Acts of the Sixteenth
General Assembly
of the State of New-Jersey.

At a Session begun at Trenton the 25th Day of October, 1791, and continued by Adjournments.

Being the First Sitting.

Burlington:
Printed by Isaac Neale.
M.DCC.XCI.
of the State of New-Jersey.

prove; and, prior to the fourth Tuesday of October, in the Year of our Lord Seventeen Hundred and Ninety-three, provide suitable Buildings for the Accommodation of the Legislature of this State.

Sect. 2. And be it further Enacted, That for defraying the Expenses of such Purchases and Buildings, the said Commissioners, or any Four of them, be authorized to draw on the Treasurer of this State for the Time being for any Sum not exceeding Fifteen Hundred Pounds, payable out of the Monies unappropriated in the Treasury; and the said Treasurer is hereby authorized and directed to pay the same, to such Orders from the said Commissioners, or any Four of them; and the said Commissioners or any Four of them, are hereby authorized to accept grants of Money for the Purposes aforesaid.

Sect. 3. And be it further Enacted, That in Case of Vacancies happening from Refusal to act, Death, or otherwise, during the Receal of the Legislature, then, and in such Case, it shall and may be lawful for the Governor of the said State for the Time being, to appoint other Commissioner or Commissioners, in the Place of such Vacancy or Vacancies.

A. Passed at Trenton, November 22, 1791.

C H A P. CCCXLVI.

An ACT to incorporate the Contributors to the Society for establishing useful Manufactures, and for the further Encouragement of the said Society.

WHEREAS it is represented to this Legislature, that a Subscription has been made for the Purpose of introducing and establishing useful Manufactures, to an Amount which already exceeds Two hundred Thousand Dollars; and whereas the State of New-Jersey having been deemed by the Contributors the most suitable for carrying the same into Effect, the Aid of the Legislature has been requested, in Promotion of the Views of the said Contributors; and whereas it appears to this Legislature, that the granting such Aid will be conducive to the Public Interest; therefore,

Sect. 1. 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 those Persons who have already subscribed, and who, according to the Terms hereafter mentioned, shall subscribe for the Purpose of establishing a Company for carrying on the Business of Manufactures in this State, their Successors and Assigns, shall be and they are hereby incorporated by the Name of "The Society for establishing useful Manufactures," and by the same Name, they and their Successors and Assigns...
Affiars are hereby constituted a Body Politic and Corporate in Law, and shall be able and capable to acquire, purchase, receive, have, hold and enjoy any Lands, Tenements, Hereditaments, Goods and Chattels, of what Kind or Quality ever, to an Amount in Value not exceeding Four Millions of Dollars, and the same, or any Part thereof, to sell, grant, demife, alien, and dispose of; also to sue, or be sued, impleaded, and be impleaded, in Courts of Justice, or any other Place whatever, to make and use a common Seal, and the same to alter and renew at their Pleasure, and also to ordain, establish and put in Execution, such By-Laws, Ordinances, and Regulations, as shall seem necessary and convenient for the Government of the said Corporation, provided the same are not contrary to the Laws and Constitution of the United States, or of this State.

Sec. 2. And be it Enacted by the Authority aforesaid, That the original or capital Stock of the Said Society or Company, shall not exceed the Sum of One Million of Dollars, to be employed in manufacturing or making all such Commodities or Articles as shall not be prohibited by Law, and to that End in purchasing such Lands Tenements, and Hereditaments, and erecting thereupon such Buildings, and digging and establishing such Canals, and doing such other Matters and Things, as shall be needful for carrying on a Manufactory or Manufactories of the said Commodities or Articles.

Sec. 3. And be it further Enacted by the Authority aforesaid, That the said Corporation shall not deal, nor trade, except in such Articles as it shall manufacture, and the Materials thereof, and in such Articles as may be really and truly received in Payment or Exchange therefor.

Sec. 4. AND, the more effectually to encourage so useful and beneficial an Establishment; Be it further Enacted by the Authority aforesaid, That all the Lands, Tenements, Hereditaments, Goods and Chattels, to the said Society belonging, shall be and they are hereby declared to be free and exempt from all Taxes, Charges, and Impositions whatsoever under the Authority of this State, whether for State or County Uses, or for any other Use whatsoever. Provided always, That the said Exemption shall not be confinued to extend to the private or separate Property of any Member of the said Corporation, in his or her individual Capacity; and as touching the Lands, Tenements and Hereditaments of the said Society, shall continue in Force for the Term of ten Years only, after which Term it shall be lawful to lay such Taxes for the Ufe of the State upon the said Lands, Tenements and Hereditaments, as shall be laid upon other Lands, Tenements and Hereditaments of like Value, Nature or Description. Provided nevertheless, that, in Case the said Taxes shall be laid by Way of Aessment, it shall be according to a certain Rate per Centum, to be prescribed in the Law laying such Taxes, of the true and absolute Value of the Lands, Tenements or Hereditaments, whereupon the same shall be laid or allevied, and shall not extend directly or indirectly to the Monies, Goods or Chattels, whether in Pollution or Action, or to the Profits real or supposed of the said Society.
Sec. 5. And be it further Enacted by the Authority aforesaid, That all Artificers or Manufacturers, in the immediate Service of the said Society, shall be free and exempt from all Poll and Capitation Taxes, and Taxes on their respective Faculties or Occupations; Provided that this shall not be construed to exempt their Property of whatsoever Kind from Taxes of a specific and definite Nature. and according to a certain Rate per Centum of the true and absolute Value thereof.

