hereby created, that is to say:

Constitution.

Capital stock divided into shares and may be increased.

How capital to be employed.

Meeting of stockholders.

Election of directors.

Vacancies how supplied.

President and treasurer to be chosen.

Quorum for transacting business.

I. The capital stock of the said "The Monmouth Steam-Boat Company, shall not exceed twenty thousand dollars, divided into shares of one hundred dollars each; and the present capital stock of the said company may, at any time, be increased to that amount, or to such extent as may be necessary to complete the establishment, at the discretion of the company, by increasing the number of shares to that extent, and opening books to receive subscriptions therefor; the said capital stock to be employed by the said company, for the establishment of steam-boat or steam-boats, to ply between the county of Monmouth and the state of New-York: *Provided*, that nothing in this section shall be construed to prevent their taking up or landing passengers at any intermediate point or points.

II. A general meeting of the stockholders shall be held on the first Monday of April next, and on the first Monday of January, in every succeeding year, at such place as the said company, or in default thereof, the president shall, from time to time, appoint, whereof two week's notice shall be given in one newspaper published in New-York, and one newspaper published in New-Jersey; and the said stockholders, between the hours of ten and three of that day, shall, in person or by proxy, elect by ballot, by a majority of votes of them or the proxies present, each being entitled to one vote for every share of stock held, five directors, being stockholders, to serve for one year next after their election, and until their successors are chosen.

III. 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 be vacated; and in case of a vacancy in the office of a director, by any means, or for any cause whatever, the remaining directors shall supply the same; and the directors so chosen, shall have the same power, and be considered in all respects, as if elected by the stockholders.

IV. The directors, at their first meeting after their election, shall choose from their body, a president and treasurer from among the stockholders, to serve for one year thereafter, and until their successors are duly chosen; they, the president and directors shall meet at such times and places, and be convened in such manner as they, from time to time, may agree on, for transacting their business; three directors shall constitute a quorum for the transaction of business; and if the president be absent, they may choose a president pro tempore; they shall keep correct minutes of all their transactions, in a book to be provided for that purpose; they shall have full power to employ, agree with, and appoint such engineers, artists, superintendants, and others, as they shall think necessary for the making, repairing, constructing, and finishing, on the most liberal and improved plan, such steam-boat or boats, as they

may deem expedient; procure by purchase or otherwise, steam-boats, suitable sites, landings, and accommodations, and cause convenient wharves, docks, piers, and slips to be built thereon; purchase materials, fix on, and agree with persons employed and engaged by them, their respective wages and compensations; call on the stockholders for moneys due on their respective shares, in such instalments as may be required, and to do such other duties as may be necessary to insure the completion, and conduct the business; make by-laws, and do other such acts as may be necessary for the purposes contemplated by this act; and the same shall be binding on the stockholders; and to call a meeting of the stockholders, giving notice as is required in the second article.

By-laws.

V. The treasurer shall receive the cash, securities, leases, deeds, and other papers belonging to the company, and, from time to time, pay, dispose of, and deliver the same according to the order of the directors; he shall keep regular and fair books and accounts of his receipts and disbursements, which shall, at all times, be opened to the inspection of stockholders, and shall, before entering upon the duties of his office, give such bond and security for the due and faithful discharge thereof, and for accounting for and delivering up to his successor in office, all the moneys, securities, deeds, effects, and papers which may remain in his hands, as the board of directors may require, which bond shall be held by the president.

Duties of the treasurer.

To give bond.

VI. The shares in the capital stock of the said company, shall be deemed personal estate, and be assignable and transferrable at pleasure, in person or by attorney, in a book to be kept for that purpose, in the presence of the president or treasurer, subject to the instalments due thereon; and if any stockholder, either of the shares of the present capital stock, or of the shares which may be added thereto, after twenty days notice given, as is required in the second article, of the time and place appointed for the payment of any instalment of stock, shall neglect to pay such instalment for thirty days next after the time so appointed, every such stockholder, shall forfeit, to the use of the company, all his, her, or their shares of stock, and every previous payment made thereon, and cease to be a member; which shares of stock, so forfeited shall and 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 members of the company, as fully as if they had been originally stockholders.

Shares, personal estate, and how assigned.

Shares how forfeited.

VII. That the said directors shall have power to fix the salaries, compensation or wages of all persons employed or appointed by them, regulate the prices of transportation of passengers and goods, declare dividends retaining such surplus funds as they see proper, and do other acts necessary or expedient, to enable them to manage the property of the company to the best advantage.

Further powers of the directors.

Restrictions.

SEC. 4. *And be it enacted*, That nothing in this act contained, shall authorize the said company to employ any part of their funds for any other purposes than those before specified in this act, or to engage in any banking operations.

Officers to be
resident citizens
of Monmouth.

SEC. 5. *And be it enacted*, That the president and treasurer of the said company shall, during the time they continue to hold their respective offices, be resident citizens of the county of Monmouth, and that the office of the treasurer shall be kept within the said county.

A. Passed February 18, 1830.

A SUPPLEMENT to "an act to enable the owners and possessors of the Marsh and Swamp lying on a small creek, called Newport, between the townships of Stow Creek and Greenwich, in the county of Cumberland, to erect and maintain a bank, dam, and other waterworks, across the said creek, in order 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 the act entitled, "An act to enable the owners and possessors of the Marsh and Swamp, lying on a small creek, called Newport, between the townships of Stow Creek and Greenwich, in the county of Cumberland, to erect and maintain a bank, dam, and other waterworks, across the said creek, in order to prevent the tide from overflowing the same," passed in the year one thousand seven hundred and sixty-five, and in the fifth year of the reign of King George the third, be, and the same is hereby repealed: *Provided nevertheless*, that all assessments and debts due to the said company, and all assessments necessary to be made for the purpose of refunding to the managers of the said company, or either of them, moneys by them heretofore actually advanced and expended for said company, may be made and collected in like manner as before the passing of this act.

A. February 19, 1830.

AN ACT to authorize the Board of Chosen Freeholders, of the county of Salem, to erect a bridge over Salem Creek, in the county of Salem.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the Board of Chosen Freeholders, of the county of Salem, be, and hereby are authorized to erect a bridge over Salem creek, in the county of Salem, at the place where the road lately laid out, from the township of Mennington, to the township of Upper Penns' Neck, leading to Sculltown, crosses the same, and near the Pilesgrove line: *Provided,* such bridge shall be built with or without a draw, as said chosen freeholders shall determine.

C. Passed February 1, 1830.

AN ACT for incorporating a Literary Institution, in the town of Shrewsbury, and county of Monmouth.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That George Washington Hall, Seth T. Barstow, and Solyman Brown, be, and they are hereby constituted resident directors of a Literary Seminary, to be called "The Polytechnic Institute of Shrewsbury," with power to appoint the following non-resident officers of said institute, namely, a president, a vice-president, a secretary, a treasurer, and three associate directors; and the aforesaid officers, resident and non-resident, are hereby declared to be a body corporate, possessing the right and power of appointing their successors in office, in case of death, resignation, or removal: *Provided always,* that no such appointment to any office in said institute, shall be good and valid, until the same shall be approved and confirmed by the legislative council of this state.

Resident directors.

Name of the incorporation.

SEC. 2. *And be it enacted,* That the corporate powers and privileges granted by this charter, shall be used and employed by said corporation, for the cultivation and encouragement of literature, science, agriculture, and the arts, and in no manner operations which are not directly and exclusively connected with the welfare and proper management of a scientific, agricultural, and mechanical school of learning: *Provided always,* that all sectarian distinctions and preferences shall be avoided in said institution.

Powers and privileges.

SEC. 3. *And be it enacted,* That the said resident directors, shall possess the power of appointing all professors, teachers, masters, and other agents of the company, and of removing the same at pleasure.

Further powers.

To raise \$100-
000.

SEC. 4. *And be it enacted*, That the aforesaid resident directors, shall possess the power of raising by voluntary subscriptions, and sale of stock, the sum of one hundred thousand dollars, divided into shares of one hundred dollars each, payable in semi-annual instalments of twenty-five per cent. and entitled to an interest of six per cent. per annum.

Black Point
Farm.

Number of acres
company may
possess.

SEC. 5. *And be it enacted*, That all that certain piece and parcel of land situated between the Navesink and Shrewsbury rivers, otherwise called the North and South Shrewsbury rivers, known as the Black Point Farm, shall be conveyed, in fee simple and unincumbered, unto the corporation herein created, and that the same and all other lands not exceeding in the whole two thousand acres, lying and being in that vicinity, which now are, or hereafter may become the property of the aforesaid company, together with all the tenements erected thereon, or that may hereafter be thereon erected, shall be, and the same are hereby made inalienable from the stockholders, their heirs and assigns, until the full sum of one hundred dollars, together with the lawful interest thereon, shall have been truly paid for every share of stock to the holder thereof; and until all debts that may be due from said corporation, to citizens of this state, shall be paid.

Further powers.

SEC. 6. *And be it enacted*, That the said corporation shall possess the power of employing a common seal, of conferring diplomas of general or particular scholarship, of expelling or suspending pupils from the privileges of the institute, and of performing such other acts as are proper for literary corporations.

To be exempt
from militia du-
ty.

SEC. 7. *And be it enacted*, That all the resident officers, professors, teachers, masters and pupils of said institute, shall be exempted, and they are hereby made exempt from militia duty, excepting in cases of war, insurrection, or invasion.

