

ACTS

33026

OF THE

Ninety-fourth Legislature

OF THE

STATE OF NEW JERSEY,

AND

TWENTY-SIXTH UNDER THE NEW CONSTITUTION.



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H. N. CONGAR,
Secretary of State.

GENERAL PUBLIC ACTS

PASSED BY THE

NINETY-FOURTH LEGISLATURE.

CHAPTER XXIV.

An Act to authorize the Registry of Deeds of Trust of Personal Property.

WHEREAS, gifts of personal property of great value are from time to time made by deed to literary, benevolent, religious and charitable institutions, upon particular trusts therein specified; and whereas, the public has an interest in many of such gifts, and it is desirable that the trusts whereon the same may be given should be matter of public record; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerks of the courts of common pleas of the several counties of this state be, and they are hereby authorized to record in suitable books to be provided for that purpose, any deed of personal property made or to be made to any literary, benevolent, religious or charitable institution, the same having thereon such certificate of the acknowledgment or proof of the execution thereof, as is or may be by law required for recording of deeds of real estate, which certificate shall be recorded therewith, and such deed shall be recorded in the county where such institution is situate.

Authorizing
acknowledg-
ment of deeds.

2. *And be it enacted*, That all persons authorized by law to take the acknowledgement or proof of execution of deeds of real estate, are hereby authorized to take the acknowledgement or proof of execution required by the first section of this act, and to make the like charge therefor, as in case of deeds of real estate.

Record of deed
and transcript
to be received
in evidence.

3. *And be it enacted*, That all deeds recorded by virtue of this act shall be recorded in like manner as deeds of real estate, and shall be properly indexed, and the record of any such deed and a transcript of such record duly certified by the clerk in whose office the record is kept, shall be received in evidence in any court of this state, in the same manner and to the same effect as the record or the transcript of the record of deeds of real estate is now received.

Fees.

4. *And be it enacted*, That the clerks shall be entitled for all services to be performed by virtue of this act, to the same fees as for like services in the case of deeds of real estate.

5. *And be it enacted*, That this act shall take effect immediately.

AMOS ROBINS,
President of the Senate.

LEON ABBETT,
Speaker of the House of Assembly.

Approved February 15, 1870.

THEODORE F. RANDOLPH,
Governor.

CHAPTER XXIX.

A Supplement to the act entitled "An Act to authorize the establishment and to prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and forty-nine.

How compa-
nies may be
dissolved.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in the judgment of the board of directors of any company organized under the

provisions of the act to which this is a supplement, and the various supplements thereto, it shall be deemed advisable and most for the benefit of such company, that the same should be dissolved before the expiration of the time limited in its certificate of incorporation, it shall and may be lawful for such board of directors, within ten days after the adoption of a resolution to that effect by a majority of the whole board at any meeting called for that purpose, and of which meeting every director shall have received at least three days' notice, to cause written or printed notice of the adoption of such resolution to be mailed to each and every stockholder of such company residing in the United States, and also within said ten days cause a like notice to be published in one or more newspapers published and circulating in the county wherein such corporation shall have their principal office and be conducting their business, at least four weeks successively, once a week, next preceding the time appointed for the same, of a meeting of such stockholders to be held at the office of such company in such county, to take action upon such resolution so adopted by the board of directors, and which meeting shall be held between the hours of ten o'clock in the forenoon and three o'clock in the afternoon of the day so named, and which meeting may on the day so appointed, by consent of a majority in interest of the stockholders present, be adjourned from time to time for not less than eight days at any one time, of which adjourned meeting notice by advertisement in such paper shall be given; and if at any such meeting two-thirds in interest of all the stockholders shall consent that such dissolution shall take place, and signify such their consent in writing, then, and in such case, such company shall, upon filing such consent, duly attested by their secretary, in the office of the secretary of state and receiving from him a certificate that such consent has been so filed, be dissolved; and the board of directors of such company shall cause such certificate to be published four weeks successively, at least once in each week, in one or more of the papers published and circulating in the county in which such company has been located and conducting its business; and at the expiration of such time the said board shall proceed to settle up and adjust the business and affairs of such company in the same manner as though the same had been dissolved by the expiration of the time mentioned in their certificate of incorporation; *provided*, that the secretary of state shall not issue the Proviso.

certificate of dissolution hereinbefore mentioned until satisfied by due proof that the requirements of this act have been fully complied with by such corporation.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER XXXVII.

A Further Supplement to an act entitled "An Act concerning roads," approved April sixteenth, eighteen hundred and forty-six.

Proceedings of
surveyors not
set aside on
account of de-
fect in official
oath

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no proceedings or return of surveyors of the highways had or made under the act, to which this is a further supplement, or under any supplement to said act, shall be reversed, set aside or held to be insufficient by reason of any defect in the official oath or affirmation of any surveyor of the highways, or of the neglect or omission of any such surveyor of the highways to take, subscribe or file such oath or affirmation unless objection shall be made in respect to such oath or the absence thereof at the time of the appointment of such surveyor.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER XLI.

A Further Supplement to an act entitled "An Act respecting Conveyances," approved April fifteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any master in chancery of this state, for the time being, shall have authority outside of this state to take the acknowledgment or proof of any deed or conveyance, mortgage, defeasible deed or other conveyance in nature of mortgage of any lands, tenements or hereditaments lying and being in this state, or any other instrument of writing under hand and seal, required by the law of this state to be acknowledged or approved, and also to administer outside of this State, all oaths or affirmations, and take all affidavits required to be made or taken by any statute of this state, or necessary or proper to be made, taken or used in any court of this state, or for any lawful purpose whatsoever; and such acknowledgments or proofs and affidavits taken or made in the manner directed by the laws of this state, and certified by the master in chancery, before whom the same shall be made, as by law required, shall have the like force and effect as if said acts were performed within this state, before an officer, lawfully authorized to act in the premises; *provided*, Masters in chancery may take acknowledgments out of this state. *however*, that nothing herein contained shall apply to any official oath or affirmation required to be made or taken by any of the officers of this state, nor to any oaths, affirmations or affidavits, which are required to be made or taken on notice.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER LXV.

A Further Supplement to "An Act authorizing Commissions and the Taking of Depositions."

Exhibits not
to be annexed
to commis-
sions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever on the execution of any commission to take the deposition or depositions of any witness or witnesses, to be issued by virtue of the act to which this is a supplement, or whenever on the examination of any witnesses out of this state before a commissioner of this state, or other officer, by virtue of the provisions of the supplement to said act approved March seventeenth, eighteen hundred and sixty-two, any documentary evidence shall be exhibited before the officer, commissioner or commissioners, taking such deposition or depositions, it shall not be necessary that such documentary evidence shall be annexed to and returned with the depositions of the witnesses so taken; and the said officer, commissioner or commissioners, shall, if requested by the party exhibiting such documentary evidence, mark the same as an exhibit in the suit and return the same to the party offering the same, and the same shall be received in evidence in all respects the same as if annexed to and returned with the said depositions.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1879.

CHAPTER LXXIX.

A Further Supplement to the act entitled "An Act relative to the Sale and Disposition of the Real Estate of Infants," approved March nineteenth, eighteen hundred and forty-five.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Feme covert may release dower in infant's lands.} *the State of New Jersey,* That whenever the mother of any infant or infants, or the person entitled to dower in the real estate of any infant or infants, which has been or shall be sold under the provisions of the act entitled "An Act relative to the sale and disposition of the real estate of infants," approved March nineteenth, eighteen hundred and forty-five, or the supplements thereto, is a married woman, it shall be lawful for such married woman to execute an effectual release of her right of dower in such real estate, without her husband joining in or executing the deed of such release, and to receive and hold to and for her own separate use the moneys ordered by the court to be paid to her for or upon such release; and such deeds of release when executed and given as aforesaid, shall have the same force and effect and be as valid and effectual to release the right of dower of any such married woman in the real estate sold, notwithstanding her coverture, as if her husband had joined in or executed said deed, or as if she were sole and unmarried.

2. *And be it enacted,* That the provisions of any act, ^{so Repealer.} far as the same are inconsistent with this act, be and the same are hereby repealed.

3. *And be it enacted,* That this act shall take effect immediately.

Approved February 16, 1870.

CHAPTER XCV.

A Further Supplement to an act entitled "An Act concerning Idiots and Lunatics."

Proceeds of
sale of lands of
idiots and lu-
natics to be
paid to foreign
guardians.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the lands or real estate of any idiot or lunatic shall be or hath heretofore been sold, pursuant to the provisions of the act entitled "A supplement to an act entitled 'An Act concerning idiots and lunatics,'" which supplement was approved the twenty-sixth day of February, eighteen hundred and fifty-two, or whenever any idiot or lunatic may be entitled to property of any description in this state, and such idiot or lunatic shall be a non-resident, and shall have a guardian in the state or place of his or her residence, and such non-resident guardian shall produce an exemplification from under the seal of the office (if there be a seal) of the court in the state or place of his residence, containing all the entries on record in relation to his appointment and giving bond, and authenticated as required by the act of congress in such cases, the chancellor, or the ordinary or orphans' court of the proper county in this state, may cause suitable orders to be made, authorizing the delivering and passing over the proceeds of any such sale, or any property in this state to which such idiot or lunatic may be entitled, to such non-resident guardian, and discharging any resident guardian, executor, administrator or trustee, and requiring receipts to be passed and recorded, if deemed advisable; *provided*, that thirty days' notice shall be given to the resident guardian, executor, administrator or trustee, of the intended application for the order of removal, unless it shall appear to the court that such notice has been waived, and the court may reject the application and refuse such order, whenever it is satisfied that it is for the interest of such idiot or lunatic that such removal shall not take place.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1870.

CHAPTER CIX.

A Supplement to the act entitled "An Act respecting Surrogates," approved April fifteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the surrogate of any county heretofore or hereafter elected and qualified shall be incapacitated by reason of mental derangement or illness of any kind to perform the duties of his office, or whenever any surrogate heretofore or hereafter elected shall be unable to qualify by reason of such mental derangement or illness, the surrogate general may, on being satisfied of such incapacity or inability, appoint under the seal of his office a competent person as deputy surrogate, who shall, upon being qualified as mentioned in the next succeeding section, have full power to perform all the duties of the office of surrogate, including the taking of oaths and affirmations, and to be the clerk or register of the orphans' court in as full a manner as the surrogate could perform such duties, and act as clerk aforesaid, which appointment shall continue until the surrogate general shall be satisfied that the surrogate has recovered from such incapacity, or become able to qualify in his office, and shall have so qualified, or until the governor, by reason of vacancy, shall have appointed a surrogate, who shall have duly qualified, or until a surrogate is lawfully elected and qualified; *and provided*, that if the deputy surrogate shall resign during such incapacity or inability, the surrogate general may reappoint in his stead.

2. *And be it enacted*, That before entering upon the duties of his appointment, the said deputy surrogate shall take an oath and give bond to the like effect as provided by law for the surrogate, and upon becoming so qualified, shall for the performance of the duties of the office of surrogate and as clerk aforesaid, be entitled to the fees that the surrogate is entitled to receive as surrogate and as clerk of the orphans' court.

Office of sur-
rogate vacant
for failure to
qualify.

3. *And be it enacted*, That if any surrogate elected as aforesaid, shall by reason of the inability aforesaid, fail to qualify within thirty days from the end of the preceding term, that it shall then be the duty of the governor to consider the office as vacant, and to fill such vacancy according to the constitution, unless he shall be satisfied that such inability is only temporary and will likely be removed in such time as he may deem reasonable.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1870.

CHAPTER CXXXVI.

A Further Supplement to the act entitled "An Act respecting the Orphans' Court and the power and authority of Surrogates."

Deeds by a
married exec-
utrix valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all deeds of real estate made by an executrix after marriage, and recorded before January first, eighteen hundred and sixty-nine, shall have the same force and effect and be as valid as if the same had been executed and delivered before the passage of the supplement to said act which was approved March seventeenth, eighteen hundred and fifty-five.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1870.

CHAPTER CXLIH.

A Supplement to "An Act for the organization of the National Guard of the State of New Jersey," approved March ninth, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of the act to which this is a supplement, shall be and the same is hereby amended Change of rank and numbers of companies. as follows: that is to say, by striking out the words "one inspector general with the rank of colonel of cavalry," and inserting in lieu thereof the words "one inspector general with the rank of brigadier general;" also in the last part of the same section by striking out the words "to each company there shall be one captain, one first lieutenant, one second lieutenant, five sergeants, five corporals, two musicians, and not less than forty nor more than eighty privates," and inserting in lieu thereof the words following: "to each company there shall be one captain, one first lieutenant, one second lieutenant and not more than eighty nor less than forty members, including the non-commissioned officers and musicians."
2. *And be it enacted*, That it shall be the duty of the orderly or acting orderly sergeant of each company to serve all Orderly sergeant to serve notices. court martial notices on delinquent members of their companies, in the same manner as notices for drills, parades and meetings are provided to be served in and by the forty-third section of the act to which this is a supplement.
3. *And be it enacted*, That at the close of the sixteenth Seal. section of the act to which this is a supplement, these words shall be added, "and he shall procure an appropriate official seal and affix an impression of the same to all certificates of record issuing from his office."
4. *And be it enacted*, That in lieu of the term of seven Change of term of service. years as now provided by section seventy-one of the act to which this is a supplement, the term of service in the National Guard shall be six years in two terms of enlistment of three years each, and that every person having enlisted for and served faithfully for a term of three years shall be entitled to

and receive an honorable discharge under such conditions as now exist in relation to discharges from the National Guard, but shall not be entitled to any exemptions or privileges as now provided by law; and that every person who, having served one term of three years, shall re-enlist either immediately or at any future time, for a further term of three years, and shall faithfully serve the same, shall be entitled to and receive an honorable discharge, under conditions as hereinbefore provided, and shall be entitled to and receive all the privileges and exemptions provided by law.

Previous
terms of ser-
vice allowed.

5. *And be it enacted*, That any person who may have served any term in the militia service of the State of New Jersey, under any organization of the same, shall be entitled to have such term of service applied as having been served under the provisions of this act, provided such term shall have been for not less than three years of service previously to the organization of the present National Guard, and that all persons now serving in the National Guard shall be entitled to have such time as they may now have served under the provisions of the act in relation to the National Guard applied under the provisions of this act as relates to the full term of service of six years.

6. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 1, 1870.

CHAPTER CXLIX.

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

Deed by another master on death, &c., of master making sale.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any master in chancery who hath made or shall make sale of any lands, tenements, hereditaments and real estate, by virtue of an execution against the same, shall abscond or depart from the state or be disqualified by law, or shall die or in any way become in-

capable of making a deed or conveyance for the same, it shall be lawful for the court, out of which the said execution may or shall have issued, upon satisfactory proof that such sale has been fairly and legally made, to appoint another master in chancery, who shall have full power, on tender of the purchase money, or if the purchase money or any part of it has been paid, then on proof of such payment, and on tender of the residue, if any there be, to sign, seal and deliver to the said purchaser or his legal representative, a deed or conveyance of the lands, tenements, hereditaments and real estate so sold, which deed shall be as good and valid, and have the same force and effect as if the master who made such sale had signed, sealed and delivered a deed of conveyance for the same in due form of law.

2. *And be it enacted*, That if such succeeding master in chancery shall receive any money by virtue of the preceding section of this act, he shall pay the same to the person thereto entitled by law, according to the decree by which he shall be appointed. Master to pay over money.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1870.

CHAPTER CL.

An Act for an appropriation for the Library of the State Prison of the State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of five hundred dollars be and is hereby appropriated for the benefit of the library of the state prison, said appropriation to be expended under the direction of the inspectors of the state prison and the moral instructor. Appropriation for library of state prison.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1870.

CHAPTER CLIII.

An Act to Compel the determination of Claims to Real Estate in certain cases, and to quiet the title to the same.

Claimants to
lands com-
pelled to
prove their
title.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any person is in peaceable possession of lands in this state claiming to own the same, and his title thereto or to any part thereof is denied or disputed, or any other person claims, or is claimed to own the same or any part thereof, or any interest therein, or to hold any lien or incumbrance thereon, and no suit shall be pending to enforce or test the validity of such title, claim or incumbrance, it shall be lawful for such person so in possession to bring and maintain a suit in chancery to settle the title of said lands, and to clear up all doubts and disputes concerning the same; the bill of complaint in such suit shall describe the lands with certainty, and shall name the person who claims, or is claimed or reputed to have such title or interest in, or incumbrance on said lands, and shall call upon such person to set forth and specify his title, claim or incumbrance, and how and by what instrument the same is derived or created.

Subpœna tick-
et to describe
lands.

2. *And be it enacted*, That with the subpœna in such suit, there shall be issued a ticket to each defendant, describing the lands with precision, stating the object of the suit, and that if the defendant claims any title or interest to, or incumbrance upon said lands, he is required to answer said bill, but not otherwise.

Decree against
defendant not
claiming.

3. *And be it enacted*, That no decree for costs shall be had in such suit against any defendant who suffers a decree pro confesso against him, or who shall answer disclaiming all title to, interest in, or incumbrance on said lands; but this court shall, in such cases, without further proof, decree that such defendant has no estate or interest in, or incumbrance on said lands, or any part thereof; and any defendant who shall by answer, duly verified by oath, deny that he claims or ever has claimed, or pretended to have any estate,

interest or encumbrance, in or upon said lands, or any part thereof, shall be entitled to his costs in said suit.

4. *And be it enacted*, That if any defendant shall answer ^{Claim, how to be stated.} claiming any estate, or interest in or encumbrance on said lands, or any part thereof, he shall in such answer specify and set forth the estate, interest or encumbrance so claimed, and if not claimed in or upon the whole of said lands, he shall specify and describe the part in or upon which the same is claimed, and shall set out the manner in which, and the sources through which such title or encumbrance is claimed to be derived.

5. *And be it enacted*, That upon application of either ^{Claim to be tried at law.} party, an issue at law shall be directed to try the validity of such claim, or to settle the facts, or any specified portion of the facts upon which the same depends, and the court of chancery shall be bound by the result of such issue, but may, for sufficient reasons, order a new trial thereof, according to the practice in such cases; and when such issue is not requested, or as to the facts for which the same is not requested, the court of chancery shall proceed to inquire into and determine such claims, interest and estate, according to the course and practice of that court; and shall, upon the finding of such issue, or upon such inquiry and determination, finally settle and adjudge whether the defendant has any estate, interest or right in, or encumbrance upon said lands, or any part thereof, and what such interest, estate, right or encumbrance is, and in or upon what part of said lands the same exists.

6. *And be it enacted*, That the final determination and ^{Decree to settle title.} decree in such suit, shall fix and settle the rights of the parties in said lands, and the same shall be binding and conclusive on all parties to the suit; but if any defendant to such suit shall, either at the time of the decree pro confesso against him, or at the final decree, be an infant or non compos mentis, such party, his heirs or assigns, at any time within two years after the termination of such disability, may appear in said suit, and apply for a rehearing, and thereupon such decree shall be opened as against such party, and the cause may proceed as if no decree had been made in the same against him.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1870.

CHAPTER CLV.

A Further Supplement to the act entitled "An Act respecting the Orphans' Court, and the power and authority of Surrogates," approved April sixteenth, eighteen hundred and forty-six.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the first section of the act entitled "A Further Supplement to the act entitled "An Act respecting the Orphans' Court, and the power and authority of Surrogates," approved April third, eighteen hundred and sixty-six, and of the farther supplement thereto, approved April seventh, eighteen hundred and sixty-eight, as limits the operation thereof to the term of two years from the passage of said respective supplements be and the same are hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1870.

CHAPTER CCVII.

A Supplement to an act entitled "An Act relative to Dowers."

Trustee's widow not entitled to dower.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any deed, conveyance or will heretofore or hereafter made, vests the title to lands in a trustee or trustees to hold in trust for the benefit of the cestui que trust, and a provision of trust appears on the face of the deed, conveyance or will, the wife of the trustee or trustees shall not have any right or claim of dower in said trust estate, but the trustee or trustees by his or their

individual deed may convey the same free from any dower right of his or their wives.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1870.

CHAPTER CCXVIII.

An Act relative to the Public Printing

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Public print-
ing, how exe-
cuted and at
what prices.</sup> *the State of New Jersey*, That the laws enacted at each session of the legislature, the journals of the senate, and minutes of the joint meeting, the minutes of the house of assembly and legislative documents shall be printed hereafter in accordance with the style in which the work was done in the year eighteen hundred and sixty-nine at the following prices, to wit: for printing three thousand copies of session laws, the sum of forty dollars per sheet of sixteen pages; for printing one thousand copies of the journal of the senate, with the minutes of the joint meeting, and one thousand copies of the minutes of the house of assembly, the sum of thirty dollars per sheet of sixteen pages; for printing one thousand copies of the legislative documents, at the rate of one dollar per thousand ems for composition, and one dollar per token of two hundred and fifty impressions of sixteen pages for the press-work; for printing one hundred and fifty copies of the public bills, ordered by either branch of the legislature, at the rate of six dollars per sheet of four foolscap pages, on good writing paper, with pica type, each page to contain thirty-one lines; for printing the pamphlets and other papers ordered by the legislature, at the rate of one dollar per thousand ems for composition, and one dollar per token of two hundred and fifty impressions of sixteen pages for the press-work; *provided*, that in all cases where rule ^{Proviso} and figure work is required, the price for composition shall be double the rate above stated; *and provided, further*, that ^{Proviso}

one dollar extra shall be paid per page for all indices and tables of contents set in bourgeois type in the session laws, journals of senate and minutes of house of assembly.

What prices
to include.

Character of
the paper.

2. *And be it enacted*, That the above prices shall include all the expenses incident to the printing and delivery to the state treasurer of all documents ordered, except folding and stitching, which shall be charged at the current prices for such work, and the paper, which shall be of good quality, white calendered printing paper for the documents, in octavo form, weighing not less than forty-four pounds to the ream of four hundred and eighty sheets, twenty-four by thirty-eight inches in size; the bills to be on good flat-cap paper weighing fourteen pounds to the ream; the price to be allowed for such paper shall be at the lowest rate per pound at which the same is sold by paper dealers in New York or Philadelphia during the first week in February; for the paper used in the pamphlets and legislative documents, and current work ordered by the legislature at the lowest rates at which the same is sold by paper dealers in either of said cities during the last week in January; and for the other work at the lowest rates aforesaid at which such paper is sold in either of said cities during the last week in March of this year; and satisfactory evidence of the price of such papers within the said period shall be submitted to the comptroller before the allowance by him of any bill for paper on which any public printing has been executed.

Legislative
documents.

3. *And be it enacted*, That all messages, pamphlets, reports or other documents, which are deemed of sufficient public importance to be printed and bound for preservation and reference, shall hereafter be embraced in one volume, under the title of "legislative documents;" and no document or report shall be printed in said volume unless so ordered by the joint committee on printing; and when said joint committee shall order any document to be printed in the said volume of legislative documents, the printer shall print one thousand copies thereof, which documents shall be numbered in the order in which they are ordered to be printed, and the governor's annual message shall be classed as document number one in said volume; when any document shall be ordered to be printed more than once at periods more than four days apart, the printer thereof shall be entitled to charge for composition as above provided for, each time the said document shall be so printed, and in no other case shall more

than one composition be paid for the printing of such reports or documents.

4. *And be it enacted*, That in conformity with the act approved April sixteenth, eighteen hundred and forty-six, it shall be the duty of the clerk of the general assembly and the secretary of the senate to deliver copies completed of the journals of their respective houses to the persons appointed to print the same within thirty days after the close of the session of the legislature; and in the event of the clerk of the general assembly and secretary of the senate failing to deliver such copies as provided for in this section, they shall forfeit to the treasurer, for the use of the state, one hundred dollars of their salary. Copy to be delivered within thirty days.

5. *And be it enacted*, That the indices to the pamphlet laws, to the journal of the senate, to the minutes of the house of assembly, and to the legislative documents shall hereafter be made out by the person or persons respectively, who may be employed to execute said printing, and the sum of fifty dollars each shall be allowed the said printers for compiling such indices; *provided*, that said indices shall be printed in solid brevier type, and be made out alphabetically under one heading, in the style of the index to the journal of the Senate of New Jersey for the year eighteen hundred and sixty-nine. Indices, by whom made, &c. Proviso.

6. *And be it enacted*, That the journal of the senate and minutes of the house of assembly shall hereafter be printed in the same compact form and style, as the journal of the senate for the year eighteen hundred and sixty-nine, and the comptroller shall audit no bills for printing not executed in accordance with this law. Journal and minutes, how printed.

7. *And be it enacted*, That Naar, Day and Naar of Trenton, be employed to print the bills, pamphlets, and such other matters as may be ordered by the senate and house of assembly. Current printing.

8. *And be it enacted*, That Augustus O. Evans of Hudson county, be appointed to print one thousand copies of the legislative documents of the current year. Printer of legislative documents.

9. *And be it enacted*, That James S. Yard of Monmouth county, be employed to print one thousand copies of the minutes of the house of assembly for the current year. Printer of assembly minutes.

10. *And be it enacted*, That E. N. Fuller of Essex county, be employed to print three thousand copies of the laws enacted at the present session of the legislature, the public Printer of laws.

laws being collated and printed in the front part of the volume, which copies shall be delivered to the state treasurer within two months after the said E. N. Fuller shall have received the copy thereof, and on failure thereof the said E. N. Fuller shall forfeit the sum of five hundred dollars, which sum the said treasurer is authorized to withhold and deduct from the amount due him for printing said copies.

11. *And be it enacted*, That it shall be the duty of the secretary of state to deliver, or cause to be delivered, to the person or persons who shall be authorized to print the copies of the laws, a copy of every law passed at this session of the legislature, within thirty days after the passage of each law, and on failure thereof shall be compelled to pay to the person or persons authorized to print the copies of the laws, any such sum which he or they may have forfeited by reason of such default.

12. *And be it enacted*, That Thomas G. Bunnell of Sussex county, be employed to print one thousand copies of the journal of the senate for the current year.

13. *And be it enacted*, That all acts and parts of acts, conflicting with the provisions of this act, be and are hereby repealed.

14. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXXXVIII.

A Further Supplement to an act entitled "An Act for the preservation of Deer and other game, and to prevent trespassing with guns," approved the sixteenth day of April, eighteen hundred and forty-six.

Penalty for
destroying
game out of
season.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall kill, destroy, hunt or take, any doe, buck, fawn, or any sort of deer whatsoever, at any other time or season, except only

between the last day of October and the first day of January, yearly and every year, he, she or they so offending, shall forfeit and pay the sum of fifty dollars for each and every offence, to be sued for and recovered with costs of suit, in an action of debt by any person, before any justice of the peace of the county wherein such offence shall have been committed; one-half of the forfeit money shall be for the benefit of the person prosecuting for the same, and the remainder paid to the collector of the township wherein the offence shall have been committed for the use of the township.

2. *And be it enacted*, That in case the defendant in any such suit as is mentioned in the first section of this act, shall neglect or refuse to pay the amount recovered against him, it shall be lawful for the justice before whom judgment has been recovered, to issue his process of execution against the body of the defendant, and cause him to be committed to the jail of the county for any space of time until the judgment and costs are paid, not exceeding six months from the date of issuing the same.

Execution
may issue
against body
for refusal or
neglect to pay
penalty.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXXXIX.

A Supplement to "An Act to prevent fraudulent elections by incorporated companies and to facilitate proceedings against them," approved April fifteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fifth section of the act to which this is a supplement shall not apply to the first election of directors in any corporation created under the laws of this state; *provided*, that this act shall not apply to any such elections heretofore held.

Certain provi-
sions not to
apply to first
election of di-
rectors

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCLIX.

An Act relating to the sale of Lands by Executors, Administrators and Guardians.

Discretion given to court in case of sale of lands when persons are entitled to estate in dower or by the curtesy.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all proceedings for the sale of lands hereafter to be made by executors, administrators and guardians under the direction of the orphans' court, (by virtue of the existing laws of this state) whenever any person shall be entitled to an estate in dower or by the curtesy in the whole or any part or share of the premises in question, and such person (entitled to such estate), shall before or at the time of the making of the order by the said court, for the sale of said lands and real estate, by writing under his or her hand and seal, signify his or her assent and determination to relinquish his or her estate in the same, so that the same may be sold free of the incumbrance of such estate, or whenever the estate in dower or by the curtesy of any person in the premises sought to be sold or any part or share thereof, shall have been admitted by the executor, administrator or guardian applying for the sale thereof, and upon due proof that notice has been given to the party entitled to the said estate, in dower or by the curtesy of the intended application for the sale of said lands free and discharged of such estate at least twenty days prior to such application, or by publishing such notice at least four weeks next preceding the time of making such application, in one of the newspapers printed and published in the county where such lands are situated; it shall be lawful for the court to which such application shall be made to consider and determine under all the circumstances of the case, having regard to the interests of all the parties, whether such estate ought to be excepted from such

sale or whether the same should be sold, and to order and decree accordingly.

2. *And be it enacted*, That if the sale of the premises including such estate shall be ordered, the estate and interest of every such person shall pass thereby, and the purchaser, his heirs and assigns shall hold such premises free and discharged from all claims by virtue thereof. Order of the court to sell to discharge such claims on the premises.

3. *And be it enacted*, That upon such sale being made of any such estate the court shall direct the payment of such sum in gross out of the proceeds of the sale of the premises to the person entitled to such estate, in dower or by the curtesy, as shall be deemed a just and reasonable satisfaction for such estate or interest, and which the person so entitled shall consent in writing to accept in lieu thereof, but in case no such consent be given before the making the order confirming such sale, then the court shall ascertain and determine what proportion of such proceeds will be a just and reasonable sum to be invested for the benefit of the person entitled to such estate, in dower or by the curtesy, and shall order the same to be put at interest, on sufficient security of real property or invested in public stock, or deposited in some safe and reliable savings institution, by order and under the direction and control of said court for the benefit of the parties entitled, and the interest thereon to be paid to them as the same may become due as a compensation for, and in lieu of their said estate, and at their decease the said principal sum shall be paid to or distributed among the parties entitled thereto. The court, upon such sale to direct payment of such claims, &c.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLXIV.

A Further Supplement to the act entitled "An Act to provide for the support of the government of this State, and to fix the salaries of Public Officers."

Increase of
salaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the annual salary of the chancellor and of the chief justice of the supreme court shall be five thousand two hundred dollars; and the annual salary of each of the associate justices of the supreme court five thousand dollars.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLXXVII.

Supplement to "An Act to enable owners of the tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons to keep the same in good repair," passed November twenty-ninth, seventeen hundred and eighty-eight.

Change of wa-
tercourse, &c.
must be laid
before an an-
nual meeting
of the compa-
ny, upon due
notice

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a change in locality, or otherwise, of watercourses or sluices is thought to be advisable by any owner or owners of meadow already banked in, or which may hereafter be banked in, such change may be laid before an annual meeting of the company in which said meadow is located; or such owner or owners may call a meeting of the company to consider the same; but whether such

proposed change shall be brought before the annual meeting or the special meeting called for the purpose, ten days' notice shall be given by advertisements set up in five of the most public places in the vicinity of said meadow, and by one advertisement in a newspaper circulating in the neighborhood, setting forth the time, place and object to be attained; if approved by said meeting, it may be lawful for the manager or managers to proceed to carry the same into effect; *provided*, Proviso. no such change shall be made without the owners of a majority of the whole number of acres of meadow in such company are represented or present, and consenting thereto.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLXXXI.

An Act authorizing the cession to the United States of all the title and interest of the State of New Jersey in the Soldiers' National Cemetery at Gettysburg, Pennsylvania.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of commissioners having the charge and care of the Soldiers' National Cemetery at Gettysburg, state of Pennsylvania, be and they are hereby authorized and empowered to transfer all the rights, title and interest of this state in said Soldiers' National Cemetery upon the completion of the same, to the government of the United States; *provided*, that the United States government Proviso. make suitable provisions for keeping the said cemetery in good order and condition for all time to come.

2. *And be it enacted*, That the governor of this state is hereby authorized and empowered to do all acts and execute all papers on behalf of this state necessary to consummate the cession, and to cause a copy of this act to be forwarded to the board of commissioners having charge of the said Soldiers' National Cemetery. Governor authorized to execute papers.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCXCV.

A Further Supplement to an act entitled "An Act to regulate the State Library," approved April tenth, eighteen hundred and forty-six.

Appropriation
to the state
library.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of seven hundred and fifty dollars be and is hereby appropriated annually to the State Library, to be expended for the furnishing of useful books, under the direction of the commissioners, reprinting the catalogues and other necessary purposes.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCXCVII.

A Further Supplement to the act entitled "An Act concerning Taxes," approved April fourteenth, eighteen hundred and forty-six.

Amount of
state tax to be
raised, and
how appropri-
ated.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That there shall be assessed, levied and collected on the inhabitants of this state and upon the taxable real and personal property, as exhibited by the abstracts of ratables from the several counties, made out by

the several boards of assessors for the year eighteen hundred and sixty-nine, and filed in the office of the comptroller of the treasury, a state tax of one mill on each dollar of the valuations contained in said abstracts, which is hereby appropriated and shall be applied as follows, to wit: two hundred and seventy-seven thousand dollars, or so much thereof as may be needful for the payment of the principal falling due on the first day of January next, and such interest as shall have accrued on said first day of January and on the first day of July next thereafter, of and on loan authorized by an act entitled "An Act authorizing a loan for the purposes of war, to repel invasion and suppress insurrection, and appropriating the same and providing for the payment thereof," approved May tenth, eighteen hundred and sixty-one, and the several supplements thereto, and the surplus of said sum, if any there be, remaining after such payments, shall be applied and added to the sinking fund provided for by the fifth section of said act towards the payment of the principal of said loan, and the residue of said tax shall be applied to the payment of any other indebtedness of the state; which tax and the sums required to be raised for county, city, township and other public taxes, shall be levied, assessed and collected on the persons and property, and in the manner directed by the above recited act entitled "An Act concerning Taxes," and the several supplements thereto, and the laws of this state which shall be in force at the time the said taxes shall be assessed, regulating the assessment and collection of taxes, except as in and by this act is otherwise ordered and directed.

2. *And be it enacted*, That it shall be the duty of the comptroller aforesaid to apportion the said tax and at the rate aforesaid among the several counties in proportion to the amount of taxable real and personal estate of said counties respectively, as shown by the abstracts respectively as aforesaid, and it shall be his further duty to transmit, within thirty days after the approval or passage of this act, to the county collector of each county a statement of the amount of said tax apportioned to said county, and said county collector shall lay said statement before the assessors of the townships or wards within his county at their next meeting, to apportion the township taxes, and said assessors shall thereupon proceed to assess said tax according to law.

Duty of the
comptroller
to apportion
said tax
among the
several coun-
ties.

3. *And be it enacted*, That the provisions of the act enti-

tled "A Further Supplement to the act entitled 'An Act concerning taxes,' " approved April fourteenth, eighteen hundred and forty-six, which said further supplement was approved April first, eighteen hundred and sixty-nine, shall be and the same is hereby held to apply and be in force so far as it does not conflict with the provisions of this act.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCV.

A Supplement to the act entitled "An Act for the government and regulation of the State's Prison," approved March twenty-sixth, eighteen hundred and sixty-nine.

Salary of state
prison keeper
increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the principal keeper of the state's prison, shall be two thousand four hundred dollars per annum, and at that rate for a shorter period, to be paid at the time and in the manner provided in the sixth section of the said act to which this a supplement; and that the said seventh section be so modified as to conform to the provisions of this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXI.

An Act to defray Incidental Expenses for the year eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of this state to pay, upon the warrant of the comptroller, to the several persons hereinafter named the following amounts, viz :

Item No. 1. To Wheeler, Patterson & Company, for seventy-two combs and brushes for officers and members of assembly, two hundred and fourteen dollars and twenty cents, \$214 20

Item No. 2. To John H. Anderson, chairman, for pay and mileage of committee to investigate the affairs of states prison, two hundred and fifty dollars, 250 00

Item No. 3. To William T. Nicholson, for stationery furnished sergeant-at-arms of the house of assembly, four hundred and seventy-two dollars and twenty-five cents, 472 25

Item No. 4. To William T. Nicholson, for stationery furnished clerk of the senate, one hundred and eight dollars and seventy cents, 108 70

Item No. 5. To John H. Knapp & Company, for gold pens and pencils furnished officers and members of the assembly, one thousand three hundred and ninety-two dollars, 1,392 00

Item No. 6. To Martin R. Dennis & Company, for stationery furnished to the officers and members of the house of assembly, as ordered by the committee on stationery, one thousand three hundred and forty-four dollars and fifty cents, 1,344 50

Item No. 7. To William T. Nicholson, for stationery furnished engrossing clerk of senate, two hundred and eighty dollars and twenty cents, 280 20

Item No. 8. To Martin R. Dennis & Company, for stationery furnished to the officers and mem-

Treasurer to pay incidental expenses of eighteen hundred and sixty-nine.

bers of the house of assembly, as per order of the committee on stationery, two thousand nine hundred and sixty-six dollars and twenty-five cents, \$2,966 25

Item No. 9. To Martin R. Dennis & Company, for stationery furnished to the officers and members of the house of assembly, as per order of the committee on stationery, seven hundred and ninety-one dollars, 791 00

Item No. 10. To W. T. Nicholson, for balance of order of Honorable Thomas C. Pearce, member of assembly eighteen hundred and sixty-eight, fifty dollars, 50 00

Item No. 11. To Martin R. Dennis & Company, for stationery furnished officers and members of the house of assembly, as per order of the committee on stationery, one thousand eight hundred and ninety dollars, 1,890 00

Item No. 12. To W. T. Nicholson, for stationery furnished engrossing clerk of the house of assembly, three hundred and fifty-two dollars and twenty-five cents, 352 25

Item No. 13. To John H. Knapp & Company, for one ivory gavel, thirty dollars, 30 00

Item No. 14. To James & Dunham, for mucilage furnished per order of the clerk, thirteen dollars and fifty cents, 13 50

Item No. 15. To W. T. Nicholson, for stationery furnished sergeant-at-arms of the senate, one hundred and eighty-four dollars and fifty cents, 184 50

Item No. 16. To Vanderhoven & Webb, for printing and binding senate calendar, twenty dollars, 20 00

Item No. 17. To H. P. Arnel, for horse and carriage hire for legislature, thirteen dollars, 13 00

Item No. 18. To William T. Nicholson, for stationery furnished assistant clerk of the senate, fifty-four dollars and sixty cents, 54 60

Item No. 19. To Joseph D. Hall, for furnishing and preparing parchment roll for oaths of members of the general assembly, twenty dollars, 20 00

Item No. 20. To the clergymen officiating upon the opening of the house of assembly, ten dollars each, two hundred and twenty dollars, 220 00

Item No. 21. To each of the pages of the senate

and general assembly, fifty dollars for extra compensation,

Item No. 22. To Clarence J. Mulford, state librarian, for extra services, two hundred and fifty dollars, 250 00

Item No. 23. To John R. Warner, assistant door-keeper of the assembly, the sum of two hundred and fifty dollars, extra compensation, 250 00

2. *And be it enacted*, That the keepers of the galleries of the two houses of the legislature shall receive for their services the sum of four hundred dollars each, and no other compensation whatever, and all laws now in force relative to the pay of these officers is hereby repealed. Compensation of keepers of galleries.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXII.

An Act establishing the weight of a bushel of Apples.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That fifty pounds shall constitute a bushel of apples. Weight of a bushel of apples.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXV.

A Further Supplement to the act entitled "An Act for the Punishment of Crimes," approved April sixteenth, eighteen hundred and forty-six.