Sec. 6. And be it further Enacted by the Authority aforesaid, That the Original or Capital Stock aforesaid, shall consist of One Hundred Thousand Shares, each Share being One Hundred Dollars; and that any Person, Copartnership or Body Politic, may subscribe for such Number of Shares in the Stock of the said Company which yet remain to be subscribed, as he, she or they, shall think fit, until the whole Number of Shares subscribed shall amount to Five Hundred Thousand Dollars, after which it shall be in the Discretion of the Directors, to permit or not, further Subscriptions, from Time to Time, and in such Proportions as shall seem to them expedient, not exceeding on the Whole the said Sum of One Million Dollars. And it shall be lawful for Subscriptions to the said Stock to be continued in the same Manner, and under the same Direction, as they have been heretofore conducted, until the Day herein after named for the first Election of Directors, at which it shall be the Province of the said Directors to regulate the Manner of receiving further Subscriptions. And in Case it should happen that the Subscriptions which may be made after the Passing of this Act, together with those made prior or thereto, should exceed the Sum which in the Judgment of the said Directors should be sufficient in the first Instance to constitute the Stock of the said Society, not being less than Five Hundred Thousand Dollars, it shall be lawful for the said Directors to make a proportional Reduction from the Number of Shares which, after the Passing of this Act, shall have been subscribed by any Person, Copartnership, or Body Politic, so as to reduce the total Amount of the Sums subscribed to the Sum by them deemed sufficient aforesaid, not being less than Five Hundred Thousand Dollars; all which Subscriptions, made prior to the said first Election of Directors, shall be payable, One Half in the funded Six per Cent. Stock of the United States, or in Three per Cent. Stock at the Rate of Two Dollars of such Stock for One, and the other Half in what is commonly called Deferred Stock, or, at the Option of the Party subscribing, such Subscriptions may be paid for in Specie, computing the said Six per Cent. Stock at Par, and the said Deferred Stock according to the present Value thereof at the Time of Payment, which Value shall be determined by a Calculation founded upon a Rate of Interest of Six per Centum per Annum, during the Period for which the Interest of the said Deferred Stock is suspended; and the Payments for such Subscriptions as shall be made prior to the first Election of Directors shall be made in four equal Parts, that is to say, the first within Forty-five Days after the Period of such first Election, the second within Six Calendar Months after the Time of the first, the third within Six Calendar Months after the Time of the first, the fourth within Six Calendar Months after the Time of the first.
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Months after the Time of the second, and the fourth within Six Calendar Months after the Time of the third Payment. And such Subscriptions as shall be made after the said first Election of Directors shall be payable according to such Regulations as shall have been previously prefixed by the Directors of the Society for the Time being: Provided that Nothing herein contained shall prevent any subscribing Party from paying, with Consent of the said Directors, the whole Amount of his, her or their Subscription at One Payment.

Sect. 7. And be it further Enacted by the Authority aforesaid That so much of the Capital Stock of the said Company as may consist of Public Debt, shall be placed on the Books of the Treasury of the United States in the Name of the said Corporation, except so much thereof as may be converted into Stock of the Bank of the United States; and that it shall be lawful for the Directors thereof to invest any Monies which may be received on Account of the said Capital Stock in the Purchase of such Debt, and likewise to invest both the said Debt and Monies, in Stock of the Bank of the United States in the Name of the said Corporation; and that in either Case the said Directors, on the Request of any Stockholder, shall grant to him a Licence to inspect and examine the Amount of Stock which may at any Time stand in the Name of the said Corporation, either on the Books of the Treasury of the United States, or on the Books of the Bank of the United States.

Sect. 8. And be it further Enacted, That there shall be a yearly Dividend for the first Five Years immediately ensuing the last Day of December next, and thenceforth a half-yearly Dividend, of so much of the Profits of the said Society as to the Directors thereof shall seem expedient.

Sect. 9. And be it further Enacted by the Authority aforesaid, That the Stock of the said Society may be invested, secured, assigned, and transferred, according to such Rules as shall be instituted in that Behalf by its Laws and Ordinances.

Sect. 10. And be it further Enacted by the Authority aforesaid, That there shall be holden an Election of Directors of the said Corporation on the last Monday of this present Month of November, at Trenton, in this State, which Election shall begin between the Hours of Twelve and Two in the Afternoon of the same Day, and may be continued by Adjournment from Day to Day for three Days, counting the first as One, and may be conducted under the Superintendence of any Three Persons whom the Stockholders then and there convened may, by Majority of Voices, nominate for that Purpose; and there shall be holden on the first Monday of October next ensuing, the said Time of the said first Election, and on the first Monday of each succeeding October, an Election for Directors of the said Society at such Place as shall have been previously appointed for that Purpose by some Law or Ordinance of the said Society; and the Directors chosen at one Election shall be capable of serving by Virtue thereof until another Election shall have been hold; and each Stockholder shall be entitled to One Vote in Person or by Attorney for each Share he or she may hold, but
but neither the United States, nor any State which may become a Sub-
scriber, shall be entitled to more than One Hundred Votes.

Sect. 11. And be it further Enacted by the Authority aforesaid, That
at every such Election Thirteen Directors shall be chosen by Ballot,
and the Directors so chosen shall at the first Meeting after their Elec-
tion, not less than a Majority of the whole Number being present, elect
from among themselves one Person to be Governor, and another to be
Deputy-Governor: That any five of the Directors, the Governor or
Deputy-Governor being One, shall constitute a Board for the Tranfac-
tion of Business, except as hereafter excepted; but that if it shall at
any Time happen, that there are two separate Meetings of five or
more Directors each, but in neither of such Meetings a Majority of the
whole, and the Governor be present at One, and the Deputy-Gover-
nor at the other, that shall be deemed the legal Board at which the
Governor shall be present; and that if it shall happen, that the Governor
and Deputy-Governor are both absent, seven of the said Directors shall
constitute a Board for the Purpose aforesaid: That no Director shall
receive any Emolument on Account of his Office, unless the same shall
have been allowed by the Stockholders at a General Meeting; but the May appoint
Directors may appoint such Officers, and affign such Compenations as Officers,
they shall think fit, not less than a Majority of the whole Number of
Directors being present when the same shall be done.