Loss of scrip
how prevented.

SEC. 8. *And be it enacted*, That the record of stock in the books of the secretary of said company, shall be good and legal evidence in behalf of any stockholder, in case of the accidental loss of his scrip.

Act may be
repealed.

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

A. Passed February 5, 1830.

AN ACT to authorize Elizabeth Whitecar and Ebenezer Westcott, administrators of John Whitecar, deceased, to fulfil a certain contract therein named.

WHEREAS, the said John Whitecar, late of the county of Cumberland, deceased, in his lifetime, made an agreement with

Josiah Sheppard, of said county, to convey to said Josiah Sheppard, the undivided moiety or one-half part of a certain tract of land, situate in the township of Downe, in said county, adjoining land of Adrian Clunn and others, containing thirty four acres; and the said Josiah Sheppard was put in possession of the same, and paid part of the consideration money; and the said John Whitecar departed this life, before any deed for the same was executed and delivered—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 Elizabeth Whitecar, administratrix, and Ebenezer Westcott, administrator, of the said John Whitecar, deceased, are hereby authorized to execute and deliver to the said Josiah Sheppard, a deed for the undivided moiety or half part of the above mentioned tract of land, which shall have the same force and effect, as a deed from the said John Whitecar, in his life-time, would have had.

A. Passed February 10, 1830.

AN ACT to authorize the sale of certain real estate of the minor children of William T. Bladen, deceased.

WHEREAS, it is represented by Martha Bladen, as widow and administratrix of William T. Bladen, late of the city of Philadelphia, deceased, that the said William T. Bladen, in his lifetime, by virtue of one certain deed of bargain and sale, from Edward Thomas, and Hannah his wife, and John W. Cox, and Hannah his wife, of the one part, and the said William T. Bladen, of the other part, bearing date the seventh day of April, A. D. one thousand eight hundred and twenty-eight, and recorded in book X 2, of deeds, page 216, &c. in the clerk's office of the county of Burlington, in the state of New-Jersey, and by virtue of one certain other deed of bargain and sale, between the same parties, bearing date the twenty-ninth day of April, A. D. one thousand eight hundred and twenty-eight, and recorded in the book and office aforesaid, page 220, &c. and by virtue of one certain other deed of bargain and sale from John J. Vanderkemp, esquire, of the one part, and the said Edward Thomas, John W. Cox, and William T. Bladen, of the other part, bearing date the twenty-eighth day of May, A. D. one thousand eight hundred and twenty-eight, and recorded in the office aforesaid, in book W 2, of deeds, page 468, &c. became seized in his demesne as of fee, of and in one equal undivided third part of sundry messuages, pieces, and par-

cells of land, and surveys of land, situate in the township of Evesham, in the county of Burlington; and in the township of Waterford, in the county of Gloucester, in the state of New-Jersey, a part whereof is comprehended and known by the name of Taunton Iron Works; that being so seized, the said William T. Bladen, died intestate, whereupon the same descended to his children and heirs at law, viz. Elizabeth Ann Bladen, Catharine Bladen, Washington Lafayette Bladen, Harriet Bladen, and William T. Bladen, (who are all infants) subject to the right of dower of the said Martha Bladen, widow of the said William T. Bladen, deceased therein, that the said premises consist principally of a large tract or tracts of woodland unimproved, and from which no annual revenue is derived, and from their situation are peculiarly liable to be much injured, if not totally wasted and destroyed by fire, and by the depredations of trespasses; that the said heirs of the said William T. Bladen being infants and resident in another state, cannot bestow that attention and care upon the said premises which are necessary for their security, and being under lawful age, they are incompetent to sell and convey the same; and it being represented, that by reason of the premises, it would be for the advantage of the said minors' estates, to authorize a sale of the said premises, and to invest the proceeds, or purchase money in good and sufficient securities, yielding interest, until the said minors respectively come of lawful age; all which appearing to be true—Therefore,

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Martha Bladen, be, and she is hereby appointed a trustee, with full power and authority to sell, convey, and dispose of all or any part of the said premises, of which the said William T. Bladen, in his life-time, became seized, by virtue of the deeds of bargain and sale, mentioned and referred to in the preamble to this act, at such time or times as she may think expedient, at public sale, for the best prices she can obtain for the same; and for the same, or any part thereof, when so sold and approved of by the Orphans' Court of the county of Burlington, to make and execute in due form of law, in her own name, good and sufficient deed and deeds of conveyance, according to the estate which the said William T. Bladen had or might legally have claimed thereto or therein; and any sale or sales so made by the said trustee, and approved by the court as aforesaid, and confirmed by deed or deeds which may be made as aforesaid, shall entitle the purchaser or purchasers to all the estate, right, title, and claim, which the said William T. Bladen, at the time of his death, had in the premises so sold and conveyed by such deed or deeds.

Trustee authorized to sell and convey certain real estate.

SEC. 2. *And be it enacted*, That the said Martha Bladen shall keep a fair and true account of any sale or sales which she may make by virtue of the authority hereby granted; and also, after deducting therefrom the expenses which may attend the execution of this trust, shall put out or invest in good and sufficient securities, upon interest, the proceeds or purchase money, for any such sale or sales, for the benefit of the said minors; the said Martha Bladen, to receive and appropriate to her own use, during her natural life, as widow of the said William T. Bladen, and in satisfaction of her right of dower, one third of the interest of the said proceeds or purchase money; and to receive and pay over two-thirds thereof to the guardian or guardians of the said minor children annually, until they respectively come of lawful age; and then to pay to each of them, so coming of lawful age, his or her distributive share of the principal of the purchase money or proceeds being in her hands, such share to be ascertained according to law.

Trustee required
to keep a fair
& true account.

And to pay over
the proceed to
the guardian or
guardians, &c.

SEC. 3. *And be it enacted*, That before the said Martha Bladen shall undertake the execution of the trust hereby assigned to her, she shall enter into bond, with surety, to the governor of this state, for the use of the said minors, in such amount, and with such surety, as shall be approved by the Orphans' Court of the said county of Burlington, conditioned for the faithful performance of the trust by this act assigned to her; which bond shall be deposited in the surrogate's office of the said county of Burlington.

To enter into
bond for the
faithful perform-
ance of the trust.

SEC. 4. *And be it enacted*, That the said Martha Bladen, within six months after making any sale or sales by virtue of the authority by this act assigned to her, 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 Burlington; and which statement shall be filed in said surrogate's office: *Provided*, that no sale or deed, which may be made by virtue of the authority by this act assigned, 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 William T. Bladen.

An accurate and
just statement of
all proceedings
to be made.

A. February 23, 1830.

A SUPPLEMENT to the act entitled, "An act to reduce fees and costs of suit, and for other purposes," passed the twelfth of December, one thousand eight hundred and twenty-three.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the autho-

Certain rules
and orders
henceforth not
to be registered.

city of the same, That from and after the passing of this act, it shall not be necessary for the clerk in Chancery, to register any rule, order or decree, or any master's report, that may be made in any cause or proceeding depending or hereafter to be brought or prosecuted in the said court of Chancery; nor shall any fees be allowed or taxed for registering any such rule, order, decree, or report.

On dismissal of
a suit, bill or
proceeding, &c.
no enrolment
necessary.

SEC. 2. *And be it enacted*, That whenever any suit, bill, or proceeding, shall be dismissed out of the Court of Chancery, in pursuance of any consent or agreement of the parties for that purpose, no enrolment of the bill, petition, answer, or other proceedings had in such suit, shall be necessary; nor shall any fees be allowed or taxed therefor: *Provided always*, that either party may, at his or their own expense, require the same to be enrolled.

Fees of sheriff,
&c. prescribed,
&c.

Proviso.

SEC. 3. *And be it enacted*, That on every process of execution, the sheriff, coroner, or other officer to whom such writ shall be directed, shall, for serving the same and making an inventory and return, be allowed one dollar; and when, on any such execution, a sale is made by such officer, or by a Master in Chancery, by order of the Chancellor, such officer or master shall be allowed on the amount of sales, two per centum on all sums not exceeding one thousand dollars; and when the amount of sales exceeds one thousand dollars, then the said officer or master shall be allowed one per centum on such excess: *Provided*, that in all cases where such execution shall be settled without actual sale, and such settlement is made manifest to the said officer or master, such officer or master shall be allowed and paid by the plaintiff or plaintiffs, or by his or their representative, one per centum in all cases where the amount of the debt or damages due on the execution so settled as aforesaid, shall not exceed the sum of one thousand dollars; and in all cases where the amount of the debt or damages due on the execution so settled as aforesaid, shall exceed the said sum of one thousand dollars, the one half of one per centum on such excess: *Provided also*, that the plaintiff or plaintiffs, or his or their representative, shall, on such settlement, also pay to the said officer or master the execution fees lawfully due him before such settlement.

Certain acts re-
pealed.

SEC. 4. *And be it enacted*, That the sixth section of the act to which this is a supplement, and all acts or parts of acts inconsistent with the provisions of this act, be, and they are hereby repealed.

A. February 19, 1830.

A SUPPLEMENT to an act entitled "An act securing to mechanics and others, payment for their labour and materials in erecting any house or other building within the limits therein mentioned," passed February the twenty-fifth one thousand eight hundred and twenty.