Punishment
for manufac-
turing or pos-
sessing bur-
glarious tools.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall manufacture or knowingly have in his possession any engine, machine, tool or implement adapted or designed for cutting through, forcing or breaking open any building, room, vault, safe or other depository in order to steal therefrom any money or other property, knowing the same to be adapted and designed for the purpose aforesaid, with intent to use or employ, or allow the same to be used or employed, for the purpose aforesaid, shall on conviction be punished by imprisonment at hard labor for any term not exceeding fifteen years or be fined any sum not exceeding four thousand dollars or both, at the discretion of the court before whom the offender or offenders may be convicted.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXXXIX.

A Supplement to the act entitled "An Act for the better regulation of proceedings upon writs of mandamus," passed the second of December, seventeen hundred and ninety-four.

Proceedings
upon manda-
mus when
judgment is
given.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases when upon any such proceedings had upon mandamus as mentioned in the

act to which this is a supplement, judgment shall be given upon a verdict, or upon a demurrer or other issue, in fact or in law, joined upon any pleadings in pursuance of said act, it shall be lawful for any party to the record in any of such cases, who shall think himself aggrieved by such judgment, to sue out and prosecute a writ of error for the purpose of removing the same, and such like proceedings shall thereupon be had and taken, and such costs awarded as in ordinary cases of writs of error upon judgments in personal actions.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXL.

A Supplement to the act entitled "An Act respecting Conveyances," approved April fifteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the execution of any lease or deed of conveyance of any railroad or canal located and constructed in more than one county, made, or to be made, shall have been, or shall be acknowledged or proved, and such acknowledgment or proof certified in the manner prescribed for the acknowledgment and proof of deeds of conveyances of real estate, by the act to which this is a supplement, then that every such lease or deed of conveyance shall be received in evidence in any court of this state, as if the same was then and there produced and proved; and every such lease and deed of conveyance, being so acknowledged, or proved and certified, shall and may be recorded in the office of the secretary of state of this state, in a book by him to be provided for that purpose, and that the record of any such lease or deed of conveyance heretofore made, or hereafter to be made and acknowledged or proved and certified and recorded as aforesaid, or a transcript thereof, duly certified by

Lease or deed
of railroads or
canals to be
received in
evidence and
recorded in
office of secre-
tary of state.

the secretary of state, under the seal of his office, shall be received in evidence in any court of this state and have the same effect as if the original lease or deed was then and there produced and proved.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXLI.

An Act relating to the Court of Chancery.

Repealer.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That so much of the act entitled "An Act to compel the determination of claims to real estate in certain cases and to quiet the title to the same" as requires the court of chancery, without further proof than in said act is mentioned, to decree that a defendant has no estate or interest in or encumbrance on said lands or any part thereof, be and the same is hereby repealed.

Amended as to infants, &c.

2. *And be it enacted*, That the sixth section of said act be so amended as to give to infants and persons non compos mentis, and to married women, their heirs and assigns, five years after the termination of such disability to apply for a rehearing.

Suits in which the chancellor is a party or interested to be heard by the chief justice, &c.

3. *And be it enacted*, That all bills in chancery may be addressed to the honorable the chancellor of the state of New Jersey, and that all suits to which the chancellor may be a party, or in which he may be interested, either individually or in a representative capacity or otherwise, and all proceedings therein shall be heard by the chief justice, or if there be no chief justice, by such associate justice of the supreme court as may be senior in office, or by such justice of the supreme court or master in chancery as may be designated by the chief justice or senior justice (if no chief justice), by his appointment in writing, to be filed in the cause; and all orders and decrees recommended by the officer hearing the cause shall

be signed by the chancellor, and proceedings in such causes may contain the name of the office only where the name of the chancellor is usual.

4. *And be it enacted*, That where, after the commencement of a suit in the court of chancery, any person shall acquire an interest in the subject matter of the suit such as would have required that he should have been made a party, if acquired before the commencement of the suit, it shall not Person acquiring an interest after commencement of suit may be made a party on petition, &c.

be necessary to file a supplemental bill to make such person a party thereto, but he may be made a party upon petition filed in the cause, which petition shall state fully and clearly the interest of such person, and the manner in which the same was acquired, so that it may appear thereby whether such person ought to be made a party in the cause; such petition shall be verified by the affidavit of some person cognizant of the facts; and a copy of the petition and notice of the application shall be served on the complainant or his solicitor, and notice of the application shall be served on each defendant or his solicitor, if made before the time for answering has expired, and if after that time on each defendant who has answered or appeared in the cause; and the chancellor may thereupon, if it appears that such person is entitled to be made a party in the cause, and has acquired his interest from some party to the same, order that he be made a party thereto; but such person shall be bound by all orders and proceedings in the cause against the party whose interest he has acquired, and the cause shall not be delayed by the admission of such party, except for such time as it may seem to the chancellor absolutely necessary for the evidence regarding such claim. Such person bound by all orders.

5. *And be it enacted*, That in any suit for the foreclosure of a mortgage upon, or which may relate to real or personal property in this state, all persons claiming an interest in, or an encumbrance or lien upon such property, by or through any conveyance, mortgage, assignment, lien or any instrument which by any provision of law could be recorded, registered, entered or filed in any public office in this state, and which shall not be so recorded, registered, entered or filed at the filing of the bill in such suit, shall be bound by the proceedings in such suit, so far as said property is concerned, in the same manner as if he had been made a party to and appeared in such suit, and the decree therein made against him as one of the defendants therein; but such person upon caus- On suits for foreclosure persons having a lien on the property not recorded, &c., bound by the proceedings.

May be made
a party upon
recording, &c.
his lien.

ing such conveyance, mortgage, assignment, lien, claim or other instrument to be recorded, registered, entered or filed as provided by law, may cause himself to be made a party to such suit by petition in the same manner as is by this act provided in the case of persons acquiring an interest in the subject matter of a suit after its commencement; the petition in such case must set forth such instrument at length, and the title and interest of such party in such manner as to show that he has an interest in the subject matter, and is a proper party in that suit.

When persons
may be made
parties.

6. *And be it enacted*, That in the cases hereinbefore provided for, any person may be made a party either before or after a final or interlocutory decree therein, but such decree shall not be opened or set aside thereby, and in all cases where the person so made a party does not dispute the claim of the complainant or any part of it, the complainant or any defendant whose prior right is not disputed, shall not be delayed by the admission of such party; but his claim shall be fully heard and investigated in disposing of the residue of the subject matter of the suit, or of the proceeds thereof; and the chancellor shall make all rules required for carrying out the provisions of this act.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXLII.

A Further Supplement to the act entitled "An Act respecting the Court of Chancery," approved April sixteenth, eighteen hundred and forty-six.

Fees of mas-
ters propor-
tionate to ser-
vices, and to
be adjusted by
chancellor.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the fees hereafter allowed and taxed for the services of masters in chancery, rendered in any cause, matter or proceeding in the court of chancery, pursuant to the general rules of said court or to any special order

or decree in any such cause, matter or proceeding depending therein, shall be proportionate as nearly as may be to the actual value of such services, and shall be regulated and adjusted by the chancellor from time to time.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and they are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 17, 1870.

CHAPTER CCCXLIII.

An Act for the appointment of Commissioners for the better protection of the Fishing interests of the State of New Jersey.

WHEREAS, both the marine and inland fisheries of this state are known to have deteriorated, and thus a vast amount of food supply for the people has been greatly reduced by causes which seem to be under the control of the legislature, and that the present yield of fish both from the salt and fresh waters might be largely increased by proper measures of protection; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state be authorized, within fifteen days after the passage of this act, to appoint two competent persons whose duty it shall be to inspect the bay and river fisheries of this state and report upon the same, suggesting such legislation as may be most conducive to their protection and improvement. Governor to appoint inspectors of fisheries.

2. *And be it enacted*, That they shall continue in commission from the passage of this act until otherwise ordered.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLI.

A Supplement to an act entitled "An Act to authorize an extension of the State Prison," approved April second, eighteen hundred and sixty-nine.

Board of supervisors to make improvements in state prison.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the duties, functions and supervision, by the act to which this is a supplement, assigned to commissioners to be appointed by the governor, be transferred to and devolved upon the board of supervisors of the state prison, who are hereby authorized in place of said commissioners, to make the improvements, erections and alterations in said act specified, which, with the plans, contracts, specifications and locations, shall be approved by the governor.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLII.

A Supplement to the Act entitled "An Act to incorporate Trustees of Religious Societies," revision, approved April seventeenth, eighteen hundred and forty-six.

Election of secretary, and his duties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the annual or other election for president of the corporation, authorized by said act, it shall and may be lawful for such corporation to elect one of their own members to be secretary, who shall keep the minutes, and enter the orders, acts and proceedings of the corporation in a book, to be kept for that purpose; and who shall have the custody of the common seal, and the papers,

deeds, writings, documents, and books of or relating to the said corporation; and upon application to the secretary, any member of the said religious society or congregation, shall have free access to all the papers, deeds, writings, minutes, documents and books of, or belonging to the said corporation, and upon the death, resignation, removal or expiration of the office of secretary, or election of a new one, the common seal and all minutes, papers, deeds, writings, documents and books of or belonging to such corporation, shall be delivered to the successor in office.

2. *And be it enacted*, That at the said annual or other election authorized by said act, it shall and may be lawful for such corporation to elect one of their own members to be treasurer, who shall have charge of the moneys of the said corporation, and keep a correct account of the receipts, and disbursements of the same, and at each annual election for officers of said corporation, render to said religious society, a true statement in writing of the receipts and disbursements of the said corporation for the preceding year, and upon the death, resignation, removal or expiration of the office of treasurer, or election of a new one, all the books, accounts, vouchers and documents in the hands of such treasurer, belonging to such corporation shall be delivered to his successor in office.

Election of
treasurer, and
his duties.

3. *And be it enacted*, That so much of the act to which this act is supplementary, as is inconsistent herewith be and the same is hereby repealed.

Repealer.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXII.

An Act relative to Banking.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer shall retain in his possession any securities heretofore or hereafter deposited

Treasurer to
retain securi-
ties, &c.

New Jersey State Library

with him or his predecessor, by any banking association, until his, or his predecessor's, fees, charges, and advances made, or credit given in account on the books of the treasury, properly payable by such bank or banking association, shall be paid.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXX.

A Further Supplement to the act entitled "An Act for the instruction of indigent deaf and dumb persons, inhabitants of this State," approved April tenth, eighteen hundred and forty-six.

Annual ex-
pense of deaf
mutes in-
creased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual expense of each deaf mute instructed at the charge of the fund provided in the act to which this is a further supplement, shall not exceed the sum of three hundred dollars, unless the governor shall be satisfied that the means of the deaf mute, or his or her parents or guardian are insufficient, in which case clothing may be supplied at an expense not exceeding thirty dollars for each pupil.

Increase of
general appro-
priation.

2. *And be it enacted*, That the annual appropriation of eight thousand dollars now authorized by law, be and the same is hereby increased to ten thousand dollars, subject to the provisions of the act to which this is a further supplement; *provided*, that if said sum of ten thousand dollars hereby appropriated, be not exhausted in any one year, the balance remaining shall be carried to the appropriation in this behalf of subsequent years.

Proviso.

Repayment of
loss to New
York Institu-
tion.

3. *And be it enacted*, That the sum of one thousand nine hundred and five dollars and forty-eight cents is hereby appropriated to the New York Institution for the instruction of the deaf and dumb, in repayment of loss actually sustained

by that institution in supporting and educating pupils of this state during the last year.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXXV.

A Supplement to the act entitled "An Act concerning obligations, and to enable Mutual Dealers to discount," passed November first, seventeen hundred and ninety-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any bond or instrument in writing, conditioned for the performance of the duties of the office of any township, ward, city, county or state officer in this state, to which any person or persons signing the same, shall have heretofore or shall hereafter affix a scroll, or ink device by way of seal, shall be taken and adjudged to be of the same force and obligation as if the same were actually sealed with wax.

Scroll seal to
bonds of state,
county, city
or town offi-
cers legal and
binding.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXXXII.

A Supplement to an act entitled "An Act to provide for the support of the government of this State and to fix the salaries of public officers," approved April fourth, one thousand eight hundred and forty-five.

Salary of adjutant and quartermaster generals.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the adjutant and quartermaster generals shall each be entitled to receive an annual salary of twelve hundred dollars to be paid in the manner specified in the act to which this is a supplement.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXCI.

An Act to defray Incidental Expenses for the year eighteen hundred and seventy.

Treasurer to pay incidental expenses of eighteen hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of this state to pay, upon the warrant of the comptroller, to the several persons hereinafter named the following amounts, viz :

Item No. 1. To Joseph H. Hough, for rent of rooms for engrossing clerks of senate and assembly, fifty-five dollars,

\$55 00

Item No. 2. To Moses & Brother, for coal furnished, engrossing clerks of senate and assembly, eleven dollars and thirty-five cents,	11 35
Item No. 3. To Trenton Gas Light Company, for gas bill for engrossing clerks, thirteen dollars,	13 00
Item No. 5. To Ivins & Mount, coach-hire for committee on state prison, ten dollars,	10 00
Item No. 6. To John P. Lansing, for publishing notice concerning incidental bills in Trenton newspapers, six dollars,	6 00
Item No. 8. To William T. Nicholson, for stationery furnished senate as per order, thirty dollars,	30 00
Item No. 9. To William T. Nicholson, for stationery furnished clerk of senate, two hundred and seven dollars and eighty cents,	207 80
Item No. 10. To William T. Nicholson, for blank books furnished clerk of assembly, one hundred and forty-four dollars and seventy-five cents,	144 75
Item No. 11. To William T. Nicholson, for calendars furnished committees by order of clerk, thirty-four dollars and fifty cents,	34 50
Item No. 12. To Ivins & Mount, for coach-hire for the committee on Soldiers' Children's Home, forty-nine dollars,	49 00
Item No. 13. To William T. Nicholson, for stationery furnished sergeant-at-arms of assembly, one hundred and thirty-eight dollars and fifty cents,	138 50
Item No. 14. To J. O. Seymour, Kennard & Hay, for stationery furnished officers and members of the senate as per order of committee, one thousand and thirty dollars,	1,030 00
Item No. 15. To J. O. Seymour, Kennard & Hay, for stationery furnished officers and members of the house of assembly, as per order of committee, four thousand seven hundred and twenty dollars,	4,720 00
Item No. 16. To J. O. Seymour, Kennard & Hay, for stationery furnished officers and members of the house of assembly, as per order of	

committee, two thousand three hundred and eighty-five dollars,	2,385 00
Item No. 17. To John R. Warner, for expenses serving notice on John H. Rutter, of Bergen county, to appear before the committee of house of assembly, relative to Erie Railroad Company, twenty-five dollars,	25 00
Item No. 18. To Jeremiah Dally, for extra services as state librarian, two hundred and fifty dollars,	250 00
Item No. 19. To Joseph D. Hall, for making parchment roll for senate and house of assembly, and pad rulers for engrossing clerk of senate, twenty-two dollars and twenty-five cents,	22 25
Item No. 20. To John C. Disbrow & Dyer, for coach hire for committee on state prison, twenty-two dollars,	22 00
Item No. 21. To John C. Disbrow & Dyer, coach hire for committee on soldier's childrens' home, twenty dollars,	20 00
Item No. 22. To William T. Nicholson, for stationery furnished clerk of house of assembly, seventy-six dollars and twenty-two cents,	76 22
Item No. 23. To John C. Disbrow & Dyer, coach hire for committee on asylum, sixty-four dollars,	64 00
Item No. 24. To Ivins & Mount, coach hire for the committee on soldier's childrens' home, twenty dollars,	20 00
Item No. 25. To James & Dunham, for mucilage furnished the house of assembly, thirteen dollars and fifty cents,	13 50
Item No. 26. To Wm. T. Nicholson, for stationery furnished sergeant-at-arms of senate, ninety dollars,	90 00
Item No. 27. To Daniel Lodor, for burners and gas fixtures for engrossing clerks, twenty-four dollars and fifty cents,	24 50
Item No. 28. To John P. Lansing, for services as clerk of incidental committee, forty dollars,	40 00
Item No. 29. To William T. Nicholson, for stationery furnished engrossing clerk of house of	

assembly, three hundred and thirty-two dollars and eighty-five cents,	332 85
Item No. 30. To William T. Nicholson, for gavel, cancelling stamp and books furnished president of senate, thirty-six dollars,	36 00
Item No. 31. To William T. Nicholson, for one cancelling stamp for speaker of assembly, twelve dollars,	12 00
Item No. 32. To William T. Nicholson, for stationery furnished engrossing clerk of senate, two hundred and forty-three dollars and ten cents,	243 10
Item No. 33. To the clergymen officiating at the opening of the senate and house of assembly, ten dollars each,	
Item No. 34. To each of the pages of the house of assembly and senate, fifty dollars for extra compensation,	
Item No. 35. To J. A. Anderson, for twenty-five books of distances accompanying maps for senate, five dollars,	5 00
Item No. 36. To Benjamin Naar, junior, for parchment and engrossing resolutions of the senate for Miss Sarah Smith Stafford, ten dollars,	10 00
Item No. 37. To James & Dunham, for mucilage furnished the senate, twelve dollars and seventy-five cents.	12 75
Item No. 38. To the reading clerk of the house an additional compensation of two hundred and fifty dollars,	250 00
Item No. 39. To Titus & Scudder, for seventeen yards cocoa matting, twenty-three dollars and thirty eight cents,	23 38
Item No. 40. To West & Douglas, for paper files, one hundred and seventeen dollars and fifty cents,	117 50
Item No. 41. To Alexander H. Rickey, engrossing clerk of the senate, for extra services, the sum of two hundred dollars,	200 00
Item No. 42. To Josephus Shann, engrossing clerk of the house of assembly, for extra services, the sum of two hundred dollars,	200 00
Item No. 43. To the assistant secretary of the	

senate, an additional compensation of two hundred and fifty dollars, 250 00

Item No. 44. To the president's page of the senate, an additional compensation of one hundred dollars, 100 00

Item No. 45. To the governor's page an additional compensation of one hundred dollars, 100 00

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXX.

A Supplement to "An Act concerning Idiots and Lunatics," approved April sixteenth, eighteen hundred and forty-six.

Provisions of
act extended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of sections two, three and four of the act entitled "An Act concerning idiots and lunatics," approved April sixteenth, eighteen hundred and forty-six, shall apply to the idiots and lunatics mentioned in the fifth and sixth sections of said act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXXIII.

A Further Supplement to an act entitled, "An Act for the relief of creditors against absconding and absent debtors," approved April sixteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where writs of attachment have heretofore been issued, or may hereafter be issued, and no proceedings have been or shall be had thereon for the period of twenty years, the same shall cease to bind the property and estate of the defendant so attached, at the expiration of the said twenty years.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXXIV.

An Act for the support and maintenance of the State Reform School for Boys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the necessary support and maintenance of the state reform school for boys, the completion and furniture of the new wing of the main building and the improvement of the farm the sum of twenty-five thousand dollars be and the same is hereby appropriated, and the treasurer of the state is directed to pay the same in such installments as may be necessary, upon the order of the board of trustees and the warrant of the comptroller.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXXVI.

A Supplement to an Act entitled "An Act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors," approved April sixteenth, eighteen hundred and forty-six.

Assignee allowed time to file list of debtors in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the assignee or assignees mentioned in the fifth section of the act to which this is a supplement, shall have omitted to file with the surrogate of the county wherein the debtor or debtors reside at the time of making the assignment, as provided by the fifth and twenty first sections of the act to which this is a supplement, a list of such debtors as shall claim to be such, with a true statement of their respective claims, or where the evidence of such list having been filed has been lost or mislaid, it shall be lawful for the orphans' court in any such county, to grant and limit a further time within which the said list shall be filed, and such proceedings had as are prescribed by the fifth and twenty-first sections; and to make any further or other order in the premises as they shall deem the nature and circumstances of the case require.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXXX.

A Supplement to "An Act to prevent Frauds by Incorporated Companies," approved April fifteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any railroad, canal or turnpike company, incorporated under the laws of this state, have become insolvent, or failed for ninety days after the same becomes due, to pay the principal or interest on any mortgage on the property and franchises of such company, it shall be lawful for the chancellor, upon the application of any creditor, mortgagee or stockholder of such company, to appoint a receiver or receivers, or three trustees, who shall have and exercise all the powers and authority that it is lawful for receivers and trustees to exercise, under the act to which this is a supplement; and it shall be lawful for such receivers or trustees to sell or lease the canal, railroad or turnpike belonging to such company, together with all the chartered rights, privileges and franchises of such company; and the purchaser or purchasers, lessee or lessees of such work, chartered rights, privileges and franchises, shall thereafter hold, use and enjoy the same during the whole of the residue of the term limited in the charter of such company, or during the term in such lease specified, in as full and ample a manner as the stockholders of such company could or might have enjoyed the same, subject, however, to all the restrictions, limitations and conditions contained in such charter; and upon filing in the office of the secretary of state, within six months after such sale or lease, a certificate that they accept the charter of the company whose property has been sold or leased, under some corporate name different from that of the said company, such purchasers or lessees shall become a corporation under the name so specified, with all the powers, rights, privileges and franchises of the former company; the lessees or purchasers, or corporation formed by them as aforesaid, shall hold and enjoy the same, free and clear of all debts, claims and demands of creditors, mortgagees or stockholders, who

Whenever a railroad, canal or turnpike company becomes insolvent, receiver may be appointed

They may sell or lease canal, railroad or turnpike.

Upon filing certificate with secretary of state the purchasers become a corporation, &c.

shall look only to the fund arising from such lease or sale, which money, as collected, shall be paid into the court of chancery; but where such property is subject to a mortgage, the chancellor may, with the consent of the plaintiff, or without such consent if the principal is not due, direct a sale or lease to be made, subject to the lien of the mortgage.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXLI.

A Supplement to the act entitled "An Act for the better protection of Hotel, Inn and Boarding House Keepers," approved April sixth, eighteen hundred and sixty-five.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act entitled "A Supplement to the act to which this is a supplement," approved April eleventh, eighteen hundred and sixty-seven, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXCV.

A Further Supplement to the act entitled "An Act to Register Mortgages," approved April fifteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the assignor of any assignment of mortgage upon lands in this state, heretofore made and executed and not acknowledged or proved according to law, or hereafter to be made and executed and not acknowledged or proved according to law, and the subscribing witnesses thereto be dead, or of unsound mind, or reside out of or are not to be found in the state, it shall be lawful to prove such deed of assignment before one of the justices of the supreme court, by proving the handwriting of such witnesses to the satisfaction of such justice, and upon his certificate endorsed on, or annexed to such assignment that such proof has been made before him, such assignment may be recorded in the manner provided for in the act entitled "A Supplement to the act entitled 'An Act to register mortgages,'" approved March third, eighteen hundred and fifty three, and such justice shall be entitled to a fee of two dollars for taking and certifying every such proof.

Assignments
of mortgage,
how proved
when not ac-
knowledgeed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXCVII.

A Further Supplement to an act entitled "An Act respecting the Orphans' Court, and the power and authority of Surrogates," approved April sixteenth, eighteen hundred and forty-six.

Executors to
give security
if property is
regarded un-
safe in their
hands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the orphans' court of any county in this state, shall, upon affidavits laid before them, deem the property in the hands of any executor or executors, unsafe, insecure, or in danger of being wasted, it shall be lawful for any such orphans' court, at the instance of any person interested in the estate of the testator, to require such executor, or executors, to give security to the ordinary of this state by bond with sureties, and in such amount as said court shall deem proper, conditioned for the faithful performance, by such executor or executors, of his or their duty under the will of the testator.

An adminis-
trator may be
appointed on
failure of exe-
cutor to give
such security.

2. *And be it enacted*, That on failure of any such executor, or executors, to give such security within the time limited by the court, it shall be lawful for any such court to remove such executor or executors, and to appoint an administrator, or administrators, with the will annexed, who shall enter into and give such security as the said court may direct for the faithful performance of their duty under the will of the said testator, and upon giving such security such administrator, or administrators shall be entitled to recover from the executor or executors, so failing, all the assets of said testator, in his or their hands, either by an action at law, or by a bill in chancery for a specific delivery thereof, or their value, as the chancellor shall deem just; or, said orphans' court may make an order for delivery of the same, and enforce the same by attachment for contempt, if not complied with.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXCVIII.

A Further Supplement to the act entitled "An Act to regulate the practice of the Courts of Law," approved April fifteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all actions upon bills of exchange, promissory notes, or other written instruments, any of the parties to which are designated by the initial letter or letters or some contraction of the christian or first name or names it shall be sufficient in every affidavit to hold to bail, and in the process or declaration, to designate such party by the same initial letter or letters or contraction of the christian or first name or names, instead of stating the christian or first name or names in full.

Persons may
be designated
by the initial
letter or con-
traction of
christian
names.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER DIIL.

A Supplement to an act entitled "An Act concerning Witnesses."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any trial or inquiry in any suit, action or proceeding in any court, or before any person having by law or consent of parties, authority to examine witnesses or hear evidence, the husband or wife of any party thereto, or who has any interest in said suit, action or proceeding, or of any person in whose behalf any such suit, action or proceeding is brought, prosecuted, opposed or defended, shall, except as hereinafter stated, be competent and

Husband or
wife may be
made wit-
nesses.

compellant to give evidence the same as other witnesses on behalf of any party to such suit, action or proceeding.

Exceptions.

2. *And be it enacted*, That nothing herein contained shall render any husband or wife competent or compellable to give evidence for or against the other in any criminal action or proceeding or in any action or proceeding for divorce on account of adultery, or in any case of bigamy, except to prove the fact of marriage, or in any action or proceeding for or on account of criminal conversation.

Exception.

3. *And be it enacted*, That no husband or wife shall be compellable to disclose any confidential communication made by one to the other during marriage.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER DIV.

An Act relating to State Tax on Dogs.

Tax on dogs.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That a state tax of two dollars on the owner of every dog, and three dollars on the owner of every bitch be levied and collected at the same time and manner that taxes are now collected.

Owners shall provide collar with name thereon.

2. *And be it enacted*, That it shall be the duty of all owners of dogs, of either sex, to provide the same with a collar, to be worn at all times, with the owner's name and address thereupon.

Registry of dogs.

3. *And be it enacted*, That dogs of either sex, to be considered as property, shall be registered, by numbers, free of charge, in the township or city clerk's office of each township or city where such owner resides.

No damages for dogs killed while destroying sheep, &c.

4. *And be it enacted*, That no damages shall be collected by the owners of any dog killed in the act of destroying cattle, sheep or poultry.

5. *And be it enacted*, That the taxes collected by each county in pursuance of this act, be used by said county as a fund for the award and protection of owners of sheep destroyed or killed by dogs; any surplus over and above the settlement in full of all claims for killed sheep, to be used annually for public school purposes, under the direction of county school superintendent. Taxes to be used as a fund for owners of sheep. Surplus to be applied to school purposes.

6. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and the same is hereby repealed. Repealer.

7. *And be it enacted*, That it shall be lawful for any person or persons to kill and bury any dog or bitch found running at large without a collar or known to be unregistered, for which service he or they shall receive the sum of fifty cents per head, to be paid by the collector of the town, township or ward where said dog or bitch was killed, upon presentation of a proper affidavit to that effect. Lawful to kill dogs without a collar and known to be unregistered.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER DV.

Supplement to an act entitled "An Act constituting Courts for the trial of Small Causes."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all actions which may be brought by virtue of the act to which this is a supplement wherein the defendant shall have filed an offset as in and by said act is directed or allowed, the plaintiff shall not be permitted to withdraw his suit, nor shall any judgment of nonsuit or discontinuance be entered, without the consent of the defendant, but the justice shall proceed to hear and determine the matters in difference between the parties on motion of defendant in case the plaintiff shall neglect or refuse to move in the cause, and if it shall appear upon evidence produced by said defendant that the plaintiff is actually indebted to In actions where the defendant files an offset the plaintiff shall not withdraw suit without the consent of the defendant.

Proviso.

him, shall render judgment in his favor for the amount as found due the said defendant; *provided*, the defendant shall have filed an affidavit with the justice at the time of filing his offset, that the said offset is not filed for the purpose of delay, and that he verily believes that he does not owe the plaintiff anything, but that the plaintiff is justly indebted to him in a certain sum which shall be stated in the affidavit.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER DVI.

Supplement to "An Act concerning Witnesses," approved April sixteenth, eighteen hundred and forty-six.

Any member of a committee of the common council of a city may administer an oath to witnesses in regard to its affairs and interests.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the common council of any city within this state shall have appointed a committee of members of their body upon any subject or matter within the jurisdiction of such common council, or to examine any officer of the city or member of said council in relation to the discharge of his official duties or conduct, or to the receipt or disbursement by him of any moneys in the discharge of said duties, or concerning the possession or disposition by him in his official capacity of any property belonging to the said city, or to use, inspect or examine any book account, voucher or document in the possession or under his control as such officer, relating to the affairs or interests of such city, any member of such committee is hereby authorized to administer oaths to all such witnesses as may appear or be brought before them; and every person who shall wilfully and corruptly swear, testify, or affirm falsely to any material matter upon any oath or affirmation administered by any member of such committee upon any such investigation or inquiry, shall upon conviction thereof be subject to the pains and penalties of perjury.

2. *And be it enacted*, That such committee are hereby authorized to issue subpoenas ad testificandum and subpoenas duce tecum to any person or corporation within this state to appear before them to give testimony, or any information required for the purposes of this act; such summons may be served by any police officer or constable of the said city; and in case any person or corporation so summoned, shall refuse to obey such summons or subpoena, or to give testimony, or to answer questions as required, or produce any books, papers, or documents as required, it shall be lawful for said committee upon affidavit proving the facts, to apply to any judge of the supreme court, or of the court of common pleas of the county in which such city is situated, for an attachment against such person or officer of such corporation as for a contempt; it shall be the duty of such judge to hear such application, and, if satisfactory proof be made, to issue an attachment directed to any constable or police officer of such city for the arrest of such person, and upon his being brought before him, to proceed to a hearing of the case; and the said judge shall have power to enforce by imprisonment in the county jail, obedience to the requirements of the summons or subpoena, and payment of the costs of said proceeding to be taxed by said judge.

Such committees may issue subpoenas to persons or corporations.

Penalty for refusal to obey subpoena

3. *And be it enacted*, That witnesses subpoenaed by virtue of this act, shall be entitled to the fees of witnesses in civil actions in courts of record, the same to be paid out of the city treasury upon the certificate of such committee.

Fees of witnesses.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER DVII.

An Act in relation to actions at law in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in actions authorized by any

In penal statutes a judgment recovered for one penalty a bar to further actions by the same party.

penal statute where the whole penalty to be recovered shall be given for the use of the person or persons prosecuting for the same, a judgment recovered for one penalty under the same statute in causes of action, concerning the same party grieved and the same defendant shall be a bar to further actions affecting the same party grieved, for offences of a like character.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER DXV.

An Act to amend an act entitled "An Act to prevent the taking of unlawful toll or fare on Canals and Railways," passed March twelfth, eighteen hundred and thirty-nine.

Preamble. WHEREAS, the evils recited in the preamble of the act of which this is amendatory, have greatly increased since the passage of the said act; therefore,

Penalty for taking and demanding more than lawful charges.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any incorporated company or companies in this state, which is or are, or shall be authorized by law to take toll, or to charge for the transportation of passengers, goods, wares or merchandize, which shall directly or indirectly, through or by any agent, director, or other officer whatever, take or demand of any passenger person or under any pretence whatever, more than the charge, toll rates or fare allowed by law, shall forfeit and pay the sum of two hundred and fifty dollars for each and every such offence, 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 court of competent jurisdiction, together with the costs of prosecution.

Repealer. 2. *And be it enacted*, That the act entitled "An Act to prevent the taking of unlawful toll or fare on canals and rail-

roads," passed March twelfth, eighteen hundred and thirty-nine, and all acts and parts of acts inconsistent with this act, be and the same are hereby repealed; and this act shall be deemed a public act, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER DXXV.

A Further Supplement to "An Act to secure to Mechanics and others payment for their labor and materials in erecting any buildings," approved March eleventh, eighteen hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any married woman, upon whose lands any building or buildings shall hereafter be erected or repaired, or whereon any fixtures shall be put, shall be taken as consenting to the same, and such building or buildings, and curtilages whereon the same are erected, shall be subject to the lien created by the act to which this is a supplement, and the supplements thereto; *provided always*, that in case said married woman shall cause to be filed in the clerk's office of the county wherein such building or buildings are located a notice in writing (describing the property), and that she does not consent to the erection or repairing of such building or buildings on her lands, and that the same is being done against her wishes and consent, then, in such case, the building or buildings, and the curtilages whereon the same are erected, of any married woman, shall be free from the lien given by the act to which this is a supplement, and the supplements thereto, from the time she shall have filed a notice as aforesaid.

Building of a
married wo-
man liable un-
der lien law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER DXXX.

A Further Supplement to an act entitled "An Act to regulate the State Library," approved April thirteenth, eighteen hundred and sixty-four.

Increase of
salary of li-
brarian.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state librarian shall hereafter receive for his services the sum of one thousand dollars by the year, payable monthly, in the manner now provided by law.

Repealer.

2. *And be it enacted*, That all acts or parts of acts conflicting or inconsistent with this act be and the same is hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1870.

JOINT RESOLUTIONS.

NUMBER I.

Rejecting the amendment to the Constitution, known as the Fifteenth Amendment.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the legislature of this state ^{Legislature refuses to ratify proposed amendment to constitution of United States.} refuse to ratify, and do hereby reject the amendment to the constitution of the United States proposed at the third session of the Fortieth Congress, by a resolution of the senate and house of representatives of the United States of America, in congress assembled, to the several state legislatures; said amendment being in the following words, to wit:

“ARTICLE XV.

“SECTION 1. The right of citizens of the United States to ^{Proposed amendment.} vote shall not be denied or abridged by the United States or by any state on account of race, color or previous condition of servitude.

“SECTION 2. The congress shall have power to enforce this article by appropriate legislation.”

2. *Resolved*, That the right to regulate suffrage is one of ^{Declaration as to the right of regulating suffrage.} the reserved rights of the states, and the attempt to vest this power in congress is revolutionary, and destructive of our present form of government.

Approved February 15, 1870.

NUMBER II.

Relative to the Navigation of the Delaware River.

Preamble.

WHEREAS, there exists in the river Delaware below the head of tide water a bar known as Perriwig which interferes seriously with the navigation of said river; and whereas, the removal of said bar would tend to increase the trade, population and wealth of an important section of the state of New Jersey; therefore,

Members of congress requested to procure an appropriation for removing bar in Delaware river.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our members of congress, both in the senate and house of representatives be and are hereby requested to procure, if possible, an appropriation by congress of one hundred thousand dollars, to be used or so much thereof as may be necessary for removing the bar at Perriwig, and otherwise improving the navigability of the Delaware river at and below the head of tide water.

2. *And be it resolved*, That the governor be requested to furnish a copy of the foregoing preamble and resolution as soon as possible to the members of congress of the United States from New Jersey.

Approved March 8, 1870.

NUMBER III.

Relative to the Digest of the Law and Equity Reports of the State of New Jersey.

Copies of digest of law and equity reports to be delivered to the treasurer.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That on the publication of the digest of the law and equity reports of this state in the manner prescribed by law, there shall be delivered to the treasurer five

hundred copies bound as required by law, in addition to the number now required to be delivered to him, which shall be paid for at the same rate as now provided by law.

2. *And be it resolved*, That this joint resolution shall go into effect immediately.

Approved March 17, 1870.

NUMBER IV.

Relative to the Riparian Commission.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the riparian commissioners may and shall, in all leases, as well those authorized by the eighth section as those authorized by the fourth section of the act of last year, relating to the subject of lands under water, covenant on behalf of the state that the state will at any time accept the capital sum of which the annual payment is the interest, at the rate of seven per centum per annum, in lieu of all further annual payments, and make conveyance of the fee simple, and may convey or lease to any exterior line hereafter to be fixed; and such lease or conveyance under said eighth section and this resolution shall, in all respects, be as effectual to pass all the perquisites of wharfage and other like profits, tolls and charges, as conveyances and leases under the fourth section would be.

Riparian commissioners may capitalize annual payments.

2. *And be it resolved*, That this resolution shall take effect immediately, and operate upon leases and conveyances whether delivered or to be delivered.

Approved March 17, 1870.

NUMBER V.

Relating to Extra Compensation.

Extra compensation to sergeant-at-arms of assembly.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the sum of two hundred dollars be and the same is hereby appropriated to John R. Warner, sergeant at arms of the house of assembly, as extra compensation for extra services.

2. *And be it resolved*, That this resolution shall take effect immediately.

Approved March 17, 1870.

NUMBER VI.

Relating to Extra Compensation.

Extra compensation to journal clerks of senate and assembly.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the sum of two hundred and fifty dollars be and the same is hereby appropriated to the journal clerks of the house of assembly and senate as extra compensation for extra services.

2. *And be it resolved*, That this resolution shall take effect immediately.

Approved March 17, 1870.

NUMBER VII.

Concerning Officers of the Legislature.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That inasmuch as the governor and president of the senate's pages has been increased to one hundred dollars, that the compensation of the pages of both houses be increased the same sum and that this joint resolution take effect immediately.

Approved March 17, 1870.

NUMBER VIII.

Relative to the Reports of State Officers.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That every officer of this state, who has heretofore made a report of the affairs of his department to the governor or legislature, shall hereafter make and deliver to the governor his report of such affairs prior to the fifteenth day of November of each year, and said report shall contain such information as may be in hand up to the first day of said month, and the fiscal and business year of each department of the state, shall be considered as beginning on the first day of November, and ending on the thirty-first day of October of each year.

2. *And be it resolved*, That as to such reports and other documents proper to be printed prior to the assembling of the legislature, the comptroller, treasurer and secretary of state shall constitute a board who shall decide what reports and documents shall be so printed, and the number of copies thereof, with especial reference to the number of copies nec-

essary to be placed in the book known as legislative documents, with a view to prevent double printing, and when such board or a majority thereof shall have so decided, the said printing shall be done by the current printer of the preceding legislature under the direction of said board, who shall have the said reports and documents so printed in the hands of the board one week preceding the assembling of the legislature.

Approved March 17, 1870.

NUMBER IX.

Relative to the establishment of a Port of Entry at Jersey City.

Port of entry
at Jersey City

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the senators and representatives from this state in the congress of the United States be requested to urge the passage of the bill to establish a port of entry at Jersey City in this state.

Approved March 17, 1870.

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SPECIAL ACTS.

SPECIAL PUBLIC AND PRIVATE ACTS

PASSED BY THE

NINETY-FOURTH LEGISLATURE.

CHAPTER I.

An Act to incorporate the Masonic Hall Association of the City
of New Brunswick.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of cor-
porators.</sup> *the State of New Jersey,* That Abraham V. Schenck, John W. Newell, Henry L. Janeway, T. H. Redway, Azariah D. Newell, William G. Parsons, Goyne D. McCoy, J. B. Borden, Alfred J. Buttler, Levi D. Jarrard, William H. Fisher, and John F. Babcock and their associates, ancient free and accepted masons of the state of New Jersey, and their successors be, and the same are hereby declared to be a body politic and corporate in fact and in law, by the name, style and title of "The Masonic Hall Association of New Brunswick," and by that name shall be capable <sup>Corporate
name.</sup> of purchasing and holding, mortgaging and conveying any lands, tenements, goods and chattels; said real and personal estate not to exceed in value the sum of two hundred thousand dollars, and have power to sue and be sued, plead and be impleaded in all courts and places, to make and use a common seal, and alter the same at pleasure; and to make by-laws not inconsistent with the constitution or laws of the United States or of this state for the management of the property, the regulation of the affairs, and for the transfer of the stock of said corporation.