Sect. 12. And be it further Enacted by the Authority aforesaid, That
there shall be a stated Meeting of the Directors of the said Society at
the Place which shall have been chosen and designated as the principal
Seat of the Manufactories to be carried on by the said Society, on the
first Tuesday in the Months of January, April, July, and October, an-
nually; but the Governor, or in his Absence or Inability the Deputy-
Governor, or in Case of their Refusal, any Three Directors may from
Time to Time, by Writing under his or their Hands, directed to the
other Directors, and left at their respective Places of Abode, at least
Fourteen Days prior to the Time of Meeting, or, by Advertisements
printed in One public Gazette of this State, and in One of the public
Gazettes printed in the Cities of Philadelphia and New-York respect-
ively, Thirty Days prior to the Time of Meeting, convene special
Meetings of the Directors for the Transaction of Business, and the Di-
rectors at such stated or special Meetings shall have Power to make all
By-Laws, Ordinances, Rules and Regulations, requisite for conducting
the Affairs of the Corporation, and to transact such other Business as
may be necessary touching the same. Provided that no By-Law shall be
made or altered, nor any new Manufactory undertaken by any Board of Directors, at which less than a Majority of the whole Num-
ber shall be present. And provided further, that the Stockholders provide
lawfully convened, at any General Meeting, may alter or abolish any
By-Laws, Rules or Regulations, which may have been made by the
Directors, and may make and establish such By-Laws, Rules and Re-
strictions, as to them shall seem meet; and that no By-Law, Rule or Regu-
lations, which may have been abolished by the Stockholders at
any General Meeting, can be re-established by the Directors; and fur-
ther, that no By-Law, Rule or Regulation, which may have been or-
dained
dained by the said Stockholders, at a General Meeting, can be altered or repealed by the Directors.

Sec. 13. And be it further Enacted by the Authority aforesaid, That any Board of Directors shall have Power to call a General Meeting of the Stockholders, giving Thirty Days previous Notice thereof in Three Public Gazettcs, One printed in this State, and One in each of the Cities of Philadelphia and New-York respectively; and that each Stockholder, being present at any General Meeting in Person, or by Attorney, shall be entitled in all Questions and Causes whatsoever to One Vote for each Share such Stockholder may hold.

Sec. 14. And be it further Enacted by the Authority aforesaid, That every Treasurer or Cashier of the said Corporation shall, before he enters on the Duties of his Office, give sufficient Security, to the Satisfaction of the Directors, in a Sum not less than Twenty Thousand Dollars.

Sec. 15. And be it further Enacted by the Authority aforesaid, That at every Annual Meeting of the Stockholders, for the Purpose of choosing Directors, the Directors shall lay before them a General State of the Affairs of the Company, exhibiting the Amount of its Stock, Debts and Credits, the different Kinds of Manufactures carried on, the Number of Persons employed in each, and their respective Compensations, and an Account of the Profit and Losses. And that the Stockholders may, if they think fit, at any General Meeting, elect by Ballot any Five of their Number for the Purpose of examining into the State of the Affairs of the said Company, who shall have a Right of Access and Examination to, and of all the Books of the said Company; and the said Persons, or a Majority of them, may, at any Time, call a General Meeting of the Stockholders, giving the like Notice as is above directed to be given by a Board of Directors for the like Purpose. And that the United States, or any State which shall subscribe for not less than One Hundred Shares, may appoint a Commissioner, who shall have a Right at all Times to inspect the Proceedings of the Corporation, and the State of its Affairs, but without any Authority to control; and such Commissioner shall have the like Right of Access and Examination as is herein before assigned to the Five Persons who may be appointed by the Stockholders.

Sec. 16. And be it further Enacted by the Authority aforesaid, That the said Corporation may be dissolved at a General Meeting specially summoned for that Purpote, provided at least Three-Quarters in Value of the Stockholders shall be present, or represent or represented therein: and upon such Dissolution, the Directors for the Time being, and the Survivors, and Survivor of them, shall be ipso facto Trustees for settling all the Affairs of the said Corporation, disposing of its Effects, recovering and paying its Debts, and dividing the Surplus among the Stockholders in Proportion to their respective Interest in the Stock, unless the Stockholders, at such General Meeting, shall appoint other Persons, not less than Nine nor more than Thirteen in Number for such Purpote, in which Case the Persons so appointed, and the Survivors and
and Survivor of them, shall be Trustees and Trustee for the Purpose aforesaid.