SEC. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the act to which this is a supplement, and all the enactments and provisions thereof, except so far as the same are altered by this act, shall, from and after the passing of this act, extend to, and operate upon all dwelling houses and other buildings hereafter to be constructed and erected within the territorial limits and bounds of the city of Camden, in the county of Gloucester.

SEC. 2. *And be it enacted,* That the fourth section, and such other parts of the act to which this is a supplement, as come within the purview of this act, be, and the same are hereby repealed.

C. February 19, 1830.

AN ACT to repeal an act entitled "An act to repeal an act entitled an act to enable the Chosen Freeholders of the county of Gloucester, to build a bridge over Mantua Creek, at a place called Crown Point."

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the act entitled an act to repeal an act entitled "An act to enable the Chosen Freeholders of the county of Gloucester, to build a bridge over Mantua Creek, at a place called Crown Point," passed January the twenty-second, eighteen hundred and twenty-eight, be, and the same is hereby repealed.

C. February 22, 1830.

A FURTHER SUPPLEMENT to "An act for the preservation of Deer and other Game, and to prevent trespassing with Guns," passed December twenty-first, seventeen hundred and seventy-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 if any person or persons shall hunt for the purpose of killing or to destroy or take, or kill, any partridge, moor fowl, grouse, quail, or rabbit, except only What game & when not to be killed. between the first day of October and the first day of January, yearly and every year; [or any woodcock, except only between the fifth day of July and the first day of January, yearly and every year.] he, she, or they, so offending, shall forfeit and pay for each moor fowl, grouse, partridge, woodcock, rabbit, or quail, one dollar for each and every offence, Penalty. to be sued for and recovered in an action of debt, with costs of suit, by any person who shall sue for the same; and any person or persons, in whose hands or custody any moor fowl, grouse, partridge, woodcock, rabbit, or quail, shall be found, Who deemed to be the killer of such game. that shall have been killed contrary to the provisions of this act, shall be deemed, taken and adjudged, to be the killer or destroyer of such game, and liable to the penalties aforesaid, unless such person or persons shall make it appear who it was that killed the same, or from whom such person, so thereof possessed, received the same: *Provided nevertheless*, that no person shall be prohibited from gunning on his or their own land. Proviso.

SEC. 2. *And be it enacted*, That so much of the second section of the act entitled a supplement to the act entitled, "An act for the preservation of Deer and other game, and to prevent trespassing with guns," passed the twenty-first of February, eighteen hundred and twenty, as permits such game as aforesaid, to be hunted, destroyed, taken, or killed, at any other time or times, than those prescribed by this act, be, and the same are hereby repealed. Repealing section.

SEC. 3. *And be it enacted*, That the act entitled, "A further supplement to an act for the preservation of Deer and other game, and to prevent trespassing with guns," passed the twenty-eighth day of November, A. D. eighteen hundred and twenty-two, be, and the same is hereby repealed; and that so much of the act entitled, "A supplement to the act entitled an act for the preservation of Deer and other game, and to prevent trespassing with guns," passed the twenty-first day of February, A. D. eighteen hundred and twenty, as was repealed by the act hereby repealed, be, and the same is hereby revived and declared to be in full force. What further repealed. What revived.

C. February 22, 1830.

AN ACT to incorporate the Paterson Centre Market.

SEC. 1. 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 Strong, James Cloze, David Reid, Dennis McKurnan, and James Ward, and all such persons as shall become stockholders of the capital stock hereinafter created, and their successors and assigns are, and shall be hereby constituted and made a body politic and corporate in the law, by the name of "The Paterson Centre Market Association," and by that name, shall have succession, in the law, and be vested with all the powers incident to a corporation, and necessary for the purposes and objects contemplated by this act.

Name and style
of the incorpora-
tion and their
powers.

SEC. 2. *And be it enacted,* That the capital stock of the said association shall not, at any time, exceed twenty thousand dollars, to be divided into shares of twenty-five dollars each, which shall be transferrable in such manner as the association shall direct; that at all elections or meetings of the stockholders, each share shall entitle the owner thereof to one vote; that John Strong, James Cloze, and David Reid, or any two of them, shall have power to call a meeting of the stockholders, at such time, and upon such notice, as they or any two of them, shall think reasonable and proper, at which meeting the stockholders shall elect five managers, who shall hold their offices for one year, and until the next annual meeting of the association thereafter; that the managers shall appoint one of their number to be president, and shall appoint a clerk, and such other officers as may be necessary, and shall have power of making such by-laws and regulations, for the said company, as may be useful and proper; and that the said association shall, at their first meeting, fix the day of their annual meetings at which the managers shall thereafter be appointed.

Capital stock
not to exceed
\$20,000.
Stock transfer-
able,

Managers ap-
pointed and a
president.

By-laws.
Annual meeting.

SEC. 3. *And be it enacted,* That the said corporation shall have power to purchase and hold real estate in the town of Paterson, in the county of Essex, not exceeding ten thousand dollars in value, and may improve the same for the purpose of a market, and erect such edifices thereon, as they shall deem proper; and they shall have power to sell or otherwise dispose of such parts of their real estate as may not be necessary for the use of the market aforesaid.

Corporation
may purchase &
hold real estate.

A. Passed February 18, 1830.

AN ACT to revive certain acts relative to the drowned lands in the county of Sussex, and for other purposes.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the act, passed the twenty-first day of January, eighteen hundred and twenty-nine, entitled an act to repeal an act entitled "An act to drain the drowned lands, and the supplement thereto, passed the twenty-fifth day of November, eighteen hundred and nine," be, and the same is hereby repealed; and the act and the supplement thereto so repealed, are hereby revived and declared to be in full force, the same as if the said acts and supplement had not been repealed.

Act repealed.

Act revived.

SEC. 2. And be it enacted, That when five or more of the owners of said drowned lands shall think it necessary to raise a further sum of money, to drain the said drowned lands, and to keep the streams and canals open, they shall apply, in writing, to the managers, for the time being, who shall enter the same in the book kept by the managers, which applicants shall sign the same, and said managers shall then cause a special meeting to be called, by advertising the same in one of the public newspapers printed in the county of Sussex, and cause three advertisements to be put up in three of the most public places in each of the townships of Hardyston, Vernon, and Wantage, in the county of Sussex, for the space of one month, setting forth the purposes of calling said meeting, and when and where to be held, and when the said owners or their representatives so met, shall determine, by vote as by law prescribed, what sum or sums shall be assessed and raised for the purpose of draining said lands.

How further money may be raised.

Special meeting how called.

SEC. 3. And be it enacted, That in all cases of an election of managers, or for raising moneys, or for other purposes, the future mode of voting, shall be in person, or by proxy, or by guardian for his ward or wards, in the following ratio: every person owning any quantity less than ten acres, shall be entitled to one vote, and every one owning ten acres, and not exceeding sixty acres, one vote for every ten acres, and one vote for every additional twenty acres, though not to exceed ten votes in his own right (for such excess) and all joint tenants, tenants in common, each owner thereof, shall be entitled to vote in like manner as abovesaid, to the extent of his or her individual interest; and that the next meeting for choice of managers for the ensuing year, be held at the house where Soferine Westfall, now lives, at Deckertown, on the second Monday in March next, between the hours of twelve and three o'clock on said day.

Mode of voting.

Ratio.

Where next meeting to be held.

SEC. 4. And be it enacted, That it shall be the duty of the commissioners, appointed in and by this act, or shall hereafter be appointed to settle with the representatives of the

former commissioners, and ascertain how much money, if any, is due from them, or either of them respectively, for taxes heretofore assessed and collected by them for the purposes of draining said lands, who are hereby required to pay the same to said commissioners; and on failure so to do, then it shall be lawful for said commissioners to prosecute and recover the same, in an action of debt, in any of the courts of this state, having jurisdiction of the same; *Provided nevertheless*, that if upon such settlement, it shall appear that the former commissioners have paid to the former managers in this state, or the managers in the state of New-York, as by law they were authorized to do, more money than they had received on account of the said lands; or if it shall appear that there is a balance due to them, or either of them, for money so paid, or services rendered, then it shall be the duty of the managers chosen, in pursuance of this act, to pay to the heirs, executors, or administrators of said former commissioners, such balance as shall appear to be due to them respectively, out of the first money levied or assessed for draining said lands; and on failure so to do, it shall be lawful for the said heirs, executors, or administrators, or any of them, to prosecute and recover the same of said managers, in an action of debt, in any of the courts of this state, having jurisdiction of the same.

Duty of commissioners.

Duty of managers.

May be prosecuted.

SEC. 5. *And be it enacted*, That William Darrah, David Ford, and Simeon McCoy, be, and they are hereby appointed commissioners, in the place of Martin Ryerson, Thomas Lawrence, and George Baxter, all being deceased, who was the former commissioners of said drowned lands, with like and similar powers, as if they had been appointed agreeably to the provisions of the sixth section of the act so revived; and it is the duty of the commissioners to ascertain who is in arrears of paying their former taxes heretofore assessed, and ascertain the balances due from such delinquent, and to require the payment thereof to them, and in default thereof, to proceed to collect the same as directed by law, and when received, to pay over the same, saving in their hands all necessary expenditures by them made.

Commissioners appointed.

Arrears to be ascertained and collected.