General object	2. <i>And be it enacted</i> , That the general object of the said corporation is declared to be the purchase of real estate in the city of New Brunswick, and the improvement thereof for the purpose of a masonic hall, and for other purposes.
Amount of capital stock.	3. <i>And be it enacted</i> , That the capital stock of the said corporation shall be one hundred thousand dollars, divided into shares of two hundred dollars each, which shall be subscribed and paid at such times, in such manner, in such installments and upon such notice as the directors of the said corporation by their by-laws may direct and appoint; and in
Failure to pay installments to work for- feiture.	case of failure by any stockholder to pay his or her installments at the time and place appointed by the said by-laws for the payment thereof, such stockholder shall, at the option of the directors of the said corporation, incur a forfeiture of his or her share or shares, and of all previous payments thereon for the use of said corporation.
Stock trans- ferable.	4. <i>And be it enacted</i> , That the capital stock of the said corporation shall be deemed personal property, and the said shares shall be transferable only on the books of the said corporation in such manner as the board of directors may by their said by-laws direct, and every share of said stock shall entitle the holder thereof to one vote, either in person or by proxy.
Directors, when and how chosen.	5. <i>And be it enacted</i> , That the management and disposition of the affairs and property of the said corporation shall be vested in nine directors, who shall be stockholders of the said corporation, and residents of the city of New Brunswick, or within five miles thereof, who shall be elected by the stockholders of the said corporation yearly, at such time and in such manner as the said corporation shall by the by-laws thereof provide, and who shall serve for one year and until others are elected in their stead; that the first election of directors shall be held on the first Wednesday in February next, at twelve o'clock at noon, at the lodge room of Union Lodge, Number Nineteen, in the city of New Brunswick, and thereafter as shall be provided in the said by-laws; that the
Officers.	directors, when elected, shall choose from their own number a president and vice-president, which said president, vice-president, and directors for the time being shall constitute the board of directors of the said corporation, and that a majority of the said board shall be a quorum for the transaction of business.
Penalties.	6. <i>And be it enacted</i> , That the said directors may make

penalties for any breach of the by-laws of the said corporation, not exceeding one dollar.

7. *And be it enacted*, That when at least three hundred shares of stock of the said corporation shall be subscribed, ^{When organized.} the same may be organized and proceed to the first election of directors thereof at the time and place herein above mentioned.

8. *And be it enacted*, That the said corporation may be ^{When and how dissolved.} dissolved at a general meeting of the stockholders specially called for that purpose; *provided*, that at least three-fourths ^{Proviso.} in value of the stockholders shall concur therein; and upon such dissolution, the directors for the time being, and the survivor or survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for settling all the affairs of the said corporation, collecting and disposing of its property and assets, paying its debts and dividing the surplus among the stockholders in proportion to their respective interests in the stock.

9. *And be it enacted*, That this act shall take effect immediately.

AMOS ROBINS,
President of the Senate.

LEON ABBETT,
Speaker of the House of Assembly.

Approved February 1, 1870.

THEODORE F. RANDOLPH,
Governor.

CHAPTER II.

An Act to incorporate the Pemberton and New York Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of corporations.} *the State of New Jersey*, That Barclay Haines, Charles

Gould, Ashbel Green, John G. Stevens, Robert F. Stockton, Henry M. Alexander, James R. Gould, Anthony J. Morris, John L. N. Stratton, Samuel Barrowe, George B. Upton, Samuel H. Gookin, junior, and Samuel G. Wheeler, junior, and such other persons as may hereafter be associated with them, shall be, and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact, and in law, by the name of "Pemberton and New York Railroad 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 whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and they and their successors by that name and style shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient to the objects of this incorporation.

Corporate
name.

Amount of
capital stock.

Commission-
ers to receive
subscriptions.

ction of

2. *And be it enacted*, That the capital stock of said company shall consist of five hundred thousand dollars with liberty to increase the same to any sum from time to time not exceeding eight hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable in such manner as the by-laws of the said corporation shall direct.

3. *And be it enacted*, That the above named persons or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and at such place or places as they or a majority of them may think proper, by giving ten days' previous notice in two newspapers published in Burlington and Ocean counties, and at the time of subscribing for said stock five per centum on each share subscribed shall be paid to said commissioners; that whenever there shall be one thousand shares of the said stock subscribed, the said commissioners shall give like notice as above for a meeting of the stockholders to choose thirteen directors; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of capital stock entitling the holder thereof to one vote; and the said commissioners, or a majority of them, shall be inspectors of the first election

of directors of the said incorporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and the monies paid in to said directors; and the time and place of holding the first meeting of directors shall be fixed by the persons who act as inspectors aforesaid; and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their number a president; and in case of the death, resignation or the removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation will provide.

4. *And be it enacted*, That annual elections for directors shall be held at such times and places as the board of directors shall hereafter direct, of which election notice shall be given at least two weeks in a county newspaper, published in Burlington and Ocean counties; and in case it should happen that an election of directors should not be made during the day when pursuant to this act, it ought to be made; the said corporation shall not, for that cause, be deemed to be dissolved; but the said election shall be held as soon thereafter as possible, and public notice shall be given as hereinbefore directed, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

5. *And be it enacted*, That a majority of said directors shall be competent to transact all business of the said corporation, and they shall have power to call in the capital stock of said company by such installments, not to exceed twenty dollars on each share at any one time, and at such times as they may direct; *provided*, that such installments shall not be called for at a shorter period than thirty days from each other; and in case of the non-payment of said installments, or any part of them, to forfeit the share or shares upon which such default shall arise, to and for the use of said corporation; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, prop-

Annual election of directors.

Failure to elect not to dissolve.

Payment of installments.

Proviso.

Failure to pay works a forfeiture.

erty, estate and effects of the said corporation ; and also shall have power to appoint such officers, engineers, superintendents, clerks, and servants, as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

May survey,
lay out and
construct road

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey and lay out and construct a railroad from some suitable point at or near the village of Pemberton, in the county of Burlington, to a suitable point on the Raritan and Delaware Bay railroad in the county of Ocean, with the privilege of connecting with any railroad or railroads now or hereafter to be built; the said railroad not to exceed one hundred feet in width, except in such places where, from the depth of the excavation or the height of the embankment, it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as will be necessary for the purpose, and no more, shall be taken, with as many sets of tracks and rails as they may deem necessary.

Right to enter
on lands, &c.

7. *And be it enacted*, That it shall be lawful for the said company, their officers, agents, engineers, superintendents, and others in their employ, to enter at all times upon all lands, bridges and waters, for the purpose of exploring, leveling, surveying and laying out the route of said railroad, and of locating and of subsequently altering the location thereof, doing no unnecessary damage to private property; and when any part of the route and location of such road, or the alteration of location shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for the said company, its officers, engineers, agents, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of payment, of all damages for the occupancy of lands through which the said railroad may be laid out, be made before said company or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of sur-

Proviso.

veying and laying out the said road, unless the consent of the owner or owners of such land be first had and obtained.

8. *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 said company in the construction of said road 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 this state, to make publication thereof as he shall direct, for any time not less than ten 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, residents in the county in which the lands or materials in controversy lie, or the owner resides, commissioners to examine and appraise the 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 ten 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 land or materials, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages as shall be paid by the said company for such lands or materials and damages aforesaid, (the said commissioners taking in consideration the benefits derived by the land owner or owners from said railroad, and assess the land and damages accordingly,) which report shall be made in writing

Proceedings
in case no
agreement can
be made with
owners of pro-
perty.

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 lands or materials are situated, to remain on record therein, which report, or a copy thereof, certified by the clerk of the 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 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 other, 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 as they or he shall think equitable and right, which shall be paid by said company.

Proceedings
in case of ap-
peal.

9. *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, 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, but such application shall not prevent the company from taking the said land or materials upon filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owners thereof being under any legal disability the same being first paid into the court of chancery.

10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges and passages over or under the said railroad where any public or other road shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the said railroad shall intersect any farm or lands of any individual to provide and keep in repair suitable wagon ways over or under the said road.

Bridges to be constructed and kept in repair.

11. *And be it enacted*, That the said corporation shall have power to borrow from time to time such sum or sums of money as shall be necessary to secure rights of way, make surveys, to construct or repair said railroad, and to furnish the said corporation with the necessary engines, machinery, cars, boats and buildings, for the uses and objects of the said corporation, and to secure the repayment thereof by bond and mortgage, or otherwise, on the said road or roads, lands, property, privileges, franchises and appurtenances of or belonging to said corporation at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said corporation to plead any statute or statutes of this state against usury in any court of law or equity in any suit instituted to enforce the payment of any bond or mortgage executed under this section of this act.

May borrow money and secure the same by bond and mortgage.

Provido.

12. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company for its use, and to place on any railroad constructed by them under this act, all machinery, engines, cars, wagons, carriages or vehicles and boats for the transportation of persons or any species of property as they may think fit, reasonable, expedient or right; and they are hereby authorized to demand and receive

May purchase equipments, &c.

- Rates of fare. such sum or sums of money for the transportation of persons and every species of property whatsoever thereon as they from time to time shall think reasonable and proper;
- Proviso. *provided*, they shall not charge more than at the rate of eight cents per ton per mile for the transportation of property and four cents per mile for carrying each passenger on said railroad, and no charge shall be required to be less in the aggregate than ten cents; and that the railroad or roads, and their appendages and all the land over which the same shall pass and all the works and improvements, steam engines, carriages, and all other property whatever belonging to said company at any time or times are hereby vested in the said company incorporated by this act, and their successors and assigns during the continuance of this act.
- May have and hold real estate. 13. *And be it enacted*, That the said company may have, and hold such real estate, at or near either terminus of their railroad, and at any other points along the line of said road, where the directors may think proper to establish depots, and may erect, and build thereon houses, warehouses, machine shops, wharves, slips, and such other buildings and improvements as they may deem expedient, for the safety of the property and the construction of carriages, engines, and other necessary uses, and take and receive the rents, profits, and emoluments thereof, and shall have the privilege and authority to erect, build and maintain over such rivers, creeks and streams, as the road may cross, such piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act; *provided*, that the said company, whenever it may become necessary to cross any navigable river or creek, with their road, shall construct a bridge, or bridges, with suitable and sufficient draws, so as not to unnecessarily impede the navigation thereof.
- May build bridges. 14. *And be it enacted*, That the said company, shall, within one year after the said railroad shall have been completed, declare, and make such dividends as they may deem prudent and proper, of the net proceeds thereof, and shall in like manner, semi-annually, declare such dividends and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively.
- Proviso. 15. *And be it enacted*. That it shall be lawful for the said corporation at any time during the continuance of its charter, to make contracts and engagements with any other corpora-
- Dividends.
- May make contracts with other corporations.

tion, or with individuals for transporting or carrying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of such contract.

16. *And be it enacted*, That if any person shall willfully ^{Penalty for} injure, impair, destroy or obstruct the use of any railroad constructed under the provisions of this act, or any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to the said company three times the amount of damages sustained by means of such injury, to be by them recovered, with costs of suit, in any court having competent jurisdiction in an action of debt. ^{injuring works}

17. *And be it enacted*, That when any portion of said rail- ^{Running cars.} road shall be completed, the said company may commence running cars for the transportation of passengers and freight, enjoying all the privileges, and subject to the restrictions created by this act.

18. *And be it enacted*, That as soon as the said railroad, or any ^{Statement of} part of it is in operation, the president of said company shall file, ^{costs and ex-} under oath or affirmation, a statement of the amount of the ^{penses to be} cost of said railroad, including equipments, appendages, and ^{made and filed} all expenses, in the office of the secretary of state, and annually thereafter, on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipment, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time, by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad, or any part thereof, shall be in operation, shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons as other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be ^{Proviso.} levied or assessed upon said company.

Corporations
may endorse
its bonds, &c.

19. *And be it enacted*, That any corporation or corporations under the laws of this state, be and they are hereby authorized and empowered to endorse the bonds of said company, and to subscribe and take any amount of the capital stock or bonds to be issued by said company ; and such corporation or corporations may issue additional stock in payment therefor, and be entitled to all the powers and privileges of stockholders of said company.

May lease the
road or con-
solidate with
or lease other
roads.

20. *And be it enacted*, That the president and directors of said company be, and they are hereby authorized and empowered, if at any time they shall deem it the interest of the company so to do, of leasing the said road or any part thereof to, or consolidating with, or to lease any railroad in this state that is now or may hereafter be built, by the consent of the stockholders owning or representing a majority of the stock ; the lessor company shall be subject to all the restrictions and liabilities, and entitled to all the privileges of this act, so far as the operating of this road is concerned, anything in their charter to the contrary notwithstanding.

Free passes.

21. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, the judges of the court of errors and appeals and other state officers whilst traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during the year for which they were elected, shall pass and repass on the railroad of said company free of charge.

Limitation.

22. *And be it enacted*, That if the said railroad shall not be completed and in use within ten years from the fourth day of July next ensuing, then and in that case this act shall be void.

23. *And be it enacted*, That this act shall be taken and deemed to be a public act, and shall take effect immediately.

Approved February 3, 1870.

CHAPTER III.

An Act to confirm the Acknowledgment and Proof of Deeds and other instruments of writing, taken by James P. Dunlap.

WHEREAS, it appears to the legislature that James P. Dunlap was duly appointed according to law, in April, eighteen hundred and sixty-five, one of the commissioners to take the acknowledgement and proof of deeds and other instruments of writing; and whereas, he was appointed from the township of Harrison, in the county of Gloucester, he then being a resident of said township, and was commissioned and sworn into office by virtue of said commission; and whereas, it appears that said James P. Dunlap removed from the said township of Harrison into the township of Franklin, in said county, and from a misapprehension of his authority under his said commission, continued to take acknowledgements and proofs after his said removal, by reason of which defective acknowledgements and proofs innocent persons may be subject to great loss; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments and proofs of deeds and other instruments of writing, taken and certified by the said James P. Dunlap, as commissioner after his removal from the township for which he was appointed, be and the same are hereby confirmed and declared valid and effectual, in like manner as though the same had been taken and certified by him before his removal from the said township of Harrison, from which he was appointed.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and take effect immediately.

Approved February 3, 1870.

Legalizing acknowledgments of deeds &c.

CHAPTER IV.

An Act to incorporate the Harmony Steam Fire Engine Company,
of the City of Trenton.Names of cor-
porators.Corporate
name.Amount of
capital stock,
and how ap-
plied.

Officers.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Taylor, Daniel H. Moore, William W. Fell, William Roberts, John B. Fell, Francis Pashley, Junior, Oliver Howell, Samuel T. Bellerjeau, Christian Fell, Matthew Moses, and all persons who now are or hereafter shall become associates of the Harmony Steam Fire Engine Company, of the City of Trenton, 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 Harmony Steam Fire Engine Company, of the city of Trenton," and by such name they shall have succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatever ; 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 corporate name aforesaid, and under their common seal, make, enter into, and execute any contracts or agreements touching or concerning the objects of said incorporation, and shall have full power and authority to make, form and adopt such form of constitution, and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.

2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of twenty thousand dollars, which shall be applied to the purchase and holding of real estate, and to the procuring of such implements and machines, and to such other incidental expenses as shall to the said company appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.

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

as they shall deem necessary for conducting their affairs. according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of the said company, and at the expiration of his term of office shall deliver it over to his successor; and in their corporate name may institute suits for the recovery of all fines, debts and arrearages due the company.

4. *And be it enacted*, That an annual statement of the financial affairs of the said company, signed by the president thereof, shall be placed upon the records of said company, not less than fifteen days, and not more than thirty days before each annual election. ^{Annual statement.}

5. *And be it enacted*, That this act shall take effect immediately.

Approved February 3, 1870.

CHAPTER V.

A Further Supplement to "An Act to incorporate Saint Mary's Orphan Asylum, in the City of Newark," approved March tenth, eighteen hundred and fifty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the pastor for the time being of Saint Joseph's Roman Catholic Church, in the city of Newark, and the respective pastors for the time being of such other Roman Catholic churches as may hereafter be established in said city shall be ex-officio members of the board of directors of St. Mary's Orphan Asylum. ^{Ex officio directors.}

2. *And be it enacted*, That the ex-officio members of said board other than the bishop for the time being shall be, ex-officio, vice-presidents of said board, and in the absence of the president at any meeting of the board the senior vice-president present at such meeting shall preside. ^{Vice presidents.}

3. *And be it enacted*, That ten members of said board of directors, of whom the president or one of the vice-presidents ^{Quorum of directors.}

shall be one, shall constitute a quorum for transaction of the business of the board.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 3, 1870.

CHAPTER VI.

An Act to incorporate the Saint Francis Temperance Benevolent Society, of New Brunswick.

Names of incorporators.

Corporate name.

Provide.

Election of directors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas Burnett, James H. Bates, Michael McFadden, Richard Ladley, Charles J. Harland and John Daley, and such other persons as are now or may hereafter be associated with them by becoming members, and their successors are hereby created a body corporate and politic, in fact and in name, by the name of "The Saint Francis Temperance Benevolent Society, of the City of New Brunswick," and by that name they and their successors shall and may at all times hereafter be capable in law of suing and being sued, purchasing, holding and possessing any lands, tenements, hereditaments and personal estate purchased, devised, bequeathed or given by any person or persons, body politic or corporate, capable of making the same; *provided always*, that the said corporation or body politic hereby created, shall not at any time hold or possess property, real, personal or mixed, the net income of which shall exceed the sum of five thousand dollars a year.

2. *And be it enacted*, That the persons named in the first section of this act as incorporators, or a majority thereof, shall, after ten days notice thereof, inserted in one of the newspapers printed and published in the city of New Brunswick, proceed to hold an election for a board of not less than five nor more than ten directors of said society, which board shall be composed of members of the society; and all persons who are now members of the said society, or who may

become members thereof before such an election, shall be entitled to vote at such election for said directors; and a majority of all votes cast shall be necessary for a choice of such directors.

3. *And be it enacted*, That the said board of directors so ^{Officers.} elected, shall immediately after said election, proceed to elect a president, vice president, secretary and treasurer from among their number; and the said board of directors shall hold their office for the term of one year after such election, and until others are duly elected in their stead.

4. *And be it enacted*, That hereafter the annual election ^{Annual election of directors.} of the board of directors shall be held on the third Wednesday in March in each and every year, of which election due notice shall be given as to the time and place as is required in the second section of this act, and members in good standing in said society shall be entitled to vote at such election.

5. *And be it enacted*, That the objects of this society shall ^{Objects.} be to provide for the temporal welfare of the members thereof by affording relief in case of accident or sickness, assisting in the expense of the burial of the deceased members, the encouragement of all persons to abstain from the use of alcoholic drinks, and for any benevolent and charitable purpose appertaining to said society.

6. *And be it enacted*, That the said society shall have ^{General powers.} power to make such by-laws, rules and regulations for the control and management of said society as shall be necessary and proper, and not inconsistent with the laws of this state or of the United States.

7. *And be it enacted*, That any vacancy occurring in said ^{Vacancies, how filled.} board of directors shall be filled by the remaining members of said board, who shall hold office until others are duly elected in their stead.

8. *And be it enacted*, That nothing in this act contained ^{Limitation.} shall in any way interfere with said society as it now exists, and until the same may be organized in accordance with the provisions of this act.

9. *And be it enacted*, That this act shall take effect immediately.

Approved February 3, 1870.

CHAPTER VII.

A Supplement to "An Act to incorporate the Gas Light Company of the City of New Brunswick," approved March nineteenth, eighteen hundred and fifty-one.

Preamble.

WHEREAS, it is represented that certain parties residing outside of the corporate limits of the city of New Brunswick are desirous to be supplied with gas by the said "The Gas Light Company of the City of New Brunswick," and desire the said company to be invested with the necessary powers; therefore

Extension of limits.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "The Gas Light Company of the City of New Brunswick" be and they are hereby authorized and empowered to continue and lay their gas mains so far beyond the corporate limits of the city of New Brunswick, and within the counties of Middlesex and Somerset, as they from time to time may deem expedient and necessary to supply gas to persons who now, or may hereafter, reside outside of the said corporate limits, and to erect gas posts and burners, supply gas, and charge for the same in as full and ample a manner as they have authority under their charter to lay mains, erect gas posts and burners and make and sell gas to the inhabitants of and in the said city of New Brunswick.

Penalty for injury to works.

2. *And be it enacted*, That if any person or persons shall willfully do, or cause to be done, any act or acts whatsoever, thereby to injure any conduit, pipe, cock, machine or other structure whatsoever of the said corporation, wheresoever the same may be situated, or any act or acts thereby to injure anything appertaining to the works of the said corporation wheresoever situated, or whereby the said works or any part thereof may be stopped, obstructed or injured, the person or persons so offending shall be deemed guilty of such offence, and on conviction thereof shall be punished in such manner, subject to such proviso as is mentioned and contained in the eighth section of the said act to which this act is a supplement.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 3, 1870.

CHAPTER VIII.

An Act to incorporate the Saint Michael's Total Abstinence Benevolent Society, of Jersey City.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Patrick Meehan, Dennis Leary, Hugh Murphy, Reverend John De Concilio, Patrick Kelly, James W. O'Brien, Daniel Hartigan, John Fleming, David Lane and John E. O'Brien, and such other persons as may hereafter be associated with them by becoming members of said society, and their successors, are hereby created a body politic and corporate by the name of "The Saint Michael's Total Abstinence Benevolent Society." Names of corporators. Corporate name.

2. *And be it enacted*, That all persons who are now members of said society as it is at present organized shall continue so to be under this act, and shall be entitled to all the privileges and advantages arising from this act of incorporation. Present members to continue so.

3. *And be it enacted*, That the persons who are now officers of said society as at present organized shall continue so to be under this act until others are duly elected in their stead by the members of said society. Present officers continued until others are elected.

4. *And be it enacted*, That there shall be an annual election for officers of said society, and all the members in good standing shall be entitled to vote thereat. Annual election.

5. *And be it enacted*, That the objects of this society shall be purely moral and charitable, being to provide for the temporal welfare of the members thereof by affording relief in case of accident or sickness, assisting to bury deceased members and the deceased wives of members, encouraging all persons to abstain from the use of intoxicating liquors, and for Objects.

any other benevolent or charitable purpose appertaining to said society.

General powers.

6. *And be it enacted*, That the said society shall have power to make such by-laws and regulations for its management as its members shall deem necessary and proper; *provided*, the same are not inconsistent with the laws of this state or of the United States.

Proviso.

7. *And be it enacted*, That this act shall take effect immediately.

Approved February 3, 1870.

CHAPTER IX.

A Supplement to "An Act to incorporate the Port Oram Iron Company," approved March thirty-first, eighteen hundred and sixty-eight.

May borrow money and secure the same by bond and mortgage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Port Oram Iron Company shall be and they are hereby authorized at any time during the continuance of its charter, to borrow such sum or sums of money from time to time, and for such time as shall be necessary for the purpose of paying existing debts, and for the uses and objects of said company and the due prosecution of its business, and to secure the payment thereof by the execution and negotiation of any note or notes, bond or bonds secured by mortgage upon its lands, property and appurtenances, franchises and machinery, or any part thereof, and to negotiate or sell said notes or bonds for the highest price the same will bring; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury in any suit in law or equity instituted to enforce the payment of any note, bond or mortgage executed under or in pursuance of this section, and the same shall not be invalidated by reason of the discount or deduction hereby authorized, nor shall any person or corporation incur any penalty therefor.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 3, 1870.

CHAPTER X.

An Act amendatory of "An Act for the relief of Joseph P. Brown, of the county of Monmouth."

WHEREAS, an act was passed by the legislature of eighteen hundred and sixty-nine, approved April first, granting to Joseph P. Brower, of the county of Monmouth, a soldier of the war of eighteen hundred and twelve, a pension of one hundred dollars per annum, but owing to an error in the engrossment of said act, the name was written "Brown" instead of "Brower," the treasurer could not pay the said pension, now, therefore to correct said error, and to effectuate said act,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and he is hereby authorized and required to pay to said Joseph P. Brower, or to his order, the sums, and at the times required to be paid by the act to which this is amendatory ; the sum due from the first day of June, eighteen hundred and sixty-nine, to be paid upon the approval of this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 3, 1870.

CHAPTER XI.

Supplement to "An Act to incorporate the Hudson County Gas Light Company," approved March sixth, eighteen hundred and sixty-three.

Increase of
capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the said company be and they are hereby authorized and empowered to increase the capital stock of said company to any amount not exceeding six hundred thousand dollars, divided in shares of fifty dollars each, as in the act to which this is a supplement is provided.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 3, 1870.

CHAPTER XII.

An Act to incorporate the Washington Kranken-Unterstuetzungs-Verein, of Washington, South River.

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Maximillian Frommel, Charles Wall, Alois Allgaier, Adam Zink, George Leonhard Koch, Charles Knaussmann, Henry Schroeder, senior, John Brown, John Adam, William Alberd, Christoph Hadler, Peter Hoffmann, Frederic Jacke, Gustav Wall, Jacob Levinson, Henry Schroeder, junior, John Hart, Christian Meincke, Robert Kohn, John Knab, Bartholomaeus StegmueUer, John Weich, John Weidman, Frank Rees, Konrad Brenker, Konrad Kohlhepp, John Hoffmann, Karl Alletse, Heinrich Becker, Frederick Engert, Konrad Sebold, Gg. Schweiger, Peter

Huber, Heinrich Lohmann, John Klein, Michael Klein, Charles W. Knaussmann, and such other persons as now are, or hereafter shall become members of the "Washington Kranken-Unterstützungs-Verein," are hereby constituted a body incorporate by the name aforesaid, to have perpetual succession, and to have a common seal.

2. *And be it enacted*, That the object of this corporation shall be the relief of the sick, the burial of the dead, and the protection of the widow and orphan.

3. *And be it enacted*, That the said corporation shall have power to adopt a code of by-laws for the better management of its finances, general business, election and duty of its officers; *provided*, that such by-laws shall not be repugnant to, nor inconsistent with the constitution of the United States or of this state.

4. *And be it enacted*, That the said corporation may hold real or personal estate, either purchased or devised, not to exceed the amount of twenty thousand dollars.

5. *And be it enacted*, That the said corporation shall possess all the powers and privileges, and be subject to all the restrictions and liabilities contained in the act entitled "An Act concerning corporations," passed and approved February fourteenth, one thousand eight hundred and forty-six, and the various supplements thereto.

6. *And be it enacted*, That this act shall take effect immediately.

Approved February 3, 1870.

CHAPTER XIII.

A Further Supplement to "An Act to incorporate the New Jersey Sugar Refining Company," approved March twentieth, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of said corporation be, and is hereby changed to "F. O. Matthiessen and

- Wiecher's Sugar Refining Company," and the capital of said corporation is hereby increased to four hundred thousand dollars; and said corporation is hereby authorized from time to time, as required by the exigencies of said company, to issue special stock to those who may advance money to said company, which said special stock shall, however, form no part of the capital stock of said company, or entitle the holder thereof to vote thereon, and the provisions of the general act entitled "An Act concerning manufacturing corporations," approved March twenty-second, eighteen hundred and sixty, in relation to the redemption of special stock, the dividends thereon, the liability of the holders thereof, and requiring the assent of the stockholders to the issue thereof, shall apply to all the special stock issued by this corporation.
- Meetings.** 2. *And be it enacted,* That the directors and stockholders may, by a vote of three-fourths of their number, hold their meetings in the city of New York or in Jersey City.
- Stockholders may surrender old and receive new stock.** 3. *And be it enacted,* That the stockholders may surrender the stock now held by them to said company, and thereupon the same shall be cancelled, and new certificates of stock issued for the number of shares in the old certificate, and for such additional number of shares as they may agree to take; and said new certificates shall contain such provisions, restrictions and conditions as may be agreed upon by the present stockholders, at a stockholders' meeting called for this purpose.
4. *And be it enacted,* That this act shall take effect immediately.
- Approved February 8, 1870.

CHAPTER XIV.

An Act to prevent Horses, Cattle, Sheep and Swine, from running at large in the Upper Township, county of Cape May.

- May impound horses, cattle, sheep or swine.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That it shall be lawful for any per-

son who may reside within the limits of the Upper Township, in the county of Cape May, to drive or convey, to any public pound which may be in the said township, any horses, cattle, sheep or swine, found running at large in the public highways or elsewhere, within the bounds aforesaid, and impound the same; and the keeper or keepers of any public pound in said township, is and are hereby authorized and required to receive such horses, cattle, sheep or swine, and the party (or the poundkeeper, if the duty be performed by him,) shall have thirty cents per head for driving or conveying to the pound each horse, head of cattle or swine, and ten cents for each sheep; and the poundkeeper shall also have thirty cents per head for every horse, head of cattle or swine, and ten cents for every sheep, for letting in the pound, and shall have the same fees per head on horses, cattle, sheep and swine, for letting out of the pound; and for feeding and attending, twenty-five cents per head for horses, cattle and swine, and ten cents per head for sheep, for every twenty-four hours or fractional part thereof they shall continue in said pound; and if the owner or owners of said horses, cattle sheep or swine so impounded, shall not pay the charges of impounding and keeping, within four days after such beast shall be impounded, and take the same away, it shall then be the duty of the poundkeeper to set up advertisements in five of the most public places in said township, describing such horses, cattle, sheep or swine, and giving at least ten days' notice of an intended day and place of sale; and if the owner or owners of such horses, cattle, sheep or swine, do not appear and redeem the said beasts before the time so notified, the said poundkeeper shall sell the same accordingly to the highest responsible bidder present; and out of the money arising from such sale shall pay the charges arising from conveying to the pound, and retain in his hands his fees for impounding, keeping and feeding, and letting out of the pound said horses, cattle, sheep and swine, and fifty cents for advertising sale and collecting the money for each horse, cattle, sheep or swine, and return the overplus to the owner or owners of said beasts; and if no owner or owners shall appear and claim such overplus, within six months after such sale, the same shall be paid to the collector of taxes of said township, by him to be held and accounted for as part of the funds of said township.

Duties of the
keepers of
pounds.

May sell the
same if own-
ers do not ap-
pear.

2. *And be it enacted*, That it shall be lawful for the

Election of
pound keepers

inhabitants of said Upper Township, at their annual town meeting, to elect annually any number of poundkeepers, not exceeding four, and authorize the erection of any number of pounds, to be situated at such places as shall be most convenient for purposes of impounding in said township.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, so far as the same may apply to the said Upper township, be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 8, 1870.

CHAPTER XV.

An Act to incorporate the Washington Market Association of the city of Trenton, in the County of Mercer.

Preamble.

WHEREAS, Geore Fitzgeorge, Adam Exton, Joseph B. Yard, John Taylor, Henry N. Barton, Casper Martino, Imlah and Charles Moore, Joseph G. Brearley, David Naar, Henry B. Howell, David Manko, John F. Klein and others, under and by virtue of an act entitled "An Act to authorize and encourage the improvement of property in this state," approved April ninth, eighteen hundred and sixty-seven, have associated themselves into a company under the name of the "Washington Market Association of the City of Trenton;" and whereas, for the better carrying out of the objects for which said company was organized, the said company are desirous of procuring a special charter and act of incorporation; now, therefore,

Names of cor-
rators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Fitzgeorge, Adam Exton, Joseph B. Yard, John Taylor, Henry N. Barton, Casper Martino, Imlah and Charles Moore, Joseph G. Brearley, David Naar, Henry B. Howell, David Manko, John F. Klein and their associates, heretofore known as "The Wash-

ington Market Association of the City of Trenton," and their successors and all other persons who shall become stockholders in the corporation hereby created, and their successors and assigns, be, and they are hereby made and constituted a body politic and corporate in law, by the name of "The Washington Market Association of the City of Trenton," for the purpose of erecting a market house or market houses, leasing, renting and using the same, and carrying on the business incident thereto, and for such purpose the said company shall or may raise by subscription by opening the books therefor, or otherwise a capital stock of sixty thousand dollars, to be divided into shares of fifty dollars each, with the privilege of increasing the same from time to time to any sum not exceeding two hundred thousand dollars; and it shall be lawful for said association to issue certificates of stock in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid; and it shall be lawful for the directors of said company to call and demand from the stockholders thereof respectively such installments, and at such times, and in such proportions, and upon such notice as they shall deem proper, not exceeding ten dollars on each share at any one time; and in case of failure by any stockholder to pay his or her installment or installments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments made thereon for the use of said company.

Corporate
name.

Amount of
capital stock.

Failure to pay
installments
to work a for-
feiture.

2. *And be it enacted*, That said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor to an amount not exceeding at any one time three-fourths of their paid up capital stock, and may sue and be sued in all courts of law and equity, and may have and use a common seal, and change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of this state or of the United States.

May purchase
and hold real
estate, borrow
money and
issue bonds.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than five nor

Directors, offi-
cers, &c.

more than eleven directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and shall hold their offices for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day and at such place as the by-laws of the said corporation shall direct, and until such annual election shall take place, Adam Exton, Joseph B. Yard, Henry N. Barton, Imiah Moore and David Naar, being stockholders, shall be directors of said corporation; a majority of the directors shall, on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors, by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Failure to
elect not to
dissolve.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election.

Annual state-
ment.

5. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same may be ascertained.

Office at Tren-
ton.

6. *And be it enacted*, That the meetings of the directors shall be held at such time and place as the board of directors, or their by-laws, shall from time to time designate, but the main office of the said corporation shall be at Trenton, where regular books of account shall be kept, which shall always be open at reasonable hours for the inspection of the stockholders; and that books of transfer of stock shall also be kept, and shall be evidence of the ownership of stock in all elections and other meetings.

Corporation,
how dissolved

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

created may be dissolved by a general meeting of the stockholders of the same specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being, and the survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for the settling of the affairs of the company, collecting and disposing of all its property and assets, paying its debts and dividing its surplus among the stockholders in proportion to their respective interests in the stock.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions set forth in an act entitled "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

9. *And be it enacted*, That this act shall take effect immediately.

Approved February 8, 1870.

CHAPTER XVI.

A Supplement to the act entitled "An Act for the Preservation of Sheep," approved April fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first, second, third, fifth, seventh and eighth sections of the act entitled "An Act for the Preservation of Sheep," approved April fourteenth, eighteen hundred and forty-six, shall not extend to, or be in force in the township of Montague, in the county of Sussex.

2. *And be it enacted*, That all acts and parts of acts consistent with the provisions of this act be and the same are hereby repealed, that this act shall be declared to be a public act, and shall take effect immediately.

Approved February 8, 1870.

CHAPTER XVII.

An Act for the relief of poor widows in communion with the
Third Presbyterian Church in Newark.

Preamble. WHEREAS, Luther Goble, deceased, late of Newark, devised by his will, to the executors thereof, certain lands in Newark, in trust for the benefit of poor widows in communion with said church; and the said executors, by authority of an act of the legislature of this state, passed February twenty-fourth, eighteen hundred and fifty-nine, sold the said lands and invested the proceeds thereof, as directed by said act, for the same uses and purposes; and since the said sale all the said executors have died, and there is no person authorized or disposed to take the charge and care of said fund; for remedy whereof,

Empowering trustees to take charge of fund, &c. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Third Presbyterian Congregation, in Newark, and their successors, be, and they are hereby authorized and empowered to take the charge and care of the said fund, for the uses and purposes before mentioned, to invest the same either in bond and mortgage or in other good and safe securities, and to pay the net interest or income thereof to the minister and session of said church for the time being, to be used and applied for the benefit of the said poor widows, as directed by the said donor, and by the said act above mentioned.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 8, 1870.

CHAPTER XVIII.

An Act to incorporate the Yantacaw Ice Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Kingsland, junior, Richard Kingsland, Abram W. Van Riper, Cornelius G. Vreeland, Arthur G. Hoffman, Joseph A. Dobbins, Thomas Wolfe, Isaiah C. Wolfe and William G. Schmitt, and such other persons as may associate with them, shall be, and they are hereby declared to be a body corporate and politic, in fact and in name, by the style and title of "The Yantacaw Ice Company," and shall be capable of suing and being sued at law and in equity, in all respects as natural persons; that they may gather and store ice, to be sold to the citizens of this state and of adjoining states, and to buy, hire, lease and hold all such property, real and personal, as the needs of the business of said company shall require, wherever their said business shall be carried on, and to dispose of the same at their pleasure.

Names of corporators.

Corporate name.
2. *And be it enacted*, That the said company shall locate their principal office in the county of Passaic or in the county of Essex, as they shall deem best.

Principal office.
3. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, but the same may be increased to two hundred and fifty thousand dollars, by a vote of the board of directors.

Amount of capital stock.
4. *And be it enacted*, That the persons above named, or a majority of them, shall be commissioners to receive subscriptions to said capital stock, at such times and places as they shall appoint, giving five days' notice of such time and place in one or more newspapers published in the city of Newark; and when one hundred shares of said stock shall have been subscribed for and ten dollars on each share so subscribed for paid to said commissioners, they shall call a meeting of the subscribers to such stock for the purpose of organizing the company by the election of directors; and when the

Commissioners to receive subscriptions.

Election of directors. board of directors is organized by the appointment of a president and other proper officers, the commissioners shall deliver to such president all moneys, papers and property in their possession and relating to said company; and if the subscribers to said stock fail to elect directors as herein provided, the persons above named shall be directors for one year and until others are lawfully chosen.

Business, how managed. 5. *And be it enacted*, That the business of the said company shall be managed by a board of directors, not less than five nor more than seven in number, each of whom shall be a stockholder in said company; that said board may elect all such officers as they deem necessary, and may appoint such agents and subordinates as in their judgment are required in their said business; that the directors and president shall hold office for one year and until successors are legally chosen in their stead; that elections for directors shall be held at such time and place and upon such notice as the directors by their by-laws shall direct.

Payment of installments. 6. *And be it enacted*, That a majority of the board of directors shall have power to transact all the business of the company, to call in all installments on the stock subscribed for in such amounts and at such time as they may direct, giving to each subscriber twenty days' notice, either personally or by a general publication in one or more newspapers published in the city of Newark, and also to declare forfeited to said company all shares upon which default in paying installments shall arise, and all previous payments thereon.

May issue stock in exchange for property. 7. *And be it enacted*, That the said company shall have power to issue stock to subscribers and others in payment, or in exchange for any property real or personal, or for any estate therein when the same shall be required, or proper to be used for and in the conducting of the business of the said company, and to receive the same in payment of subscriptions to the stock; that stock shall be transferable in such manner as said by-laws shall direct, and no transfer thereof shall be valid until the same is duly entered on the books of the company, and that no dividend shall be declared except out of the net profits of the company.

When company may commence operations. 8. *And be it enacted*, That when stock to the amount of ten thousand dollars shall have been subscribed for and paid in, it shall be lawful for said company to begin their operations under this act.

9. *And be it enacted*, That said company may erect, build,

maintain and operate a horse railroad from any point in the county of Passaic, or in the county of Essex, where they ^{May build a horse railroad} may have an ice depot to a point in the Passaic river in either of said counties for the transportation of ice exclusively; *provided always*, that they first obtain the consent of the ^{Proviso.} owners of the land over which they propose to lay said railroad, to the building, maintaining and operating such railroad.

10. *And be it enacted*, That this act shall take effect immediately, and shall continue in force for thirty years.

Approved February 8, 1870.

CHAPTER XIX.

A Supplement to an act entitled "An Act to incorporate a company to improve and encourage the Agricultural, Horticultural, and the Mechanical, Manufacturing and Scientific Arts and Productions, and the improvement of Blooded Stock of all kinds, of this State and of other States, at their discretion," approved March twenty-ninth, eighteen hundred and sixty-five.