Sec. 17. AND WHEREAS it may be necessary, for the benefi-
cial Extension of the aforesaid Plan, to cut Canals, and clear and im-
prove the Channels of Rivers, the Advantages of which will not be con-
fined to the Members of the said Society, who ought therefore to be
authorized to receive a reasonable Toll to defray the Expenes of Im-
provements ultimately so valuable to the State; Be it Enacted, That
it shall be lawful for the Directors of the said Society, their Engineers,
Artists and Labourers, to enter upon and survey all such Land, and
Land covered with Water, as shall appear to them most practicable
and convenient for effecting navigable Canals, for the Purpofe of tran-
porting Goods, Wares, and Merchandizes, to and from some Manufac-
tory by them established, and also fuch Parts of fuch Rivers and oth-
er Waters as they may propofe to open and clear, doing as little
Damage to the Grounds and Enclofures as fhall be poifible; and there-
upon fhall certify to the Governor of this State in Writing, as well the
Courties and Distances of any fuch Canal as they may propofe to cut,
and of the Part of any fuch River as they may propofe to clear and op-
en, as the Width and probable Depth thereof, and fhall transmit with
fuch Certificate a Draught or Plan of fuch intended Canal, or of the
Part of fuch River fo intended to be cleared or opened; and in like Manner fhall certify to the said Governor, from Time to Time, fuch Alterations in the intended Course of fuch Canal as the Quality of the
Ground or other Canals may occasion; whereupon it fhall be lawful
for them, their Engineers, Artists and Labourers, to enter upon all
fuch Land, and Land covered with Water, as fhall be neceffary for effect-
ing fuch navigable Canal or Canals or for opening or clearing fuch River
or Rivers, and to contract and agree with the Owners of any Lands and
Tenements for the Purchafe of fome thereof as as fhall be neceffary
for the Purpofe of making, digging and perfecting fuch Canal or Canals,
or opening and clearing fuch River or Rivers, and of erecting and esta-
blifhing all the neceffary Locks, Works and Devices, to fuch Naviga-
tion belonging, if they can agree with fuch Owners: But in Cafe of Di-
agreement, or in Cafe the Owner thereof fhall be Feme Covert, under
Age, non compos Mentis, or out of the State, then it fhall and may be
lawful to and for the faid Directors to apply to two of the Justices of
the Supreme Court of this State, who, upon fuch Application, are here-
by authorized and empowered, enjoined and required, to frame and
ifue one or more Writ or Writs, as Occasion fhall require, in the Na-
ture of a Writ ad quod Damnum, to be directed to the Sheriff of the
County in which fuch Lands and Tenements fhall be, commanding
him, that, by the Oaths and Affirmations of twelve good and lawful
Men of his Bailiwick, who fhall be indifferent to the Parties, he fhall
inquire whether the Perfon or Perfons, owning any Lands and Tene-
ments neceffary to be used by the faid Directors, or which may be in-
jured in establishing the faid Canal or Canals, or in opening or clearing
fuch River or Rivers, which Perfon or Perfons fhall be named, and
which Lands and Tenements fhall be decribed in fuch Writ or Writs,
will fuffer and ftand, and what Damages by Reafon or Means of tak-
ing any Lands, Tenements, Mill, Mill-Pond, Water, Water-Courfe or
other
other real Herditaments, necessary for the Use of any such Canal, or for
the Opening of the Navigation of any such River, and the Locks and
Works thereto belonging, and to return the same Writ, together with
the Finding of the said Jury, to the next Supreme Court of this State
after such Finding, and, upon such Writ being delivered to the said
Sheriff, he shall give at least twenty Days Notice in Writing to all and
every the Owners of the Lands and Tenements, in the said Writ describ-
ed, or to so many of them as can be found, or to the Agent or Agents
of such Owners, of the Time of executing the same, and shall cause to
come upon the Premises, at the Time appointed, twelve good and law-
ful Men of his Bailiwick, who shall be selected in such Manner as
Struck Juries usually are, to whom he shall administer an Oath or Affir-
mination, that they will diligently inquire concerning the Matters and
Things in the said Writ specified, and a true Verdict give according to
the best of their Skill and Judgment, without Favour or Partiality; and
thereupon the said Sheriff and Inquest shall proceed to view all and
every the Lands and Tenements in such Writ specified, and having con-
sidered the Quantity of Land, and Land covered with Water, Mills,
Buildings or other Improvements, that shall be necessary to be vested in the
said Company for the Purposes aforesaid, and any Water-Course then ex-
isting, the Use whereof will be necessary for the Purposes aforesaid, they
shall cause the same to be minutely and exactly described by Metes and
Bounds, or other particular Descriptions, and shall value or appraise the
Injury or Damages, if any, which the Owner or Owners of the said Lands,
Tenements, Mills, Water, Water-Courses, Buildings or Improvements,
will, according to their best Skill and Judgment, sustain and suffer by
Means of so much of the said Lands and Tenements being vested in the
said Company, or by Means of such Improvements being destroyed or
rendered useless, or of less Value, or by Means of the said Company be-
ing permitted to turn such Water to fill their Canal and Locks, or by
Means of said Company being permitted to enlarge any Mill-Pond,
Mill-Race, or other Water-Course, and to use the same as and for Part
of such Canal and Navigation, or by any other Means whatsoever de-
fining and ascertaining as well all such Lands and Tenements, Liberties
and Privileges to be vested in the said Company, as the several Sums
at which the said Injuries and Damages shall be so alllected; and the
said Sheriff and Jury shall make an Inquisition, under their Hands and
Seals, distinctly and plainly setting forth all the Matters and Things a-
foresaid; and the Sheriff shall forthwith return the same, together
with the said Writ, to the Office of the Supreme Court, and at the
first Supreme Court which shall be held next after the Return of any
such Writ, the Justices of the said Court shall examine the same; and
if the said Writ shall appear to have been duly executed, and the Re-
turn thereof be sufficiently certain to ascertain the Lands and Ten-
ements, Rights, Liberties and Privileges intended to be vested in the
said Company, and the several Compensations awarded to the Owners
thereof, then the said Court shall enter Judgement, that the said Company,
paying to the several Owners as aforesaid the several Sums of Money
in the said Inquisition allotted, or bringing the same into the said Court,
over and besides the Costs of such Writ, and of executing and return-
ing the same, shall be entitled to have and to hold to them and their
Successors and Assigns for ever, all and every the Lands, Tenements,
Rights, Liberties and Privileges in the said Inquisition described, as
fully
fally and effectually as if the same had been granted to them by the respective Owners thereof; and if any Return, so to be made, shall not be sufficiently certain, for the Purposes aforesaid, the said Court shall award an Inquisition de novo, and upon Payment, or bringing into Court all such Monies as by such Judgment shall be required to be paid or brought into Court, all such Lands, Tenements, Rights, Liberties, and Privileges, shall be fully and absolutely vested in the said Corporation, which shall become seized and possessed thereof in like Manner as the then late Owner or Owners was or were seized or possessed thereof. Provided always, That no greater Quantity of Land shall be in such Writ directed to be set out, or shall be set out by any such Jury, than shall be sufficient for such Canal and Navigation, and to leave on each Side of any Canal intended to be cut, or Water intended to be rendered navigable, a Space or Distance not exceeding Two Hundred and Fifty Feet, for the better maintaining and repairing of such Canal and the Locks, or other Works and Buildings which it shall be necessary to erect and maintain, for the Purpose of such Canal or other navigable Water.

Sec. 18. And be it further Enacted by the Authority aforesaid, That wherever such Canal shall cross any public or private laid out Road or Highway, or shall divide the Ground of any Person into Two Parts so as to require a Ford or Bridge to cross the same, the Jury who shall inquire of the Damages to be sustained, in manner herein directed, shall find and ascertain whether a Passage across the same shall be admitted and maintained by a Ford, or by a Bridge, and on such Finding, the said Directors shall cause a Ford to be rendered practicable, or a Bridge fit for the Passage of Carts and Wagons to be built, and for ever hereafter maintained and kept in Repair, at all and every the Places so ascertained by the said Jury, at the Cost and Charges of the said Company: But nothing herein contained shall prevent any Person from erecting and keeping in Repair any Foot or other Bridge across the said Canal at his own Expense, where the same shall pass through his Ground, provided the same shall be of such Height above the Water as shall be usual in the Bridges erected by the Company; and provided also, that such Foot or other Bridges, to be erected by the Owners of such Land, shall not interfere with any of the Locks, Buildings, or other Works of the Company.