SEC. 6. *And be it enacted*, That the abovesaid commissioners, or any other commissioners, for the time being, or that may be appointed, shall have full power and lawful authority to make conveyances for all such lands as have been heretofore lawfully sold by the former commissioners, or may be hereafter sold for arrearages of taxes, which shall vest as good and sufficient title in the purchaser, as was vested in the owner thereof.

Powers of commissioners.

SEC. 7. *And be it enacted*, That it shall not be lawful for any person or persons, whether owner or otherwise, to erect any eel wear or eel basket in the said Wallkill, or any of its canals or ditches, cut by the managers in said drowned lands, or in anywise obstruct the same; and if any person or persons shall

Eel wears and eel baskets, prohibited.

Penalty what,
and how recovered.

Eel wears how
to be removed.

erect any eel wear, or eel basket, or put any obstruction or obstructions in said Walkill, or the ditches or canals cut by the managers; in such case, any person or persons so offending, shall forfeit and pay to the said managers, the sum of ten dollars; also, all cost of removing the same, with costs of suit, to be recovered by said managers by action of debt, for the use of the owners of the drowned lands; and whereas many of said eel wears is now erected in said Walkill, therefore, it is the duty of the said managers to give notice, in writing, to such person or persons, or any one of them, to remove the same, and on neglect or refusal so to do, for two months, then it shall be the duty of the said manager, to remove the same, and that the person or persons, or any one of them, who has so erected the same, shall forfeit to the managers, double the amount of the cost or expense, in removing the same, to be recovered by action of debt, with costs of suit, in the name of the managers, for the time being, for the use of the owners of said lands.

A. Passed February 23, 1830.

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

The militia to
rendezvous for
training hence-
forth only by re-
giments, inde-
pendent bat-
talions, and bri-
gades as herein
prescribed.

SEC. 1. 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 militia of this state, shall rendezvous once in every year, for the purpose of training, disciplining, and improving in martial exercise, by regiments and independent battalions, or by brigades, at the discretion of the brigade board, at the times, and in the mode, pointed out in the sixth section of the act, to which this act is a supplement; that the trainings heretofore required by companies and by battalion, be, and the same are hereby abolished, and that no other rendezvous of the militia, for the above mentioned purposes be had, except as required by the provisions of the act, other than the provisions and requirements of the sixth section aforesaid.

Fines for non-
performance of
militia duty pre-
scribed.

SEC. 2. And be it enacted, That the fines imposed for the non-performance of militia duty, shall be as follows, viz. on a field officer, eight dollars; on every commissioned officer, five dollars; on every non-commissioned officer, musician, and private, two dollars, for each and every days absence from militia duty required in the foregoing section.

What repealed.

SEC. 3. 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.

A. Passed February 23, 1830.

A SUPPLEMENT to the act entitled, "An act to protect certain real property of John G. Leake, deceased," passed the twenty-first February, A. D. 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 so much of the lands, cedar swamp, and meadow ground, formerly belonging to John G. Leake, late of the city of New-York, deceased, as lies and is situated within the township of Hackensack, in the county of Bergen, shall be deemed and taken to be within the provisions of the act to which this is a supplement; and the trustee named in the act to which this is a supplement, shall be and hereby is invested with the same authority, and shall discharge the same duties, in relation to so much of the said lands, cedar swamp and meadows, as lie within the said township of Hackensack, as is vested in and required of the said trustee by the said act, in relation to so much of the said lands and premises as lie in the township of Bergen, in the said county of Bergen.

C. February 24, 1830.

A SUPPLEMENT to the act entitled, "An act concerning forcible entries and detainers."

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That no justice of the Supreme Court shall grant or allow any certiorari to remove any judgment, order or proceeding to be had or made by virtue of the act, to which this is a supplement, unless the party applying for such certiorari shall present to the said justice reasons therefor, drawn up and subscribed by himself or some attorney at law, to be deemed by the said justice to contain a probable cause of reversal, for allowing such certiorari; and unless such applicant shall also enter into bond to the other party, in the sum of two hundred and fifty dollars, with one or more sufficient surety or sureties, being freeholders and residents of this state, conditioned that such applicant shall prosecute the said certiorari in the Supreme Court, shall pay the yearly value of the premises in dispute, from the time of granting the said certiorari to the determination of the same, together with the costs of the suit, before the court below, and such further costs as may be taxed, if the judgment be affirmed; and shall in all things stand to and abide the judg-

Reasons required before allowance of certiorari.

Bond required.

Where filed.

ment of the said Supreme Court respecting the judgment, order or proceeding given or made by the court below; which said bond, together with the reasons, shall be filed by the said justice with the clerk of the Supreme Court, for the benefit and use of the obligee; and on failure thereof, no certiorari shall be allowed, any law, custom, or practice, to the contrary in anywise notwithstanding.

Writ of restitution when issued and returned.

SEC. 2. *And be it enacted*, That no writ of restitution shall be issued by any justice of the peace, upon any judgment rendered by him in pursuance of the provisions of the thirteenth section of the act to which this is a supplement, until eight entire days, exclusive of Sundays, shall have elapsed after the rendition of such judgment; which writ of restitution, when issued, shall be returned within three months thereafter, by the sheriff or other officer to whom the same has been delivered, with his proceedings thereon, to the justice who issued the same.

Certiorari how prosecuted.

SEC. 3. *And be it enacted*, That every certiorari to remove any judgment, order, or proceeding, to be had or made by virtue of the act to which this is a supplement, shall in every other respect be prosecuted, tried, and determined in like manner, and be subject to the like rules and regulations, as writs of certiorari to justices of the peace to remove proceedings had by virtue of the act constituting courts for the trial of small causes.

C. February 24, 1830.

AN ACT concerning the publication of notices and orders of courts in certain cases.

Publication and service of notices out of this state, unnecessary.

SEC. 1. *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 any and every act of the legislature of this state, as requires that advertisement, publication, or notice of any suit, order, or proceeding in any court of this state, shall be made or given in any newspaper printed or published in any other state; and so much of every act as requires any notice or copy of any order or proceeding in any suit, in this state, to be served on persons residing out of this state, be, and the same is hereby repealed.

Unless special order made.

SEC. 2. *And be it enacted*, That where, by any act of the legislature of this state, now in force, or hereafter to be enacted, advertisement, publication, or notice of any suit, order or proceeding, in any court of this state, is required to be made or given in any newspaper printed and published in

this state, the court in which such suit may be pending, or by which such order or proceeding may be made or taken, may, whenever the circumstances of the case shall, in the opinion of the court, require a more extensive publication, order and direct such advertisement, publication or notice, to be made or given, in one of the newspapers printed and published in one of the other states of the United States, or in the District of Columbia, at the discretion of the court, and for such time as the court may deem proper.

SEC. 3. *And be it enacted*, That nothing in this act contained, shall operate or affect any suit now pending, or any order or proceeding now made or taken in any court of this state, but such suit, order, or proceeding, shall, in all things, be conducted as if this act had not been passed. Saving section.

C. February 24, 1830.

AN ACT to divorce James I. Compton, of the county of Essex, from his wife Phebe.

SEC. 1. *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 James I. Compton, of the township of Westfield, in the county of Essex, and Phebe his wife, be, and the same is hereby dissolved, as fully as if they never had been joined in matrimony.

A. Passed February 24, 1830.

A FURTHER SUPPLEMENT to the act entitled, "An act to establish and confirm the charter rights and privileges of the Borough of Elizabeth."

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the Courts of Common Pleas and General Sessions of the Peace of the Borough of Elizabeth, shall have and exercise concurrent jurisdiction with the courts of Common Pleas and General Quarter Sessions of the Peace of the county of Essex, in and over the townships of Rahway, Union, and Westfield, in the said county; and shall have cognizance of all matters, either of a civil or criminal nature, within those townships, that they can now take cognizance of within the limits of the Borough, and the like Extension of the powers of the borough court prescribed.

proceedings shall be had as are now practised: *Provided*, that the said townships shall not thereby be included within the said Borough as part of the corporation, or be subject thereto or to any expenses or debts of the corporation; and no other or further effect shall be produced, or is meant or intended by this act, than to extend the jurisdiction of the said Borough Courts over the townships before mentioned; but the session of the said courts shall not be limited to four days in each term, as is provided for in the charter, but may continue in session at each and every term until they finish the business before them.

Number of aldermen to be appointed, and the time and manner of their election. &c. specified.

SEC. 2. *And be it enacted*, That in addition to the number of Aldermen, provided for by the charter, there shall be two Aldermen for each of the townships of Rahway, Union, and Westfield, appointed and commissioned in the same manner, and for the same time, and with the like powers, as Aldermen are now appointed for the said Borough; and in addition to the constables now appointed for the said Borough, there shall be one appointed in and for each of the townships of Union, Rahway, and Westfield, at their annual or other town-meetings, in like manner as their other constables are appointed, who shall give the like security as constables for the county are bound by law to give.

Power to hear and discharge insolvent debtors prescribed.

SEC. 3. *And be it enacted*, That the said Court of Common Pleas of the Borough of Elizabeth, shall have the same authority and power to hear and discharge all insolvent debtors confined in the Borough jail or prison, or within its limits; as is now exercised by the Court of Common Pleas of the county of Essex, under the acts for the relief of persons imprisoned for debt, and the proceedings shall be the same as in the county court, and the like fees may be taken by the judges and other officers of the Borough Court, as are allowed and received for the like services by the judges and other officers of the county court.