WHEREAS, The persons named in the first section of the said ^{Preamble.} act to which this is a supplement, were thereby constituted a body corporate and politic, by the name of "The Long Branch and Sea Shore Improvement Association," with the rights, privileges and franchises in the said act mentioned and prescribed, and the said corporation through inadvertence, have omitted to pay the tax and assessment imposed upon their said act of incorporation, by the act entitled "An Act to increase the revenue of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight; and whereas, William D. Davis, one of the corporators named in the said first section of the said act, hath departed this life since the approval thereof; therefore,

- Revival of act. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said act, to which this is a supplement, shall stand revived, and have the same force and effect as if the said tax and assessment had been duly paid on or before the first day of July next, after the passage of the said act; *provided*, that the said tax and assessment imposed by the act entitled "An Act to increase the revenue of the state of New Jersey," shall be duly paid on or before the first day of July next, after the passage of this act.
- Proviso.
- New corporator. 2. *And be it enacted*, That Charles S. Lloyd be, and he is hereby appointed and substituted as one of the corporators of the said association in the place and stead of the said William D. Davis, deceased.
3. *And be it enacted*, That this act shall take effect immediately.
- Approved February 9, 1870.

CHAPTER XX.

Supplement to an act entitled "An Act to revise and amend the Charter of the City of Elizabeth," approved March fourth, eighteen hundred and sixty-three.

- How the city council shall award contracts for improvements. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the city council of the said city shall determine to cause any improvement to be made which shall contemplate the use of any patented process or materials, and the owners of one-half of the property in running feet along the line of the intended improvement shall remonstrate, in writing, against the use of any specified patent, or petition for the use of any specified patent or for the use of one of two or more specified patents in making such improvement, the said city council shall award the contract for the said work only in accordance with the request of such proportion of owners.
- Duties of mayor in regard to such contracts. 2. *And be it enacted*, That it shall be the duty of the mayor, before signing any contract for such work, to ascer-

tain if such contract has been so awarded, and if not, to return the same to the said city council unsigned, with his reasons therefor, whereupon the said city council shall proceed to reconsider their action, and award the contract in accordance with the provisions of this act.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 9, 1870.

CHAPTER XXI.

Supplement to an act entitled "An Act to incorporate the Morristown Institution for Savings," approved April ninth, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said "The Morristown Institution for Savings," to loan or invest any of the moneys deposited therein, in or upon the bonds of "The Morris School District," the bonds of the corporation of Morristown, or any bonds issued by any city or county of this state in pursuance of any law of this state.

May loan money on specified bonds.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 9, 1870.

CHAPTER XXII.

An Act to repeal an act entitled "An act to authorize the town committee of the township of Woodbridge, in the county of Middlesex, to have the roads in the said township worked by contract," approved March twenty-fourth, eighteen hundred and sixty-nine.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to authorize the town committee of the township of Woodbridge, in the county of Middlesex to have the roads in the said township worked by contract, approved March twenty-fourth, eighteen hundred and sixty-nine, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 9, 1870.

CHAPTER XXIII.

An Act to legalize and confirm the acts of the Township Committee of the township of Woodbridge, in the county of Middlesex.

Legalizing and
confirming
acts of town
committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acts and proceedings of the town committee of the township of Woodbridge, in the county of Middlesex, and of the overseers of the highways, or any of the officers of said township, had and done by them or any of them, in reference to the working and improvement of the public roads or highways in said township since the passage

of the act entitled "An Act to authorize the town committee of the township of Woodbridge, in the county of Middlesex, to have the roads in the said township worked by contract," approved March twenty-fourth, eighteen hundred and sixty-nine, be and the same are hereby in all things validated, legalized and confirmed in all respects the same as if the said recited act had not been passed, anything in the said act to the contrary notwithstanding.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 9, 1870.

CHAPTER XXV.

An Act to appoint Commissioners to superintend the drainage of certain lands lying in the township of Union, in the county of Union.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James L. Benedict, John Crane and John Teas are hereby appointed commissioners for the purpose of employing one or more persons to dig, excavate and make all such water courses, ditches and drains as are necessary to effectually drain and carry off the water from certain lands hereinafter described, and to do all other acts necessary and expedient to be done to carry out the objects and purposes of this act. Commissioners to drain lands.

2. *And be it enacted*, That the said draining shall commence with and in the Great Brook, known as the west branch of the Elizabethtown river, at its junction with Kean's mill pond, in the line of lands of John P. Sayre and the heirs of Richard Townley, deceased, and to continue with it in a westerly course to a bridge across said river on the road leading from David A. Williams' dwelling house to the Presbyterian Church at Connecticut Farms, and to extend to other ditches, water courses and drains emptying into the Great Brook to drain the low lands on either side of the same. Boundaries of the drainage.

Commissioners may enter on lands, &c., in performance of duties.

May assess costs and expenses on owners of lands.

How assessed, and assessments a lien on lands.

May sell crops, timber, &c., on failure to pay assessments.

Commissioners must take and subscribe oath.

3. *And be it enacted*, That the said commissioners, or a majority of them, shall have power and authority to enter upon said lands at any time and at all times and ascertain the proper width, depth and grade of the said Great Brook and ditches which, in their judgment, shall be necessary to make the said drainage effectual, and to remove the earth and other substances a sufficient distance from the bank to prevent the falling or washing in to obstruct said water courses and drains, and to assess the costs and expenses of the same, together with the pay allowed said commissioners for the performance of their duties under this act, upon the owners of the lands through which the said ditches, water courses and drains may be made, and upon the owners of such other lands lying immediately near, and which, in the judgment of said commissioners, are benefited thereby; and the costs and expenses shall be assessed pro rata, according to the valuation of the lands benefited, and the same shall be a lien upon the said lands benefited; and if any person or persons shall refuse to pay his, her or their assessment, after due notice, the said commissioners, or a majority of them, shall have power and authority, after two weeks advertisement of the same in a newspaper of said county, and ten days' notice in five of the most public places in the township, to sell any crops, pasture, wood, timber or the land of the person or persons so making default as aforesaid, sufficient to pay his, her or their assessment, with twenty per centum additional thereto, with costs; and the said commissioners, or a majority of them, shall have power and authority to appoint their successors in office, and shall each receive for their services two dollars per day for each and every day they are actually engaged in the performance of their duties under this act.

4. *And be it enacted*, That said commissioners, before entering upon their duties, shall take and subscribe an oath to faithfully and impartially perform their duties under this act, and as soon as said oath is taken they shall organize their commission and appoint one of their number who shall have power to perform all duties under this act, except as to making valuations of property and assessing the costs and expenses of said work upon the owners of the same; and the record and report of said commissioners shall be sufficient evidence of the indebtedness in each case respectively, and a defence for all their acts done under and by authority of this act.

5. *And be it enacted*, That the said work and drainage

shall be commenced on or before the first day of September, ^{When the} eighteen hundred and seventy, and shall be completed as ^{work shall be} soon thereafter as may be with due diligence of the same, ^{commenced} and continue yearly thereafter or as often as circumstances ^{and completed} may require to perfect said drainage; and that immediately after the said work, or any part thereof, shall have been completed, the costs and expenses of the same shall be assessed upon the owners of the land benefited thereby, which assessment shall be due and payable immediately upon a notice of the same being served upon or left at the residence of the person or persons so assessed.

6. *And be it enacted*, That it shall not be lawful for any ^{No dam to be} person or persons to erect any dam across the said brook or ^{erected to ob-} river, or in any way to obstruct the water course in the same; ^{struct the} and any person or persons so offending shall forfeit and pay ^{water course.} for every such offence the sum of fifty dollars, to be recovered ^{Penalty} in an action of debt in any court having cognizance of the ^{therefor.} same in the name of any one or more of the said commissioners, or any one or more of their successors in office, to be appropriated by them towards the expenses of said drainage.

7. *And be it enacted*, That it shall be the duty of the ^{Repairing} Elizabeth and Morristown Turnpike Company to repair and ^{turnpike} keep in repair the bridge on their road where the same ^{bridge.} crosses the said brook or river and cause the abutments of the same to be of sufficient depth and height and the bridge to be made sufficiently wide as to prevent any obstructions to said drainage.

8. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER XXVI.

An Act to incorporate the Readington Farmers' and Citizens' Mutual Life Insurance Company of New Jersey.

Names of cor-
porators.Corporate
nameMay purchase
and hold real
and personal
estate.

Proviso.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John H. Anderson, Joseph Thompson, Calvin Corle and Andrew Rarick, of the county of Somerset, Peter E. Voorhees, Aaron Thompson, Tunis V. M. Cox, and Aaron J. Thompson, of the county of Hunterdon, and William Hilliard, of Morris, and others, their successors and assigns, be, and they are hereby ordained, constituted and declared to be a body corporate in fact and in name by the name of "The Readington Farmers' and Citizens' Mutual Life Insurance Company of New Jersey," and by that name they and their successors shall and may have succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and that they and their successors may have a common seal and may alter and change the same at pleasure; and that they and their successors, by the name of "The Readington Farmers' and Citizens' Mutual Life Insurance Company of New Jersey, shall be, in law, capable of purchasing, holding, and conveying any estate, real, personal or mixed, for the use of said corporation; *provided*, that the real estate which it may be lawful for said corporation to hold, be only such as is or may be necessary for the corporation in the transaction of the business of said corporation, or such as shall be taken in security for or in payment of debts; nor shall the yearly value of such real estate exceed ten thousand dollars; *provided, also*, that the said corporation shall have power to purchase, if a majority of the directors shall think proper, all such real estate which may be sold by virtue of any mortgage or judgment for any debt or debts bona fide due said corporation for moneys loaned, or which may be due said corporation, or such as shall have been conveyed in satisfaction of debts previously contracted in the course of its business; and all such real estate as shall not be necessary for the transac-

tion of the business of the corporation, except lands mortgaged or conveyed as aforesaid, exceeding the annual value as aforesaid, shall be disposed of by the directors of the corporation within six years after the said corporation shall have acquired a complete title for the same, unless the said directors shall make it appear to the satisfaction of the clerk of the court of common pleas of the county of Hunterdon, or to one of the justices of the supreme court of the state of New Jersey, that it would be likely to be detrimental to the corporation to make a forced sale thereof at that time, then said justice or clerk may, at his discretion, extend the time for such sale as he may deem proper, not exceeding one year from the expiration of the time aforesaid.

2. *And be it enacted*, That all persons who shall insure in or with said corporation, while they continue so insured shall be deemed and taken for members thereof, and that the property and concerns of the said corporation shall be conducted and managed by not less than five, nor more than nine directors, and a majority of the directors shall be residents in the county of Hunterdon or Somerset, and shall not hold a similar office in any other life insurance company; the annual meetings of the company for the election of directors shall be held in the township of Readington, in the county of Hunterdon, or in the township of Branchburg, in the county of Somerset.

3. *And be it enacted*, That it shall and may be lawful for the said corporation to make insurances predicated upon the lives of persons resident in this state or elsewhere, on such terms and conditions as shall from time to time be ordered and provided for by the constitution or by-laws of said corporation, which constitution and by-laws the directors for the time being are authorized to make and alter, as they or a majority of them may deem proper for the best interests of the association; *provided*, the same shall not be repugnant to the laws of this state or of the United States.

4. *And be it enacted*, That the persons named in the first section of this act, be and they are hereby appointed directors of the corporation, to hold their offices until the fourth Tuesday in May, in the year of our Lord one thousand eight hundred and seventy-six, and until others are elected in their places; and that said directors, as soon as convenient after the passage of this act, and the directors which may hereafter be chosen agreeably to the provisions of this act, shall,

All persons insured members of corporation.

Directors.

May insure lives.

Directors and officers, and vacancies how filled.

as soon as convenient after their election, proceed to choose out of their own number a president, secretary and treasurer, who shall be residents in said county of Hunterdon or Somerset, who shall hold their respective offices contemporaneously with the directors and until others are appointed in their places, and in case of the death, resignation or inability to serve, such vacancy may be filled by such person or persons as the board of directors may appoint, and in case of the absence of the president or secretary, the directors shall have power to appoint a president or secretary pro tempore to fulfill the duties of said officers; they shall have power to appoint such additional agents, solicitors, actuaries, servants and assistants, from time to time, as they may deem proper to carry on the business of said corporation, with such allowances for services as they may think equitable and just; *provided*, that any one or more of said officers, agents, solicitors, actuaries, servants and assistants, may at any time be removed by a majority of the directors.

Proviso.

Directors and officers must take an oath.

Treasurer, &c. must give bond.

Funds, how invested

Rates of admission, annual fees and assessments.

5. *And be it enacted*, That each director, agent and other officer, before he enters on the duties of his office, shall make oath or affirmation that he will honestly, faithfully and impartially execute the duties and perform the services of his said office according to the best of his skill, knowledge and judgment; which oath or affirmation, the president, secretary or treasurer is hereby authorized to administer; the directors shall take bond of the treasurer and every collector, for such sums as they may think proper, for the faithful performance of their respective duties, before he enters upon the duties of his office.

6. *And be it enacted*, That the funds received by said corporation, in their business, after paying for the services of their officers, agents, servants and assistants, and all other necessary expenses of the association, may be invested in bonds and mortgages on unencumbered real estate, which real estate must be worth double the amount loaned thereon, or in bonds or stocks of the United States or of this state, or of the incorporated cities of the state.

7. *And be it enacted*, That it shall be the duty of the board of directors to arrange in classes, divisions and series, having regard to the age of the applicants for insurance, and also to fix the rates of admission, as well as the annual fees, and the assessments to be made upon the death of a person insured; and any person insured having due notice of an assessment

or annual fee, who shall refuse or neglect to pay the same to the treasurer or collector named in said notice, for the space of forty days, then said person shall no longer be taken as a member of said corporation, and all his or her interest in the funds of the association shall revert to the association.

8. *And be it enacted*, That no assessment shall be made upon any member, except upon the death of some other member of the class, division or series to which he or she belongs, No assessment made except in case of death. except the annual fees as may be prescribed by the constitution or by laws, which annual fee shall be due and payable on or before the first day of May in each and every year, after said person shall have been insured one whole year; a written or printed notice of any assessment or annual fee, deposited in any post office, by order of the directors, president or secretary, directed to the person so assessed, at the post office designated by said person, upon his or her application for insurance, (or in case of removal, to such post office as he may have notified the secretary in writing,) shall be taken and considered a legal notice of such assessment; but in case of forfeiture for want of payment, as prescribed in the seventh section of this act, the directors, at their discretion, may restore such delinquent to membership, if they are satisfied that the delinquency was not intentional.

9. *And be it enacted*, That any five of the directors shall constitute a quorum to transact business, but any three of said directors may be appointed as a committee by the board, and their doings, when approved by a majority of the whole board, shall be taken as the action of the board, and be thus entered on the minutes or books of the corporation; in case any person elected or appointed as director, officer or agent, shall neglect to take the prescribed oath or affirmation, for the space of sixty days after notice of his election or appointment, such election or appointment may be considered void, and the vacancy be filled by the other directors. Quorum of directors.

10. *And be it enacted*. That the first election for directors by the members of the association, shall be held on the fourth Tuesday in May, in the year of our Lord one thousand eight hundred and seventy-six, at the office of the association, or such place as the president, secretary and treasurer may designate, and on the fourth Tuesday in May in each and every year thereafter; which annual meetings shall be held in the township of Readington, in the county of Hunterdon, or in the township of Branchburg, in the county of Somerset; Election of directors.

notices of said meetings shall be given by the president or secretary for three weeks preceding, in at least one of the newspapers published in each of said counties; and in case it should so happen that an election should not be held on the day when, pursuant to this act, it ought to have been held, the corporation for that cause shall not be dissolved, but such election may be held on some future day, upon a similar notice.

Duties of secretary.

11. *And be it enacted*, That it shall be the duty of the secretary to give notice of all meetings of the corporation, attend the meetings of the directors and keep a faithful record of the proceedings, fill up all policies of insurance, countersign and seal the same, with the seal of the corporation, and do and perform such other duties as the board of directors, from time to time by the by-laws may direct; the treasurer shall take charge of all funds coming to his hands and invest the same as directed by the board of directors or the loaning committee; he shall not pay out any moneys for death losses, without the written order of the president, attested by the secretary or his assistant; and at least once in every year, or at any time within thirty days after a written notice, he shall present his account and vouchers to the directors for examination and settlement.

Books, &c., to be delivered over.

12. *And be it enacted*, That all books, papers, moneys and property in hand of any officer or agent, at the close of his term of office or agency, shall be delivered forthwith to such person or persons as a majority of the directors or their committee shall appoint to receive the same.

Treasurer may borrow money to pay losses.

13. *And be it enacted*, That the treasurer, by the direction of a majority of the directors, may borrow, if necessary, for the time being, such sum or sums of money, not exceeding ten thousand dollars, in the name of the association or otherwise, to promptly pay such losses as may be necessary to pay before the assessments may be collected; and the officers of the association shall be indemnified and saved harmless by the association, in and for giving and signing policies and all other lawful acts done and performed by them, in pursuance of and by virtue of this act, and of the constitution and by-laws of the association.

Proceedings in case of death of any person insured.

14. *And be it enacted*, That it shall be the duty of the president and secretary, or either of them, within twenty days after receiving due and legal notice of the death of any person insured to give notice, written or printed, or partly written and

partly printed, as aforesaid, to every member of the class, division or series, to which said deceased member belonged, of the said death; that such insured party may remit the proper dues to the treasurer; and within sixty days from the reception of said notice of death, the president shall direct the treasurer to pay over to the person or persons entitled by the policy to receive the insurance moneys guaranteed thereby.

15. *And be it enacted*, That any married woman may, in her own name, or in the name of a third person, with his assent as her trustee, cause to be insured the life of her husband for her sole benefit, on such terms and conditions as may be agreed upon with the directors; and in case of her surviving her husband, the insurance money becoming due and payable by the terms and conditions of insurance shall be payable to her for her own use, free from the claims of her husband's representatives or any of his creditors; *provided*, the amount paid for such insurance shall not exceed the sum of five hundred dollars per annum; and in case of the death of the wife before the decease of her husband, the amount of insurance may be made payable to her children for their use, or to their legally appointed guardian, if minors; the directors may also so arrange their by-laws that any person may insure the life of himself and his wife or friend in the same policy, and allow policies of insurance to be assigned as collateral or otherwise; but no assignment shall be binding upon the association until the same be approved by the secretary, and such approval be noted on the books of the association and endorsed on the policy.

Married woman may insure life of husband.

Proviso.

16. *And be it enacted*, That the directors hereby appointed, or a majority of them, shall meet at such time and place as may be deemed proper, within two months after the passage of this act, for the purpose of adopting a constitution and by-laws, and for the transaction of such other business as they may deem proper, which meeting any three of said directors may appoint, and shall give written notice to the other directors of the time and place of meeting.

By-laws of the company

17. *And be it enacted*, That the chartered privileges hereby granted do not include banking privileges; and if the privileges granted shall at any time prove injurious to the public welfare or need alteration, the legislature may modify, amend or repeal the same; *provided*, that no contract made by such corporation before such repeal shall be affected

Limitation

Proviso.

thereby, and that the said corporation shall have a reasonable time to bring their accounts to a final settlement.

18. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER XXVII.

A further Supplement to the act entitled "An Act to incorporate the Elizabethtown Steam Manufacturing Company," approved March fourth, eighteen hundred and forty-six.

Power to issue
bond or bonds
secured by
mortgage.

Proviso.

Proviso.

May sell
bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the board of directors of the said "The Elizabethtown Steam Manufacturing Company" to issue a bond or bonds payable within five years, to an amount not exceeding fifty thousand dollars, said bonds to be secured by a mortgage upon the real estate of the said company; *provided*, the said bonds shall not be issued in smaller denominations than five hundred dollars; *and provided, further*, that the said bonds shall bear interest at the rate of seven per centum per annum, payable semi-annually.

2. *And be it enacted*, That it shall and may be lawful for the said board of directors to offer for sale, and sell at the market price, the bonds by this act authorized to be issued.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER XXVIII.

A Supplement to the act entitled "An Act to incorporate the Paterson Savings Institution," approved April second, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said "The Paterson Savings Institution," to invest money left with them on deposit, in the bonds of the Passaic Water Company, by the purchase of such bonds at a rate or price not exceeding the par value of the same. May invest money in bonds of Passaic Water Company.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER XXX.

An Act to authorize the Board of Chosen Freeholders of the county of Morris, to erect a Soldiers' Monument in Morris county, and also to erect a suitable headstone at each unmarked grave in said county, of a soldier or sailor who fell in the late war for the suppression of the rebellion.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "The Board of Chosen Freeholders of the County of Morris," to cause to be erected in the county of Morris, a monument to the memory of the soldiers and sailors of said county who fell in the late war for the suppression of the rebellion, at an expense not exceeding fifteen thousand dollars. May erect a monument to the memory of soldiers and sailors.

2. *And be it enacted*, That it shall also be lawful for the said board to cause to be erected at each unmarked grave, in May place a head and foot stone at unmarked graves

said county, of a soldier or sailor who died or was killed in said war, a suitable head and foot-stone, at an expense not exceeding twenty dollars for each grave.

Proceedings
in raising the
amount re-
quired

3. *And be it enacted*, That it shall be lawful for, and shall be the duty of said board, to make out a certificate, under the hands of the director and clerk of the said board of the total amount necessary to be raised by taxation to meet the expenditure authorized by the preceding sections, and transmit the same to the board of assessors of the said county at the next or any subsequent meeting; and it shall be the duty of said board of assessors to apportion the said sum so certified among the several townships of the said county in the same manner that other county taxes are apportioned by them; and that it shall be the duty of the several assessors and collectors and other proper officers of said township, to assess and collect the said moneys in the same manner and at the same time that other township taxes are assessed and collected.

Duties of
township col-
lectors.

4. *And be it enacted*, That it shall be the duty of the said township collectors, immediately after receiving said moneys, to pay over the same to the county collector of said county on his voucher therefor; and it shall be the duty of the said county collector to pay the same to the order of the said "The Board of Chosen Freeholders of the County of Morris," as they may by resolution direct and appoint.

5. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER XXXI.

An Act for the relief of the Trustees of First Presbyterian Church, of the City of Perth Amboy, in the County of Middlesex.

Authorizing
sale of church
lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the First Pres-

byterian Church, in the city of Perth Amboy, in the county of Middlesex, and their successors in office be, and they are authorized and empowered hereby, to sell and convey by deed of indenture, or by mortgage, the land and premises, with the buildings thereon, situated on the easterly side of Market square, south of Market street, and on the westerly side of Rector street, between Market street and Gordon street, in the city of Perth Amboy aforesaid, being eighty-one feet in front on Market square, and fifty-six feet in front on Rector street, whereon the church buildings stand, now in the use and occupancy of said trustees and church, a part of which land and premises was conveyed to the pastor of said church and his successors, by John Angus and wife, by deed dated twenty-eighth of April, eighteen hundred and two, and a part to the said trustees by the same by deed dated first of February, eighteen hundred and fifteen, and Herman Bruen and wife, and Alexander M. Bruen, by deed dated twentieth of April, eighteen hundred and forty-eight, and for that purpose to make, execute, and deliver good and sufficient deed or deeds of conveyance or of mortgage for said land, or for any part thereof, and such deed or deeds of conveyance or of mortgage, shall be good and effectual in law, and shall pass all the estate vested in the trustees of said church.

2. *And be it enacted*, That all the right, title and interest, that was conveyed by the said John Angus and wife, in and by the deed dated twenty-eighth of April, anno domini eighteen hundred and two, to Elias Riggs, his successor and successors, being pastor of the said Presbyterian church, in trust for said church and congregation, be, and the same is declared to be vested in the trustees of said church, and all and every act of ownership which has been exercised by said trustees by virtue of said deed, be and the same is declared hereby to be valid and confirmed in law.

Right in lands
vested in the
trustees of the
church.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER XXXII.

An Act to Incorporate Mariola Lodge, Number Nine, Knights of Pythias of the State of New Jersey, located at Woodbury, New Jersey.

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| Names of corporators. | 1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That Edward W. Clayton, Barclay Mankin, George E. Pierson, James H. Pierson, Thomas P. Mathers, Benjamin C. Tatem, T. Brook Joslin, Adon W. Cattell, Edward Ballinger, Benjamin C. Packer, Samuel Sharp, William Milligan, Samuel Hopkins, Jacob M. Patterson and Joseph D. Ogden, and their associates, officers and members of "Mariola Lodge, Number Nine, Knights of Pythias, of the State of New Jersey," and their successors, be and they are hereby declared to be a body politic and corporate in law, by the name, style and title of "Mariola Lodge, Number Nine, Knights of Pythias, of the State of New Jersey," and by that name, they and their successors may at all times hereafter be able to sue and be sued, plead and be impleaded, and have full power to collect any debts now due and owing or which may become due and owing to the said "Mariola Lodge," in any court of law having cognizance of the same. |
| Corporate name. | |
| May hold real and personal estate. | 2. <i>And be it enacted</i> , That the said corporation shall and may at all times hereafter, be capable of having, holding, purchasing and possessing any lands, tenements, hereditaments and personal estate, purchased, devised or bequeathed by any person or persons, bodies corporate or politic, capable of making the same, and to grant, bargain, sell and dispose of the same, for the use of said corporation; <i>provided</i> , that the said corporation or body politic shall not at any time hold or possess property, real, personal or mixed, exceeding in value the sum of fifteen thousand dollars. |
| Proviso. | |
| May borrow money. | 3. <i>And be it enacted</i> , That for the purpose of erecting a suitable hall it shall and may be lawful for the said corporation to borrow money, and to secure the payment of the same, at the legal rate of interest in this state. |
| | 4. <i>And be it enacted</i> , That the management and disposi- |

tion of the affairs and property of the said corporation shall be vested in such officers as the constitution and by-laws of said corporation may prescribe, who shall be elected at such time and in such manner as the said corporation shall in its constitution and by laws direct; *provided*, such constitution and by-laws shall not be repugnant to the constitution and laws of this state or of the United States.

5. *And be it enacted*, That the property of said corporation or body politic, personal, real or mixed, which they now own or may hereafter possess, shall not be liable to any taxes whatever.

6. *And be it enacted*, That it shall and may be lawful for the said corporation to have a common seal, and the same at their will and pleasure to change, alter and renew.

7. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved February 15, 1870.

CHAPTER XXXIII.

A Supplement to the act entitled "An Act to incorporate the Indigent Widow's and Single Women's Home Society, of Trenton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "The Indigent Widows and Single Women's Home Society, of Trenton," to take and receive by gift, grant, bequest, devise or purchase, and to have, hold and enjoy for the uses and purposes of the said corporation, any real and personal estate the clear yearly income whereof shall not exceed ten thousand dollars; *provided always*, that whenever any property or estate shall be given, granted, bequeathed or devised to said society upon any special trust or for any special use or purpose, not incompatible with the object and design of said corporation, that such property or estate shall be held

and appropriated by the managers of said society in strict accordance with the trusts, uses and limitations in such grants and devises respectively contained.

Property not
taxable.

2. *And be it enacted*, That the property, funds and estate of the said society shall be exempt from taxation.

Approved February 15, 1870.

CHAPTER XXXIV.

An Act to incorporate the Cooper Improvement and Manufacturing Company.

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John B. Wood, Edward Bettle, Anthony M. Kimber, Alden C. Scovel and Horatio C. Wood, junior, and their associates shall be, and they are hereby declared to be a body corporate and politic, in fact and in law, by the name of "The Cooper Improvement and Manufacturing Company," and as such may sue and be sued, plead and be impleaded, may adopt a common seal and alter the same at their pleasure, may purchase, lease, convey, mortgage, hold and sell any goods, chattels, personal property, lands, tenements and rights thereon that may be required for the purposes of this act.

Corporate
name.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, which shall be subscribed to and paid in as the directors by their by-laws shall direct, but as soon as ten thousand dollars of the capital stock shall have been subscribed and shall be paid, it shall be lawful for said company to proceed and carry into effect the objects of this corporation, and in case of the failure of any stockholder to pay their installments within thirty days of the time appointed for the payment thereof, such stockholders shall incur a forfeiture of their share or shares to the company.

3. *And be it enacted*, That the capital stock of the said

company shall be deemed personal property, and the shares ^{Stock trans-ferable.} shall be transferable only on the books of the company, in such manner as the board of directors by their by-laws may direct, and every share shall entitle the holder to one vote, either in person or by proxy.

4. *And be it enacted*, That the affairs of the company ^{Directors, how chosen, &c.} shall be managed by not more than seven nor less than three directors, to be chosen by the stockholders of the said company annually at such times and in such manner as the by-laws of the company may direct, who shall serve for one year until others are chosen in their stead, notice of which said election shall be previously given for two weeks in one or more newspapers published in the county of Camden; the said directors shall from time to time elect a president from their number, as well as other officers, as they may deem necessary.

5. *And be it enacted*, That John B. Wood, Edward Bet- ^{Objects of the corporation.} tle, Anthony M. Kimber, Alden C. Scovel and Horatio C. Wood, junior, shall be the first directors of the said company, and shall attend to the organization of said company, and shall continue until others are elected in their stead, and that the business of the said company shall be the improvement of the lands and properties lately belonging to Isaac Cooper, deceased, situate in the county of Camden, and such other contiguous properties in said county as may be required or valuable to such improvements, and that the said company are hereby empowered to improve all lands and lands covered with water that shall be purchased or held by them, by erecting factories, dwelling houses, or other necessary buildings, and by manufacturing and selling cotton and other fibrous material, and shall have liberty to fill up, raise, occupy, possess and enjoy as their own property, all lands covered with water which they may hold or purchase, or which may lie in front of lands along any shore which they may hold or purchase, and may build, enlarge and improve on such lands any dock, wharf, pier, bulkhead, slip, or other structure, which they may deem necessary for commercial or other purposes; *provided*, that in the carrying out the provisions of this sec- ^{Proviso.} tion they shall not injure the navigation of the Delaware river or any other waters, and shall not interfere with legal rights and privileges of others, or of the rights of the state to the lands under water, or fill in or reclaim any lands ex-

cept in front of the lands which they may hold or purchase along the shore.

Approved February 15, 1870.

CHAPTER XXXV.

An Act for the relief of the Maurice River Steamboat Company.

Preamble. WHEREAS, The Maurice River Steamboat Company was incorporated by an act of the legislature of New Jersey, approved March second, eighteen hundred and sixty-nine, but failed to pay, at the proper time, the assessment required by law to be paid to the secretary of state, whereby said act became null and void ; and, whereas, the law has since been complied with and the assessment paid, and the company organized ; therefore,

Revival of act. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said act entitled " An Act to incorporate the Maurice River Steamboat Company," approved March second, eighteen hundred and sixty-nine, be and the same is hereby revived, and all the rights, privileges and franchises conferred by the said act of incorporation shall be held and enjoyed by the said company in all respects the same as if said tax had been paid at the time required by law, and all the proceedings heretofore done by the said company under the said act of incorporation are hereby validated and confirmed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER XXXVI.

A Supplement to the act entitled "An Act to incorporate the Perth Amboy and Bound Brook Railroad Company," approved March eleventh, eighteen hundred and fifty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for the commencement of said railroad be extended to the fourth day of July, eighteen hundred and seventy-five, and that the time for the completion of said railroad be extended to the fourth day of July, eighteen hundred and eighty. Extension of time for commencement and completion of road.

2. *And be it enacted*, That James Bishop, Wright Robins, James M. Chapman, John Arnold, Alfred Hall, and James L. Kearney, be added to and associated with the corporators and commissioners named in the first section of the act to which this is a supplement, in place of Joseph D. Forbes, James T. Crowell, Albert R. Speer and Lewis Golding, deceased. Additional corporators.

Approved February 15, 1870.

CHAPTER XXXVIII.

An Act to incorporate the Paterson Steam Fire Engine and Machine Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John A. Nichols, Richard Harell, David Stoddard, William H. Hayes, Alexander Baxter and William H. Taylor, and the survivors of them, and such other persons as may hereafter be associated with them, be, and they are hereby created a body politic and corporate, in fact and in law, by and under the name of "The Paterson Steam Fire Names of corporators.

Corporate
name and ob-
jects.

Engine and Machine Manufacturing Company," for the purpose, and with the power and authority of carrying on, in the county of Passaic, in this state, the business of manufacturing steam fire engines, and every kind of machinery and machines, and all kinds of mill or factory work, composed entirely or in part of either wood or metal, or both, and of buying and selling the same, and all other goods and articles necessary and proper to be used in the business authorized by this act; and by the said name shall have continued succession, and be capable of holding, purchasing, leasing mortgaging and conveying any lands, tenements, goods and chattels necessary or proper for the purposes of the corporation hereby created; and the principal office of said company shall be at Paterson aforesaid.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with liberty to the directors to increase the same to any amount not exceeding two hundred thousand dollars, to be divided into shares of one hundred dollars each; and the persons named in the first section of this act are hereby authorized to open books of subscription, and take and receive subscriptions to such capital stock, at such time or times, and in such manner, and to such extent, not exceeding the amount herein authorized, as they shall deem proper; and whenever the same shall be paid, or satisfactorily secured to be paid, to the extent called for, the said company may commence business; and the persons before named and the directors of said company may receive in payment of subscriptions for stock any land, buildings, machinery or other property by them deemed necessary or proper for the use of said company, and at such valuation as a majority of said directors shall approve.

Election of di-
rectors, &c.

3. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by not less than three nor more than seven directors, being stockholders, one of whom shall be president, to be appointed by said directors, who, after the first directors hereinafter named, shall hold their offices for one year, and until others shall be elected in their stead; the number of directors may be fixed from time to time by the stockholders, at their annual meeting; and the directors shall be chosen annually on the second Monday of January, or on such other day, and at such place in the county of Passaic as the directors shall, by their by-laws or otherwise, from time to time appoint, public

notice for at least ten days previous, of the time and place being given in one of the newspapers published in the city of Paterson, by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled, either in person or by proxy, to as many votes as he shall hold shares of the capital stock, and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors may appoint such officers, superintendents and agents, and assign such compensation, as a majority of said directors shall think fit; and if any vacancy, by death, resignation, or otherwise, shall occur among the directors named in this act, or those hereafter to be elected, such vacancy may be filled by the remaining directors, or a majority of them; and the said John A. Nichols, Richard Harrell, David Stoddard, William H. Hayes, Alexander Baxter and William H. Taylor, shall be the first directors of said company, and shall serve as such until the second Monday of January next, and until others are legally chosen.

4. *And be it enacted*, That it shall be lawful for the directors of said company to call in and demand from the subscribers to said capital stock, the amount subscribed by them, at such times and in such proportions as they shall deem proper, under the penalty of forfeiting the shares by them respectively subscribed, and all previous payments made thereon, if such payments shall not be made in thirty days after demand thereof by service of notice upon them or publication thereof in one or more of the newspapers published in the city of Paterson.

May call in amount subscribed, under penalty of forfeiture.

5. *And be it enacted*, That in case an election for directors shall not be made on the day specified in this act, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on such other day as may be provided by the by-laws of said corporation, or by resolution of the board of directors.

Failure to elect directors not to dissolve.

6. *And be it enacted*, That a majority of the directors shall form a quorum for the transaction of the business of said corporation, who shall have power to ordain, establish, and put into execution such by-laws, ordinances and regulations as they shall deem necessary and proper for the government, management or disposition of the stock, effects, profits and concerns of the said corporation; *provided*, that the same be not contrary to the constitution and laws of this state or of the United States.

Quorum of directors, and powers

Proviso.

Stock trans-
ferable.

7. *And be it enacted*, That the stock and property of said corporation, of whatever name or kind, shall be deemed personal estate, and the said stock shall be transferable in such manner as the directors may prescribe, but no transfer of stock shall be valid or effectual until such transfer shall be entered and registered in the books to be provided and kept by the president and directors for that purpose; and no dividends shall be declared except out of the net profits of the company.

How dissolved

Proviso.

8. *And be it enacted*, That the said company may be dissolved at any general meeting of the stockholders thereof specially convened for that purpose by the president upon twenty days' notice, in writing, served upon each stockholder or by publication for the same period of time in two newspapers of the city of Paterson; *provided*, at least three-fourths in value of the stock shall be present or represented thereat by the said stockholders; and upon such dissolution, the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interests in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three, nor more than five in number, for such purpose, in which case the persons so appointed, and the survivors and survivor of them shall be trustees for the purposes aforesaid; and the said trustees may use the corporate name of the company in all proceedings necessary and proper in the settlement and prosecution of any claim or business, and the transfer and sale of any property of the company.

9. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER XXXIX.

An Act to incorporate the New Jersey State Homeopathic Medical Society.

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators. of the State of New Jersey, That Doctors J. J. Youlin, F. B. Mandeville, F. A. Rockwith, F. Nichols, T. Y. Kinnie, E. C. Webb, R. M. Wilkinson, W. McGeorge, A. P. Macomber, W. H. Sanborne, George W. Bailey, H. F. Hunt, C. J. Cooper, Joseph Moore, M. W. Wallens, E. R. Tuller, E. H. Phillips, L. Dennis, D. E. Gardiner, W. Ward, and their successors and associates shall be and they are hereby constituted a body politic and corporate, in law and in fact, by the name of "The New Jersey State Homeopathic Medical Society," and shall and may have and use a common seal and Corporate name. alter the same at their pleasure, and, as such corporation, possess all the powers and privileges, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved February the fourteenth, eighteen hundred and forty-six, and the various supplements thereto.

2. *And be it enacted,* That the object of this society shall Object. be the advancement of the science of medicine and the protection of their legal rights.

3. *And be it enacted,* That any one who is a graduate of Who may be members. a medical college or school authorized by law to confer degrees, may be proposed as a candidate for membership, by satisfying the board of censors, that may be appointed by said corporation, of his good moral character and suitable attainments in the theory and practise of medicine and surgery, and complying with provisions of such by-laws as said society may from time to time adopt, may be a member of this society.

4. *And be it enacted,* That the officers of the society shall Officers. be a president, three vice-presidents, recording secretary, corresponding secretary, treasurer, board of censors, and such other officers as the society may think proper from time to

time to appoint, who shall hold their respective offices for such time as may be fixed by the by-laws of said society.

First meeting. 5. *And be it enacted*, That the first meeting of said society shall be held in Library Hall, at Newark, on the second Tuesday of April next, at eleven o'clock in the forenoon, when the regular officers of said society shall be elected, and yearly thereafter at such time and place as the society from time to time shall designate.

Benefits and privileges of members. 6. *And be it enacted*, That the regular members of this society shall have all the benefits and privileges that any duly licensed physician or surgeon now has or may hereafter have under any law of this state; and such society shall have full power to establish and organize county and district societies in this state, and frame and regulate fee bills.

May hold real and personal estate. 7. *And be it enacted*, That said corporation may hold real and personal estate to the amount of twenty-five thousand dollars.

8. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER XL.

A Supplement to an act entitled "An Act to incorporate the Hudson County Hospital, of Hudson County," approved March twelfth, eighteen hundred and sixty-one.

Medical and surgical staff of hospital 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the medical and surgical staff of said hospital shall consist of such and so many physicians and surgeons as the board of regents shall judge necessary to attend the said hospital, and the sick and diseased patients admitted from time to time to the benefits of said charity; the regents shall appoint annually such medical and surgical staff, and, whenever requisite, may appoint as many assistants as they shall deem necessary; the regents may suspend any member of said medical or surgical staff who shall

in the opinion of a majority of the regents present at any meeting of the regents regularly called, have mis demeaned himself, or be found incompetent, a charge in writing detailing the matter complained of, with a notice of the time and place of meeting of the regents to investigate the same, shall be served upon the party sought to be removed, at least twelve days before the meeting of the board of regents; and a vote of the majority of the regents present shall be necessary to suspend or remove any member of the medical or surgical staff.