Sec. 19. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Directors, their Engineers, Artists, and Labourers, with Carts, Wagons, Wains, and other Carriages, with their Beasts of Draf and Burden, and all necessary Tools and Implements, to enter upon the Lands contiguous or near to the said Tract of such intended Canal or Canals, or to such Parts of any River or other Water, as they may propose to clear and render fit for Navigation, and also to take and carry away any Stone, Gravel, Sand or Earth there being most conveniently situate, for making, repairing or improving such Canal or Navigation, and the same so to be used in carrying on the said Work, first giving Notice of their Intention to the Owners of such Lands, and doing as little Damage thereby as possible, and repairing any Breaches they may make in the Enclosures thereof, and making Amends for any Damages that may be sustained.

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Damages sustained by the Owners of such Ground, according to a reasonable Agreement with the Owners, if they can agree, or, if they cannot agree, then according to an Appraiment to be made upon the Oath or Affirmation of Three, or, if they disagree, any Two Indifferent Freeholders to be mutually chosen; or if the Owners neglect or refuse to join in the Choice, then according to an Appraiment to be made upon the Oath or Affirmation of Twelve good and lawful Men of the Bailiwick, to be summoned, sworn, and impounded, by virtue of a Warrant from any one Justice of the Supreme Court of the State, or any one Justice of the Peace in and for the County in which such Lands may lie, who, at the Request of the said Society or their lawful Agent, is authorized and required to issue his Warrant to the Sheriff of the said County, commanding him, that, by the Oaths of Twelve good and lawful Men of his Bailiwick, he make the said Appraiment, and return the same forthwith under their Hands and Seals to the said Justice.

Sec. 20. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Directors, so soon as any Mill, Canal, or any Part thereof shall be perfected, or any River shall be rendered navigable, in any Part where the same was not before navigable, to appoint such and so many Collectors of Tolls, for the Passage of Boats and Vessels, in, through, and along the same, and at such Places as they shall think proper; and that it shall and may be lawful to and for such Toll-Collectors, and their Deputies, to demand and receive of and from the Persons having the Charge of all Boats and Vessels, and Rafts of Timber, Boards, Plank or Scantling, passing through such Canal, and the Part of such River rendered navigable, and the Locks thereto belonging, such Tolls and Rates, for every Ton Weight of the aforesaid Burden of the said Boats and Vessels, and for every Hundred Feet Cubic Measure of Timber, and Twelve Hundred Cubic Feet Board Measure of Boards, Plank, or Scantling, in Rafts, as the said Directors shall think proper; Provided, that the whole Amount of such Tolls and Rates in One Year shall not exceed Fifteen per Centum on the Sums expended in making and establishing such Canal, or in opening and clearing such River, over and above the Expenses of maintaining and repairing the same, together with the necessary Works, and of collecting the said Tolls and Rates.

Sec. 21 AND, in Order to ascertain the Tonnage of Boats using the said Canal Navigation, and to prevent Disputes between the Super-cargoes or Skippers and Collectors of Tolls concerning the same; Be it further Enacted by the Authority aforesaid, That, upon the Request of the Owner, Skipper, or Super-cargo of such Boat or Raft, or of the Collector of the said Tolls at any Lock or Place, upon any such Canal or Water rendered navigable, it shall and may be lawful for each of them to choose One skilful Person to measure and ascertain the Number of Tons which the said Boat or Vessel is capable of carrying, and to mark the same in Figures upon the Head and Stern of the said Boat, in Colours mixed with Oil, and that the said Boat or Vessel so measured and marked shall always be permitted to pass through such Canal or Water rendered navigable, and Locks, for the Price per Ton to which the Number of Tons so marked on her shall Amount

Collectors of Tolls to be appointed, and Rate of Toll to be fixed.

Provided.

Tonnage of Boats to be ascertained.
Amount, agreeably to the Rates fixed in the Manner aforesaid; and if the Owner, Skipper or Supercargo of such Boat or Vessel shall decline choosing a Person, resident within Four Miles of the Place where such Toll is payable, to ascertain the Tonnage thereof, then the Amount of such Tonnage shall be fixed and ascertained by the Person appointed for that Purpose by the said Directors, or chosen by the said Collector of Tolls for the said Company, and the Toll shall be paid according to such Measurement before any such Boat or Vessel shall be permitted to pass the Lock or Place where such Toll shall be made payable by the said Company.

Sec. 22. And be it further Enacted by the Authority aforesaid, That if any Person or Persons whomsoever shall wilfully and knowingly do any Act or Thing whatsoever, whereby such Canal or Navigation, or any Lock, Gate, Engine, Machine or Device thereto belonging, shall be injured or damaged, he or they so offending shall forfeit and pay to the said Company fourfold the Costs and Damages so sustained by Means of such known and wilful Act, together with the Costs of Suit in that Behalf expended, to be recovered by Action of Debt in any Court having Jurisdiction competent to the Sum due.

Sec. 23. And be it further Enacted by the Authority aforesaid, That the Collectors of Tolls, duly appointed and authorized by the said Directors, may stop and detain all Boats and Vessels using the said Canal and Navigation, until the Owner, Skipper or Supercargo of the same shall pay the Tolls so as aforesaid fixed, or may distrain Part of the Cargo therein contained, sufficient by the Appraifement of two credible Persons, to satisfy the same, which Distress shall be kept by the Collector of the Tolls, taking the same, for the space of Five Days, and afterwards be sold by public Auction at the most public Place in the Neighbourhood, to the highest Bidder, in the same Manner and Form as Goods distrained for Rent are by Law sold and seizable, rendering the Surplus, if any there be, after Payment of the said Tolls and the Costs of Distress and Sale, to the Owner or Owners thereof.