Lawyers, officers of the borough, prohibited from practising in the borough court.

SEC. 4. *And be it enacted*, That if any practising lawyer, shall be appointed mayor, deputy mayor, recorder, or one of the aldermen of the said Borough, he shall, upon accepting such office, be precluded from practising as an attorney or counsellor, in the said Borough court only, and not in any of the other courts in this state.

Petit jurors to have the usual allowance as petit jurors of county courts.

SEC. 5. *And be it enacted*, That all petit jurors who are liable to serve as such in the said Borough Courts, shall be entitled to the same allowance, to be paid by the county collector, in the same manner as petit jurors who attend the county courts.

How moneys for tavern license to be appropriated.

SEC. 6. *And be it enacted*, That the said Borough Courts shall be at liberty to retain the moneys they or their clerk shall receive for tavern license, towards defraying the expenses of holding the courts and of election of Borough offi-

cers, and the support of criminals confined in the borough jail.

SEC. 7. *And be it enacted*, That in the several townships of Union, Rahway, and Westfield, the persons entitled to vote for township officers, shall be at liberty to vote for a sheriff of the said Borough of Elizabeth, for the ensuing year; and that the said election shall be conducted in the following manner, at some proper time, between the hours of two and seven in the afternoon, on the day of the annual town-meeting, a poll shall be opened to receive, by ballot, the votes of the electors for sheriff in each of the said townships, at which election the moderator of town-meeting shall be the judge and sole inspector of said election, and the town clerk shall be clerk of said election; that the said election shall continue open for four hours, and after the poll is closed the judge and clerk of election shall count the votes without delay, and shall certify the number of votes each person voted for has received; and the town clerk shall forthwith transmit the certificate and return of votes to the Mayor of the Borough, or in his absence, to the Deputy Mayor or Recorder; and the said Mayor, Deputy Mayor and Recorder, or any two of them, shall count all the votes, and certify who has a majority of votes, and is duly elected sheriff.

Manner of conducting the election, and qualifications of electors, &c. prescribed.

C. Passed February 24, 1830.

AN ACT to divorce Aaron Faitoute from his wife Catharine.

SEC. 1. *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 Aaron Faitoute, of the county of Morris, and his wife Catharine, be, and the same is hereby dissolved.

A. Passed February 25, 1830.

A SUPPLEMENT to the act entitled "An act for the instruction of indigent Deaf and Dumb persons, inhabitants of this State."

SEC. 1: *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the term of instruction, mentioned in the act, to which this is a supplement, may be extended to four years, and if the sum of two thousand dollars annually

Term extended.

Unexpended balance, how applied.

appropriated by the said act, shall not be used or exhausted in any one year, then the balance may be applied to the purposes mentioned in the the act to which this is a supplement, in any subsequent year or years, in addition to the appropriation for such subsequent year or years.

A. Passed February 26, 1830.

AN ACT abolishing imprisonment for debt, in certain cases.

Persons arrested to be discharged.

Inventory to be made.

Bond required.

Condition.

In case of forfeiture.

Application for discharge may be made.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the fourth day of July next, any person or persons who may be arrested by any sheriff, constable, or other officer, in any civil action upon mesne process, or process of execution, shall be discharged from arrest, by such officer: *Provided,* such person or persons, so arrested and in custody, shall make out and deliver to the officer making the arrest, a true and perfect inventory, under oath or affirmation, of all his or their goods and chattels, rights, credits, lands, tenements, hereditaments, and real estate; and shall give bond to the plaintiff or plaintiffs, at whose suit he or they are arrested, with sufficient security, being a freeholder or freeholders, and resident in the county, in double the sum for which he or they are arrested, or taken in execution, with a condition that he or they will appear before the next Court of Common Pleas, to be holden in the county wherein such arrest is made, and petition said court for the benefit of the insolvent laws of this state; and that the said defendant will in all things comply with the requirements of the said insolvent laws, and will appear in person at every subsequent court, until he or they shall be duly discharged as an insolvent debtor; and if refused a discharge, surrender himself or themselves, immediately thereafter, to the sheriff or keeper of the jail of said county, there to remain until discharged by due course of law; and in case of the forfeiture of the said bond, by breach of any condition therein, the plaintiff or plaintiffs, his or their executors or administrators, may bring an action thereon, and recover the debt, damage and costs, due from the person or persons so arrested, and for which the arrest was made as aforesaid.

SEC. 2. And be it enacted, That any person or persons, arrested as aforesaid, and having given such bond, shall be entitled to make application for his or their discharge under the insolvent laws of this state, at the next, or any subsequent court after such arrest, as fully and effectually as

if he or they were actually confined in the common goal of said county.

SEC. 3. *And be it enacted*, That when the sheriff, constable, or other officer, has discharged the defendant or defendants, from arrest upon mesne process, upon giving bond as aforesaid, he shall so return on the process to the court or justice issuing the same; and shall also return therewith the inventory and bond taken by him in pursuance of the first section of this act; and the plaintiff or plaintiffs may thereupon proceed to judgment, and have execution against the goods and chattels and real estate of such defendant or defendants, as in other cases allowed by law; and when the defendant or defendants shall be discharged upon execution, the sheriff or other officer shall so return the same with the said bond and inventory; and the delivery of the bond to the plaintiff or plaintiffs, shall exonerate the officer from any liability for escape; and the officer shall be entitled to have the sum of fifty cents for taking such bond, to be paid by the defendant or defendants.

Officers return.

SEC. 4. *And be it enacted*, That if it shall appear to the satisfaction of any Court of Common Pleas, before which an application shall be made for the benefit of the insolvent laws of this state, or by the verdict of a jury if demanded by the debtor, that the debtor or debtors so applying, has or have concealed or kept back any part of his or their estate or property, or made any conveyance, deed, mortgage, judgment, sale, transfer, assignment, or other disposition of his or their estate, real, personal, or mixed, with intent to defraud his or their creditor or creditors, then, and in either of these cases, the said debtor or debtors shall be refused his or their discharge; and it shall be lawful for such court to remand him or them to prison, there to remain in close confinement, until discharged by due course of law.

Jury may be demanded.

Debtor when remanded.

SEC. 5. *And be it enacted*, That any conveyance, deed, mortgage, judgment, sale, transfer, assignment, or other disposition made, given, or executed by the said debtor, of, for, or upon, any of his estate, real or personal, to any person after the said arrest, shall, as against his creditors, or any assignee or assignees, to be appointed by the said court, under the fifth section of the act for the relief of persons imprisoned for debt, passed the eighteenth day of March, A. D. one thousand seven hundred and ninety-five, be void and of no effect: and such assignee or assignees may recover said estate, real or personal, or the value thereof, in their own name or names, for the use of said creditors, in any proper action to be instituted therefor against any person who may have purchased or in any manner come to the possession thereof, after the giving of the said bond, with costs of suit.

What conveyances, &c. declared void.

SEC. 6. *And be it enacted*, That after the passing of this act,

Soldiers of the
revolution ex-
empted, & how.

no person of the age of seventy years and upwards, who shall have served any period in the regular or militia service in the war of the revolution, shall be imprisoned for debt, or on any process in any action for the recovery of money due, upon any contract express or implied; *Provided always*, when any person is arrested as aforesaid, he shall go before some justice of the peace of said county, and make such proof as comes in the provision of this section, and if such proof shall be satisfactory to said justice, he shall be forthwith discharged.

Prison limits
may be extend-
ed.

SEC. 7. *And be it enacted*, That the several Courts of Common Pleas, may at any time after the passing of this act, extend the prison limits of the county or borough, so as to embrace the whole of the city, town, village or borough, in which the prison shall be; and shall cause the external or boundary lines of such limits to be marked on a map and recorded, as is by law now required.

SEC. 8. *And be it enacted*, That no part of this act except the sixth and seventh sections, shall be in operation until on and after the fourth day of July next, and shall operate then only upon all causes of action which shall arise after that day.

A. Passed February 19, 1830.

AN ACT to incorporate the Eagle Fire Company of Mill Hill, Burlington county.

The name, powers and privileges of the incorporation prescribed.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Robert Chambers, Richard J. Bond, Wallaston Redman, Fairfax Abel, John Whittaker, and William Wahn, and all such other persons, not exceeding one hundred, as now are, or hereafter shall become associates of "The Eagle Fire Company," residing within one mile of Mill Hill, 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 of Mill Hill," 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 competent jurisdiction whatsoever, and that they and their successors may have a common seal, and shall have power to make, change, and alter the same at their pleasure; and by their name as aforesaid, and under their common seal may make, enter into and execute, any contracts or agreements, touching and concerning the objects of said

corporation; and shall have full power 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.

SEC. 2. *And be it enacted*, That the Capital Stock of said Company shall not exceed the sum of two thousand dollars, which shall be solely and exclusively applied to procuring a good and sufficient engine, and maintaining and repairing such engines and hose, reservoirs of waters, ladders, buckets, fire-hooks, engine houses, and other implements and machines, and to such other incidental expenses, as shall appear to the said company best calculated to secure the property of themselves and neighbors from injury by fire.

Amount of the capital stock and how to be applied.

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 find necessary for conducting their affairs, according to their constitution and by-laws, and that the said President shall keep in his custody the common seal of said company, and at the expiration of his term of office shall deliver it over to his successor.

Election to be annual.

President & other officers.

SEC. 4. *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 empowered to repeal this act.