2. *And be it enacted*, That the regents may grant in perpetuity, on such terms as they may determine, a bed or beds and a right to send one or more patients to be treated in said hospital, to such person or persons, or corporation as shall comply with the terms upon which the said regents shall determine such grants shall be made, and such right to use a bed or beds, and to have one or more patients treated in said hospital, shall vest in the grantee, his executors, administrators and assignees forever, and may be devised or donated by the holder of such grant and such rights, and shall not be liable or subject to any debt or judgments against the holder thereof, or to be sold under execution or any civil process whatever.

3. *And be it enacted*, That section ten of the act entitled "An Act to incorporate the Hudson County Hospital, of Hudson county," approved March twelfth, eighteen hundred and sixty-one, be and the same is hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER XLII.

A Supplement to "An Act to establish Free Public Schools at Englewood, in the county of Bergen," approved April third, eighteen hundred and sixty-seven.

Trustees shall
certify the
amount re-
quired to pay
money, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees who are acting in said district, and their successors, shall certify to the assessor of said township the amount required to pay off borrowed money secured by mortgage, and the same shall thereupon be assessed and collected by the said assessor and collector, and paid over as other moneys are directed to be assessed, collected and paid over by section three of said act.

Annual elec-
tion.

2. *And be it enacted*, That hereafter the annual election of trustees shall be held on the first Monday in September in each year, and the trustees who are now acting, shall hold office with all its powers till others are elected in their stead, and their acts heretofore done are confirmed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER XLIII.

An Act to incorporate the Hardiston Lime Company, of the County of Sussex.

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John H. Brown, John Rutherford, William T. Coggeshall, Samuel A. Beardslee, and John L. Brown and their associates, be and they are hereby created a body politic and corporate, in fact and in law, by the

name and style of "The Hardiston Lime Company, of the County of Sussex," for the purpose of manufacturing lime, brick, tile and peat, and selling and dealing in the same, and for such purpose the said company shall or may raise by subscription, by opening the books therefor, or otherwise, a capital stock of fifteen thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time to any amount not exceeding fifty thousand dollars, and it shall be lawful for said company to issue certificates of stock, in whole or in part, in payment for any real or personal property purchased or leased by said company for the purposes of their business aforesaid, and may commence business when twenty-five per centum of the capital stock is subscribed.

2. *And be it enacted*, That the said corporation may purchase, lease, use, hold, possess and enjoy such real estate as they may deem necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor, not to exceed at any time two-thirds of their capital stock, and may sue and be sued in all courts of law and equity; and may have and use a common seal, and may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and shall hold their office for one year and until others are chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place as the by-laws of said corporation shall direct; and until such annual election shall take place, the five persons named in the first section of this act, being stockholders, shall be directors of said corporation; a majority of the directors shall, on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business; and all business matters brought before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resig-

nation, or the failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Failure to
elect direc-
tors not to
dissolve.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, such notice being given of the time and place of such election as the by-laws shall prescribe.

May construct
a railroad
over their
lands, &c.

5. *And be it enacted*, That the said corporation shall be, and is hereby authorized and empowered to construct a railroad over their lands, and over contiguous lands, with the consent of the owners, or if for any reason, no agreement can be made for the use or purchase thereof, then the said company may proceed to acquire the same in the manner provided in the sixth and seventh sections of the act entitled "An Act to incorporate the Pequannock Peat and Manufacturing Company," approved February twenty-sixth, eighteen hundred and sixty-seven, and to keep, maintain and use the same for the transportation of limestone, lime, brick, peat and other materials thereon, belonging to said corporation, and to connect the same with any railroad in the township of Hardiston or Vernon.

Annual state-
ment.

6. *And be it enacted*, That the said directors shall submit to the stockholders at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

Principal of-
fice.

7. *And be it enacted*, That the principal office of the said company shall be in the township of Hardiston, in the county of Sussex, and that the regular books of account shall be kept in the said office, to which books of account any stockholder may have free access at all reasonable times for the purpose of inspection, and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

How dissolved

8. *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stock-

holders of the same, specially called for that purpose; *pro-Provided*, that at least two-thirds in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being, and the survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for the settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts and dividing its surplus among the stockholders, in proportion to their respective interests in the stock.

9. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same may be applicable. General powers.

10. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER XLIV.

An Act to incorporate the German Co-operative Stock Company, of the City of New Brunswick.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Aaron Wolfson, Ignats Frank-Names of corporators.enstien, Edward Schmidt, Anton Vichman, William Schaffer, Peter Hurstman, Theodore Silver, Ernest Brehm, Jacob Weber, Anton Dambach, and Constantine Hingher and their successors, be, and the same are hereby declared to be a body politic and corporate, in fact and in law, by the name, style and title of "The German Co-operative Stock Com-Corporate name.pany of the City of New Brunswick," and by that name shall be capable of purchasing and holding, mortgaging and conveying any real and personal property, not exceeding in value the sum of one hundred thousand dollars, and have power to sue and be sued; plead and be impleaded in all

courts and places ; to make and use a common seal and alter the same at pleasure, and to make by-laws, not inconsistent with the constitution or laws of the United States, or of this state, for the management of the property, the regulation of the affairs and for the transfer of the stock of the said corporation.

Object.

2. *And be it enacted*, That the general object of said corporation is declared to be the purchase and improvement of real estate, in the county of Middlesex, in this state, for the benefit and purposes of the said association.

Amount of
capital stock.

3. *And be it enacted*, That the capital stock of the said corporation shall be one hundred thousand dollars, divided into shares of two hundred dollars each, which shall be subscribed and paid at such times, in such manner, in such installments and upon such notice ; as the directors of the said association, by their by-laws, may direct and appoint ; and in case of failure by any stockholder to pay his or her installments at the time and place appointed by the said by-laws for the payment thereof, such stockholder shall, at the option of the directors of said association, incur a forfeiture of his or her share or shares and of all previous payments thereon for the use of the said association.

Stock trans-
ferable.

4. *And be it enacted*, That the capital stock of the said association shall be deemed personal property and the said shares shall be transferable only on the books of the said association in such manner as the said by laws thereof may direct, and every share of said stock shall entitle the holder thereof to one vote, either in person or by proxy.

Directors and
officers.

5. *And be it enacted*, That the management and disposition of the affairs and property of the said association, shall be vested in a president, secretary, treasurer and eight directors, who shall be stockholders and residents of the City of New Brunswick, who shall be elected by the stockholders of the said association at such time and in such manner as may be prescribed in the said by-laws and a majority of the board of directors shall be a quorum for the transaction of business.

Penalties.

6. *And be it enacted*, That the said association may impose penalties for any breach of the by-laws thereof, not exceeding one dollar for each offence.

How dissolved

7. *And be it enacted*, That the said corporation may be dissolved at a general meeting of the stockholders specially called for that purpose ; *provided*, that at least three fourths

Proviso.

in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being and the survivor or survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for settling all the affairs of the said corporation, collecting and disposing of its property and assets, paying its debts and dividing the surplus among the stockholders in proportion to their respective interest in the stock.

8. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER XLV.

An Act to authorize the President and Trustees of the Methodist Episcopal Church of Lumberton to sell and convey certain real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Mahlon Kirkbride, Joseph R. Lippincott, James L. Chambers, George O'Conner, Ira Howell, Isaac F. Ballinger, William B. Endicott, the "President and Trustees of the Methodist Episcopal Church of Lumberton," or their successors in office, or any five of them be, and are hereby authorized and empowered to sell and convey any and all the real estate and appurtenances, situate in Lumberton, in the county of Burlington, now held by them in trust as the property, or for the use and benefit of the said society, of the "President and Trustees of the Methodist Episcopal Church of Lumberton," or which is the property of said society, by virtue of any deed or deeds whatsoever, bearing date prior to January, anno domini eighteen hundred and seventy, and for that purpose to make, execute and deliver a good and sufficient deed or deeds of conveyance therefor, to the purchaser or purchasers of the same, and that all and every such deed or deeds of conveyance shall be good and effectual in law.

Power to sell
and convey
church lands.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.
Approved February 15, 1870.

CHAPTER XLVI.

A Further Supplement to an act entitled "An Act to authorize the Water Commissioners of Hoboken to contract for and introduce water into said city and provide for the payment thereof," approved March twentieth, eighteen hundred and fifty-seven.

- Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "which said notes, bonds, scrip, or certificates of debt, shall not be sold for less than the par value thereof," in the third section of the act to which this is a supplement be stricken out of said section ;
- Proviso. *provided*, that whenever the said commissioners shall sell any of the said notes, bonds, scrip or certificates of debt for less than the par value thereof, they shall first advertise the time and place of such sale in a newspaper, printed and published in the city of Hoboken for at least one week next before said sale and in such case the same shall be disposed of by sealed proposals or at public sale, to the highest bidder.
2. *And be it enacted*, That this act shall take effect immediately.
Approved February 15, 1870.

CHAPTER XLVII.

A Further Act to provide for the improvement of Main street,
in the township of East Orange.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of East Orange, may, by contract or otherwise, grade, pave and macadamize the main street in said township, and set curb and gutter stones along the same, and complete the same during the present year of eighteen hundred and seventy.

2. *And be it enacted*, That for the purpose of paying the cost of such grading, paving and macadamizing, authority is hereby given to the said township committee to issue the bonds of "The Inhabitants of the Township of East Orange, in the County of Essex," in their corporate name and capacity, for any sum not exceeding in the aggregate the sum of fifty thousand dollars, and for any term or terms of years, not exceeding ten years, that said bonds shall bear interest at a rate not exceeding seven per centum per annum, which shall be payable semi-annually; *provided*, that not more than ten thousand dollars of the principal money of said bonds shall be made to fall due in any one year.

3. *And be it enacted*, That said bonds shall be signed by the chairman of the township committee, in pursuance of a resolution to that end, in which a majority of said committee shall concur, that the common seal of the inhabitants of said township shall be affixed to said bonds, and that such resolution, signing and sealing, shall be certified to by the clerk of said township, and the said bonds when so executed shall be the valid and lawful obligations of the said inhabitants of said township, according to the tenor thereof.

4. *And be it enacted*, That the said township committee may negotiate and sell such bonds upon the most favorable terms they may be able, with reasonable care, to make.

5. *And be it enacted*, That the township committee of said township shall in each year, direct the assessor of said township to levy upon the taxable property thereof, in addition to

all other taxes and assessments, such sum as they may ascertain to be necessary for the payment of the principal and interest, which will become due on said bonds before the time for payment of the succeeding annual assessment in said township, which sum shall be assessed and collected at the same time, in the same manner, and by the same means as the other township taxes.

Repealer.

6. *And be it enacted*, That this shall be deemed a public act; that all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER XLVIII.

An Act to change the name of the Passaic Valley and Peapack Railroad Company.

Change of
corporate
name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the "Passaic Valley and Peapack Railroad Company," a corporation chartered by an act entitled "An Act to charter the Passaic Valley and Peapack Railroad Company," approved the twenty-ninth day of March, eighteen hundred and sixty-five, shall be and is hereby changed to, and the said corporation shall hereafter be known by the name of the "New Jersey West Line Railroad Company"; the company shall continue to be the same corporation as heretofore, and all the rights, powers, privileges and obligations of, and pertaining to said corporation by virtue of any law of this state, shall be and remain the same under and in the name in this section designated as the new name of said company, as if the name of said company had not been changed.

Proceedings
relative to
taking land
may be con-
tinued.

2. *And be it enacted*, That any proceedings heretofore commenced relative to the taking of land by said company for their railroad may be continued by, or against the company in the name by which the company has heretofore been known,

or, if the company shall prefer, in the name by which the company is, by the first section of this act, hereafter to be known.

3. *And be it enacted*, That in any proceedings heretofore had or taken, or hereafter to be had or taken under or by virtue of the act entitled "An Act to authorize certain towns in the counties of Somerset, Morris, Essex and Union, to issue bonds and take stock in the Passaic Valley and Peapack Railroad Company," approved the ninth day of April, eighteen hundred and sixty-eight, the name by which the said company shall hereafter be designated, shall be the name by which by the first section of this act, said company is hereafter to be known; and all the provisions in said act, the title of which is recited in this section, shall hereafter be in force and apply to the said company, by the name by which by the first section of this act said company is hereafter to be known.

Proceedings
relative to
bonds and
stock issued
by towns.

4. *And be it enacted*, That the bonds the company are authorized to issue and mortgages to secure bonds may be made in the name in this act designated as the name of said company, and any of the bonds of the company may be by the terms thereof made, and may be convertible into stock of the company; and the company may increase the capital stock of the company, in addition to the amount now authorized, to an amount equal to the bonds convertible into stock which may be issued by said company.

Bonds and
mortgages
may be in
changed cor-
porate name.

5. *And be it enacted*, That the five days' notice of appeal mentioned in the seventh section of the act the title of which is recited in the first section of this act, may be served on or before the first day of the term of the court next after the decision of the commissioners from which an appeal may be taken, and the petition to be filed on such appeal must be filed on or before Monday of the second week of said term, and the proceeding may be heard, tried and finally determined during the said term next after the decision of the commissioners.

Notice of ap-
peal.

6. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER XLIX.

An Act to incorporate the Father Matthew Total Abstinence Benefit Society, Number One, of Warren County, New Jersey.

Names of corporators.

Corporate name.

Officers.

Treasurer to give bonds.

May hold real and personal estate free from taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Michael Leonard, James Nolan, Patrick J. Hayes, John Sullivan, Patrick Call, James O'Flaherty, Michael McCann and John B. Finnegan, and such other persons as may hereafter be associated with them, are hereby incorporated as a Temperance Society, to be known as the "Father Matthew Total Abstinence Benefit Society, Number One, of Warren County, New Jersey," and the said persons and their associates [and] successors shall have full power to elect by a majority of its members, semi-annually, at such times as their by-laws may prescribe, eight members of said society as its officers, viz: a president, vice president, treasurer, recording secretary, financial secretary and three trustees, said trustees shall serve for one year, to manage the business and affairs of said society, and said society shall also be empowered to have a fee for initiation into membership, not exceeding five dollars, for each member so admitted, and to impose such fines for non-performance of duty or non-attendance as by their said by-laws they may direct.

2. *And be it enacted*, That the treasurer of said society shall give bonds to the society for the faithful performance of his duties in such amounts as shall be satisfactory to said society.

3. *And be it enacted*, That this society shall be capable of holding real and personal property, to wit: a building on grounds of their own, wherein to hold its meetings; and money received from fees, dues and gifts intended to benefit the sick or needy thereof, and said personal property shall not be subject to state or county taxation until after the valuation of such property exceeds the sum of one thousand dollars.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER L.

An Act to widen and improve Roads in the township of Shrewsbury, in the County of Monmouth.

WHEREAS, it is an acknowledged fact that the annual appropriations for the repairs and improvements of the public roads in the township of Shrewsbury, in the county of Monmouth, are very inadequate to the demands of the public in this thickly settled section; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for all tax-able inhabitants of any road district in said township, or a majority of them, that are present at any meeting called for the said purpose, public notice of which being given by six written notices placed in six conspicuous places within the district two weeks previous to said meeting, to appoint three commissioners with full power and authority to widen any road to three rods that may be less than that width, also to grade, gravel or otherwise to put in good order, as a majority of said voters at said meeting may decide, then to adjourn, subject to the call of the commissioners.

Power of inhabitants to appoint commissioners to widen and improve roads.

2. *And be it enacted*, That the said commissioners, or a majority of them, are to act until the duties entrusted to them are finished, at which time they will call the said adjourned meeting and exhibit a statement of their proceedings; and that each of said commissioners before proceeding under their said appointment, shall take and subscribe an oath or affirmation before a justice of the peace faithfully and impartially to discharge the duties of his appointment.

Commissioners shall take an oath.

3. *And be it enacted*, That the said commissioners, or a majority of them, shall have power to employ all necessary surveyors, workmen and agents to effectually carry out the powers and authority granted in the first section of this act, and for widening said roads they are hereby authorized to enter upon any and take any lands and improvements (including all buildings except dwelling houses) that may be necessary for that purpose, upon paying to the owner or owners the damage done by taking the said land and improvements,

Powers of commissioners.

- the said damage to be determined by the said commissioners;
Provido. *provided*, that in determining said damage done by the taking of the land they shall only allow to the owner for the excess, if any, of damage done over and above the advantage that will, in their judgment, accrue to the owners of the land taken.
- Assessment of costs and expenses on lands.* 4. *And be it enacted*, That it shall be lawful to assess the cost and expenses of any improvement decided upon agreeably to the first section of this act, and the said commissioners shall make the said assessment in proportion to the benefit received, in their judgment, by each owner of said lands; in determining which benefit they shall consider the location, frontage, amount and value of said lands, and shall state the amount in writing to each person assessed, also stating therein a time and place to hear and consider all objections to said assessments, and to hear and determine the same.
- Assessment a lien on lands.* 5. *And be it enacted*, That a certificate of the said assessment so determined shall be a lien upon the lands on which it is laid; and the said commissioners shall make a copy of said certificate, which they shall place in the hands of the collector of taxes for the time being of the township of Shrewsbury; and it shall be the duty of the collector to collect the said assessment within sixty days from the time of his receipt of the said certificate, in the same manner as township taxes are collected (the collector's ordinary securities being responsible for the same) and pay the same over to persons presenting orders signed by the said commissioners; and the said collector shall in the collection of the said assessments be liable to the same pains and penalties and entitled to the same fees as in the collection of the annual township taxes.
- Duty of collector.*
- Land may be sold on failure to pay assessment.* 6. *And be it enacted*, That in case any owner or owners of lands so assessed as aforesaid shall fail to pay the assessment laid thereon within six months from the time that the same shall become due by virtue of this act, upon which the said assessment is a lien, said land shall be sold in the same manner that land is now authorized by law to be sold for unpaid taxes in said township of Shrewsbury, so to raise a sufficient sum to pay the said assessment, and the interest at the rate of twelve dollars per annum from the expiration of the sixty days, from the time of placing such certificate in the hands of the collector, and the lawful cost and fees of collection and sale.

7. *And be it enacted*, That this act shall be declared a public act, and shall take effect immediately.

Approved February 15, 1870.

CHAPTER LI.

A Further Supplement to an act entitled "An Act to authorize the President and Directors of the Trenton Water Works to convey their works and franchises to the city of Trenton, and to provide for the management of said works," approved March first, eighteen hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of the city of Trenton, at such time or times, whenever it shall seem to them expedient so to do, to borrow such further sum or sums of money on the credit of said city, as shall appear to them to be necessary for the purpose of paying the expenses which may hereafter be incurred in making all necessary repairs and improvements in the mains, machinery and other works of the Trenton Water Works, and to loan such moneys to the commissioners of the water works for the purpose aforesaid; *provided*, that the sums of money so borrowed shall not exceed in the whole the sum of one hundred thousand dollars. Authorized to borrow money for commissioners of water works.

2. *And be it enacted*, That to secure the payment of the loan authorized by this act, the said common council, upon the written application of the said commissioners of the water works, are hereby authorized to issue bonds of the said city of Trenton, at such time or times as to them shall seem expedient, for an amount of money not exceeding in the whole the sum of one hundred thousand dollars; which bonds shall have the city seal attached, and be signed by the mayor and treasurer of said city, and shall bear interest at the rate of six per centum per annum, payable semi-annually, and shall not be liable to any tax which may hereafter be levied or assessed by order of said common council; the principal Authorized to issue bonds. Rate of interest.

Proviso.

of said bonds shall be made payable at such time or times as the said common council may by ordinance prescribe ; *provided*, that such bond shall not be issued in any case unless a majority of the whole number of said common council shall concur therein.

To be designated as "Water Loan."

3. *And be it enacted*, That the loan authorized by this act shall be a part of the "Water Loan" of the city of Trenton, and that none of the said bonds shall be sold or disposed of for less than their par value, and the proceeds thereof shall be appropriated exclusively to the purposes contemplated by this act, and to no other purposes whatsoever.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER LII.

An Act to incorporate the Stevens Institute of Technology.

Preamble.

WHEREAS, The late Edwin A. Stevens, by a certain codicil in his last will and testament, bearing date the fifteenth day of April, eighteen hundred and sixty-seven, did provide as follows, viz : "And I do further give, devise and bequeath to my said wife, Martha B. Stevens, William W. Shippen and Samuel B. Dod, and to their heirs and assigns forever, to hold as joint tenants, and not as tenants in common, in trust as hereinafter mentioned, all that block of land in Hoboken, bounded by Hudson street, River street and Fifth and Sixth streets, (excepting such interests therein, if any, as I may not own at my death,) and one hundred and fifty thousand dollars in the stock and bonds of the Morris and Essex Railroad Company, reckoning the same at par ; that is to say, one-half of that sum in the first mortgage bonds of said company, and one-half in the said stock ; I direct and empower the acting trustees or trustee under this trust

(whether the original trustees herein named, or the survivors or survivor of them, or his, her or their successors,) at any time or times when one or two shall be dead or have ceased to act, to appoint one or two new trustees in his or her or their stead, who shall have died or ceased to act, and by advice of counsel, my trustee or trustees in whom the legal title shall be vested, shall convey, assure to and vest in said three trustees, (the appointing as well as the new trustee or trustees,) the said trust property in fee simple as joint tenants, and not as tenants in common, in trust; and this trust is this: that upon said land, at such time as the acting trustee or trustees shall think proper, certainly within two years after my death, he, she or they shall, out of the proceeds of said personal property, (to be procured by sale or other prudent disposition, investment, use or appropriation thereof, in the discretion of the trustee or trustees for the time being,) erect of some substantial but economical material, as substantial and economical as trap rock, a plain building or buildings, suitable for the uses of an institution of learning, which I direct my acting trustee or trustees for the time being, out of the means herein provided, and such as shall proceed therefrom, with all convenient speed, and within three years after my decease, to establish there, employing, paying and discharging, at his, her or their discretion, the officers and tutors and servants thereof, and forever to manage and control, at his, her or their discretion, but for the benefit, tuition and advancement in learning of the youth residing from time to time hereafter within the state of New Jersey; but my said acting trustee or trustees shall, from time to time, decide who of said youth shall receive the benefit thereof, and direct the tuition in said institution, and make all proper by-laws, rules and regulations, for the management of the officers, tutors, servants and scholars connected with the said institution; the tuition is not to be wholly free, unless to such youth as said acting trustee or trustees shall direct, nor is it my intention that the cost of tuition of any youth shall be wholly paid by him or her; the proportion of payment by each youth I leave to the discretion of the acting trustee or trustees; it is my intention that the institution hereby directed and created shall be perpetual, and that the above mentioned trustees, and their successors, shall forever continue and be the governors thereof, and

have the superintendence of the same; and it is my will and desire that, if it cannot be legally done according to my above intention by them, without an act of the legislature of the state of New Jersey, they will, as soon as possible, and certainly within three years after my decease, apply for an act of the legislature to incorporate them, for the purposes above specified, and to effectually provide for the establishment and maintenance of said institution, with the means which I have devoted by this, my will and testament, to the said purpose; and I do further declare it to be my will and intention that the said real and personal property hereinbefore and hereinafter devised and bequeathed to my said trustees, for said purposes, shall, at all events, be applied for the uses and purposes above set forth, and that is my desire; all courts of law and equity will so construe this, my will, as to have the said property, real and personal, appropriated to the above uses, and the same shall, in no case, for want of legal form or otherwise, be so construed as that my relatives, heirs, devisees or legatees, or any other person, shall inherit, take, possess or enjoy said real or personal property hereinbefore and hereinafter devised and bequeathed for said purposes, except in the manner and for the uses hereinabove specified;” and also did further provide and direct as follows, to wit: “I do also, out of the said last mentioned residue of my estate (excluding Castle Point, and the homestead lot and the houses thereon.) remaining after the payment of my debts, the said eight hundred thousand dollars in legacies, and the appropriation of so much of my estate as is necessary to answer the before mentioned charitable bequests and devises, and the appropriation for the steam battery, give, devise and bequeath to my said trustees of said institution of learning, and direct my executors to pay to them, within five years after my decease, such sum of money, not exceeding five hundred thousand dollars, as the said trustees of said institution of learning, in their discretion, shall think necessary to be set apart, invested and appropriated to and for the purpose of forever maintaining the said institution of learning, for the purposes above described, so that the same be literally maintained out of the income and interest of such sum; and said sum of money, and the interest and increase thereof, shall be subject to all the trusts hereinbefore declared with respect to the said insti-

tution of learning, and the property appropriated hereinbefore for the erection, maintenance and establishment thereof; and I do, with reference to the said sum and interest, and the income thereof, declare my devise and intention to be the same as I have before fully expressed with reference to the property before devised and bequeathed for the same purposes;" therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Trustees of institute.} *the State of New Jersey*, That Martha B. Stevens, William W. Shippen and Samuel B. Dod, and their successors, shall be and they are hereby constituted a body politic and corporate by the name of "The Trustees of the Stevens Institute of Technology," and by that name shall have perpetual succession according to the provisions of said codicil, and may sue and be sued, implead and be impleaded, and may purchase and hold property whether acquired by purchase, gift or devise, and whether real, personal or mixed, and may make and have a corporate seal, and the same break and alter at their pleasure, and shall have all other rights belonging to similar corporations by the laws of this state.

2. *And be it enacted*, That the entire management of the ^{Management vested in trustees.} affairs and concerns of the said corporation, and all the corporate powers hereby granted, shall be and hereby are vested in the above mentioned trustees to manage and control the same as in said codicil provided.

3. *And be it enacted*, That the trustees shall have ^{Powers of trustees.} power from time to time to enact by-laws, not repugnant to the constitution or laws of the United States or of this state or to this act, for the regulation and management of the said corporation or institution of learning, to fill up vacancies in the board, and to prescribe the number and description, the duties and powers of the officers, the manner of their appointment and the term of their office, as in said codicil directed and empowered to do.

4. *And be it enacted*, That for the purpose of carrying ^{May purchase, hold and sell real and personal estate.} out the object of this act the said corporation shall have power from time to time to purchase, take and hold real and personal estate, and to sell, lease and dispose of the same; *provided*, that nothing in this act contained shall empower ^{Proviso.} the said corporation to sell, lease or dispose of that block of land in Hoboken, bounded by Hudson street, River street, and Fifth and Sixth streets, if at any time the title to the same shall become vested in the said corporation.

May confer
degrees.

5. *And be it enacted*, That the said corporation shall have and possess the right and power of conferring the usual degrees appropriate to a school of technology.

6. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER LIII.

An Act to change the name of Anna Elizabeth Springer to Anna Elizabeth Schalkhausser.

Preamble.

WHEREAS, Anna Elizabeth Springer, of the county of Hudson, has been adopted by Aginta Magdalena Schalkhausser, of the same place, who is desirous of having the name of said Anna Elizabeth Springer changed to Anna Elizabeth Schalkhausser, and no reason appearing to the contrary, therefore,

Change of
name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of Anna Elizabeth Springer, of the county of Hudson, be, and the same is hereby changed to Anna Elizabeth Schalkhausser, and by that name she shall possess and enjoy all the rights, powers and privileges which she would have possessed and enjoyed had she retained her original name of Anna Elizabeth Springer.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER LIV.

An Act to change the name of Edward L. Smith, to that of Edward Stewart.

WHEREAS, Edward L. Smith, of Bordentown, in Burlington ^{Preamble.} county, is desirous of having his name changed to Edward Stewart, and no reason appearing to the contrary.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Change of name.} *the State of New Jersey,* That the name of Edward L. Smith, of Bordentown, of the county of Burlington, be, and the same is hereby changed to Edward Stewart, and by that name he shall possess and enjoy all the rights, powers and privileges which he would have possessed and enjoyed, had he retained his original name, of Edward L. Smith.

2. *And be it enacted,* That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER LV.

An Act to incorporate the Saint Patrick's Benevolent Society, Number Two, of South Amboy.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of corporators.} *the State of New Jersey,* That John Rea, Thomas Mullen, William Rea, William Brophy, Michael Byrne, Junior, Patrick Campton, John F. Rea, John Campton, Cornelius McGerrigle, Patrick W. Rea, William Sullivan, James Clavens, and such other persons as now are, or hereafter shall become members of the St. Patrick's Benevolent Society, ^{Corporate name.} Number Two, are hereby constituted a body incorporate by

the name aforesaid, to have perpetual succession, and to have a common seal.

Object. 2. *And be it enacted*, That the object of the corporation shall be the relief of the sick, the burial of the dead, and the protection of the widow and orphan.

May make by-laws. 3. *And be it enacted*, That the said corporation shall have power to adopt a code of by-laws for the better management of its finances, general business, election and duty of its officers; *provided*, that such by-laws shall not be repugnant to, nor inconsistent with the constitution of the United States or of this state.

May hold real and personal estate. 4. *And be it enacted*, That the said corporation may hold real or personal estate, either purchased or devised, not to exceed the amount of twenty thousand dollars.

General powers. 5. *And be it enacted*, That the said corporation shall possess all the powers and privileges, and be subject to all the restrictions and liabilities contained in the act entitled "An Act concerning corporations," passed and approved February fourteenth, one thousand eight hundred and forty-six, and the various supplements thereto.

6. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER LVI.

An Act to incorporate the New Jersey Academy.

Names of corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Reynolds, William Ryle, Henry A. Williams, Andrew Derrom, William Pennington, John Hopper, Charles Keeler, Socrates Tuttle and Theodore Ryerson, and their associates and successors, be and they are hereby constituted a body politic and corporate, in law, by the name of "The New Jersey Academy," for the purpose of establishing, maintaining and conducting an institution for the education of youth, to be located in the city of Pater-

Corporate name.

son, in the county of Passaic; and that for the purpose aforesaid the said corporation may purchase or hire, hold or receive real and personal property, and may mortgage, sell or let and dispose of the same in any manner not inconsistent with the laws and constitution of this state and of the United States; *provided*, that the real estate of the said corporation shall not at any time exceed in value the sum of one hundred thousand dollars. Proviso.

2. *And be it enacted*, That for the purposes of this act the persons named in the first section hereof or a majority of them may open books of subscription to the capital stock of said corporation, giving ten days' notice of the time and place of opening the same in two newspapers published in the city of Paterson; and when ten thousand dollars of said stock is subscribed for, the said corporation may organize and proceed with the business hereby authorized; and that all subscriptions for said stock shall be paid at such time or times, and in such manner as the directors of said corporation may deem proper; and that the said persons named in the first section of this act and the survivors of them shall constitute the first board of directors of said corporation, and shall hold their offices until the last Wednesday in July next succeeding such organization and until others are duly elected in their stead. Commissioners to receive subscriptions.

3. *And be it enacted*, That the capital of said corporation shall be fifty thousand dollars, which shall be divided into shares of one hundred dollars each, and shall be considered personal property, and transferred as the by-laws of said corporation may direct; but no transfer shall be lawful until the same shall be entered upon the books of said corporation; and that at all meetings of the stockholders of said corporation, each stockholder shall be entitled to one vote for every share of stock held by him, to be cast in person or by proxy, and a majority of all the votes cast shall decide all elections and questions at issue in such meetings. Amount of capital stock.

4. *And be it enacted*, That the business and affairs of said corporation shall be managed by a board of nine directors, all of whom shall be stockholders of said corporation, and residents of the state of New Jersey, who shall hold their offices for one year, and until others are duly elected in their stead; and that the said directors shall be chosen on the last Wednesday in July in every year, at a meeting of the stockholders held for that purpose, at such time and place, and Election of directors.

upon such notice as the by-laws of said corporation shall prescribe.

General powers.

5. *And be it enacted*, That a majority of said directors shall constitute a quorum for the transaction of business, and shall choose from among their own number a president of said board, and appoint a secretary and a treasurer, and such other officers as they may deem necessary; and shall have power to make by-laws for their own government, and for the management of the affairs of the said corporation; to fill all vacancies occurring in said board; to appoint and employ all necessary professors, teachers and other officers, and to fix their salaries; to establish, regulate and prescribe the course of studies to be taught and pursued in the said academy, and to fix the rates of tuition therefor; and to make all needful rules and regulations for the maintenance and proper conduct of said academy.

Property exempt from tax

6. *And be it enacted*, That the property and effects of the said corporation, held or used for the purposes contemplated by this act, to the amount or value of twenty thousand dollars, shall be exempt from taxation under the laws of this state.

Directors shall receive no compensation.

7. *And be it enacted*, That no director of the said corporation shall receive any compensation for his services as such director.

8. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER LVII.

A Further Supplement to an act entitled "An Act to incorporate the City of Cape Island," approved February twenty-eighth, eighteen hundred and fifty-one.

When supplement shall take effect.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "Supplement to an act entitled 'An Act to incorporate the City of Cape

Island,' approved February twenty-eighth, eighteen hundred and fifty-one," approved March ninth, eighteen hundred and sixty-nine, shall be deemed and held to have taken effect on the second Tuesday of March, anno domini eighteen hundred and sixty nine, and the seventeenth section of the said act shall be and the same is hereby amended by striking out the word "next" after the word March in the said section.

2. *And be it enacted*, That all acts, matters and things done and performed by the municipal authorities and officers of the city of Cape May, and by the board of five commissioners heretofore appointed by the mayor of said city under and in pursuance of the provisions of said act, approved the ninth day of March, anno domini eighteen hundred and sixty-nine, be and the same are hereby ratified, confirmed and made valid.

Legalizing
acts of author-
ities and offi-
cers.

3. *And be it enacted*, That in lieu of the five commissioners provided to be appointed by the mayor of the city of Cape May, under said act approved the ninth day of March anno domini eighteen hundred and sixty-nine, the justice of the supreme court, whose duty it may be to preside over the circuit court of the county of Cape May, shall immediately after the passage of this act appoint a board of commissioners consisting of a president and four other persons, all of whom shall be the owners of real estate, and at least three of them shall be citizens and residents of the city of Cape May; the said board of commissioners, when so appointed, shall continue in office for two years from and after the first day of February, anno domini eighteen hundred and seventy, and shall have and exercise all the powers and authorities conferred upon the said five commissioners, as provided in the said act approved March ninth, anno domini, eighteen hundred and sixty-nine, and also all the powers and authorities conferred by this act.

Board of com-
missioners to
be appointed
by justice of
supreme court

Terms of of-
fice.

4. *And be it enacted*, That in case of vacancies in the said board of commissioners by death, resignation or otherwise, such vacancies shall be filled by the said justice of the supreme court for the time being, who shall appoint persons to fill such vacancies from time to time as they may occur, on being notified in writing of such vacancy by the president or clerk of said board, and it shall be the duty of the said justice of the supreme court, for the time being, to appoint a board of commissioners consisting of a president and four other persons, as is hereinbefore provided for, to serve for two years

Vacancies,
how filled, and
re-appoint-
ments.

more when the term of office of those first appointed shall expire, and the appointments shall in like manner be made every two years while this act remains in force; the qualification of the appointees, and the powers, authorities and duties of the members of the said board, when and as they may be appointed from time to time, shall in all respects be the same as herein provided for.

Additional
powers of
commission-
ers.

5. *And be it enacted*, That the said board of commissioners shall have power in addition to the powers already conferred upon them, to order, direct and cause or procure any street or streets which they may from time to time lay out in the city of Cape May to be opened, and any street already laid out and opened to be extended or widened as the case may be, and to remove or set back all buildings, fences or obstructions on the said street; also from time to time to regulate, alter or change the curbing, paving and grading of the sidewalks and the grade or grades of any streets now opened, or of any streets that may be opened, extended or widened; also to keep the said streets cleaned, rolled and otherwise maintained in proper order, and during the summer season to have them rolled and watered as they may deem proper, and to lay out and construct all such sewers and drains as they may deem requisite for the proper sewerage and drainage of the city of Cape May, and in the execution and performance of the powers and authorities hereby conferred, as well as those conferred by the said act approved March ninth, eighteen hundred and sixty-nine, they shall have the power to make such contracts, and to employ such counsel, clerks, surveyors, engineers, agents, assistants and laborers as they may deem proper and necessary; they shall also have power to take and appropriate such land as they may deem requisite for the purpose of constructing and maintaining said sewers and drains, and of procuring gravel, clay, sand or other material for filling up and grading said streets.

May settle
with owners
of lands taken
for opening,
widening and
extending
streets.

6. *And be it enacted*, That the said commissioners shall also have power to negotiate and settle with the owners of land which may be taken or appropriated by them for the purpose of opening, widening and extending streets, constructing sewers and drains, or of procuring gravel, clay or other material, and to take and receive from such owners grants and releases of such property for the uses and purposes above mentioned; and they shall have power from time to time to purchase for and on behalf of the city of Cape May

any land or lands which may be required, either in whole or in part, for any of the purposes above mentioned, and to take the conveyances thereof to the said city in fee, and again from time to time to rent or to sell the same and the buildings thereon, or such parts thereof as may not be required for public use, for such price or prices as they can obtain therefor; but no contracts for renting or selling shall be consummated until approved by the city councils of the said city of Cape May, and deeds for any lands so sold shall be made to the purchasers therefor under the seal of the said city.

7. *And be it enacted*, That they shall also have power to borrow money for the purposes above mentioned, and to create and issue bonds, which shall be signed by the said commissioners in the name and on behalf of "The City of Cape May," bearing interest at the rate of seven per centum per annum, and in such form and payable at such time or times as they may deem advisable; *provided, however*, that they shall not create or issue bonds for more than one hundred thousand dollars, and that they shall not issue more than twenty thousand dollars thereof during the first year, and ten thousand dollars thereof in any succeeding year; but if the amount provided to be issued in any one year shall not be expended during that year, it may be issued and expended in any subsequent year.

8. *And be it enacted*, That it shall be the duty of the mayor of "The City of Cape May" to affix the seal of said city to the said bonds, and to sign the same as mayor in attestation thereof, when requested so to do by the said commissioners; and further, it shall be the duty of the said mayor to see that the said bonds are registered, as is now practiced with reference to other bonds of said city, and that the registry thereof is properly preserved.

9. *And be it enacted*, That the custody of the said bonds shall remain with the said commissioners until sold, and they shall have the power to sell the same from time to time, as money may be required by them, for the best price or rates which they can obtain therefor, and when, and as sold, the proceeds shall be paid over by them to the treasurer of the city, and shall be drawn out by the said commissioners for the purposes above mentioned, and also for paying for such work and labor and materials as may not have been already paid for, which have been done and furnished under con-

tracts now being executed, upon warrants which shall be signed by the president, and attested by the clerk of the said board of commissioners, and no part of the money so paid to the said city treasurer shall at any time be used or applied to or for any other purpose, or paid out otherwise than upon the warrants drawn, signed and attested as above provided for; but the said bonds shall not in any case be sold at less than eighty-five per centum of their par or nominal value.

Expenses of
cleaning
streets and
sewers.

Council to
make appro-
priations.

10. *And be it enacted*, That the expenses of cleaning, rolling, watering and keeping the streets and sewers and drains of said city in order, shall be paid by the city treasurer, out of the ordinary revenues of the said city, upon warrants drawn by the said commissioners, and signed by the president and attested by the clerk thereof; and it shall be the duty of the city councils of said city to make the necessary appropriations for paying the said expenses, upon being notified in writing by the president of the said board of commissioners, on or before the first day of April, anno domini eighteen hundred and seventy, and on or before the first day of April in each year thereafter, of the amount required by the said board of commissioners during the current year, for the purpose of paying the expenses above mentioned; it shall be the duty of said city councils to make the said appropriation within one month after being so notified.

How the rate
of taxation is
to be fixed,
and for what
purposes.