Sec. 24. And be it further Enacted by the Authority aforesaid, That the said Directors shall, at the Expiration of every third Year from the Date of their Incorporation, lay before the Legislature of this State an Abstract of their Accounts touching such Canals and Waters rendered navigable, shewing the whole Amount of the Capital expended in purchasing real Estates, and in digging, erecting, and establishing the whole of such Canals, Locks, and Works, and in rendering such Waters navigable, and the whole Income and Profits arising from the said Tolls, for and during the said Periods; together with the exact Amount of the contingent Charges of supporting, maintaining, and keeping the same in Repair for the said Periods, to the End that the clear and annual Profits may be known; and if, at the End of any such Period, it shall appear from such Abstract, that the clear Profits and Income of the said Company, as touching the said Canals and Waters rendered navigable, will bear a Dividend of more than Fifteen per Centum per Annum as above limited, then and in such Case the said Tolls shall be reduced so much as will reduce the said clear Profits
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Profits and Income to a Dividend not exceeding the said Rate of Fifteen per Centum per Annum; and the Surplus which may have at any Time accrued shall be paid to the Order of the Legislature of this State, to be applied in their Discretion to the Encouragement of Literature, Arts and Sciences within this State.

Sec. 25. AND WHEREAS the first Attempts towards the Establishment of Manufactories by the said Society may be attended with Loss, so as to impair and diminish the Capital thereof, and the said Society have prayed that this Legislature would authorize them to raise by Lottery certain Sums for their Indemnification against such Losses; in Compliance with the said Request, and for the further Encouragement of the said Establishment, Be it Enacted by the Authority aforesaid, That the said Society be, and they are hereby authorized and empowered by one or more Lotteries, to be drawn within this State, according to such Scheme or Schemes, and upon such Terms, as the Directors of the said Society shall institute, publish, and declare, and under the Management of such Persons as the said Directors shall for that Purpose appoint, to raise, for the Benefit of the said Society, a Sum or Sums not exceeding in the Whole, One Hundred Thousand Dollars over and above such Charges and Expenes as shall have been incurred in and about the Management and Drawing of the said Lottery or Lotteries.

Sec. 26. AND WHEREAS it is deemed important to the Success of the Undertaking aforesaid, that Provision should be made for incorporating, with the Consent of the Inhabitants, such District, not exceeding in Content the Number of Acres contained within Six Miles Square, as may become the principal Seat of the intended Establishment; Be it further Enacted by the Authority aforesaid, That at any Time after the Directors of the said Society shall have made Choice of a suitable Place for the principal Seat of their said Manufactories, and shall have certified the same to the Governor of this State for the Time being, it shall be lawful for the said Directors, by Advertisement in One or more of the Public Gazettes printed in this State, and also by Advertisements affixed in the most public and notorious Place within such District, to give notice that it appears to them conducive to the Interest of the said Society, if agreeable to the Inhabitants of the said District, that the said Inhabitants should be and become a Body Politic and Corporate, and if within Sixty Days after such public Notification, a Majority of the taxable Inhabitants of the said District shall not express their Dissent from the Incorporation of the said District in Writing, signed with their Names, addressed and delivered to the Governor of this State, it shall be deemed and taken to be Evidence of the Assent of the said Inhabitants to be, and they shall thereupon be created and become a Body Corporate and Politic, in Deed and Law, by the Name and Title of the Corporation of the Town of PASERSON, to have perpetual Succession; and they and their Successors shall at all Times be able and capable in Law to have, hold, and enjoy, any Lands, Tenements, and Hereditaments, Goods and Chattels, of whatsoever Kind or Quality, and the same to sell, grant, alien and dispose of; to sue and be sued, implead and be impleaded, in Courts of Justice,
of the State of New-Jersey.

Justice, or any Place whatsoever; to make and use a Common Seal, and the same to alter and renew at Pleasure; and also in Manner hereafter mentioned, to obtain, establish, and put in Execution, all necessary and convenient By-Laws, Ordinances, and Regulations: Provided the same are not contrary to the Laws and Constitution of the United States, or of this State.

Sect. 27. And be it further Enacted by the Authority aforesaid, That if any Number of the said taxable Inhabitants shall signify their Different in Manner aforesaid, and if the said Society shall controvert the fame being a Majority of the said taxable Inhabitants of the said District, it shall be lawful for the Governor of this State, upon Application made to him by the said Society in that Behalf, to issue a Writ to the Sheriff of the County in which the major Part of such District shall be, commanding him to make or cause to be made an Enumeration of the taxable Inhabitants of the said District, and to return the fame within a certain Time to be expressed therein, not more than Three nor less than One Calendar Month after the Telle of the said Writ, and the same Writ to renew in Case of Default, until the said Enumeration shall be duly made and returned; and if upon such Enumeration it shall appear, that the Number of Persons, who have signified their Different are less than a Majority of the whole Number, of the taxable Inhabitants, then the Different so signified shall be void and of no Effect.

Sect. 28. And be it further Enacted by the Authority aforesaid, That for the well ordering of the Affairs of the said Corporation, there shall be a Mayor, Recorder, Twelve Aldermen, and Twelve Assistants, and Town Clerk, who shall be appointed by the Council and General Assembly of this State in Joint-Meeting, and commissioned by the Governor of this State, in the same Manner as the Judges and Justices of the Peace, and Clerks of the Interior Court of Common Pleas, and Quarter Sessions of the Peace throughout the State, are appointed and commissioned, and shall be in like Manner amenable to the Council and General Assembly; and all other Officers and Ministers of the said Town, whole Appointments are not herein otherwise provided for and prescribed, shall be chosen by the Inhabitants of the said Town at their annual Town-Meetings, which shall be held at the same Time that the annual Town-Meetings in the other Townships in the County shall by Law be held; that the Sheriff and Coroner, being elected by the said Inhabitants, Freholders within the said Town, and commissioned by the said Governor, upon a Certificate of their Election, signified by the Mayor or Recorder, with any Three or more of the Aldermen, and being so commissioned, shall or may continue in Office One Year thereafter, and shall be vested with all the Power and Authority during said Year, and entitled to all the Privileges respectively within the said Town, and subject to all the Penalties for Neglect of Duty, which the Sheriffs and Coroners in the several Counties within this State are vested with, entitled or subject to, in like Cases and Circumstances, and shall be subject to such further Penalties for Neglect of Duty, as he or they may be subjected to by the By-Laws made and passed by the Corporation of the said Town, and shall give Security for the due Performance of their respective Offices in like Manner.
ner; and the Aessors, Collectors, and Overeers of the Poor, so cho-