A. Passed February 26, 1830.

AN ACT relating to Hawkers, Pedlars, and Petty Chapmen, and to repeal the former acts on this subject.

SEC. 1. **BE IT ENACTED** *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That no person shall follow, use, or exercise the business or calling of a hawker, pedlar, petty chapman, or itinerant auctioneer, in this state, or shall go or travel from town to town, or to the houses of other persons, either on foot, or with a horse or horses, mule or mules, or other beast or beasts of burden, carrying, selling, or exposing, either at private or public sale, any goods, wares, or merchandize not the growth, product or manufacture of this state, until such person shall have first obtained a license for that purpose, in the manner hereinafter directed.

License required

SEC. 2. *And be it enacted*, That such license shall be granted by the Governor of this state, or person administering the government, upon a recommendation for that purpose, by the Inferior Court of Common Pleas of the county where the ap-

How obtained.

What to be paid.

plication for such license may be made, and that every person who shall obtain such license to travel with a horse or horses, or other beasts of burden, for the purpose of selling goods, wares, or merchandize, either at public or private sale, or both, shall pay to the Governor or person administering the government, the sum of three dollars and fifty cents; and every person who shall obtain a license to travel on foot for the purposes aforesaid, shall pay two dollars: *Provided*, That no such license shall be exercised or used until the person or persons, licensed to travel with a horse or horses, or other beasts of burden, shall have first paid to the Governor or person administering the government, the sum of fifteen dollars for the use of the state, and the persons licensed to travel on foot, shall have first paid to the Governor or person administering the government, the sum of eight dollars for the use of the state; which said payment shall be endorsed by the Governor or person administering the government, on the said license, at the time of granting the same, and which said license shall continue and be valid for one year only, unless renewed as hereinafter provided.

Licenses how renewed.

SEC. 3. *And be it enacted*, That any one of the Courts of Common Pleas of the several counties of this state be, and they are hereby authorized to renew the said licenses, upon application to them for that purpose, by endorsing thereon the words, renewed for one year, together with the date of such renewal; which endorsement shall be signed by the presiding judge, and attested by the clerk, provided that such applicant shall have first paid to the county collector of such county, for the use of the state, a sum equal in amount to the sum first paid for such license, and shall deposit his receipt for the same with the clerk, whose duty it shall be to forward the same to the Treasurer of this state.

Forgery.

SEC. 4. *And be it enacted*, That if any person shall forge or counterfeit any license, or any such endorsement thereon, as before mentioned, for the purpose of using the same, or shall wilfully and knowingly travel with any such forged license for the purpose of selling as aforesaid, such person shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished as in other cases of forgery.

Penalty for lending or hiring license.

SEC. 5. *And be it enacted*, That if any person having obtained a license as aforesaid, shall lend or hire the same to any other person or persons for the purpose of using or exercising the same, such license shall thereby become void; and the person lending or hiring such license, and the person using the same under color thereof, shall each forfeit the sum of one hundred dollars, to be recovered in any court of competent jurisdiction, with costs of suit, in an action of debt; the one half to the use of the poor of the township in which said suit shall be brought, and the other half to the person suing for the same.

SEC. 6. *And be it enacted*, That if any person shall be found hawking, peddling, or travelling from house to house, or place to place, to vend either at public or private sale, any goods, wares, or merchandize herein before mentioned and described, without first having obtained a license as herein before mentioned, such person shall forfeit the sum of fifty dollars, to be recovered in an action of debt, by any person who may sue for the same—the one half to the prosecutor, and the other half to the use of the state, before any justice of the peace, of any of the counties in this state, together with the costs of prosecution.

Penalty for peddling without license.

SEC. 7. *And be it enacted*, That nothing in this act contained shall prevent any person from selling or exposing to sale, any goods, wares and merchandize, in any public market in this state, without a license for that purpose: *Provided always*, That any person found hawking or peddling as aforesaid, who shall, upon demand being made by any person in this state, refuse to produce and shew such license as aforesaid, then the person so offending shall forfeit and pay the sum of ten dollars for every offence, to be recovered in an action of debt by any person who shall sue for the same.

Sales in public markets not prohibited.

Penalty for refusing to show license.

SEC. 8. *And be it enacted*, That every suit to be brought, or prosecution instituted, for any offence against this act, shall be commenced within six months after said offence shall be committed, and not after.

Limitation of suits.

SEC. 9. *And be it enacted*, That this act shall be in force on and after the first day of April next, at which time the act entitled, "An act relating to hawkers, pedlars and petty-chapmen," passed the seventh March, seventeen hundred and ninety-seven, and all other acts and parts of acts coming within the purview of this act, shall be, and the same are hereby repealed.

Act when to be in force.

C. February 27, 1830.

A SUPPLEMENT to the act entitled "An act to establish Common Schools," passed February twenty-fourth, 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 boards of chosen freeholders in the several counties of this state, shall, at their annual meetings in each year, apportion among the several townships in their respective counties, the money appropriated by the act to which this is a supplement, received by the collector of the county

Money to be apportioned.

In what ratio.

from the treasurer, in the ratio of the county tax paid by the several townships; a true list of which apportionment shall be filed by the clerk of said board, and a duplicate copy thereof filed with the county collector; and it shall be the duty of the clerks of the said boards of chosen freeholders, respectively, as soon as such apportionments shall be made and filed as aforesaid, to notify in writing, the collectors of the several townships in their respective counties, the amount so apportioned to the respective townships, whose duty it shall be on the receipt of such notice, to draw upon the county collector for the same.

Notice.

Town meetings
may appropriate
money.

SEC. 2. *And be it enacted*, That the inhabitants of the several townships in this state, are hereby authorized and empowered at their next and every subsequent annual town-meeting, to appropriate so much of the moneys ordered to be raised by the said township, as a majority of the said meeting shall agree upon, which sum of money so appropriated shall be distributed among the trustees of the common schools of said township, in the manner prescribed by the act to which this is a supplement.

School commit-
tees how chosen.

SEC. 3. *And be it enacted*, That the inhabitants of the several townships in this state, may at their next and every subsequent annual town meeting, elect and choose in the manner that other town officers are elected, three or more suitable persons, who shall constitute the school committee of their respective townships, and hold their offices for one year, and until others are chosen, and whose duty it shall be to set off, and divide their said township into convenient school districts, and afterwards to alter and change them as circumstances may require: *Provided always*, That where school districts shall have been formed, either before the passage of the act to which this is a supplement, or by virtue of said act, the same shall remain unaltered, if a majority of the inhabitants shall so elect; *And provided further*, That in case a district can be more conveniently formed of parts of two or more adjacent counties or townships, it shall be the duty of the school committees of such adjacent townships, collectively to make such division.

School districts.

Former appro-
priation to be
drawn.

SEC. 4. *And be it enacted*, That the moneys heretofore appropriated and apportioned by the trustees of the school fund, under and by virtue of the act to which this is a supplement, and not yet drawn by the county collectors as provided for in said act, shall be drawn by said collectors as soon as they are notified of the next appropriation and apportionment, that shall be made by said trustees under said act.

Duties of the
trustees.

SEC. 5. *And be it enacted*, That it shall be the duty of the Trustees, when elected as provided for in the eighth section of the act to which this is a supplement, to provide a suitable house or room where a school shall be taught, and to employ a teacher such as they shall approve of; likewise to make out

a list of the children between four and sixteen years, within the said district, who are capable of going to such school, and transmit the same to the school committee of their respective townships.

SEC. 6. *And be it enacted*, That the fourth, fifth, sixth, and ninth sections of the act to which this is a supplement, be and the same are hereby repealed; *provided*, that nothing herein contained shall in any way affect any thing heretofore done or performed under either of the said sections hereby repealed. Repealing clause.

C. Passed March 1, 1830.

AN ACT to appoint a Commissioner to settle up the business of Gabriel Hoff, late Sheriff of the county of Hunterdon, deceased.

WHEREAS it has been represented that Gabriel Hoff, late Sheriff of the county of Hunterdon, died, leaving large amount of executions unsettled, to the great detriment of his 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 John Rockafellar, of the county of Hunterdon aforesaid, is hereby appointed commissioner, with full power and authority to execute all said writs of execution, and to receive any moneys remaining due thereon, and to pay over the same according to law, and to make disposition of all goods and chattels, lands and tenements, seized and levied on by virtue of the same, and to make good and sufficient titles in the law for such goods and chattels, lands and tenements, and to do all other acts in the premises as fully, to all intents and purposes, as the said Gabriel Hoff might or could lawfully do by virtue of his said office of sheriff, and of the said writs of executions or any of them, as if the said Gabriel Hoff were now living.

Commissioner, appointed, his powers prescribed.

SEC. 2. *And be it enacted*, That the said John Rockafellar, commissioner aforesaid, be, and he is hereby made subject, in all respects, to the same penalties, regulations and restrictions, as he the said Gabriel Hoff, late sheriff, as aforesaid, is by law subjected to; and the said John Rockafellar, as commissioner aforesaid, is hereby required, and it is his duty to use due diligence to collect all the moneys which he the said Gabriel Hoff, late sheriff aforesaid, had a right to do, by virtue of the authority vested in him by his office: *Provided* Subject to certain restrictions. *always*, That the said John Rockafellar, commissioner as aforesaid, shall pay or cause to be paid, to the representative of the said Gabriel Hoff, the one half of all such fees as he shall,

Proviso.