11. *And be it enacted*, That it shall be the duty of the said city councils in fixing or determining the rate of taxation in and upon the assessable property in said city to assess the same at such a rate as will raise adequate revenue for the purpose of paying all the ordinary current expenses of the said city and also for the purpose of paying the interest upon all bonds already issued and such as may hereafter be issued by the said city or by the said board of commissioners in the name or on behalf of said city, and also for the purpose of raising a sinking fund for the purchase of outstanding bonds of said city to an amount not less than two and one-half per centum of the bonds outstanding at the date of the fixing of such rate of assessment or tax.

Duties of city
treasurer as
to sinking
fund.

12. *And be it enacted*, That it shall be the duty of the city treasurer of said city to purchase bonds to an amount not less than two and a-half per centum of such as may be so outstanding at the date of such assessment in each year at the best rate at which he can obtain them, first advertis-

ing once in each week for two weeks in a newspaper in the city of Cape May, on or before the first day of October in each year, for sealed proposals for the purchase of the bonds, which said bonds, after purchase, it shall be the duty of the said treasurer to destroy in the presence of one or more members of the said board of commissioners.

13. *And be it enacted*, That the owners of any ground which may at any time be taken or appropriated in pursuance of the provisions of this act and of the act approved March ninth, anno domini eighteen hundred and sixty-nine, above mentioned, shall be paid for the same by the city of Cape May, upon warrants drawn by the board of commissioners upon the city treasurer, as hereinbefore provided for, according to the value which shall be ascertained by a jury of three disinterested property holders to be appointed by any one of the justices of the supreme court of this state in open court or at chambers upon the petition of said commissioners; and if the said commissioners shall delay so petitioning for the period of sixty days after they have given notice, in writing, of their intention to take and appropriate such ground, then said jury shall be appointed by said justice upon the petition of any person so notified whose property shall be so taken; the said jury shall proceed to assess the damages for said ground, and in so doing they shall estimate the advantage to property of the owner adjoining or in the vicinity, and shall make a due allowance or deduction for such advantage.

Proceedings
when ground
is taken for
public pur-
poses.

14. *And be it enacted*, That when the said jury have made their award, it shall be signed by a majority of them and filed with the clerk of the circuit court, of the county of Cape May, and a duplicate thereof shall also be filed with the said clerk of the said board of commissioners, and an appeal may be taken by the said owners or by the said board of commissioners, in the name of the city of Cape May, within thirty days from and after the date of such filing of said award with the clerk of said circuit court; and in case such appeal is taken it shall be proceeded with, in all respects, as is provided for in the cases of appeals taken under the thirty-first section of the act to which this is a supplement.

Appeals, how
made.

15. *And be it enacted*, That when such award has been so made and filed as above provided for, and upon payment of damages so awarded, or in case of a tender and refusal thereof upon payment of the same to the clerk of said circuit

When award
has been made
and payment
tendered, &c.
the ground
may be used
by commis-
sioners.

court for the use of the said owner, it shall be lawful for the said board of commissioners to enter into and upon and cause the said ground to be used and converted for the purposes aforesaid.

Powers over
roads.

16. *And be it enacted*, That all powers heretofore conferred upon the city councils of said city of Cape May in reference to the highways, streets, roads, lanes and alleys of said city, not inconsistent with this act, shall be, and the same are hereby conferred upon the said board of commissioners.

General pow-
ers.

17. *And be it enacted*, That the said board of commissioners shall have power to prescribe all rules and regulations necessary for the prevention of nuisances in, upon, or over the highways, streets, sidewalks, roads, drives, lanes and alleys and sewers and drains of said city, and for the proper use and enjoyment thereof by the citizens or other persons who may reside in or visit said city and for the curbing and paving of the sidewalks or any parts thereof by the owners of adjoining lots and keeping the same in order, and any person who shall violate any of said rules and regulations, and any others which shall be prescribed by said board of commissioners for the government of said highways, streets, sidewalks, roads, drives, lanes and alleys, sewers and drains not inconsistent with the constitution of this state or of the United States, shall be guilty of a misdemeanor, and shall pay such fine as may be prescribed by the said board of commissioners, not to exceed ten dollars for each and every violation thereof, to be recovered in the name of the said city before any justice of the peace as debts of like amount are recoverable, and such fines shall be paid when collected by the said board of commissioners into the treasury of said city.

Quorum.

18. *And be it enacted*, That a majority of the said board of commissioners shall at all times constitute a quorum for the transaction of business, and a majority of the members present at any meeting properly called, shall have and exercise all the powers conferred upon the said board of commissioners; *provided, further*, that no member of said board shall ever receive any pay or compensation for the performance of any duties performed by him as such.

Proviso.

Repealer.

19. *And be it enacted*, That all acts and parts of acts inconsistent with this act, are hereby repealed.

20. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER LVIII.

A Supplement to the act entitled "An Act constituting a Public Road Board, for the laying out, constructing, appropriating, improving and maintaining public carriage roads in the county of Essex," approved March thirty-first, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners and their successors, constituting by the act to which this is a supplement, "The Essex Public Road Board," are hereby authorized and empowered to lay out, construct, appropriate, improve and maintain for the purpose of free carriage roads in the county of Essex, the following named avenues in the county of Essex, namely :

I. Frelinghuysen avenue, beginning at Astor street, in the city of Newark, and running thence through the said city of Newark, and the township of Clinton, to the line of the county of Union ;

II. Springfield avenue, beginning at Market street in said city, and running thence through said city and the townships of Clinton, South Orange and Milburn, to the line of the county of Union ;

III. South Orange avenue, beginning at Springfield avenue in said city, and running thence through said city and the townships of East Orange, South Orange, Milburn and Livingston to the line of the county of Morris ;

IV. Park avenue, beginning at Bloomfield avenue in said city, and running thence through said city of Newark, and the township of East Orange, the town of Orange, and the townships of West Orange and Livingston, to the line of the county of Morris ;

V. Bloomfield avenue, beginning at Belleville avenue, in the city of Newark, and running thence through said city, and the townships of Woodside, Bloomfield, Montclair and Caldwell, to the line of the county of Morris ;

VI. Washington avenue, beginning at Belleville avenue in

the city of Newark, and running thence through the townships of Woodside and Belleville, to the line of the county of Passaic, shall not exceed in width seventy-five feet ; and that so much of said act as authorizes or empowers the said board to lay out, construct, appropriate, improve or maintain any other road or roads in said county, (except upon the application of property owners as hereinafter provided for,) be, and the same is hereby repealed ; *provided*, that it shall not be lawful for the said road board to lay out, construct, appropriate or maintain such parts of said avenues or any of them as lie within the city of Newark, until the said board shall have given notice for twenty days in two newspapers published in said city, of their intention to lay out and construct said avenues within the said city, and if within the period of ninety days from the first publication of said notice, the common council of the city of Newark shall, by a resolution of said council, declare it to be their intention to lay out, open, construct and maintain, for the purposes mentioned in this act, so much and such parts of the said avenues as lie within the limits of the said city, it shall then be their duty to lay out, construct, appropriate, improve and maintain so much of the said avenues as lies within the limits of the said city, and the said common council shall thereupon proceed to lay out, open and construct said avenues, in the manner now provided by law, for laying out, opening, vacating, straightening, altering and widening streets, roads and highways in the said city ; but if the said avenues shall not be laid out and constructed as aforesaid, within the said city by the common council of the city of Newark, within six months from the date of the passage of said resolution, the said road board shall proceed to lay out, construct, appropriate and maintain the said avenues within the limits of the city of Newark, the same, and to all intents and purposes, as if this proviso had not been enacted ; *provided*, that it shall not be lawful for said board to alter the present lines of said avenues within the limits of the city of Newark.

2. *And be it enacted*, That the said board are hereby authorized and vested with all the rights and powers necessary and expedient to survey, lay out, locate, construct, reconstruct and maintain the said avenues and roads, and to vacate such part or parts of existing roads as may be necessary therefor, in the county of Essex, for the convenience of public travel by carriages and other vehicles in said county,

Repealer.

Proviso that the common council of the city of Newark may, within specified time, lay out the portion of avenues within city limits.

Proviso.

Power of the board to lay out such avenues.

which said avenues shall be deemed and taken to be public roads or highways, and shall be of such width as [to] the said board may seem advisable; *provided*, that such parts of said avenue as extend west of the summit of the First Mountain shall not exceed in width seventy-five feet, and the residue of said avenues shall not exceed in width one hundred feet.

3. *And be it enacted*, That the said board shall cause to be made an accurate survey or surveys of the said avenues, with a map or maps thereof, showing the termini and routes of said avenues, including the courses and distances and the various improvements through which the same will pass, and also the names of the several owners or reputed owners of the lands through which said avenues pass, and also the names of the several owners of land proposed to be taken therefor so far as the same can be conveniently ascertained, and showing also where the present streets and roads as now used are coincident with or fall within the lines of the avenues hereby authorized to be constructed, and also where those streets and roads which are now in actual use do cross said avenues; and the said board shall at their discretion appoint a place or places and day or days when, between certain hours, the said map or maps will be open to public inspection, either at their office in the city of Newark or at some place or places in the vicinity of said avenues; that the board shall give previous notice of such appointment by an advertisement published for at least ten days in two daily newspapers printed in said county; that in such advertisement only such short description of said avenues as proposed shall be required as shall be sufficient to identify the same; that no notice to land owners or other parties interested shall be necessary, other than that contained in said advertisement; that the board may adjourn and continue such public inspection of said map or maps from time to time as they may appoint and publicly declare at any meeting; and they shall attend such meeting or meetings, and shall examine and inquire into any complaint or objection presented by any land owner or taxpayer for the purpose of ascertaining and determining as to the best manner of laying out, locating, widening or straightening the said avenues or any of them; that the board after such full inquiry shall lay out, locate, construct, widen or straighten said avenue, with or without alteration of the original survey, as to them may seem fit, and that such determination of the board shall

Proviso.

Accurate surveys and maps to be made of avenues.

Map or maps to be open for public inspection, notice being given by advertisement

Board shall attend and hear objections.

Board, after full inquiry, shall lay out road with or without alteration.

be by a resolution entered upon the minutes of their proceedings, setting forth the courses and distances of said avenues in words at full length; *provided, however*, that in case of any alteration of the original survey or surveys a new and corrected map or maps shall be prepared in the manner aforesaid, and shall after being signed by a majority of the said commissioners be deposited in their said office, and also that a duplicate of such original or corrected map or maps, as the case may be, shall, within thirty days after such determination of the board, be filed by them in the office of the register of the said county.

4. *And be it enacted*, That the said board shall construct said avenues by excavating and removing earth, rocks, trees, stumps, buildings, and all other impediments or improvements, and disposing of such portions thereof as are not needed in the construction of said avenues, to the best advantage, at public auction; and filling up any low parts of the route, and otherwise preparing the premises for said avenues, and by building all bridges on said avenues, and all necessary culverts pertaining to the same; *provided*, the said avenues shall not be constructed upon any grade different from that established by the municipal authorities (if any has been established) without the consent of such municipality, and in such case compensation shall be made to the person or persons injured (if any there shall be who are injured by such alteration of grade); and that such damages for the alteration of grade shall be estimated as part of the money necessary to pay the compensation in this act directed to be made, and shall be raised, assessed and collected as hereinafter mentioned; the construction of said avenues shall be in such substantial manner as will combine hardness, evenness and durability with economy; *provided*, that nothing herein contained shall be construed as authorizing the said board to macadamize or pave any of the said avenues excepting Bloomfield avenue which shall be macadamized; the said board, or their successors in office, shall determine the width of the carriage way and of the sidewalks, except all such avenues and streets as lay within the corporate limits of the city of Newark, and relay in their proper place, and so as to conform to the board's plans, all curbing and flagging that they shall take up in constructing said avenues; but the local authorities are to curb and flag the other sidewalks which it shall be proper to curb and flag, as the

Proviso.

How the
board shall
construct ave-
nues.

Proviso.

Proviso.

said several municipalities are now authorized to do with reference to said sidewalk, and to keep the same in repair.

5. *And be it enacted*, That the owners of that part of the lands over which said avenues are authorized to be laid, which is not already lawfully in public use, shall be entitled to compensation for the use thereof hereby authorized, and the owners of any building or part thereof, or other improvements which it shall be necessary to remove, take down or destroy, shall be entitled to compensation for such building or part thereof so to be removed, taken down or destroyed. Owners of lands entitled to compensation.

6. *And be it enacted*, That the moneys necessary to pay the compensation in this act directed to be made for land or property taken, shall be raised by assessing so much thereof as shall be equal to any peculiar benefit conferred upon any lands in the county, whether adjacent or not to said avenues, upon such lands so peculiarly benefited, in proportion to the benefit received; *provided*, such benefit shall not exceed fifty per centum of the assessed value of any property for the year eighteen hundred and sixty-nine; if said moneys shall exceed the value of the benefits conferred upon the lands last mentioned, such excess (if any) shall be borne by the public at large of the county of Essex, and shall be raised by tax, as other taxes are levied and raised in said county, and shall be paid by the county collector. Moneys to be raised by assessing lands. Proviso.

7. *And be it enacted*, That the money necessary to pay the costs and expenses of executing this act, and of the laying out, opening and constructing the said avenues, and also the amounts of rebates allowed upon assessments for benefits, as hereinafter provided, together with the interest on said several moneys, shall be paid in ten annual installments, one-half thereof by the county of Essex, to be raised by county tax in the same manner as other county taxes are raised in said county, and the other half by the several cities, towns and townships in or through which the several avenues pass, to be levied and collected by the same officers, in the same manner and at the same time that the other city, town and township taxes are levied and collected; but the officers so collecting said moneys shall pay the same to the county collector under the same provisions and regulations as county moneys are now paid by them to the county collector; *provided*, that no one of the said cities, towns or townships shall be liable to a greater extent than to the amount of one-half of the said costs, expenses and amounts, with the interest accruing in it, except Costs and expenses, how raised, levied and collected. Proviso.

as to the liability for its quota of the tax to be raised by the county of Essex as aforesaid; *and provided*, that if the common council of the city of Newark shall lay out and construct so much of said avenues as lies within the limits of the said city as aforesaid, the damages and entire costs of laying out, opening and constructing said avenues in the said city of Newark, shall be levied, raised, assessed, collected, and paid as is now provided by law for the laying out and opening of streets in said city.

Proviso.

Court of common pleas to appoint appraisers of damages.

8. *And be it enacted*, That it shall be the duty of the court of common pleas in and for said county, upon the application of said board from time to time, and after ten days notice of such application by an advertisement in two daily newspapers of said county, to appoint five disinterested freeholders residing in said county, appraisers, who, shall, after having severally taken and subscribed before a judge of said court, an oath or affirmation to act fairly and impartially in the matter intrusted to them, according to the best of their skill and judgment, be empowered to make a fair, just and impartial appraisal of the damage sustained by the owner or owners of any lands and real estate or buildings, to whom compensation is to be paid as provided in this act.

Proceedings in the matter of compensation for damages.

9. *And be it enacted*, That the said board shall from time to time give ten days' notice to the proper appraisers and to the persons entitled to compensation, on what day and at what hour and place, they will ask the said appraisers to hear evidence as to the compensation for the land or buildings of the persons so notified, and at such time and place and at any other time and place to which said appraisers may adjourn, they shall hear the board and the parties interested if they appear, and the witnesses of the board and of said parties and determine the compensation that ought to be paid to the persons so notified and openly and publicly declare the amount thereof, and then or afterwards by writing signed by them or a majority of them, make a statement of their proceedings and said adjudication, which statement shall be filed in the office of the register of the county of Essex; and it, as well as said notices shall contain a carefully prepared description of the boundaries of the land for which compensation is to be made, and state whether there are any, and what kind of building or part of a building thereon, for which also compensation is to be made.

10. *And be it enacted*, That if the person to whom such

compensation shall be awarded, is, or the said board are, dissatisfied with the amount thereof, either party may appeal from the said adjudication to the circuit court of the county of Essex, which is hereby given jurisdiction to rehear the said matter, and to cause a proper issue to be framed to try the question of compensation, and to have the same tried by jury, as an issue out of the supreme court in a civil action is tried in the said court, but such appeal shall not restrain the board from constructing said avenues over said lands and removing said buildings if said compensation found by said appraisers shall have been tendered; if the jury shall find more than the appraisers, the costs of such appeal shall be paid by the board, but if the jury find less or confirm said amount, the costs of appeal shall be paid by the owner; in case any parties entitled to compensation cannot be found to whom to pay the same, or are unknown, or labor under legal disabilities, payment of such compensation into the circuit court of the county of Essex shall be equivalent to the payment of the parties entitled to the same.

11. *And be it enacted*, That all notices required by this act, unless otherwise provided, shall be in writing, and shall, if the person reside in the county of Essex, be served personally upon the party entitled to notice, or left at his, or her usual place of abode; or if such party does not reside in the county, or is an infant, or a lunatic, or an idiot, such notices shall be published in such newspapers, published in the county of Essex, as the board shall determine, for double the length of time that notice personally served is required; and in case the persons entitled to notice, or any of them are unknown, a general notice to those whom it may concern shall be published in like manner; and in the case last mentioned, there shall also be a notice posted on some part of the premises of the party interested of the effect of such notice last mentioned.

12. *And be it enacted*, That the said court of common pleas on request of said board, shall appoint five honest, competent and judicious freeholders, assessors, to perform the duties required of the said assessors under this act; said application and appointment shall be filed in the clerk's office of the county of Essex.

13. *And be it enacted*, That the said board shall cause to be laid before the said assessor a copy of all the appraisements made under the ninth section of this act, with proper

Proceedings
in case of ap-
peal.

Notices to be
in writing or
published

Court of Com-
mon pleas to
appoint assess-
sors.

Duties of as-
sessor in de-
termining
benefits.

Shall make
report to the
board, with
map of assess-
ment and de-
termination

Board shall
meet to re-
ceive objec-
tions to re-
port, assess-
ment and de-
termination.

maps; and the said assessors after taking an oath to honestly and justly perform the duties required of an assessor under this act, shall proceed to consider and determine what lands in said county are peculiarly benefited by the laying out of said avenues, and the amount that each lot or parcel is so benefited, and shall assess the same in proportion to the benefit received, and said assessors shall give at least ten days public notice of their meeting to perform the duties required of them by this act, specifying therein generally the purpose of said meeting, and being once met, the said assessors may adjourn from time to time, until the purpose of those assembling may have been accomplished, but no notice of any adjourned meeting shall be necessary; they shall make a report to said board in writing of their said determinations and assessments, and shall accompany the same with at least one map, and at least one schedule for every city, town or township in which said benefits shall be assessed, and the names of the owners or reputed owners of the lots shall be written upon the lots or parcels as laid down in said maps, or it shall be stated that the owners are unknown, and there shall be as many duplicates of said report as there are cities, towns and townships, in which benefits are assessed, in the clerk's office of each one of which said report shall be filed, and there shall be a duplicate of each of said maps and schedules, one of which said duplicate maps and schedules shall be filed in the clerk's office of the city, town or township to which it relates, for the examination of the public; the original report and maps and schedules shall be temporarily lodged in the office of the clerk of the county of Essex for the examination of the public; and the said clerks of said cities, towns and townships shall respectively, within ten days thereafter, give notice of the filing of said reports and maps and schedules in their said offices, by posting for two weeks notices in five public places in their city, town or township, and said commissioners shall give a like notice by advertising the same in two newspapers published in said county for two weeks in every issue of such newspapers; and the notice of said board shall also state a time and place, when and where the said board will meet, to receive objections in writing to said report, assessment and determination; if any person or corporation aggrieved by said assessments and determinations, by any act or thing upon which the same are, or is founded, shall not give to said board notice of his said aggrievance or complaint,

and of the grounds thereof in writing within twenty days after the filing of said report, he, she, or it shall be deemed to have waived such ground of complaint, and the said board shall receive and consider the said objections so made in writing, and if any of them appear to be well founded, they shall require the said assessors to review the said assessment and make a new report upon the same, re-adjusting the assessment; but in making such review or re-adjustment, said assessors shall not re-adjust any assessment on any land laying outside of the city, town or townships in which the land lies, the assessment on which they are required to review and re-adjust; the said assessment shall be a lien on the said lot or parcel of land until the same shall be paid, from and after the date that the said commissioners shall approve of such assessment, and said board shall approve all of said assessments that they do not require said assessors to review and re-adjust, and as to that part of said assessment, they shall approve of that so soon as the assessment shall have been reviewed and re-adjusted, if the same shall appear to have been re-adjusted properly, and in case the said assessment or any act of said assessors shall be removed to any court of review, the said assessment shall not be set aside for any excess of assessment, unless it appear that the said assessment was greater than the actual benefit, the said laying out and opening of said avenue was to any lot or parcel of land on which said reviewed assessment may have been made, and the said court of review in case they set aside such assessment, shall appoint the same or other assessors to review the said assessment, and re-adjust the same and re-assess the lands, the assessment upon which shall so have been reviewed before the said court, and said assessors so appointed by said court shall add to the assessment, the costs and the expenses of such review in said court, and of said re-assessment.

If objections are well founded they shall require assessors to review assessment.

On approval the assessment shall be a lien on lands

Proceedings in any court of review.

14. *And be it enacted*, That the assessment for benefits required to be paid by this act shall become due, and shall be collected as is provided in the fifteenth section of the act to which this is a supplement; and the said board may, in their discretion, appoint a collector to receive any moneys due for assessments, and may require such collector to give a bond to the said board, in such sum and with such sureties as they may designate, for the faithful performance of the duties of his office, and the said board shall by resolution fix the amount

Assessments, how collected.

of compensation to be paid to such collector; the said board shall also have power to appoint such other agents and officers as they shall deem necessary for the purpose of carrying into effect the purposes of this act.

Board to have
general pow-
ers of over-
seers of high-
ways.

15. *And be it enacted*, That in addition to the powers conferred by this act, it shall be lawful for the said board, and their authorized agents, to use and exercise, for the purpose of this act, all the powers and privileges belonging or appertaining to overseers and surveyors of the highways, under any general law or laws of this state, so far as the same may be used and exercised consistently with the foregoing provisions of this act.

Board may
take turnpike
road, compen-
sation being
made.

16. *And be it enacted*, That the said board is hereby authorized and empowered to purchase or take (compensation being first made,) any turnpike road in said county, or such part or parts thereof as may be necessary for the purpose of this act, and the damages sustained by the taking of any turnpike road, or any part thereof, shall be ascertained upon like application, and in the same manner as is hereinbefore directed where any lands or buildings are taken for the purposes of this act, and the compensation paid or damages appraised shall be assessed upon the lands peculiarly benefited, and otherwise collected, paid and raised in the same manner, and to all intents and purposes as is hereinbefore provided for the assessing, collecting and paying for lands or buildings taken for the purposes of this act.

Board may lay
out roads on
application of
owners of two-
thirds of the
land on line of
such roads.

17. *And be it enacted*, That the said board may at their discretion and in pursuance of this act, and of the act to which this is a supplement, lay out, construct, appropriate, improve and maintain, for the purposes of free carriage roads as aforesaid any existing road, or may lay out and construct any new road, whenever application in writing shall be made to the said board for that purpose by the owners of two-thirds of the land on the line of any such road now existing, or proposed new road; but the money necessary to pay the expenses of laying out, opening and constructing any such roads, and the compensation in this act directed to be made to property owners for lands or buildings taken, shall to the amount and in proportion to the benefit received be assessed upon the lands in said county peculiarly benefited thereby, in the manner hereinbefore provided for; if the amount of the said costs, expenses and compensation shall exceed the value of the benefits conferred upon the lands assessed for such

benefits, such excess (if any,) shall be borne, raised and paid by the county as hereinbefore provided for in relation to said avenues; and the proceedings in and for the laying out, constructing, appropriating, improving and maintaining any such roads, shall be the same in all respects as are provided in respect to the laying out, constructing, appropriating, improving and maintaining the said avenues.

18. *And be it enacted*, That in the event of the damages and interest mentioned in the thirteenth section of the act to which this is a supplement, not being paid as therein provided for, a suit for the same with costs may be brought against the said county, and not against the said board as is in said section provided. Suits for damages may be brought against the county.

19. *And be it enacted*, That if any person or persons assessed for benefits in pursuance of this act and of the act to which this is a supplement, shall elect to pay the assessment against him or them in one payment within three months from the date of such assessment, he, she or they shall be entitled to a rebate of twelve per centum upon the amount assessed against him, her or them. Rebate upon payment of assessment.

20. *And be it enacted*, That the bonds authorized and required to be issued by the board of chosen freeholders of the county of Essex, by virtue of the sixteenth section of the act to which this is a supplement, shall be payable in ten years in equal annual instalments, with the interest thereon, and that it shall be lawful to raise by taxation as a part of the county tax of the said county of Essex, money to pay said bonds or any portion thereof, or the interest thereon. Bonds, when payable, &c.

21. *And be it enacted*, That the commissioners now constituting "The Essex Public Road Board," shall respectively hold their office for the term of three years, from the first Monday in January, eighteen hundred and seventy, and their successors in office shall be appointed and elected in the year eighteen hundred and seventy-three, at the same times, in the same manner, and for the same terms, as is now provided by the act to which this is a supplement, for their appointment and election in the year eighteen hundred and seventy; and their subsequent appointment, election and term of office, shall be at the same time, in the same manner, and for the same term as is provided in the seventeenth section of said act; and the said commissioners shall receive an annual salary of one thousand dollars each, to be paid quarterly by the county collector. Terms of office

Repealer.

22. *And be it enacted*, That the second, sixth, seventh, ninth, twelfth, fourteenth, and twenty-second sections of the act to which this is a supplement, and such other parts of said act as are inconsistent with the provisions of this act, and all other acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved February 16, 1870.

CHAPTER LIX.

An Act to incorporate the High Bridge Iron Company of New Jersey.

Names of corporators.

Corporate name.

Amount of capital stock.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Silas H. Witherbee, Henry G. Nichols and Robert N. Goodwin, and their associates, successors and assigns, are hereby created a body corporate and politic, by the name of "The High Bridge Iron Company of New Jersey," for the purpose of mining and smelting iron and other ores, and for the purchase, manufacture and sale of iron, iron ores, and other metals, with power to lease, purchase and hold such mines and mining rights, real and personal property, as may be considered necessary for the due prosecution of its business, and to sell, lease or mortgage the same or any portion thereof; and by that name, they and their successors shall have all the powers which by the laws of the state are now incident and belonging to corporations.

2. *And be it enacted*, That the capital stock of this company shall be thirty thousand dollars, with power to increase the same, by vote of a majority of the stock to fifty thousand dollars, divided into shares of fifty dollars each, which shares shall be deemed personal property, and shall be transferable in such manner as shall be prescribed in the by-laws of the said corporation; and the said company is authorized to commence business when ten thousand dollars of its capital shall

have been subscribed and paid in or satisfactorily secured to be paid ; and any land, building, property, machinery, contract, lease, or other rights or choses in action, may be taken and used in the business of said company, and received in payment or satisfaction of subscription for stock at a valuation approved by a majority of the board of directors, and no dividend shall be made to the stockholders except from the profits of said company.

3. *And be it enacted*, That the property and affairs of this Directors. company shall be managed and conducted by a board consisting of not less than three nor more than five directors being stockholders, and that Silas H. Witherbee, Henry G. Nichols and Robert N. Goodwin, shall be the first directors to organize and manage the affairs of the said company, and shall continue in office until the second Tuesday in January, one thousand eight hundred and seventy-one, and until others are elected or appointed in their stead.

4. *And be it enacted*, That the board of directors shall have power to demand from the subscribers to the capital Payment of installments. stock of said corporation, the money for such subscriptions, and for any subscriptions to the increase of its capital ; and in case of the failure to pay such subscriptions, the said board Failure to pay works a forfeiture. may after four weeks notice in a newspaper published in Hunterdon county, declare the said stock on which installments are due and all previous payments thereon forfeited to the corporation, and such stock and all previous payments thereon and all right to the same, shall thereby be forfeited and belong to said corporation.

5. *And be it enacted*, That the annual election of direc- Election of directors. tors shall take place on the second Tuesday of January, eighteen hundred and seventy-one, and annually thereafter, at such time and place in the state of New Jersey, as shall be directed by the by-laws of said corporation, and all elections for directors shall be by ballot, and each share of stock shall be entitled to one vote, and the votes may be by person or by proxy ; two weeks previous notice of such election shall be given in a newspaper published in Hunterdon county ; the persons having the greatest number of votes, being stockholders, shall be directors for the ensuing year ; and any vacancy or vacancies occurring by death, resignation or otherwise, among the directors, shall be filled in the manner prescribed by the by-laws of said company, and if from any Failure to elect not to dissolve. cause an election for directors should not take place on the

day of the annual election, it shall not therefore work a forfeiture of this charter; but a new election shall be ordered in conformity to the by-laws of said company, and the directors shall hold over until others are elected in their places.

General powers.

6. *And be it enacted*, That the board of directors shall adopt by-laws declaring the number of directors necessary to form a quorum for the transaction of business, the officers of the company and their duties, and shall have authority to enact such rules and regulations as they may deem necessary for the management of the affairs of this company and the business of the board of directors, and shall have power from time to time to alter the said by-laws; *provided*, the same as adopted shall not be contrary to the constitution of the United States or the laws of this state.

Proviso.

When and how dissolved.

7. *And be it enacted*, That the number of directors may at any time be increased or diminished, or the capital stock diminished or this corporation dissolved, by a vote of three-fourths of the stock represented in such voting, at a meeting called for that purpose, by a notice published once a week for four successive weeks in a newspaper printed in Hunterdon county; upon such dissolution the directors, or such persons as the stockholders shall appoint, and their survivors and successors, shall be trustees, and as such shall have full power to realize, sell, convey and collect the assets of said corporation, real and personal, and pay its debts, and divide the surplus among its stockholders pro rata.

Books of account to be kept.

8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account in which shall be entered all the transactions of the said corporation, which shall at all times be open to the inspection of the stockholders of the said corporation, or their legal attorney or attorney, and further that no transfer of stock shall be valid or effectual until such transfer shall be entered and registered in the books to be kept by the president and directors for that purpose.

Proviso.

9. *And be it enacted*, That this act shall be deemed a public act, and shall at all times be recognized and taken as such in all courts and places whatsoever, and shall take effect immediately; *provided*, that this corporation shall not be exempted from the provisions of the act entitled "An Act to increase the revenue of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight, as qualified by

the supplement thereto, approved March eighteenth, eighteen hundred and fifty-nine.

Approved February 16, 1870.

CHAPTER LX.

An Act to incorporate the Cylinder Cotton Gin Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Stephen R. Parkhurst, Charles J. Bulkley, Warren H. Holt, John N. Bulkley, Oba Meeker, William Shove, Charles G. Rockwood, Linus Littell, and George Smallwood and their associates, shall be and they are hereby declared to be a body corporate and politic, in fact and in law, by the name of "The Cylinder Cotton Gin Company," for the purpose of manufacturing cotton gins, burring machines and other machinery; and for that purpose may hold such real estate, machinery, personal property and effects as may be needful to carry on the said business or may accrue to them in the course thereof, and may sell, mortgage, lease, or otherwise dispose of the same.

Names of cor-
rators.

Corporate
name.
2. *And be it enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, divided into shares of one hundred dollars each; and Stephen R. Parkhurst, Warren H. Holt, Charles J. Bulkley, or a majority of them, are hereby appointed commissioners to receive subscriptions to said capital stock; and as soon as one hundred and fifty thousand dollars of said capital stock is subscribed and ten per centum thereof is paid in, the said commissioners, or a majority of them, shall, by giving at least ten days notice thereof in a newspaper published at Newark, call the first meeting of the stockholders for the purpose of organizing said company.

Amount of
capital stock.
3. *And be it enacted*, That the business of said company shall be managed by not less than five nor more than nine directors, who shall hold their office for one year and until

Directors,
when and how
chosen.

others are elected in their stead, and every year thereafter at such time and place in the city of Newark as the by-laws of said company may appoint, an election of directors shall be held.

Books of account to be kept.

4. *And be it enacted*, That the regular books of account shall be kept at the office of the company, in the city of Newark, where the manufacturing business shall be carried on, to which books every stockholder may have free access, at all reasonable times, for the purpose of inspection; but no dividend shall at any time be made, except from the net profits of the company.

General powers.

5. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions and liabilities set forth in the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the supplements thereto, so far as the same are applicable; and this act shall take place immediately.

Approved February 16, 1870.

CHAPTER LXI.

A Further Supplement to "An Act to incorporate the Columbus and Kinkora Railroad Company," approved April second, eighteen hundred and sixty-six.

Right to extend railroad.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the Columbus and Kinkora Railroad Company, incorporated by an act approved April second, eighteen hundred and sixty-six, to continue and extend the said railroad, from its terminus at Columbus, in the county of Burlington, on or near the bed of the former Delaware and Atlantic Railroad to its point of intersection with the Pemberton and New York railroad at or near New Lisbon, in the said county of Burlington.

2. *And be it enacted*, That in order to enable the said com-

pany to extend the said road as is above mentioned, it shall and may be lawful for the said company to increase their capital stock to the sum of one hundred and fifty thousand dollars above the capital specified in the act to which this is a supplement, with the privilege of issuing bonds to the amount of two-thirds of the capital stock. Increase of capital stock authorized.

3. *And be it enacted*, That John Black, Henry Ellis, Edward Wills, Richard H. Page and J. Elwood Hancock shall be and they hereby are appointed commissioners in conjunction with the former commissioners, to open books of subscription for the said stock, in like manner and upon the same terms as are prescribed in said act. New commissioners.

4. *And be it enacted*, That the number of directors of the said company shall be increased from seven to nine. Increase of directors.

5. *And be it enacted*, That it shall and may be lawful for the said company to commence the said road when twenty-five thousand dollars of the said additional stock shall have been subscribed, and if the said road shall not be completed to Lewistown within five years from the approval of this act, all the powers and privileges hereby granted shall cease and become void. Limitation.

6. *And be it enacted*. That said company shall hereafter be known by the name, style and title of "The Columbus, Kinkora and Springfield Railroad Company." Corporate name.

Approved February 16, 1870.

CHAPTER LXII.

A Supplement to the act entitled "An Act to annex a part of the township of Plumsted, in the County of Ocean, to the township of Upper Freehold, in the County of Monmouth," approved March second, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of that part of the township of Plumsted, in the county of Ocean, annexed to the county of Monmouth, by the act to which this is a sup- Liability of inhabitants.

plement, shall remain and continue liable for the payment of their just quota and proportion of the debt of the said township of Plumsted, and of the debt of the said county of Ocean incurred and contracted at the date of the passage of the act to which this is a supplement, as if said act to which this is a supplement had not been passed.

Proceedings
to ascertain
just amount of
county and
township debt

2. *And be it enacted*, That for the purpose of correctly ascertaining the just amount of said debt of the said township of Plumsted and of the said county of Ocean, due and owing at the date of the passage of said act, and of the just quota and proportion of said debts which the inhabitants of said part of the township of Plumsted so annexed as aforesaid, shall be liable to pay as aforesaid John G. Meirs, and Nicholas Waln, junior, of the township of Upper Freehold, in the county of Monmouth, and John L. Hulme and Thomas B. Jobs, of the township of Plumsted, in the county of Ocean, are hereby appointed commissioners to make a just and true valuation of all the taxable property in that part of the township of Plumsted annexed to the township of Upper Freehold, in the county of Monmouth, by the act to which this is a supplement, and also in the township of Plumsted, in the county of Ocean, and also to ascertain the full and just amount of the debt of said township of Plumsted and of said county of Ocean, due and owing at the time of the passage of the aforesaid act, and also the just quota and proportion of said debts for which the inhabitants of that part of said township so annexed as aforesaid by said act are liable, and shall make their report of the same in writing, to be signed by three or more of said commissioners on or before the fourth day of July next, and file the same under oath or affirmation in the clerks' offices of the counties of Monmouth and Ocean respectively, which report when so made and filed as aforesaid, shall be final and conclusive, and the amount of said debts so fixed and established by the report of said commissioners shall be assessed and collected upon the valuation of real and personal property as made by the assessor of the township of Plumsted in the year eighteen hundred and sixty-eight, in the manner hereinafter directed.

Commission-
ers shall take
an oath

3. *And be it enacted*, That the said commissioners before proceeding to perform the duties prescribed in the foregoing section, shall each of them take and subscribe an oath or affirmation before any justice of the peace of this state, faithfully and honestly to perform the duties required of

them by this supplement, and make a just and true report according to the best of their skill, knowledge and understanding, which said oath or affirmation shall also be filed with said report in the clerk's office aforesaid.

4. *And be it enacted*, That if either of the above named commissioners shall refuse or neglect to take and subscribe said oath or affirmation by the first day of April next, their appointment shall be considered as vacated, and the remaining commissioners who shall qualify as aforesaid, or any two of them shall immediately after such neglect or refusal apply to the judge of the circuit courts of the counties of Monmouth and Ocean, to appoint other commissioners in their place and stead, and the said judge upon such application being made to him, shall appoint two judicious persons, who shall be citizens and freeholders of this state, to act as commissioners in lieu of those so neglecting or refusing to qualify as aforesaid, and who shall perform and discharge all the duties prescribed by the second section of this act, after having first taken the oath of affirmation also prescribed therein, and said appointment of commissioners so made as aforesaid, shall, after the same is made, be filed in the clerk's office aforesaid. ^{Vacancies how filled.}

5. *And be it enacted*, That if either of the said commissioners so appointed by said judge shall refuse or neglect to qualify as aforesaid, or to perform the duties required by this supplement, he or they shall be liable to pay a penalty of one hundred dollars, to be recovered in an action of debt in any court of competent jurisdiction in this state, by any person who shall sue for the same. ^{Penalty for neglect or refusal to qualify}

6. *And be it enacted*, That the quota or proportion of said debts so ascertained, established and reported by said commissioners as aforesaid, and which the inhabitants of that part of said township of Plumsted annexed as aforesaid by said act, shall be liable to pay as aforesaid, shall be assessed as a tax upon said inhabitants so annexed as aforesaid by the assessors of the township of Upper Freehold, in the county of Monmouth, and collected by the collectors of the same township and paid over on the order of the township committee of the township of Plumsted, in just and equitable proportions each and every year hereafter until the whole of said quota of said debts, on or before the first day of March in each year, shall be fully liquidated and discharged; and ^{Quota of debt a tax on the annexed portion of Plumsted until paid}

the receipt of such committee or any two of them for the same, shall be a full and final discharge and release therefor.

Township
committee of
Plumsted to
fix the amount
to be assessed
each year.

7. *And be it enacted*, That the township committee of the township of Plumsted, in the county of Ocean aforesaid, shall each and every year hereafter fix and determine the amount and proportion of said debts so as aforesaid to be assessed and collected in manner aforesaid, and that said amount so directed to be assessed and collected as aforesaid, shall in no one year exceed one-fourth of the whole amount of said debt so ascertained, established and reported by said commissioners.

Compensation
of commis-
sioners.

8. *And be it enacted*, That a reasonable compensation with all just expenses, shall be paid to said commissioners for their services under this act, in equal shares and proportions, by the township committee of the township of Plumsted aforesaid, and by the inhabitants residing within that part of said township annexed as aforesaid, by the act to which this a supplement.

Taxes legal
and binding.

9. *And be it enacted*, That all taxes ordered and directed to be assessed and collected by the inhabitants of that part of said township so annexed as aforesaid by the act to which this is a supplement, for the above specified purposes since the passage of said act, are hereby declared and made legal and binding on said inhabitants, and the acts, proceedings and resolutions in relation to the same, adopted at a town meeting of said inhabitants of said part of said township held on the twenty-third day of July, anno domini eighteen hundred and sixty-nine, are hereby legalized to all intents and purposes, and as effectually as if the same had been passed at a legal town meeting.

Poll tax.