nen as aforefaid, shall be vested with all the Powers and Authorities,

and entitled to all the Privileges within the said Town respectively,

and be subject to all the Penalties for Neglect of Duty, which the like

Officers in the several Townshps of this State are vested with, entitled

or subject to, in like Cases and Circumstances; and also that the said

Mayor, Recorder, Aldermen, and Aessants, in Common Council a-

sembled, shall and may from Time to Time elect, nominate, and ap-

point, Constables, and such other subordinate Officers of the Town

aforefaid, not herein named, as they or the greater Number of them,

the Mayor or Recorder being one, shall think necessary, for the bet-

ter ordering and governing the said Town; which Officers so appoint-

ed shall continue in Office until others shall be appointed to succeed

them, and be sworn or affirmed into Office. Provided always, that the

several Officers appointed pursuant to the Directions of this Act,

before they severally take upon them the Execution of their re-

spective Offices, shall take and subscribe the Oath or Affirmation of

Allegiance to this State, and also take the Oath or Affirmation of Office.

Sec. 29. And be it further Ena8ed by the Authority aforefaid, That

the said Town-Clerk, who shall be called Clerk of the Town of Pater-

ton, and his Successors for ever, shall act and do all Things within

the Town aforesaid, which any Town-Clerk, of and in any Borough

or Town Corporate, by Virtue of his Office can or ought to do: That

the Clerk of the said Town, for the Time being, shall also be Clerk of

the said Court of Common Pleas to be held as aforesaid, and also Clerk

of the Peace, and of the Sessions of the Peace, for and in the said

Town, and all and singular those Things which to the Office and Of-

fices of such Clerk do and shall appertain to do, execute, and per-

form, and also shall and may require, demand, take, accept, hold,

keep, and enjoy, all Fees, Perquisites, and Profits, which to any Clerk

of the Peace and Sessions of the Peace, or to any Clerk of any Court

of Common Pleas in any County of this State do or ought to be

enrolled.

Sec. 30. And be it Ena8ed by the Authority aforefaid, That in Case

of a Vacancy in the Offices of Mayor and Recorder, by Death, Resig-

nation
nation or Removal, or otherwift, during the Recess of the Legislature, Vacancies
that in fuch Cafe, the Governor of this State, for the Time being, is
hereby authorized to supply fuch Vacancies, and commiffion them ac-
cordingly; which faid Commiffions fhall continue in Force till the Le-
gislature of this State at a Joint-Meeting (hall appoint Perfons to fill faid Offices, and the faid Perfons or Perfons fo appointed be duly commiffi-
oned and qualified to execute the fame.

Sec. 31. And be it further Enacted by the Authority aforefaid, That Mayor, &c.
that fhall and may be lawful for the faid Mayor, Recorder, Aldermen
and Affiftants, to make fuch By-Laws, Ordinances, Rules and Regula-
tions, not inconfiftent with the Laws and Conftitution of the United
States, or of this State, as to them fhall appear neceffary and beneficil
for the good Government of the faid District, and the fame to put in
Execution, revoke, alter and make anew, as Occasion fhall require, and
and to impofe fuch fines and Amercements upon Perfons tranfgressing
fuch By-Laws, Rules and Ordinances, as fhall appear to them rea-
nable, to be levied by Distrefs and Sale of the Goods of the Party offend-
ing, by Warrant, under the Hand and Seal of the faid Mayor or Re-
corder, or by fuch other Warrant or Procefs as fhall have been prefi-
bred by the Laws or Ordinances of the faid Corporation, to be recover-
ed by Action, for the Use of the Inhabitants of the faid District; and,
upon the Submiffion of the Parties, the faid Mayor, Recorder, Alder-
men and Affiftants, fhall have Powers to mitigate or releafe fuch Fines
and Amercements. Provided always, That not lefs than a Majority
of the whole Number of the faid Officers, of whom the Mayor or Re-
corder to be One, fhall be competent to constitute a legal Board or
Meeting for the Purpofe of making or altering any By-Law or Ordi-
nance, or of appropriating any of the Monies of the faid Corporation;
and that not lefs than Seven, of whom the Mayor or Recorder to be
One, fhall be competent to form a Board for any other Purpofe.

Sec. 32. And be it further Enacted by the Authority aforefaid, That
the faid Mayor, Recorder, Aldermen, and Affiftants, for the Time be-
ing, fhall severally and respectively have all the Powers and Authori-
ties of Justices of the Peace, and fhall have full Power and Authority to
inquire of, hear, try, and determine, agreeably to the Laws and Con-
ftitution of this State, all Larcenies, Forgeries, Perjuries, Asfaults and
Batteries, Riots, Routs, and unlawful Assemblies, and all other Offen-
ces which may or fhall be committed within the faid District, which
would otherwift be cognizable in the Court of General Quarter Sessi-
on of the Peace of the County or Counties, wherein fuch District is
situated, and to punish all Perfons fo convicted, agreeably to the Laws
of this State; and also to inquire of, hear, try, and determine, all Offen-
ces committed in the faid District, againft any of the By-Laws, Rules,
and Ordinances, made, ordained, and eftablifhed in Purpofe of this Act;
and to punish fuch Offenders as by the faid By-Laws, Rules, and
Ordinances, fhall be directed; and also to impofe and levy Fines, on
Jurymen and others, according to Law; to award Procefs, take
Recognizances, and commit to Prifon, as Occafion fhall require, with-
out being accountable to the State for any Fines or Amercements to
be impofed for the faid Offences, except fuch as are, or fhall by Law
be
be made payable into the Treasury of this State, for Offences against the State; and that they, in their said Court of Quarter Sessions, shall have the sole, only, and exclusive Right and Power of licensing all and every Inn-Keeper, Tavern-Keeper, and Retailer of Spirituous Liquor, inhabiting within the said Town, as to them shall seem convenient, and from them, and every of them, to be licensed, to require and take Recognizance, agreeably to the Laws of this State; and every other Licence for such Purpose within the said Town, granted by any other Court, shall be and is hereby declared to be null and void: And generally, to do all such Matters and Things as any Court of General Quarter Sessions of the Peace of and for any County within this State may or can lawfully do within such County: And for the Purposes aforesaid the said Mayor, Recorder, Aldermen, and Assistants, or any Seven of them, of whom the Mayor or Recorder to be One, shall have full Power and Authority to hold and keep a Court of Record within the said District Four Times in each Year, by the Style and Title of the Court of Quarter Sessions of the Peace of the Town of Paterfon, for inquiring, hearing, trying, and determining, the Pleas and Matters aforesaid; and doing all such Matters and Things as in Pursuance of this Act shall be cognizable in the said Court; which Court shall have Power to adjourn from Day to Day, and to hold Special Sessions, when to the said Mayor, Recorder, Aldermen, and Assistants, it shall appear necessary; and all Proceedings in the said Court may be removed by Writs of Error, Certiorari or other Writs, in like Manner as the Proceedings in any Court of General Quarter Sessions of the Peace of any County in this State are by Law removable.