Certain fees to
be paid.

or might, be entitled unto, as late sheriff as aforesaid, upon, or by reason of any services to be done by him as such commissioner aforesaid, in pursuance of the provisions of this act.

Commissioner
to give bond.

SEC. 3. *And be it enacted*, That the said John Rockefeller, commissioner aforesaid, shall, before he enters upon the execution of any of the powers, trust and duties, by this act created, file with the clerk of said county of Hunterdon, a writing signed by him, expressing his accepting of the powers, trust and duties aforesaid, and shall enter into a bond with at least four sureties, in the sum of ten thousand dollars; the said bond to be approved of by three of the Judges of the Court of Common Pleas of the county of Hunterdon, and filed and recorded by the clerk thereof.

A. Passed March 1, 1830.

A SUPPLEMENT to the act, entitled "An act to incorporate the Farmers' and Merchants' Bank of Middletown Point," passed the third day of February, eighteen 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 shall not be necessary for the president of the "Farmers' and Merchants' Bank of Middletown Point," to reside within three miles of their banking house; but if the said president shall reside within ten miles of the said banking house, it shall be sufficient, any thing in the act, to which this is a supplement, to the contrary notwithstanding.

C. Passed March 1, 1830.

AN ACT to prevent Justices of the Peace and other officers from acting in certain cases.

An office under
impeachment
prohibited from
acting.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, no Justice of the Peace, Judge of any of the Courts of this State, or any other officer, who is or may be, by the laws or constitution of this State subject to impeachment, shall, during the time in which articles of impeachment are pending against him or them, the same having been presented to the Council, do or perform any any act relating to his or their

said office, but every act done under color of such office, is hereby declared to be null and void.

SEC. 2. *And be it enacted*, That any such Justice, Judge, or other officer, presuming to act under color or pretence of being authorized so to act while such articles of impeachment are pending and undetermined, shall forfeit and pay for each offence, the sum of fifty dollars, to be sued for and recovered in an action of debt with costs of suit, before any court of competent jurisdiction, in any county where the offence shall be committed, for the benefit of the person who will sue for the same. Penalty for transgression.

C. and A. Passed March 1, 1830.

AN ACT to vest the real and personal estate of Elizabeth Stockton, in a Trustee, to hold the same to and for her separate use.

WHEREAS Elizabeth Stockton, of the city of Trenton, on the nineteenth day of September, in the year of our Lord one thousand eight hundred and six, and her husband Lucius Horatio Stockton, by mutual agreement, by deed of settlement, duly executed and recorded in the Clerk's office of the county of Hunterdon, whereby the real and personal estate which she had then recently inherited from her father, Joseph Milnor, deceased, was conveyed to Joseph Higbee, now deceased, in his lifetime, and to his heirs, executors, administrators and assigns, in trust, to hold the same to and for her separate use; which said estate real and personal, was, at the request of the said Elizabeth Stockton, afterwards, to wit, on the twenty-ninth day of September, in the year of our Lord one thousand eight hundred and ten, by his deed of assignment endorsed on the said deed of settlement, duly acknowledged and recorded, conveyed by the said Joseph Higbee in his lifetime, to Joseph K. Milnor, now deceased, then in his lifetime, and to his heirs, executors, administrators and assigns, of the same trusts and conditions, as are and were contained in the said original deed of settlement, which said Joseph K. Milnor hath lately died intestate, without having conveyed the legal estate in the said premises, at any time during his life, so that the same is now vested in his heirs at law, all of whom are infants, of tender years, and totally incapable of executing the said trust, which hath induced the said Elizabeth Stockton, by her petition to the Legislature to crave relief, and her said petition appearing 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 all the real and personal estate right-fully belonging to the said Elizabeth Stockton, and which was vested in the said Joseph Higbee, deceased, when in his lifetime, by the said original deed of settlement, or in the said Joseph K. Milnor, deceased, by the said original deed of settlement, and by the said deed of assignment endorsed thereon, and also all the real estate of the said Elizabeth Stockton, afterwards vested in the said Joseph K. Milnor, deceased, in his lifetime, as her trustee, and acquired by purchase with her moneys, and which were held to and for her separate use, be vested in Henry W. Green, of the city of Trenton, to have and to hold the same to him, his heirs, executors, administrators and assigns, in trust, to and for the separate use, benefit, and behoof, of the said Elizabeth Stockton, on the same trusts, limitations, conditions and restrictions, and with the same powers, rights, privileges and authorities, as are contained in the said original deed of settlement.

Sec. 2. And be it enacted, That the said Henry W. Green be authorized and empowered to sue for and recover in his own name, by due course of law, to the separate use and benefit of the said Elizabeth Stockton, all moneys which may be justly due to her on any bonds, notes, and choses in action, which rightfully pertain to the separate estate of the said Elizabeth, and the securities for the payment thereof have been given to, and in the name of, the said Joseph K. Milnor, or of any other person, for her use; and also all moneys which may now be due, or which may hereafter become due, to her on account of arrearages for rent, or any other account whatever: *Provided, nevertheless,* That the receipt of the same shall be subject to the terms, liabilities, trusts and restrictions, as are contained in the original deed of settlement herein before cited.

Sec. 3. And be it enacted, That nothing in this act contained, shall be so construed as to affect the title of any person or persons, if any such there be, who claim any property conveyed by this act, by any assurance or assurances in the law, prior or paramount to the title of the said Elizabeth Stockton.

C. and A. Passed March 1, 1830.

AN ACT to raise the sum of forty thousand dollars for the year 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 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-one.

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

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

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

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

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

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

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 herein after 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 four cents.

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

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

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

All fisheries where fish are caught for sale, any sum not exceeding 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 woollen manufactory, any sum not exceeding three dollars.

All furnaces, any sum not exceeding ten dollars.

All blast furnaces, other than 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 bloomeries that work bar iron immediately from ore or cinders, for each fire, any sum not exceeding six dollars.

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

All paper mills, any sum not exceeding eight 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, for 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 materials, any sum not exceeding thirty-five dollars.

All other distilleries used for distilling, any sum not exceeding nine 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, and every two horse riding chair, 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 five dollars.

Every glass factory, where glass is manufactured for sale, any sum not exceeding five 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, A. D. 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.

C. and A. Passed March 1. 1830.

AN ACT relative to the election of Representatives to the next Congress of the United States.

SEC. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the election for representatives in the next Congress of the United States for this State, shall be held at the places appointed by law for holding the same, on the twenty-eighth and twenty-ninth days of December next, instead of the time now authorized by law: *Provided always,* That the nominations shall be made at the time and in the manner and form prescribed by, and the said election shall be conducted according to, the provisions of the "Act directing the time and mode of electing electors of the President and Vice President of the United States, and Representatives in Congress, on the part of this State," and the officers conducting the same, shall be entitled to the same fees for their services.

SEC. 3. *And be it enacted,* That this act shall continue in force until the fourth day of March, eighteen hundred and thirty-one, and no longer.

C. Passed March 2, 1830.

A SUPPLEMENT to an act, entitled "An act making provision for carrying into effect the Act for the punishment of crimes," passed the twenty-third day 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 from and after the passage of this act, the principal keeper of the State Prison shall have full power and authority to remove all and any deputy keepers appointed by him by virtue of the act to which this is a supplement: *Provided,* That this act shall not prevent the removal of such deputy keeper, in the mode pointed out in the seventh section of the act to which this is a supplement.

SEC. 2. *And be it enacted*, That the Board of Inspectors of the State Prison, may make and enforce such orders and regulations for the good government and management of the prisoners confined in the State Prison, their diet, hours of work and labor; and mode of confinement at night; and determine upon, in addition to the rules and regulations as prescribed in the act to which this is a supplement, such corporal punishment, to be inflicted on the male prisoners, as they may deem proper, for any offence or breach of such orders or regulations: *Provided*, That no such corporal punishment shall be inflicted, unless the consent and approbation of at least two of the said Inspectors shall be first had and obtained in writing.

New power invested in the board of inspectors.

Provided

C. and A. Passed March 2, 1830.

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:

To Joseph Justice, for printing public acts, resolutions, reports of committees, &c. during the present session, as per bills rendered, three hundred and fifty-seven dollars and sixty-one cents.

To Samuel L. Southard, esquire, and Joseph W. Scott, esquire, for argument fees, at the bar of the Supreme Court, on Scire Facias on forfeited recognizances in behalf of the State of New-Jersey, against George H. Stout, Smith Freeman, and Haste P. Catheel, the sum of one hundred dollars each.

To Daniel Fenton, for stationary furnished the legislature and the engrossing clerk, silk, ribbon, tape, &c. twenty-five dollars and ninety-five cents.

To William Hancock, for repairing screw-press in secretary's office, and mending key of front door, three dollars and twenty-five cents.

To Thomas Cain, for candles furnished Council and House of Assembly, twelve dollars and nine cents.

To David Taylor, for work done to public buildings and fences, &c. as per bill rendered, thirteen dollars and twenty-five cents.

To Samuel R. Hamilton, for articles furnished and services rendered to Council, twenty-six dollars and forty-four cents.

To William B. Ewing, for services rendered as a trustee of the school fund, and mileage to and from the seat of government, being eighty-five miles, twenty-eight dollars and fifty cents.

To James Faussett, for repairing and iron, one dollar.