10. *And be it enacted*, That in the assessment of taxes upon the inhabitants of that part of said township so annexed as aforesaid by the act to which this is a supplement, the assessors of the township of Upper Freehold, in the county of Monmouth, are hereby authorized and required to assess upon every white male inhabitant in that part of said township so annexed as aforesaid, a poll tax of one dollar, until the debts aforesaid shall be fully paid; and such poll tax so assessed as aforesaid, shall be levied and collected by the collectors of said township of Upper Freehold agreeably to law, and paid over as hereinbefore provided; *provided, however*, that all honorably discharged soldiers who have served one year in

Proviso.

the army during the recent war, shall be exempt from such poll tax.

11. *And be it enacted*, That the inhabitants of that part of said township of Plumsted, annexed as aforesaid by said act, shall be liable to pay their share of the expenses of the poor for the year eighteen hundred and sixty-nine. ^{Expenses of the poor.}

12. *And be it enacted*, That all acts and parts of the act to which this is a supplement, and which conflicts or are inconsistent therewith, be, and the same are hereby repealed, and this act shall take effect immediately. ^{Repealer.}

Approved February 16, 1870.

CHAPTER LXIII.

A Supplement to "An Act to incorporate the Vineland Railway Company," approved the fourteenth day of March, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Vineland Railway Company is hereby authorized to issue its capital stock in payment for work done and materials furnished upon the railroad of said company, and also to issue its bonds to an amount not exceeding the sum of seven hundred and fifty thousand dollars, bearing interest at the rate of seven per centum per annum, and secured by a mortgage upon the railroad, lands, property, appurtenances, privileges and franchises of said company; *provided*, the said Vineland Railway Company shall not sell said bonds for a less sum than eighty per centum of their par value; and it shall not be lawful for the said corporation to plead any statute or statutes of this State against usury in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section. ^{May issue capital stock in payment of labor, and also bonds secured by mortgage on road.}

2. *And be it enacted*, That this act shall take effect immediately. ^{Proviso.}

Approved February 16, 1870.

CHAPTER LXIV.

An Act to incorporate the New Jersey Fire Clay and Brick Company.

Names of corporators.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That Oliver Ames, William Cobb, Amos Robins, M. F. Carman, Clements S. Parsons, Joseph F. Randolph and John Rutherford, and such other persons as may hereafter be associated with them, be and they are hereby created a body politic and corporate, in fact and in law, by the name of the "New Jersey Fire Clay and Brick Company," for the purpose of mining and selling fire clay, and the manufacture of fire, pressed and common brick, and of carrying on the business incident thereto; and for such purpose the said company shall or may raise by subscription, by opening the books therefor, or otherwise, a capital stock of one hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time to any amount not exceeding three hundred thousand dollars, and it shall be lawful for said company to issue certificates of stock, in whole or in part, in payment for any real or personal property purchased or leased by said company for the purposes of their business aforesaid, and may commence business when forty per centum of the capital stock is subscribed.
Corporate name.	
Object.	
Amount of capital stock.	
May purchase and hold real estate, borrow money and issue bonds.	2. <i>And be it enacted</i> , That the said corporation may purchase, use, hold, possess and enjoy such real estate in the township of Woodbridge, Middlesex county, as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor, not to exceed at any time two-thirds of their capital stock, and may sue and be sued in all courts of law and equity; and may have and use a common seal, and may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may deem proper; <i>provided</i> , the same are not inconsistent with the constitution and laws of the United States or of this state.
Proviso.	

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than seven directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and shall hold their office for one year and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place as the by-laws of said corporation shall direct; and until such election shall take place, the corporators named in the first section of this act, shall manage the affairs of said company, and a majority of the directors shall, on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation, or failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, such notice being given of the time and place of such election as the by-laws shall prescribe.

5. *And be it enacted*, That the said corporation shall be, and is hereby empowered to purchase, use, possess and enjoy and hold in fee simple, or any less estate, any lands or real estate, or to mortgage, sell, lease, convey or dispose of the same, or any part thereof, and to lay roads, cut, dig, keep and maintain drains and sluices in and through their lands, and in and through contiguous and other lands, with the consent of the owners of said lands, and from time to time re-locate, deepen or change the same for the purpose of the manufacture of brick, tile and the transportation thereof; and if the said drains, sluices or roads shall go through or be constructed upon any land not owned by said corporation, or if for any reason, no agreement can be made for the use or purchase thereof, then the said company may proceed to acquire the same in the manner provided in the sixth and seventh sections of the act entitled

"An Act to incorporate the Pequannock Peat and Manufacturing Company," approved February twenty-sixth, eighteen hundred and sixty-seven, and the appeal authorized in the proviso to the seventh section may be had and made by either party, and the said corporation may also purchase, lease, use and dispose of such machinery, patents and personal property, and do such other acts and things and make and construct such buildings, erections and improvements as a successful prosecution of the business of the company may require.

Annual state-
ment.

6. *And be it enacted*, That the said directors shall submit to the stockholders at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amounts of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

Principal of-
fice.

7. *And be it enacted*, That the principal office of the said company shall be in Bonhamtown, and the regular books of accounts of stocks shall be kept in said office, to which books of accounts any stockholder may have free access at all reasonable times, for the purpose of inspection.

How dissolved

Proviso.

8. *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *provided*, that at least nine-tenths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being, and the survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for the settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts and dividing its surplus among the stockholders, in proportion to their respective interests in the stock.

9. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1879.

CHAPTER LXVI.

An Act to authorize the transfer of the Lodi Branch Railroad,
and to incorporate the Lodi Branch Railroad Company.

WHEREAS, The Lodi Branch Railroad was constructed by ^{Preamble.}
the Hackensack and New York Railroad Company from a
point on the line of the railroad of said company, near the
village of Hackensack to the village of Lodi, in the
county of Bergen, under and by virtue of an act approved
March twenty first, eighteen hundred and sixty, entitled
“A further supplement to an act entitled ‘An act to in-
corporate the Hackensack and New York Railroad Com-
pany,’ passed March fourteenth, eighteen hundred and
fifty-six, upon lands purchased by Robert Rennie for the
route of the same, and the money required for the con-
struction of the same, including the price of said lands, and
amounting to upwards of twenty thousand dollars, were
advanced by the said Robert Rennie; and the said Robert
Rennie conveyed to the said company the said lands and
branch railroad for the consideration of two hundred
shares of the capital stock of said company, issued to the
said Robert Rennie; and the said Robert Rennie has fur-
nished, and now owns, all the cars and rolling stock used
upon said branch railroad, and has ever since its comple-
tion, run and operated the same at his own costs and on
his own liability, under agreement with the said company;
and whereas, the said company and the said Robert Ren-
nie mutually desire that the said company should re-convey
the said branch railroad, and the lands whereon the same
is laid out and constructed, to the said Robert Rennie,
upon the surrender by him to the said company of the two
hundred shares of stock so issued to him as aforesaid;
therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Lawful to con-}
the State of New Jersey, That it shall and may be lawful ^{vey railroad}
for the Hackensack and New York Railroad Company, in ^{to Robert}
consideration of the surrender of the said two hundred shares ^{Rennie.}
of stock, to execute under its corporate seal, and deliver to

the said Robert Rennie, and for the said Robert Rennie to take and receive a deed or deeds, conveying and assuring to the said Robert Rennie and his assigns, the said lands and branch railroad, with the superstructure, appendages and appurtenances, and all the estate, property, title, use, rights and franchises, of, in and to the same belonging and appertaining, in as full and ample a manner as the same or any part thereof are now held, possessed or enjoyed by the said company, together with the right and privilege of holding, running and operating the said branch railroad for his own use and at his own expense and liability, in accordance with the chartered rights of said company so far as the same relate or are applicable to the said branch railroad, and not further or otherwise.

Lawful for Robert Rennie and assigns to operate road.

Names of corporators.

Corporate name

Amount of capital stock.

May issue stock for transfer of road.

2. *And be it enacted*, That upon and from the delivery of the deed and surrender of the stock, as authorized in the first section of this act, it shall and may be lawful for the said Robert Rennie, and his assigns, to hold, run and operate the said branch railroad, with the same powers, privileges and franchises, and subject to the same conditions, restrictions and liabilities, so far as relate to said branch railroad, as were heretofore possessed and enjoyed by and were imposed on the said Hackensack and New York Railroad Company; and thereupon the said company shall become and be released and freed from all liability so far as regards the holding or operating said branch railroad; and further, that the said Robert Rennie, William Gregg and William Rennie, and such other persons as may hereafter be associated with them, be and are hereby created a body politic and corporate in law, by the name of "The Lodi Branch Railroad Company," with a capital stock not exceeding thirty thousand dollars, to be divided into shares of one hundred dollars each; and the corporation hereby created, upon being duly organized under this act, shall be and is hereby authorized to receive and take from the said Robert Rennie or his assigns, in exchange for the stock of said corporation, a transfer and conveyance of the said branch railroad and lands, and the appendages, rights, privileges and appurtenances to the same belonging, as the same may be owned and held by the said Robert Rennie, and such corporation may issue stock in exchange for the same, and thereupon shall become and be invested with and possess the same powers and privileges in the direction, management and conducting the affairs and

business of the said corporation, and in the running, operating and holding the said branch railroad, as were heretofore possessed and enjoyed by the said Hackensack and New York Railroad Company, and be subject to the same liabilities as said company were heretofore subject to; *provided*, that the board of directors of the corporation hereby created shall not exceed five nor be less than three in number. Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1870.

CHAPTER LXVII.

An Act to incorporate the Vulcan Hardware Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry Gerecke, Augustus Gerecke and Jacob Stahl, and their associates, be, and are hereby created a body politic and corporate, in fact and in law, by the name and style of "The Vulcan Hardware Company," for the purpose of manufacturing, selling and dealing in locks, tools and general hardware, and the business incident thereto; and for such purpose the said company shall or may raise by subscription, by opening the books therefor, or otherwise, a capital stock of fifteen thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time, with the consent of a majority of the stockholders, to any amount not exceeding one hundred thousand dollars; and it shall be lawful for said company to issue certificates of stock in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid. Names of corporators.
Corporate name.
Objects.
Amount of capital stock.

2. *And be it enacted*, That the said company may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease or otherwise dispose of May have and hold real estate.

the same at pleasure, and may sue and be sued in all courts of law or equity, and have and use a common seal, and change or alter the same at pleasure, and make such by-laws for their regulation and government as they may see proper ; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this State.

Proviso.

Annual election of directors.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president ; and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until others shall be chosen to fill their places ; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place as the by-laws of said corporation shall direct ; and until such annual election shall take place, Henry Gerecke, Augustus Gerecke and Jacob Stahl, being stockholders, shall be directors of said corporation ; a majority of the directors shall on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business ; and all business matters before them shall be decided by a majority of votes ; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors, for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Failure to elect not to dissolve.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election.

Annual statement.

5. *And be it enacted*, That the said directors shall submit to the stockholders at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

Principal office.

6. *And be it enacted*, That the principal office of the said company shall be at Carlstadt, in the county of Bergen, and that regular books of account shall be kept in the said office,

to which books of account any stockholder may have free access at all reasonable times, for the purpose of inspection; and that books of transfer of stock shall be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

7. *And be it enacted*, That the said corporation hereby ^{How dissolved} created may be dissolved by a general meeting of the stockholders of the same, especially called for that purpose; *pro-* ^{Proviso} *vided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution, the directors for the time being and the survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for the settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts, and dividing its surplus among the stockholders in proportion to their respective interests in the stock.

8. *And be it enacted*, That the corporation hereby created ^{General powers.} shall possess the general powers and be subject to the general restrictions set forth in an act entitled "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

9. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1870.

CHAPTER LXVIII.

A Supplement to an act entitled "An Act to incorporate the American Roofing, Paving and Manufacturing Company," passed March twenty-seventh, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Change of} *the State of New Jersey*, That the corporate name of "The ^{corporate} American Roofing, Paving and Manufacturing Company" be ^{name.}

and the same is hereby changed to "The Bricksburg Manufacturing Company;" and the said corporation as "The Bricksburg Manufacturing Company" shall hold and possess all the property, rights, franchises, powers, privileges and immunities of the said "The American Roofing, Paving and Manufacturing Company," and be liable for all the obligations and duties of said company and subject to all the restrictions imposed on the same by the act to which this is a supplement.

No change of
officers re-
quired.

2. *And be it enacted*, That this act shall not be construed to require a change in the officers of the said "The American Roofing, Paving and Manufacturing Company," but they shall by virtue of the election heretofore had be the officers of said "The Bricksburg Manufacturing Company."

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1870.

CHAPTER LXIX.

A Further Supplement to "An Act to incorporate the City of Hudson," approved April eleventh, eighteen hundred and fifty-five.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the thirty-third section of the act to which this is a further supplement, be, and the same is hereby amended by striking out the words therein which read as follows: "and the city shall not owe more than twenty thousand dollars at any one time."

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1870.

CHAPTER LXX.

A Supplement to an act entitled "An Act to incorporate the Bordentown Reservoir and Water Company," approved February sixth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said "The Bordentown Reservoir and Water Company," to sell to the city of Bordentown their lands, personal property and franchises of said company, upon such terms as may be agreed upon, and upon such sale, to convey the same to them. Power to sell lands, franchises, &c.

2. *And be it enacted*, That whenever the city of Bordentown shall desire to become the purchaser of the real and personal property of the said "The Bordentown Reservoir and Water Company," it shall be the duty of the president and directors of the said company to call a meeting of the stockholders thereof to determine the same; *provided*, that twenty days' notice of the time and place and object of said meeting shall be given in a newspaper circulating in said city, and by setting up the same in three of the most public places in said city for the like space of time. Meeting of stockholders to determine sale. Proviso.

3. *And be it enacted*, That at a meeting of the stockholders held as aforesaid, it shall be lawful for those assembled and representing the majority of the shares of stock of said company to determine the question of sale, and that their action shall be binding upon the remaining and all of the stockholders of said company. Majority of stock to determine, and this to be binding on all stock.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1870.

CHAPTER LXXI.

An Act to incorporate the Railroad Office Clerk's Mutual Life Insurance Association of the United States.

Names of corporators.

Corporate name.

Officers, how chosen, and terms of office

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John G. Neil, Louis M. Babcock, Reynold D. Keen, Oliver A. Trowbridge, David McKnight, James P. Kerr, Lucius P. Blydenburgh, Charles C. Fisher and others, their associates, successors and assigns, shall be and they are hereby ordained, constituted and declared to be a body politic and corporate, for the purpose of mutual life insurance, and by the name of "The Railroad Office Clerk's Mutual Life Insurance Association of the United States," to be located in the city of Bordentown, in the county of Burlington, in this State, and by that name to sue and be sued, to plead and be impleaded in all courts of justice, and to have and use a common seal, and to alter and change the same at pleasure.

2. *And be it enacted*, That the officers of the said association shall consist of a president, vice president, grand secretary and treasurer, and an executive committee of five members, to be chosen by ballot by and from the members of the said association, and shall hold their office for one year and until others are chosen in their place; and the election for such officers shall be held on such day in every year, and at such time and place as a majority of the board of officers may previously designate; public notice of which shall be given by the secretary, in a newspaper published in the said city of Bordentown, at least fifteen days previous to the time of holding such election, and if any of the said officers shall die, resign, refuse to serve, or neglect for the space of two months to act in their said office, then and in every such case the remaining officers shall have power to fill such vacancy or vacancies until the next annual election; and in case it shall happen that an election for officers shall not be held on the day when pursuant to this act it ought to be held, the said corporation shall not for that cause be dissolved, but it

shall and may be lawful to hold an election for officers pursuant to law.

3. *And be it enacted*, That John G. Neil shall be president, ^{First officers.} Louis M. Babcock vice president, Reynold D. Keen grand secretary and treasurer, Oliver A. Trowbridge, David McKnight, James P. Kerr, Lucius B. Blydenburgh and Charles C. Fisher the executive committee of the said association for the time being, until other officers are elected according to law.

4. *And be it enacted*, That it shall and may be lawful for ^{May insure} the said corporation to make insurances predicated upon the ^{lives.} lives of their members, and also to insure them against non-fatal accidents, and other causes of disability, and on such terms and conditions as shall from time to time be ordered and provided for by the by-laws of said corporation.

5. *And be it enacted*, That the board of officers for the ^{May make by-} time being, or a majority of them, shall have power to make ^{laws, &c.} and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper for the management and disposition of the property, estate and effects of the said corporation, and for all such matters as appertain to the business thereof, and shall have power to appoint such additional officers, clerks and servants, for carrying on the business of said corporation, as they may select, with such compensation as to them shall appear just and satisfactory; *provided*, that ^{Proviso.} such by-laws, rules and regulations, shall not be repugnant to the constitution or laws of the United States, or of the state of New Jersey.

6. *And be it enacted*, That all certificates of membership ^{Policies of in-} or policies of insurance which shall be made by the said com- ^{surance.} pany in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such persons as shall from time to time be ordered and prescribed by the by-laws, rules and regulations of said corporation.

7. *And be it enacted*, That no part of the funds of said ^{Not to engage} corporation shall be used for banking purposes. ^{in banking.}

8. *And be it enacted*, That the funds received by said cor- ^{Funds, how} poration in their business may be invested in bonds and mort- ^{invested.} gages on unincumbered real estate, in the state of New Jersey, which real estate must be worth double the amount loaned thereon, or on bonds or stocks of the United States, of the State of New Jersey, or of the incorporated cities thereof.

9. *And be it enacted*, That it shall be lawful for the legislature at any time hereafter, to alter, amend, modify or repeal this act.

10. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1870.

CHAPTER LXXII.

An Act to extend a cattle law to the township of Kearney, in the County of Hudson.

Cattle law extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An Act to prevent horses, cattle, sheep and swine running at large in the borough of Bordentown, in the county of Burlington, and in the city of Newark, in the county of Essex, and state of New Jersey," approved April third, eighteen hundred and sixty-five, be and the same are hereby extended to the township of Kearney in the county of Hudson.

Public notice to be given.

2. *And be it enacted*, That it shall be the duty of the town clerk of the township of Kearney to promulgate this act immediately after its passage, in at least twenty-five conspicuous places in said township.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1870.

CHAPTER LXXIII.

An Act to incorporate The Oswego Land and Cranberry Company,
of Burlington county.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of cor-
porators.</sup> *the State of New Jersey,* That William J. Parmentier and William V. Wilson, of the county of Monmouth, B. Franklin Clark and S. H. Shreve, of the city of New York, and Joseph B. Cramer, of the county of Burlington, and such other persons as may hereafter be associated with them, are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The <sup>Corporate
name.</sup> Oswego Land and Cranberry Company," and shall be capable of purchasing, holding, and conveying, any lands, tenements, goods and chattels whatsoever necessary or expedient for the objects of this incorporation.

2. *And be it enacted,* That the capital stock of said com- <sup>Amount of
capital stock.</sup> pany shall be twenty-five thousand dollars, with liberty to increase the same to fifty thousand dollars, which shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

3. *And be it enacted,* That the above named persons, or a <sup>a Commission-
ers to receive
subscriptions.</sup> majority of them, shall be commissioners to open books of subscription to the capital stock of said corporation at such time or times, place and places, as they or a majority of them may think proper, giving notice of the same in one of the newspapers published in this state; and at the time of subscribing five per centum shall be paid upon each share subscribed for, to the commissioners, or some one of them, and when one hundred shares are subscribed to the capital stock of said corporation, the persons holding the same are incorporated into a company as aforesaid; and the <sup>Election of
directors.</sup> commissioners shall give like notice for a meeting of the stockholders to choose seven directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or

by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named commissioners, or a majority of them, shall be inspectors of the first election of directors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and moneys paid in to the directors.

President.

4. *And be it enacted*, That the directors at such meeting, and at the annual elections of said corporation shall, as soon as may be after every election choose out of their number a president, who shall hold office until after the next succeeding election and until another shall be appointed, and they shall have power to fill any vacancy which at any time may occur in their board by death or otherwise, until the next succeeding election.

Annual election of directors.

5. *And be it enacted*, That annual elections for directors shall be held at such time and place as the board of directors shall hereafter direct, of which notice as above mentioned shall be given, and the directors for the time being shall continue to hold their office until others shall have been chosen in their stead; four directors shall be a quorum to transact all business of said corporation, and the directors shall be authorized to call in the remaining capital stock of said company by such installments, and at such times as they may direct; *provided*, such payments shall not exceed five dollars on each share per month, and in case of non payment of said installments, or any one of them, they shall have power to forfeit such share or shares, upon which default shall arise, to and for the use of said corporation, and also to make such by-laws as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate, and effects of said corporation, and to appoint such officers, and to establish such salaries to them, and also to the president, as to the said directors shall appear proper.

Proviso.

Purchase of lands declared legal.

6. *And be it enacted*, That all lands purchased in the name of the Oswego Land and Cranberry Company, and other contracts appertaining to the purchase of lands, prior to this act of incorporation are hereby declared to be legal.

7. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1870.

CHAPTER LXXIV.

A Further Supplement to "An Act to incorporate the Belvidere Manufacturing Company," passed the twenty-sixth day of February, eighteen hundred and twenty-eight.

WHEREAS, doubts have been expressed as to whether the au- Preamble.
thority to manufacture iron, wood and flour, granted by
the supplement passed February twenty-sixth, eighteen
hundred and thirty-eight, is applicable to the Belvidere
Manufacturing Company as at present constituted and or-
ganized; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* Authorized to
the State of New Jersey, That the Belvidere Manufacturing manufacture
Company be authorized and empowered to manufacture iron, iron, wood
wood and flour, and any and all articles composed in whole and flour.
or in part of either of these materials, as fully as the said
company is by its charter of incorporation authorized to
manufacture any other articles.

2. *And be it enacted,* That the number of directors of the Directors.
said company shall be nine, who shall be elected annually on
the second Tuesday of October in each and every year, and
shall hold their offices for one year from the day of their
election and until their successors shall be duly elected.

3. *And be it enacted,* That there shall be an election of Election of di-
officers of the said company on the last Monday of April of rectors in
the present year, when there shall be nine directors elected April.
to hold office until the second Tuesday of October next.

4. *And be it enacted,* That all the provisions of the char- Publication.
ter of incorporation of the said company, requiring publica-
tion for any purpose, in a newspaper or newspapers publish-
ed in the city of Philadelphia, shall be deemed fully com-
plied with by publication thereof in one or more newspapers
published in the county of Warren, in the state of New
Jersey.

5. *And be it enacted,* That the said company shall have May erect and
the right to erect and build a railroad track from, at, or near build a rail-
their works, to, at, or near the depot of the Belvidere Dela- road track.

ware Railroad Company, in the town of Belvidere, and for that purpose shall have all the rights and privileges held and enjoyed by the said the Belvidere Delaware Railroad Company in the construction of their main line of railroad, and shall be subject to the same liability for damage in taking and using land for that purpose.

Repealer.

6. *And be it enacted*, That so much of the act to which this is a supplement and the supplements thereunto as are inconsistent herewith, is hereby repealed.

Approved February 16, 1870.

CHAPTER LXXV.

An Act to incorporate the Washington Clay and Brick Company.

Names of corporators.

Corporate name and objects.

May hold real estate.

Proviso.

May build a horse car railroad.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Whitehead, senior, Theodore Willet and William Yates, and such other persons as may hereafter be associated with them, be and they are hereby created a body politic and corporate, in fact and in law, by the name of "The Washington Clay and Brick Company," for the purpose of mining and selling clay and the manufacture of fire, pressed and common brick, and of carrying on the business incident thereto.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate in the town of Washington, Middlesex county, as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease or otherwise dispose of the same at pleasure, and may sue and be sued in all courts of law and equity, and may make such by-laws for their regulation as they may deem proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state.

3. *And be it enacted*, That the said corporation, their assigns, or such other persons as may be hereafter associated with them, are hereby empowered to construct and build a

horse car railroad with all proper and necessary connections from the sand and clay banks (known as Samuel Whitehead's) to the docks of said company on South river, in the village of Washington, Middlesex county; said horse car railroad to be located on the north side of a road commonly known as Jackson road or street adjoining said clay and sand lands; said road as located to be used for the transportation of clay, brick, sand, and so forth.

4. *And be it enacted*, That it shall be the duty of said company to grade and keep in proper repair said road over which said railroad runs, and keep said railroad at the points where it may cross other roads level by the placing of plank on either side and in the centre of said railroad. Shall keep road in proper repair.

5. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1870.

CHAPTER LXXVI.

A Supplement to an Act entitled "An Act to Incorporate the Hoboken Land and Improvement Company," passed the twenty-first day of February, anno domini eighteen hundred and thirty-eight.

WHEREAS, by the will of Edwin A. Stevens, late of the town-ship of Weehawken, county of Hudson, state of New Jersey, his executors were directed to fulfill certain bequests by the purchase of property belonging to the Hoboken Land and Improvement Company, and for the effecting of such purchase it is more convenient and desirable to pay for said property in other personal property and real estate standing in the name of E. A. Stevens; and whereas, some question has arisen as to whether the said Hoboken Land and Improvement Company are authorized, by their present charter, to own the same; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Hoboken Land and Authorized to purchase and sell certain lands.

Proviso.

Improvement Company, be and they are hereby authorized to purchase from the said executors of E. A. Stevens, and to use, hold, let, improve and dispose of any and all such real and personal property; *provided*, that nothing in this supplement contained shall authorize said company to hold more than one thousand acres of land at any one time.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1870.

CHAPTER LXXVII.

An Act to improve certain roads or avenues in the township of Hackensack, in the County of Bergen.

Road commis-
sioners, with
power to im-
prove roads
and avenues.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Garret A. Lydecker, Nathan T. Johnson, Samuel E. DeGroot, J. Vreeland Moore, and Nicholas T. Romaine, all of the township of Hackensack, in the county of Bergen, be and they are hereby appointed commissioners with full powers and authority to alter, widen, straighten, grade and macadamise (or either) and put in good order all that part of the public road formerly known as the English Neighborhood road, in the said township of Hackensack, from the point where it joins the Bergen turnpike at Ridgefield, in said township, to the point where it meets the road known as Palisade avenue, at Englewood, in said township, as the public road now runs, or as it may hereafter be altered or re-laid in any part of its course by the said commissioners; said road not to be widened to a greater width than sixty feet, and to be hereafter known as Grand avenue; and also with full powers and authority to grade and macadamise and put in good order all that part of the said Palisade avenue, from the point where it is met by the said public road, westwardly to the bridge on said avenue, near to the blacksmith shop of Henry West, in said village of Englewood; the said road and avenue not to be macadamised more

than twenty feet in width; and also with full powers to open, alter, grade and put in good order a new public road, to be hereafter known as Broad avenue, laid by the surveyors of the highways of the county of Bergen, on the ninth day of March, in the year eighteen hundred and sixty-nine, beginning at the point where it joins the Bergen turnpike at Ridgefield, and continuing thence northerly to the road formerly known as the Fort Lee turnpike, and extended thence northerly by the surveyors of the highways of the said county, on the sixth day of October in the same year, to Linden avenue at Englewood, and with full powers to extend the said public road at an uniform width of five rods to Palisade avenue, in the village of Englewood, and to likewise grade and put in good order such extension of said public road; and also with full power to determine the width of and to regulate the carriage-ways and sidewalks of said roads and avenue; *pro-* Proviso. *vided*, that the said commissioners in the altering or straightening of said road or roads shall, as far as they consider it to be practicable, keep at least partly within the limits thereof; and the said commissioners are hereby authorized and empowered effectually to vacate all such parts of said roads as such altering or straightening may make necessary and proper.

2. *And be it enacted*, That the said commissioners, before proceeding under their said appointment, shall take and sub- Commission-
ers shall take
oath. scribe an oath or affirmation before a justice of the peace, faithfully and impartially to exercise the powers and perform the duties granted and enjoined by this act, which oath or affirmation, shall be filed by the said commissioners within five days thereafter, in the office of the clerk of the county of Bergen, and any freeholder elected in conformity to the provisions of the tenth section of this act, as a successor in office to any of the said commissioners, shall within five days after his election, and before exercising any authority under this act, in like manner take, subscribe and file a like oath; and all expenses incurred by the said commissioners in their proceedings under the original act, hereby repealed, since the filing of their oath under said act, may be provided for in the first assessment that shall be made under this act as part of the expense of the improvement assessed for.

3. *And be it enacted*, That the said commissioners shall May employ a
civil engineer,
surveyors, &c have power to employ a civil engineer and all necessary surveyors, workmen and agents, to effectually carry out the

May enter upon and take any lands and improvements	<p>powers and authority granted in the first section of this act ; and for the extending, altering, widening and straightening of the roads that they are hereby authorized to extend, alter, widen and straighten, may enter upon and take any lands and improvements (including all buildings except dwelling houses), that may be necessary for that purpose, upon issuing to the owner or owners a certificate or certificates of indebtedness, as provided in section fifth of this act, for the damage done by taking the said land and improvements, the said damage to be determined by the said commissioners ; <i>provided</i>, that in determining the said damage done by the taking of the land, they shall only allow for the excess, if any, of damage done over and above the advantage that will in their judgment, accrue to the owner of the land taken.</p>
Proviso.	<p>4. <i>And be it enacted</i>, That when the said commissioners shall proceed either to grade, macadamize or put in good order the said public roads or avenue, they shall do the said work by contract in manner following, and may, if they see fit, do the same in sections of any length, at the same or different times : they shall prepare a plan and specifications of the work proposed to be done, which plan and specifications shall at all times, after the same are determined upon, be open to the inspection of all parties liable to be assessed for the cost and expense of the proposed improvement ; and thereupon the said commissioners shall advertise for not less than four weeks in at least one newspaper published in the county of Bergen, for proposals for doing said work, and after said time shall open said proposals, and let the said work to the person or persons who shall offer to do it for the least sum of money ; but the said commissioners may, if they deem it for the interest of the property owners to be assessed for the said improvement, reject all the offers and re-advertise, as above required, before they shall let the said work ; <i>provided</i>, that the said work shall not be let in any case without security from the contractor, in such sums as the commissioners may require, not less than one-third of the price for doing said work ; <i>and provided</i>, that it shall not be lawful for any of the said commissioners to be interested, directly or indirectly, in any contract given out by them under this act ; <i>and provided, further</i>, that the said commissioners may, at their discretion, repair said roads and avenue by day labor or otherwise, at an expense not exceeding one hundred dollars per mile per annum, the said expense to</p>
Manner in which the work shall be done.	
Shall advertise for proposals, &c	
Proviso.	
Proviso.	

be met by the said commissioners making an annual assessment therefor, at such time as they shall see fit, on the lands and in the manner of assessment described in section sixth of this act; but it shall not be necessary in any such assessment, when made separately, to file any map with the assessment list, as required in said sixth section.

5. *And be it enacted*, That the said commissioners may issue a certificate or certificates of indebtedness for damages awarded for lands and improvements taken for the extending, altering, widening or straightening of said roads particularly provided for in section third of this act, and a like certificate or certificates to the engineer, surveyor or surveyors, workmen and agents, for services rendered; and also on the certificate of their engineer of the amount of work done under any contract authorized under section fourth of this act, issue to the contractor thereof a like certificate or certificates of indebtedness for said work, in sums of not less than fifty dollars, as the work progresses, and on the completion of the work for the balance due, which certificates of indebtedness shall bear interest at the rate of seven per centum per annum until paid; and such certificates shall be receivable in payment for assessments laid by said commissioners, as is hereinafter provided for.

6. *And be it enacted*, That at any time when the said commissioners shall have determined upon the manner of extending, altering, widening or straightening said roads or either of them, and also at any time when the work under any contract authorized by the fourth section of this act shall be completed, the said commissioners may assess the whole cost and expense of the improvement up to the time of such assessment, including the pay due to the commissioners, together with the fees of the collector for the collection of the assessment, and also such a surplus as they may deem necessary to meet all other expenses that they may incur in carrying out the provisions of this act, not to exceed one thousand dollars on all the lands hereinafter described, in the manner hereinafter provided; (it being intended to authorize the said commissioners to make one or more assessments as they shall deem best to effect the different improvements provided for in this act); that is to say, they shall make the said assessment on all the lands included in the following boundaries, viz: beginning at a point in the easterly line of the Northern Railroad of New Jersey, where the northerly

Commissioners may issue certificates of indebtedness for damages and expenses.

Whole cost and expense to be assessed on lands within certain described limits

Manner of assessment.

Meeting to hear objections to assessments.

line of lands of David V. Brower, lying on the east side of the Bergen turnpike, if prolonged westerly, would intersect the same; thence running easterly along such prolonged line and the northerly line of lands of David V. Brower and Elizabeth Martling, to the centre of the Dallytown road; thence northerly along the centre of said road to the centre of the Fort Lee road; thence easterly along the centre of the Fort Lee road to the centre of Jones' road; thence northerly along the centre of the Jones' road to the centre of Palisade avenue; thence continuing northerly along the centre of Brayton street to the centre of Chestnut street; thence westerly along the centre of Chestnut street to the centre of Lydecker street; thence northerly along the centre of Lydecker street to the centre of Hamilton avenue; thence westerly along the centre of Hamilton avenue to the brook, the source of the Overpeck creek; thence southerly along the easterly line of said brook and creek, following the various courses thereof, to the centre of the Bergen turnpike; thence easterly along the centre of said turnpike to the easterly line of the Northern Railroad of New Jersey, and thence southerly along said easterly line to the point of beginning; and the said commissioners shall make the said assessment on said lands in proportion to the benefit received in their judgment by the owners thereof, and they shall make a map showing the boundaries of the land so assessed, and the course, length and location of the road or avenue on account whereof the assessment is made, and in any assessment for the extending, altering, widening or straightening of said roads; also, showing the manner in which they are to be extended, altered, widened, straightened or vacated, and shall make a certificate of the whole amount of the assessment, and the assessment to the owner or owners of each plot or parcel of land assessed, with a short description of such plot or parcel, such as the said commissioners shall deem sufficient to ascertain the location and extent thereof, and annex the same to said map; whereupon the said commissioners shall give two weeks previous notice, in a newspaper published in the county of Bergen, and by notice posted in three of the most public places along the line of the improvement, that they will meet at a convenient time and place, to be named in said notice, to hear and weigh all objections to said assessments and to correct and finally confirm the same, and notwithstanding any error in said certificate in not naming

the true owner or owners of any plot or parcel, the assessment shall remain valid and effectual against such plot or parcel, and be collected in the manner hereinafter prescribed, and if any error of assessment be made in such certificate in not dividing any plot or parcel according to its actual ownership, it shall not defeat or impair the assessment, but the commissioners shall, on application to them, divide said assessment and apportion it to such parts.

7. *And be it enacted*, That the map and certificate mentioned in the last section, or the certificate only, when no map is necessary, when completed according to such final correction and conformation of the assessment, shall be filed in the office of the clerk of the county of Bergen; from which time the said assessment shall be a lien on the lands on which it is laid, and from said time when the assessment shall be made on account of the extending, altering, widening or straightening the said roads, the same shall be considered extended, altered, widened, straightened and vacated according to said map, and the said commissioners may proceed to open and control the same under this act; and the said commissioners shall make a copy of said map and certificate, which they shall place in the hands of the collector of taxes for the time being of the township of Hackensack, and thereupon it shall be the duty of the collector to directly collect the said assessment in sixty days from the time of placing such copy in his hands, and to pay the same over to one of the said commissioners who shall have been chosen by them as their treasurer; and the said collector shall, in the collection of the said assessment, be liable to the same pains and penalties, and entitled to the same fees as in the collection of the annual township taxes, the said fees being reserved by him out of the amount so collected; *provided*, that the said collector, before proceeding under this act, shall enter into bonds to the said commissioners, with such sureties, and in such sum as the said commissioners shall approve, conditioned for the faithful performance of his duties under this act; and the said treasurer, before receiving any moneys from said collector, shall enter into bond to the inhabitants of the township of Hackensack, in their corporate name, with such sureties and in such sum, as the township committee shall approve, conditioned for the faithful performance of his duties as such treasurer.

8. *And be it enacted*, That in case any owner or owners of

Land may be sold for assessments.

lands so assessed as aforesaid, shall fail to pay the assessment laid thereon, within one year from the time of placing the copy of the map and certificate in the hands of the collector, then the land upon which the said assessment is a lien shall be sold in the same manner that land is now authorized by law to be sold for unpaid taxes in said township of Hackensack, so to raise a sufficient sum to pay the said assessment and the interest, at the rate of twelve per centum per annum, from the expiration of sixty days from the time of placing such copy in the hands of the collector, and the lawful costs and fees of collection and sale.

Exempt from township taxes for roads for ten years.

9. *And be it enacted*, That any lands assessed for the altering, widening or improvement, of said public roads and avenue, as hereinbefore provided for, shall be exempt from all township taxes for the improvement or repairs of highways for the term of ten years from the time of the passage of this act.

Terms of office.

10. *And be it enacted*, That the term of office of the said commissioners shall expire at the end of three years from the passage of this act; and in case of the death, disability, resignation or removal, from the said township of any of the said commissioners, the vacancy so caused shall be refilled by the remaining commissioners, at a meeting called for that purpose, by the election of a new commissioner for the unexpired term, the said new commissioner to be an owner of land liable to be assessed for the widening or the improvement of the roads and avenue aforesaid, under this act; and the said commissioners shall each have the sum of three dollars per day for each day of actual service performed by them under the provisions of this act.

Repealer.

11. *And be it enacted*, That the act entitled "An Act to widen and improve a road and avenue from Ridgefield to Englewood, in the township of Hackensack, in the county of Bergen," approved the first day of April, eighteen hundred and sixty-nine, be, and the same is hereby repealed.

12. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved February 16, 1870.

CHAPTER LXXVIII.

A Supplement to an act entitled "An Act to incorporate the Paterson Fire Insurance Company," approved February twenty-eighth, eighteen hundred and sixty-eight.

WHEREAS, "The Paterson Fire Insurance Company," by an Preamble. act of the legislature of this state, entitled "An Act to incorporate the Paterson Fire Insurance Company," approved February twenty-eighth, eighteen hundred and sixty-eight, was ordained, constituted and declared to be a body politic and corporate in law and in name, with certain rights, privileges and franchises, and subject to certain duties, limitations and restrictions; and whereas, the said company, through inadvertance, have omitted to pay the tax and assessments imposed upon their said act of incorporation, by the act entitled "An Act to increase the revenues of the State of New Jersey," approved March sixth, eighteen hundred and fifty-eight, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to incorporate the Paterson Fire Insurance Company," approved February twenty-eighth, eighteen hundred and sixty-eight, shall stand revived, and shall have the same force and effect as if the said tax and assessment had been paid on or before the first day of July next, after the passage of the said last mentioned act; *provided*, that the said tax and assessment, imposed by the act entitled "An Act to increase the revenues of the State of New Jersey," shall be duly paid on or before the first day of July next, after the passage of this act. Revival of act on payment of assessment.

2. *And be it enacted*, That the privilege to increase the capital stock of said company, given by the second section of the said act to which this is a supplement, be and the same is hereby restricted and limited to five hundred thousand dollars. Restriction on increase of capital stock.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1870.

CHAPTER LXXX.

A Supplement to an act entitled "An Act to incorporate the Long Branch and Sea Shore Railroad Company," approved March twentieth, eighteen hundred and sixty-three.

May consoli-
date capital
stock, subject
to conditions.