Sec. 33. And be it further Enacted by the Authority aforesaid, That the said Mayor, Recorder, Aldermen, and Assistants, or any Seven of them, of whom the Mayor or Recorder to be One, shall also have full Power and Authority to hold and keep, on the first Monday in every Calendar Month, and the same if need be, to adjourn from Day to Day for the Term of Four Days, counting the first as One: One other Court of Record, by the Style and Title of the Court of Common Pleas of the Town of Paterfon, with Power to hold Pleas of all such civil Actions, Suits and Controversies as are cognizable in the several County Courts within this State, to summon and impanel Jurors in the said Actions or Suits, to give Judgment therein, and to carry such Judgments into Execution, in as full and ample a Manner, and by all such Ways and Means as any Court of Common Pleas within this State may or can do; And the Proceedings in the said Court shall be as nearly as may be, the same with those of the several Courts of Common Pleas within this State, and may be removed by Habeas Corpus, Writ of Error, or other Writ, in like Manner as the Proceedings in any such Court of Common Pleas are by Law removable.

Sec. 34. And be it Enacted by the Authority aforesaid, That the said Court of Common Pleas of the Town of Paterfon shall have a Seal, with such Device as shall appear to the said Court proper, and all Writs issuing thereout, shall be under the said Seal and sealed in the Name of the Mayor or Recorder of the said Corporation.

Sec. 35. And be it further Enacted by the Authority aforesaid, That the
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the Justices of the Court of General Quarter Sessions of the Peace, of the County or Counties in which such District is situated, or any of them, shall not have any Power or Jurisdiction within the said District, except to compel the Attendance of Witnesses.

Sec. 36. And be it further Enacted by the Authority aforesaid, That all Artificers and Manufacturers within the said District, in the immediate Service of the said Society, shall be exempt from all Military Duty, except in cases of actual Invasion, or imminent Danger. Provided always, That the Clerk of the said Town of Paterson shall keep a Book, in which he shall enter the Names of all the Artificers and Manufacturers in the immediate Service of the said Society, at the Direction of the said Court of General Quarter Sessions of the Peace, in and for the said Town, and that no Person shall be exempt from any Taxes whatever, or from Militia Duty, except his Name shall be entered in the said Book as aforesaid.

Sec. 37. And be it further Enacted by the Authority aforesaid, That this Act shall in all Things be construed in the most favorable Manner for the said respective Corporations; nor shall any Nonuser of the Privileges hereby to the said Corporations respectively granted, create any Forfeiture of the same; and notwithstanding the Members of the said respective Corporations should fail to meet, and hold their Elections as is hereby specified, the said Elections may be afterwards holden, and made in such Manner as shall have been prescribed by the Laws and Ordinances of the said respective Corporations, and the Officers for the Time being shall continue to hold and exercise their Office until others shall be duly elected to Succeed them at some subsequent Meeting.

Sec. 38. And be it further Enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a public Act, and as such to be taken Notice of by all Persons and Courts of Justice whatsoever within this State.

Passed at Trenton, November 22, 1791.

C H A P. CCCLVII.

An ACT for the Relief of Jeremiah Clark.

WHEREAS it appears, that at the Court of General Quarter Sessions of the Peace, held at Newark, in and for the County of Essex, on the second Tuesday in April, in the Year of our Lord One Thousand Seven Hundred and Eighty, a Fine of One Hundred Pounds for Misdemeanor, was imposed upon Jeremiah Clark; which Fine, and the Fees, he at that Time paid unto Israel Holden, Esquire, then Sheriff of the said County, All whereas it further appears, that, owing to a Mis-entry of the then Clerk of the Peace for the said County, a Return was made to the Auditor of this State, that the Fine a-
foreclosed was One Thousand Pounds, in consequence whereof, the said Sheriff was compelled to pay into the Treasury of this State, the value of the said One Thousand Pounds, according to the scale of depreciation, at the time the Fine was to as aforesaid imposed, with the interest from the first day of November next. And whereas the said Sheriff has instituted a suit at law, to recover from the said Jeremiah Clark, the residue remaining unpaid by him, of the aforesaid One Thousand Pounds, which suit is now depending at a considerable expense to the said Parties, in order to ascertain which of them shall bear the loss occasioned by the mis-entry aforesaid.

Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the Authority of the same, That the Treasurer of this State do pay unto the said Sheriff the sum paid by him into the Treasury on account of the fine aforesaid, which was over and above the value of the said One Hundred Pounds, amounting to Eighteen Pounds Fifteen Shillings principal money, together with the interest till this time, being Twelve Pounds Ten Shillings.

A. Passed at Trenton, November 22, 1791.

CHAP. CCCLVIII.

A Supplement to the Act intitled "An Act to empower the Inhabitants of the Township of Mansfield in the County of Burlington, to choose a Collector to do the Duty of Moses English, one of the late Collectors of said Township," passed November the Twenty-sixth, Seventeen Hundred and Ninety.

BE it enacted by the Council and General Assembly of this State and it is hereby enacted by the Authority of the same, That it shall and may be lawful for the Inhabitants of the Township of Mansfield in the County of Burlington, at their annual Town-Meeting in March next, to choose a Collector to do the Duties mentioned in the said Act, and the Business shall be conducted in every other respect agreeably to the Directions in the said Act mentioned.

A. Passed at Trenton, November 23, 1791.