To John R. Smith, for iron rods, glass, putty, &c. as per bill rendered, ten dollars and fifty-three cents.

To William Kerwood, for repairing and trimming venetian blinds in Council Chamber, Library, and Assembly Room, and covering a frame with baize in Council Chamber, eleven dollars.

To Zachariah Rossell, for sundry postages, as Adjutant General, four dollars and sixty-six cents.

To A. W. Phillips, for printing four quires blank commissions, five dollars.

To Henry B. Howell, for green bombazette, brooms, tumblers, &c. furnished to the legislature, six dollars and thirty cents.

To William Morris, for one cord of hickory wood, six dollars.

To Daniel Chambers, for four cords of hickory wood furnished the legislature, twenty-two dollars.

To S. and T. J. Stryker, for fourteen cords of hickory wood furnished the legislature, seventy-seven dollars.

To Martin C. How, for procuring and setting glass in the state buildings, &c. as per bill rendered, twenty-six dollars and thirty-seven cents.

To Asa Belden, for cleaning pipe on state-house, and furnishing and putting in strainer, five dollars and twenty-five cents.

To Samuel B. Scattergood, for receiving, sawing, and splitting wood, building vault in the cellar, making and putting up curtains in the Assembly Room, &c. as per bill rendered, thirty-two dollars.

To George Sherman, for publishing in New-Jersey State Gazette, the Governor's proclamation, advertising special terms of Court of Appeals, furnishing newspapers to the legislature, and printing public acts, as per bill rendered, fifty dollars and fifty cents.

To Daniel Baker, for turning three dozen pins, making and putting up frame for the same, one dollar and fifty cents.

To Thomas C. Sterling, for green cord, tassels, &c. as per bill rendered, three dollars and thirty-five cents.

To Jasper Scott, for mason work, four dollars and seven cents.

To Isaac H. Williamson, esquire, for postages of letters, relating to the public concerns of the state, during the last year, ending at the post-office in Elizabeth-Town, the twenty-fifth day of October, eighteen hundred and twenty-nine, and at the post-office in Trenton, on the first day of January, eighteen hundred and thirty, fifty-six dollars and thirty-five cents.

To Charles Parker, for cash advanced by him for payment of sundries, as per bills rendered, two hundred and eighty-three dollars and eighty-eight cents.

To John Noble, for carriage hire on account of the state prison committee, four dollars.

To Daniel Hutchinson, for carriage hire on account of the state prison committee, three dollars.

To William Mount, for serving subpoenas at the request of the state prison committee, two dollars.

To James D. Westcott, secretary of Council, for mileage to and from the seat of government during the recent adjournment of the legislature, twenty-four dollars.

To Borden M. Voorhees, clerk of the House of Assembly, for mileage from and to the seat of government during the recent adjournment of the legislature, seven dollars and fifty cents.

To Daniel Fenton, for four quires of paper and six pieces of red tape, one dollar and forty-four cents.

To Samuel R. Hamilton, for repairs to Council Chamber, making and laying down carpet, eleven dollars and fifty cents.

To Jason Roe, John McCully, and William Hancock, for services rendered, at the request of the state prison committee, in taking an inventory of the standing property at the New-Jersey State Prison, two dollars each.

To Daniel Coleman, as secretary, for certified copies of certain reports and resolutions of the legislature of New-Jersey, adopted in the year of our Lord, eighteen hundred and twenty-eight, and forwarding the same to the Senators and Representatives from this State, in the Congress of the United States, and also to the Executives of the respective States and Territories, in the United States, pursuant to an order of the Legislature, the sum of thirty dollars.

To John C. Chambers, for candles furnished the Supreme Court Room, two dollars and twenty-five cents.

To the widow of Gabriel Hoff, esquire, deceased, the amount of his wages, as member, twenty-seven days, at three dollars per day, eighty-one dollars.

C. March 2, 1830.



RESOLUTIONS.

RESOLVED, That the joint committee of the two houses, to consist of three members on the part of this House, be appointed to prepare and bring in a bill at the next sitting of the Legislature, to provide for a just and proper representation in this House, of the several counties in this state, according to population, after the next census; *so always nevertheless*, that no county shall be entitled to a less number of representatives than it has at present.

C. and A. Passed November 10, 1829.

WHEREAS, the honorable Charles Ewing, Chief Justice, has communicated to the House of Assembly, that his official duties have prevented his attention to the matters referred to him, by a joint resolution of the Council and General assembly, passed the ninth of December, eighteen hundred and twenty-five:—Therefore,

RESOLVED, *by the Council and General Assembly of this State*, That the honorable Andrew Kirkpatrick, be requested to revise the acts and supplements, and other matters mentioned in the preamble to that resolution, and to report thereon, by bill or otherwise, to the next sitting; and that the Vice-President of Council, and the Speaker of the House of Assembly, be a committee to inform the said Andrew Kirkpatrick of this request.

C. and A. November 10, 1829.

Resolved, *by the Council and General Assembly*, That the state prison committee be requested to examine into, and ascertain, if possible, the cause of the recent fire, which took place at the state prison, and make report to this House as soon as possible, together with the extent of the loss sustained by the state.

C. and A. February 22, 1830.

Resolved, by the Council and General Assembly of the State of New-Jersey, That the Governor of this state, for the time being, be, and he hereby is requested to address a message to the Legislature of this state, at the annual meeting in October, and recommend such measures in relation to the resources, finances, laws, and polity of the state, as will in his opinion, promote the happiness and prosperity of the people:

C. February 24, 1830.

Resolved, by the Council and General Assembly of the State of New-Jersey, That Charles Parker, treasurer of this State, be authorized, and he is hereby appointed to cause the following improvements to the Assembly Room, and Council Chamber to be executed.

To separate the bar of the House from the spectators, and an elevation from five to fifteen inches of three rows of seats next to the bar of the house. The entrance into the Assembly Room, to be upon the plan of the Supreme Court Room, leaving the glass door to be opened when the Council come into the Assembly Room, in joint-meeting; and be it further

Resolved, That there be provided, for the use of the members of Council, thirteen new desks of convenient size and construction; and to direct a window placed over each small door, of the Council Chamber, and that the wood-work of the room be painted, and walls white-washed; and that the sum of two hundred dollars be appropriated for the above objects, and the said Charles Parker, Treasurer, aforesaid, pay the same out of any money in the treasury, not otherwise appropriated, and make report to the next sitting of the Legislature.

C. February 24, 1830.

WHEREAS, by a resolution of this House, passed December ninth, eighteen hundred and twenty five, the honorable Charles Ewing, esq., Chief Justice, was requested to revise the "act entitled" "An act to ascertain the power and authority of the Ordinary and his Surrogates, to regulate the jurisdiction of the Prerogative Court, and to establish an Orphans' Court in the several counties of this state," and the several supplements thereto; and also the several acts

and supplemental acts relative to executors, administrators, and guardians, and all other acts coming within the purview of the same, and report by bill or otherwise to the next Legislature; *and whereas*, the said Charles Ewing, Esquire, by a communication laid before this House at their last sitting, expressed a desire that some other person might be appointed to perform the duty assigned him, by the foregoing resolution; whereupon Andrew Kirkpatrick, esq. was by resolution of this House, passed in November last, appointed to execute the duty specified in the said resolution; *and whereas*, the said Andrew Kirkpatrick, esq. by a communication addressed to the speaker of this House, hath expressed a doubt "whether the aforesaid resolution contemplated an entire revision of the whole branch of our law, which relates to testamentary affairs, and to the duties of executors, administrators and guardians, and the constitution, power, and proceedings of the tribunals appointed to enforce those duties, or a mere compilation of those statutes,"—Therefore,

Resolved, by the Council and General Assembly, That the design of the foregoing resolution, was to effect an entire revision of the acts referred to therein, and not a mere compilation of said acts, and that the said Andrew Kirkpatrick be respectfully requested to revise said acts, and report to this House, by bill or otherwise, at the next session of the legislature; and that the Vice-President and Speaker, be requested to communicate to the said Andrew Kirkpatrick, a copy of this resolution, and solicit his answer thereto.

C. February 24, 1830.

Resolved, by the Council and General Assembly of this State, That Stacy G. Potts and Charles Parker, be authorized to settle with, and make compensation to Richard I. Bond, Jason H. Roe, John Burton, Westley P. Hunt, William Chapman, and Stephen Laird, for property owned by them, and destroyed by the recent fire at the State-Prison.

C. February 27, 1830.

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 under the authority of the United States, of Raritan Bay and River, the Passaic River and Newark Bay, and of the Delaware River and Bay, with a view to remove the obstructions to the navigation, and the erections of piers in the same.

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.

C. March 1, 1830.

Resolved, by the Council and General Assembly, That if hereafter the Governor of this state, shall see proper to make the government house his place of residence, that then, and in that case the treasurer of this state be authorized to make such repairs in the same, as under the direction of the governor, may be considered proper, and that the expense for such repairs be paid out of any moneys in the treasury not otherwise appropriated.

C. and A. March 1, 1830.

Resolved, by the Council and General Assembly, That Joseph Justice be appointed to print the laws, to contain at least eighteen hundred m's per page, in small pica type, sixteen hundred copies, on the best paper that can be procured at three dollars and fifty cents per ream, thirty dollars per sheet, of sixteen pages.

C. & A. March 2, 1830.

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