Proviso.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Long Branch and Sea Shore Railroad Company, and New Jersey Southern Railroad Company, by and with the consent of two-thirds of the stockholders of said railroads respectively, may consolidate the capital stock of the said companies; subject always to the provisions, reservations and conditions in the acts incorporating the said companies and the supplements thereto; and that the stock of the said companies subscribed and authorized to be subscribed under the said acts shall be deemed and considered, and is hereby declared to be joint stock, and the profits arising from the railroads of the said companies shall be divided among all the stockholders of the two companies aforesaid, share and share alike, and that the number of directors of the said consolidated companies shall, after the said consolidation be thirteen; *provided always*, that before this act shall take effect, the assent of the stockholders holding two-thirds of all the stock of the said Long Branch and Sea Shore Railroad Company, and of said New Jersey Southern Railroad Company, to the provisions of this act, shall be certified to the satisfaction of the governor of this state, and the same shall be filed in the office of the secretary of this state; *and provided further*, that if any stockholder or stockholders shall refuse his, her, or their assent, or if by reason of absence or legal disability such assent cannot be obtained, application may be made by such stockholder or stockholders, within three months from the time that the purchase or consolidation shall take effect, to one of the justices of the supreme court of this state, for the appointment of three disinterested and impartial persons, well acquainted with the value of railroad property, as commissioners, to appraise the value of the shares held by said stockholder or stockholders; whereupon such proceedings shall be

had as are provided in sections seven and eight of the act of incorporation, for appraising and taking lands so far as the same is applicable.

2. *And be it enacted*, That the said railroads may be united May be united by a branch road. by a branch or branches of either of said roads, at or near the village of Long Branch, and that if the said companies or either of them cannot agree with the owners of the lands necessary for the purpose, the said companies or either of them may take proceedings for that purpose in like manner, and with like effect as is provided for the condemnation of land in the act to which this is a supplement.

3. *And be it enacted*, That the said New Jersey Southern Railroad Company may in lieu of such consolidation purchase the stock of the said Long Branch and Sea Shore Company or may purchase the said railroad, and that if purchase can be made in such manner that for the payment or part payment of the purchase money for such stock or said railroad, the stock of the said New Jersey Southern Railroad Company will be taken therefor, then it shall and may be lawful for the last named company to issue so much of its capital stock as shall be requisite for that purpose. May purchase stock of the Long Branch and Sea Shore Railroad.

4. *And be it enacted*, That the president of the said company shall file under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages and all expenses, in the office of the secretary of state; and annually thereafter on the first Monday in January of each year, he shall under oath or affirmation, make a statement to the secretary of state, of the cost, equipments, appendages, and expenses of said road; and the said corporation shall pay to the treasurer of this state, a tax of one half of one per cent. on the cost, equipments and appendages of said road, to be paid annually on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads, over which the legislature shall have power for that purpose at the time of the passage of such law or laws; and until the said railroad shall make annual returns to the secretary of state as above provided, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person State tax.

or persons, as other taxes are assessed in said city or cities, township or townships, provided that no other tax or impost shall be levied or assessed upon said company.

5. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1870.

CHAPTER LXXXI.

A Supplement to an act entitled "An Act to incorporate the Raritan and Delaware Bay Railroad Company.

Preamble.

WHEREAS, the Raritan and Delaware Bay Railroad Company in pursuance of the authority in it vested, executed a certain mortgage to Charles J. Hendrickson and Joseph D. Taylor, trustees, to secure the sum of one million dollars; and whereas, certain proceedings were had in the court of chancery in the state of New Jersey, for the foreclosure of the said mortgage, and the said court, on or about the twenty-sixth day of June, eighteen hundred and sixty-nine, did decree among other things that the railroad belonging to the said company, with its personal property and franchises, should be sold at public auction by Robert S. Green, esquire, one of the masters of said court; and whereas, on or about the fourteenth day of September, eighteen hundred and sixty-nine, said master in pursuance of the said decree, sold the said railroad and all its real and personal estate and franchises unto Benjamin Williamson and George N. Titus, who afterwards, and on the day and year last aforesaid, received from the said master a deed conveying and assigning unto them all the said railroad franchises and other property with their appurtenances, as by reference to the said indenture duly recorded in the office of the clerk of the county of Monmouth, on the fifteenth day of September, eighteen hundred and sixty-nine, in book two hundred and twenty of deeds, folio one hundred and thirty-eight, and so forth, will more fully appear; and whereas,

afterwards, and on the same day and year aforesaid, Benjamin Williamson and George N. Titus did associate with them John P. Stockton, Charles Gould, George B. Upton, Henry M. Alexander and eleven other persons, in pursuance of an act of the legislature of this state, entitled "An Act concerning the sale of railroads, canals, turnpikes and plank roads," approved March fifth, eighteen hundred and fifty-eight; and whereas, on the same day and year last aforesaid, the said purchasers and their associates, pursuant to the provisions of the said act did organize themselves into a body corporate and politic, and did elect a board of thirteen directors and a president; and whereas, on the said day and year last aforesaid, the said corporation did make a certificate of such organization, under its common seal, attested by its president, which said certificate was filed in the office of the secretary of the state of New Jersey, on the eighteenth day of September, eighteen hundred and sixty-nine; and whereas, the said corporation have, in pursuance of the said act, made and issued certificates of the capital stock of the said new corporation to the said purchasers and their associates, to the amount of their respective interests therein, and the said company has made and delivered to George B. Upton and Benjamin Williamson, trustees, its certain indenture of mortgage, bearing date the fourteenth day of September, eighteen hundred and sixty-nine, upon the railroad known as the Batsto branch of the Camden and Atlantic Railroad Company, and upon the railroad and other property so sold by the said master, and its corporate rights, property and franchises, securing its bonds, amounting in the aggregate to two millions of dollars, and which said mortgage was duly recorded in the office of the clerk of the county of Monmouth, on the fifteenth day of September, eighteen hundred and sixty-nine; now, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Ratification and confirmation.} *the State of New Jersey,* That the said proceedings be, and the same are hereby ratified and confirmed, and that the said corporation, so formed upon the said sale and organization, shall be invested with all the corporate rights, privileges, and franchises of the said Raritan and Delaware Bay Railroad Company; *provided,* that nothing in this act contained shall in ^{Proviso.} any wise impair or affect any right or rights in law or in equity, of any person or persons, not a party to the said suit,

nor of any such party, except so far as is determined by the said decree.

Corporate
name, and
powers.

2. *And be it enacted*, That the said corporation shall hereafter be known as the "New Jersey Southern Railroad Company," and by that name shall be capable of purchasing, and of otherwise receiving and becoming possessed of, holding and conveying all 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 carry out the objects of this act, or of the act to which this act is a supplement, and the amendments thereto; and the board of directors of said company shall hereafter be thirteen in number, one-fourth of whom shall be residents of the State of New Jersey.

Amount of
capital stock.

3. *And be it enacted*, That the capital stock of the said company shall be three millions, five hundred thousand dollars, with the right to increase the same from time to time, to an amount not exceeding in the aggregate the sum of five millions of dollars, to be divided into shares of one hundred dollars each.

May issue
bonds and se-
cure the same
by mortgage.

4. *And be it enacted*, That the said company shall have power to issue bonds to an amount not exceeding five millions of dollars, the bonds to draw interest at a rate not greater than seven per centum per annum, and may secure the same, or any part thereof, by a mortgage or mortgages, upon the said railroad, and other corporate property and franchises of the company, and that it shall not be lawful for the said corporation to plead any statute or statutes of this state, against usury in any suit, in law or equity that may be instituted to enforce the payment of any bond or mortgage heretofore executed or hereafter to be executed by the said company.

May unite
with other
companies.

5. *And be it enacted*, That the said railroad company are hereby authorized and empowered to unite with such company or companies as are or may be incorporated by this state, whose railroad or railroads or branches may connect with the railroad or branches of the said New Jersey Southern Railroad Company; and that, for the purpose of carrying out the provisions of this section, it shall and may be lawful for said New Jersey Southern Railroad Company, and any other railroad company in this state whose railroad or branches shall join or connect with the railroad or branches of the said New Jersey

Southern Railroad Company, by and with the consent of two-thirds of the stockholders of the said companies, respectively, to consolidate the capital stock of the said company, subject ^{May consolidate capital stock.} always to the provisions, reservations and conditions set forth and contained in the acts incorporating the said companies, and the supplements thereto, and the stock of the said companies, so consolidated, shall, after such consolidation, be deemed and considered to be joint stocks, *provided*, that the ^{Proviso.} assent of stockholders holding two-thirds of all the stock of the said companies, respectively, shall be certified to the satisfaction of the governor, and the same shall be filed in the office of the secretary of this state; *and provided further*, the ^{Proviso.} New Jersey Southern Railroad Company shall operate the route between Eatontown and New York City by way of Port Monmouth, in the county of Monmouth, by running at least one passenger train from Eatontown to New York in the morning, and one passenger train from New York to Eatontown in the afternoon of each and every week day, with suitable passenger boats between New York and Port Monmouth, until the New York and Long Branch Railroad shall be constructed and operated between South Amboy and Red Bank, or some point on the New Jersey Southern Railroad north of Red Bank, or until a railroad shall be constructed and operated between Red Bank and a point on the Long Branch and Sea Shore Railroad at or near Jumping Point on the South Shrewsbury River.

6. *And be it enacted*, That if any stockholder or stock ^{Proceedings when stockholders refuse their assent.} holders shall refuse his, her or their assent, or if by reason of absence or legal inability such assent cannot be obtained, application may be made by such stockholder or stockholders, within three months from the time that the purchase or consolidation shall take effect, to one of the justices of the supreme court of this state, for the appointment of three disinterested and impartial persons, well acquainted with the value of railroad property, as commissioners, to appraise the value of the shares held by said stockholder or stockholders; whereupon such proceedings shall be had as are provided in the act to which this is a supplement, for appraising and taking lands, so far as the same is applicable.

7. *And be it enacted*, That the said New Jersey Southern ^{May lease or purchase the Long Branch and Sea Shore Railroad.} Railroad Company be and are hereby authorized and empowered to lease the railroad of the Long Branch and Sea Shore Railroad Company, upon such terms and at such

rates as may be agreed upon by the board of directors of the two companies; and that the said New Jersey Southern Railroad Company may purchase the railroad property and franchises of the said Long Branch and Sea Shore Railroad Company upon filing the consent of three-fourths of the stockholders of the said Long Branch and Sea Shore Railroad Company in the manner and to the effect provided in this act for consolidation of said companies; and the said Long Branch and Sea Shore Railroad Company are hereby authorized to make such lease or sale.

May purchase
and hold stock
of railroads.

8. *And be it enacted*, That the said New Jersey Southern Railroad Company may purchase and hold the stock of any railroad in this state which is now or hereafter shall be chartered by authority of the legislature of this state, and whose railroad connects or may hereafter connect with the railroad or branches of the said New Jersey Southern Railroad Company.

May endorse
and guarantee
bonds of any
connecting
railroad.

9. *And be it enacted*, That the said New Jersey Southern Railroad Company may endorse and guarantee the bonds of any railroad company authorized by the legislature of this state, and whose railroad or branches do now or may hereafter connect with the railroad or branches of the said New Jersey Southern Railroad Company.

Conveyance
ratified and
confirmed.

10. *And be it enacted*, That the conveyance to the said New Jersey Southern Railroad Company by the name of the Raritan and Delaware Bay Railroad Company, by William A. Torrey and Samuel W. Torrey, and the Camden and Atlantic Railroad Company, of all that branch of the Camden and Atlantic Railroad lying between Jackson (now called Atco), in the county of Camden, to Atsion, in the county of Burlington, by deed bearing date the fourteenth day of September, eighteen hundred and sixty-nine, and recorded in the office of the court of the county of Camden on the seventeenth day of September, eighteen hundred and sixty-nine, be hereby ratified and confirmed, and that the said New Jersey Southern Railroad Company shall be invested with all the rights, privileges, franchises and property belonging to the said railroad so conveyed, and shall have full power and authority to operate and maintain the same, and to transport passengers and freight thereon at such rates and such charges as they may adopt, not exceeding six cents per ton per mile for the transportation of property, or more than three cents per mile for the carrying of each passenger; *pro-*

Rates of fare.

vided, that no charge shall be required to be less in the aggregate than ten cents. Proviso.

11. *And be it enacted*, That the said New Jersey Southern Railroad Company may use their said railroad, its branches, and any part thereof, for the transportation of passengers and merchandize between the cities of New York and Philadelphia for the rates and compensation authorized by the charter, to which this is an amendment, and the supplements thereto subject to the articles of agreement mentioned in the next section of this act. May transport passengers and merchandise between New York and Philadelphia.

12. *And be it enacted*, That certain articles of agreement bearing date the twenty-eighth day of October, in the year eighteen hundred and sixty-nine, made and entered into by the Camden and Amboy Railroad and Transportation Company, the Delaware and Raritan Canal Company, and the New Jersey Railroad and Transportation Company, parties of the first part, and the said New Jersey Southern Railroad Company, under the name and title of the Raritan and Delaware Bay Railroad Company of eighteen hundred and sixty-nine, of the second part, be and the same are hereby ratified, confirmed and approved; and that the said articles of agreement filed in the office of the secretary of state on the first day of February, eighteen hundred and seventy, may be recorded in the office of the secretary of state of this state by the said secretary, and that a copy of said article of agreement certified by the said secretary from the said record, shall be evidence in all courts and places, both of the execution and contents of said articles of agreement. Articles of agreement ratified and confirmed.

13. *And be it enacted*, That the president of the said company, shall file under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages, and all expenses in the office of the Secretary of state, and annually thereafter on the first Monday in January of each year; he shall under oath or affirmation, make a statement to the secretary of state, of the cost, equipments, appendages, and expenses of said road, and the said corporation shall pay to the treasurer of this state, a tax of one half of one per cent on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads, over which the legislature shall have power for that purpose at the time of the passage of such State tax.

law or laws, and until the said railroad shall make annual return to the secretary of state as above provided, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons, as other taxes are assessed in said city or cities, township or townships, provided that no other tax or impost shall be levied or assessed upon said company.

14. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1870.

CHAPTER LXXXII.

A Supplement to an act entitled "An Act to incorporate the Dundee Manufacturing Company.

May mortgage real and personal property to secure bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Dundee Manufacturing Company may and shall have the power to mortgage the real and personal property which they now or may hereafter own as security for bonds to be issued by them to the amount of two hundred and fifty thousand dollars, which they may dispose of in such manner and for such price as they see fit, and such bonds shall be a legal obligation against the company.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1870.

CHAPTER LXXXIII.

An Act to authorize the Honey Brook Coal Company to hold property in New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Honey Brook Coal Company, a corporation created and existing under the laws of the state of Pennsylvania, is hereby authorized and empowered to hold and dispose of property within this state, for the purposes of its incorporation. ^{May hold and dispose of property in this state.}

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1870.

CHAPTER LXXXIV.

An Act to incorporate the Hudson County Glass Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Richards, Benjamin J. Edwards, Wm. C. Ellison, Frank Ellison, G. W. N. Custis, their associates, successors and assigns, be and are hereby created a body corporate and politic in fact and in law, by the name of "The Hudson County Glass Manufacturing Company," for the purpose of manufacturing all descriptions of glass and glassware, and of vending the same, and for that purpose shall be capable of purchasing, holding, leasing, mortgaging, and conveying any lands, tenements, privileges, rights, goods and chattels that may be useful or necessary. ^{Names of incorporators.} ^{Corporate name.}

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, with the ^{Amount of capital stock.}

privilege of increasing it to two hundred thousand, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and shall be transferable on the books of the company under such rules and regulations as the by-laws prescribe, and each stockholder shall be entitled, in person or by proxy, to one vote for every share of stock held.

Directors and officers.

3. *And be it enacted*, That the stock, property and concerns of the said company shall be managed by a board of directors of not less than five nor more than seven stockholders, as the by-laws shall prescribe, who shall hold their offices one year and until others are legally appointed in their stead, and the said board shall organize by appointing one of their number president, and by appointing a secretary and treasurer, and such other officers as they may deem to be necessary and proper, and that they shall have power to fill all vacancies occurring in their own body.

Annual election of directors.

4. *And be it enacted*, That the election of directors shall be held on the first Wednesday in May of each year after the May next ensuing, at such place in the county of Hudson and upon such notice as the board of directors or their by-laws shall from time to time designate, and the above named Samuel Richards, Benjamin J. Edwards, William C. Ellison, Frank Ellison, G. W. N. Custis, shall be the board of directors, to serve until others are legally chosen.

Commissioners to receive subscriptions

5. *And be it enacted*, That the persons above named shall be commissioners to receive subscriptions to said capital stock at such times and places in said county of Hudson as a majority of them may appoint, giving two weeks previous notice to that effect in one or more of the newspapers published in that county, and when one thousand shares of said capital stock shall have been subscribed for and twenty per centum thereon shall have been paid to said commissioners, they shall immediately thereafter call a meeting of the subscribers to said stock for the purpose of organizing the company, and the said commissioners shall deliver to the president all money, books and papers in their hands as such commissioners.

May call in amount subscribed, under penalty of forfeiture.

6. *And be it enacted*, That a majority of the board of directors shall have power to transact all the business of said company, to call in installments on stock subscribed for in such amounts and at such times as they may direct, giving to each subscriber ten days notice personally or by publication in one or more newspapers published in said county of Hudson, and also to forfeit to said company all shares upon which default

in paying installments shall arise, with all previous payments therefore made.

7. *And be it enacted*, That in case it shall at any time happen that an election be not held on the day when by this act it should have been held, the corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as may be prescribed by the by-laws or by the board of directors. Failure to elect not to dissolve.

8. *And be it enacted*, That the directors shall at all times keep or cause to be kept proper books of accounts, in which shall be entered all the transactions of the corporation, and they shall at all times be open to the inspection of the stockholders, and the principal office of said company shall be in the county of Hudson. Books of account to be kept.

9. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1870.

CHAPTER LXXXV.

An Act to incorporate "The Madison Park Land Improvement Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns are hereby constituted, and made a body politic and corporate, in fact and in law, by the name of "The Madison Park Land Improvement Company," and by that name shall have continued succession, and be capable in law of purchasing, using, holding, letting, improving, manufacturing, selling and disposing of any real or personal estate, lands, tenements, hereditaments and appurtenances thereto belonging, goods and chattels, and of performing all other acts necessary or proper to accomplish the objects of the said corporation hereby granted; and may receive and make all deeds, transfers, conveyances, covenants, grants, Names of corporations. Corporate name.

New Jersey State Library

contracts, agreements and bargains, whatsoever necessary or useful for the purposes aforesaid.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same, from time to time, to any sum not exceeding two hundred and fifty thousand dollars, divided into shares of one hundred dollars each; but as soon as ten thousand dollars of said capital stock shall have been subscribed, and shall have been paid or secured to be paid, it shall be lawful for said company to proceed to carry into effect the business or objects of said corporation; and it shall be lawful for the directors of said company to call and demand

Failure to pay
installments
to work a for-
feiture.

from the stockholders thereof respectively, such installments, and at such times, and in such proportions as they shall deem proper, not exceeding twenty dollars on each share at any one time, notice of which shall be published for at least twenty days in a newspaper published in the county of Passaic or shall be given in writing to the stockholders for the like space of time before such installments are required to be paid, and in case of the failure of any stockholder to pay his or her installments at the time and place appointed for the payment thereof said stockholder shall incur a forfeiture of his or her shares, and all previous payments thereon for the use of the company, and the shares of the said capital stock shall be deemed personal property and be transferable only on the books of the said company, and in such manner as the directors by their by laws may direct.

Directors,
how chosen,
&c.

3. *And be it enacted*, That the business, property and affairs of said company shall be managed by a board of not less than three nor more than seven directors, to be chosen by the stockholders of said company annually, at such time and place as the by-laws of said company may direct, and who shall serve for one year and until others are chosen in their stead, notice of which said election shall be given previously, for fifteen days at least, in one of the newspapers published in the city of Paterson, and each share of stock shall entitle its owner to one vote at such election, to be given either in person or by proxy.

Vacancies how
filled.

4. *And be it enacted*, That a majority of the board of directors shall constitute a quorum for the transaction of all business, and shall have power to elect or appoint such officers, agents and superintendents, and make such compensations and assign such duties to said officers, agents and super-

intendents as they think proper; and if at any time it shall happen that any vacancy or vacancies occur, from any cause whatever, among the directors of said company, such vacancy or vacancies may be filled by the remainder of the directors for the time being, or a majority of them; the president shall be chosen from among the directors, and the directors at all times during their continuance in office shall be stockholders in their own right, and a majority of them shall be residents of this state.

5. *And be it enacted*, That John Hopper, James Crooks, J. V. E. Fredericks and James Peacock, or a majority of them, are hereby appointed commissioners to open books for subscriptions to the capital stock of said company, at such time or times, and at such place or places as they may direct, and as soon as ten thousand dollars of the capital stock shall have been subscribed, and shall be paid or secured to be paid, the said commissioners shall appoint the hour and place for holding the first election of directors upon such notice as they may prescribe and order, and the persons before named and the survivors, and the survivor of them shall be the first directors of said company, and hold their said office until other directors shall be duly chosen.

6. *And be it enacted*, That the said company is hereby authorized to let, purchase, mortgage, sell and convey all lands and real estate they may have and hold, in the county of Passaic, and to improve the same by grading, paving, curbing, guttering or flagging, or by constructing sewers or drains, or by erecting or causing to be erected buildings of every name, kind and description, and the said company are hereby authorized to issue their bonds bearing not more than seven per centum interest per annum, and to sell and dispose of the same at market value; to secure the payment of such bonds the company shall have power to convey or pledge by way of mortgage, trust or otherwise such portion of the property of said company as the directors may deem necessary for the purpose; *provided*, that the amount of bonds issued shall not exceed two thirds of the value of the real estate held by said company.

7. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day when pursuant to this act it ought to have been made, the said company shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold said election

on such other day as the directors of said company shall direct, and the office of said company shall be in the county of Passaic.

8. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1870.

CHAPTER LXXXVI.

A Supplement to an act entitled "An Act to incorporate the Elizabethport Land Improvement Company," approved March thirtieth, eighteen hundred and fifty-five.

Preamble.

WHEREAS. The president and treasurer, and the secretary of the Elizabethport Land Improvement Company have departed this life, and among the stockholders of said company there are not a sufficient number of residents of this state to form a majority of the board of directors, by reason whereof it is doubted whether valid transfers of the stock of said company can be made, or a valid election of directors of said company can be held pursuant to said act and the by-laws of said company; for remedy thereof

Officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James C. Fairbanks, one of the stockholders of said company, be and is hereby constituted and appointed the president and treasurer of the said company, and that Daniel B. Whitlock, who as executor of Augustus Whitlock, deceased, is a representative of the stock of said company, be and is hereby constituted and appointed the secretary of said company, to hold the said offices respectively until the first election of directors of said company; that the said James C. Fairbanks and Daniel B. Whitlock as such president and treasurer, and secretary, be authorized and empowered to permit transfers of the stock of said company to be made, and to record the same in the books of said company, which transfers, when so made and recorded,

They shall
permit and re-
cord trans-
fers of stock.

shall be good, valid and effectual, the same as if made in the manner prescribed by the by-laws of said company.

2. *And be it enacted*, That the said president and secretary do give immediate notice of an election of directors of said company, to be held within the county of Union, and that such notice, describing the time and place of such meeting, shall be by them published for two weeks next preceding such election, in one or more newspapers printed and published in said county, and at the time and place so appointed the stockholders of said company shall proceed to elect directors for the same, who shall possess all the powers of directors of said company conferred by the act to which this is a supplement. Shall give notice of an election of directors.

3. *And be it enacted*, That the said president and secretary appointed by this act, shall hold such offices solely and only for the purpose of transferring stock and of giving notice of an election as aforesaid, and until a board of directors shall be chosen pursuant to the provisions of this act. Powers of officers.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1870.

CHAPTER LXXXVII.

An Act to incorporate the Lake View Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Crooks, Franklin C. Beckwith, John J. Brown, Orrin Van Derhoven, John V. E. Fredericks, James Peacock and Peter J. Terhune, and all and every person or persons who may become stockholders in the capital stock hereinafter mentioned, their successors and assigns are hereby constituted and made a body politic and corporate, in fact and in law, by the name of "The Lake View Gas Light Company," and by the said name the said corporation shall have power to sue and be sued, plead, and be impleaded, contract and be con- Names of corporations. Corporate name.

tracted with, and to make, manufacture and sell illuminating gas, to be made from coal or other proper materials, for the purpose of lighting the streets, buildings, manufactories and public grounds situated at Lake View, in the city of Paterson, and in all places in the county of Passaic contiguous thereto, and under and by the aforesaid corporate name and style the said corporation shall have perpetual succession, and shall have power and authority to enter into and execute any and all proper contracts, agreements, understandings, undertakings and covenants for the furtherance of the objects for which the said corporation is created, with power and right to enforce the same in all proper ways and manner under the laws of this state; and shall be capable of purchasing, taking and holding any estate, real or personal, and necessary to give effect to the specified purpose of this corporation for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts which have become due to them in the regular business of the said corporation; and also to purchase and hold any and all patents and patent rights necessary and proper for the purpose of carrying out the object and intent for which such corporation is created, and for the accommodation of its business concerns.

2. *And be it enacted.* That the said corporation shall be, and is hereby empowered and authorized to enter upon and make any and all necessary and proper excavations for the purpose of laying down and to lay down all necessary and proper gas pipes and conductors, and to erect all necessary and proper posts, burners, lights and reflectors, in any and all of the streets, lanes, alleys, avenues, roads, highways and public grounds at Lake View, in the said city of Paterson, and in places in said county contiguous thereto, and to do all things necessary and proper to be done for the purposes of lighting the same, and the dwellings, stores and other buildings and places at Lake View, in said city of Paterson, and the places in said county contiguous thereto; *provided*, that the public travel shall at no time be unreasonably and unnecessarily obstructed or impeded thereby, nor shall the said streets, lanes, alleys, avenues, roads, highways and public grounds, be permanently injured by the same, but the said corporation shall put and leave such streets, lanes, alleys, avenues, roads, highways and public grounds, in as

Object.

May hold real and personal estate.

May purchase and hold patents.

Authorized to make excavations and lay down pipes.

Proviso.

good, perfect and permanent condition, as the same were in before the laying of said pipes and the erection of said posts.

3. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, with the privilege of increasing the same from time to time to any sum not exceeding three hundred thousand dollars, divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable on the books of the said corporation in such manner as the said company shall by their by-laws direct. Amount of capital stock.

4. *And be it enacted*, That the above named persons, or a majority of them, may open books to receive subscriptions to the capital stock of said corporation at such time or times, and at such place or places, as they or a majority of them may think proper; and whenever ten thousand dollars of the capital stock shall have been subscribed and shall be paid or secured to be paid, it shall and may be lawful for the said corporation to commence business and carry out the objects of said corporation, and the above named persons, or a majority of them, may then give notice for a meeting of the stockholders to choose not less than three nor more than seven directors, who shall be stockholders in their own right and name, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote, and the above named persons, or a majority of them, shall be inspectors of the first election of directors of said corporation, and shall certify under their hands, the names of those duly elected, and deliver over the subscription books to the said directors, and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting, and at the annual election of said corporation, shall as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state, and in case of the death or resignation of the president, or of any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors or a majority of them, and in case of the absence of the president the said board of directors, or a majority of them, may appoint a Subscription books to be opened.
Election of directors, &c.
Officers, and vacancies how filled.

president pro tempore, who shall have such power and functions as the by-laws of said corporation shall provide.

Failure to
elect direc-
tors not to
dissolve.

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

General pow-
ers.

6. *And be it enacted*, That a majority of the directors of said corporation shall be competent to transact all business of the said corporation, and shall have power to call in the capital stock of said company by such installments and at such times as they may direct, and in case of non-payment of such installments, or any one of them, to forfeit the share or shares upon which such default shall arise, and to make and provide such by-laws, rules and regulations as to them shall appear needful, touching the management and regulation of the stock, property, estate and effects of said corporation, and also shall have power to elect or appoint as many officers, superintendents, agents, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them and also to the president as to the board shall appear proper, and shall have full power and authority, from time to time, to open the books for further subscriptions until the whole capital stock is taken.

Penalty for
injuring works

7. *And be it enacted*, That if any person or persons shall wilfully injure any conduit, pipe, gasometer or other thing appertaining to the works of the company, or obstruct the same, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding three hundred dollars or imprisonment not exceeding two years, or both; *provided*, no such criminal prosecution shall impair the right of the company to an action for damages by a civil suit.

Proviso

May borrow
money and
secure the
same by bond
and mortgage.

8. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary or expedient in the conduct of their business, and to mortgage their property and franchises, or otherwise to secure the payment thereof, and to execute all necessary securities therefor, with interest thereon not exceeding seven per centum per annum; and it shall be lawful for the said company, and they are hereby authorized to

sell and dispose of any bonds, obligations or assurances which they may issue to secure the payment of the money so borrowed as aforesaid, to any person or persons, or corporation, at any rate of price they may be able to realize or obtain for the same, without the same being in any way invalidated thereby or any person or persons or corporation being liable to any penalty or forfeiture therefor.

9. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1870.

CHAPTER LXXXVIII.

An Act to incorporate the Metropolitan Gas Light Company of Elizabeth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James S. Green, J. M. Bronson, Henry Reed, James T. Wiley, A. W. Dimock, Robert S. Green, C. F. Davenport, Robert W. Southmayd, George W. Tubbs and all and every person or persons who may become subscribers according to the mode hereinafter prescribed and their successors, are hereby created a body politic and corporate in fact by the name of "The Metropolitan Gas Light Company of Elizabeth," and by the said name the said corporation shall have power and authority to manufacture, make and sell gas to be made of bituminous coal or other materials for the purpose of lighting the streets, buildings, manufactories, and other places situated in the city of Elizabeth.

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners and reflectors in the streets, alleys, lanes, avenues and public grounds of the city of Elizabeth and vicinity, and to do all things necessary to light the said city of Elizabeth and vicinity, and the dwellings, stores and other

Proviso. places situated therein with gas; *provided*, that the public travel shall at no time be affected or impeded by the laying the said pipes or the erection of the said posts; and the streets and cross walks, public grounds, lanes and avenues, shall not be injured, but shall be left in as good and perfect condition as before the laying of said pipes.

Commissioners to receive subscriptions. 3. *And be it enacted*, That A. W. Dimock, J. M. Bronson, C. F. Davenport and Henry Reed, are hereby appointed commissioners for receiving subscriptions for the sum of one hundred thousand dollars to constitute the capital stock of said corporation in shares of fifty dollars each; and the said commissioners, or a majority of them, shall open books for that purpose at such time and in such place or places within this state as they shall designate by a public advertisement, to be previously inserted for at least three weeks in a newspaper printed in the city of Elizabeth, and shall continue the same open until the said capital stock shall be subscribed, or, at their discretion, close the same after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid; and the sum of five per cent. upon each share so subscribed, shall be paid in the legal tender of the United States by each subscriber at the time of subscription, to the said commissioners, or a majority of them, and each subscriber shall be entitled to receive a certificate for such stock from said commissioners, and the amounts received by the said commissioners at the time of subscription shall by them, or a majority of them, be paid over to the directors of the said company to be appointed as hereinafter directed, and all the powers of the said commissioners shall cease and determine in the appointment of such board of directors, and the same board, when so appointed, shall have power, and they are hereby authorized from time to time, under the foregoing regulations, to open the books for the further subscription of stock until the whole stock subscribed amounts to one hundred thousand dollars, and are also authorized to call upon the said subscribers for the payment of further installments in such sum or sums, at such time or times, and under such forfeiture or forfeitures as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid.

Election of directors. 4. *And be it enacted*, That the management of the concerns of the said company shall be vested in five directors,

to be selected from the stockholders, three of whom shall be residents of Union county, and the said directors shall choose by a plurality of votes, a president from among themselves, and as soon as conveniently may be after thirty thousand dollars shall have been subscribed and paid in, the before named commissioners, or a majority of them, shall convene the said stockholders by public notice, to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their office until the first Monday in May, eighteen hundred and seventy-one; and the said directors and president shall hold their offices from the first Monday in May, in every year, for one year, and shall be elected on the first Monday in May in each year, at such time and place as a majority of the directors shall appoint, and public notice shall be given of the time and place of holding such election for ten days, in a newspaper published in the city of Elizabeth, and any vacancy in said board of directors may be supplied by appointment to be made by the board of directors until the next election; and all elections shall be by ballot of the stockholders or their proxies, allowing one vote for each share which they shall hold, or shall have held in his, her or their name or names, at least fourteen days before the time of voting.

5. *And be it enacted*, That if at any time an election is not held on the day herein appointed, the corporation shall not be dissolved for that cause, but an election shall be held in such manner as directed by the by-laws any time within one year.

6. *And be it enacted*, That the directors for the time being shall form a board, and they, or a majority of them, shall be a quorum for transacting business.

7. *And be it enacted*, That the stock of the corporation shall be transferable according to the by-laws and regulations of the corporation, and shall be considered personal property, and the stock and transfer books shall be opened at all times to the inspection of the stockholders.

8. *And be it enacted*, That if any person or persons shall wilfully do or cause to be done, any act or acts whatsoever, with intent thereby to injure any conduit, pipe, cock, machine or structure whatsoever, or anything appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so of-

Failure to
elect direc-
tors not to
dissolve.

Quorum of di-
rectors.

Stock trans-
ferable.

Penalty for
injury to
works.

- fending shall be deemed guilty of a misdemeanor, and being thereof convicted shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor, not exceeding two years, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said incorporation, in any court of this state having cognizance of the same.
- Proviso.
- Office, where located. 9. *And be it enacted*, That the said company shall cause to be kept at their office in the city of Elizabeth, proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be open at all times to the stockholders.
- General powers. 10. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act, entitled "An Act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable, and shall continue in force for fifty years.
11. *And be it enacted*, That this act shall take effect immediately.
- Approved February 22, 1870.

CHAPTER LXXXIX.

An Act to incorporate the Carlstadt Gas Light Company.

- Names of corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Fortenbach, Jacob Fortenbach, Joseph Fortenbach, Henry Schafer, George Micke, and all and every person or persons who may become subscribers according to the mode hereinafter prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of "The Carlstadt Gas Light Company," and by the said name the said corporation shall have power and authority to manufacture, make and sell gas,
- Corporate name and object.

to be made of bituminous coal, resin, or other suitable materials, for the purpose of lighting the streets, buildings, manufactories and other places in and adjacent to the village of Carlstadt, in the township of Lodi, and the county of Bergen; and to make, enter into and execute contracts, agreements and covenants in relation to the object of this corporation, and of enforcing the same; and be capable of purchasing, taking and holding any estate and property, real and personal, necessary to give effect to the purposes of this corporation, for the accommodation of their business and concerns, or which it may be necessary for said corporation to acquire and hold for the purpose of securing or satisfying debts which have become due to said corporation in its regular business, and of conveying the same.

2. *And be it enacted*, That the said corporation shall have power to lay down their gas pipes and erect gas posts, burners and reflectors, in the streets, alleys, lanes, avenues, roads, squares, highways and public grounds in the village of Carlstadt and places adjacent thereto, in the county of Bergen, and to do all things necessary to light the same, and the dwellings, stores, buildings and other places situated therein; *provided*, that the public travel shall no time be unnecessarily affected or impeded by the laying of the said pipes, or the erection of said posts, and the streets, alleys, lanes, avenues, roads, squares, highways and public grounds shall not be injured, but shall be left in as good condition as before the laying of said pipes and the erection of said posts. Authorized to lay down pipes, &c.

3. *And be it enacted*, That John Fortenbach, Jacob Fortenbach, Joseph Fortenbach, Henry Schafer and George Micke are hereby appointed commissioners for receiving subscriptions for the sum of fifteen thousand dollars, to constitute the capital stock of the said corporation, in shares of one hundred dollars each; and the said commissioners, or a majority of them, shall open books for that purpose, at such time, and in such place or places in the said village of Carlstadt as they shall designate by public advertisement, previously inserted for at least three weeks in a newspaper printed at Hackensack, in the county of Bergen, and shall keep the same open as long as they may deem necessary, and may close the same at their discretion, and again open the same from time to time, giving like notice, and shall require each subscriber to pay to them at the time of subscribing, such per centum on each share subscribed as they may deem expedient, Commissioners to receive subscriptions.

not exceeding ten per centum on each share subscribed, which shall be paid over to the directors of the said company, to be appointed as hereinafter directed ; and all the powers of the said commissioners shall cease on the appointment of the directors ; and the board of directors, when appointed, shall have power, and they are hereby authorized from time to time to open the books for further subscriptions, until the whole stock subscribed amounts to fifteen thousand dollars ; and are also authorized to call upon the subscribers, by public advertisement in a newspaper printed at Hackensack, in the county of Bergen, for three weeks, for the payment of further installments, in such sum or sums, and at such time or times, and under such forfeiture or forfeitures, as they may deem expedient, until the whole amount of said shares so subscribed shall be fully paid.

Directors, officers, &c.

4. *And be it enacted*, That the management of the concerns of the said company shall be vested in five directors, to be selected from the stockholders, a majority of which directors shall be residents of the state of New Jersey ; and the said directors shall choose, by a plurality of votes from among themselves, a president, and as soon as conveniently may be, after five thousand dollars shall have been subscribed, the said commissioners, or a majority of them, shall convene the stockholders, by public notice for three weeks, in a newspaper printed in Hackensack, in the county of Bergen, and such time and place in the village of Carlstadt as they shall designate in such notice, to choose the first board of directors, who shall hold their offices until the next succeeding second Monday in January ; and they shall hold their offices from the second Monday in January in each year, for one year, and shall be elected on the second Monday in January in each year, at such time and place in said village of Carlstadt as a majority of the directors shall appoint ; and public notice shall be given of the time and place of holding such election, for ten days in a newspaper printed in Hackensack, in the county of Bergen ; and any vacancy in the said board of directors may be supplied by appointment to be made by the board of directors, until the next election ; and all elections shall be by ballot of the stockholders or their proxies, allowing one vote for each share which they shall have held in his, her, or their name or names, at least one month before the time of voting.

5. *And be it enacted*, That if at any time an election

shall not be held on the day herein appointed, the corporation shall not for that reason be dissolved, but the directors for the time being shall remain in office until others are duly elected, which may be at any time designated by the board of directors, on public notice as aforesaid, for ten days

Not dissolved
by failure to
elect directors

6. *And be it enacted*, That the directors for the time being shall form a board, and they, or a majority of them shall be a quorum for transacting business.

Quorum of di-
rectors.

7. *And be it enacted*, That the stock of the said corporation shall be considered personal property, and transferable according to the regulations of the directors, and the stock and transfer books, and all proper books of account, in which shall be fairly and legibly entered and kept all transactions of the company, shall be kept open at all times for the inspection of the stockholders.

Stock trans-
ferable.

8. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatever, with intent to injure any conduit, pipe, cock, machine, post, or structure whatever, or anything appertaining to the works of said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and on being thereof convicted shall be punished by fine not exceeding three hundred dollars, or by imprisonment at hard labor not exceeding two years, or both; *provided*, such criminal prosecution shall not impair the right of the said company to an action for damages by civil suit hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court having cognizance of the same.

Penalty for
injuring
works, &c.

Proviso.

9. *And be it enacted*, That the said company shall have power to borrow money at any time or times, not exceeding two-thirds of their capital stock, and to secure the same by bond or bonds, or other evidences of debt, bearing an interest not exceeding seven per centum per annum, and mortgage upon their property, franchises and privileges, and by such other assurance or assurances as they may deem expedient.

May borrow
money and se-
cure the same
by bond and
mortgage.

10. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1870.

CHAPTER XC.

An Act to incorporate the Jersey Silver Mining Company.

Names of corporators.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That G. A. Perdicaris, Augustus G. Richey, Barker Gummere, William A. Prickitt, Joseph G. Brearley, Caleb Coleman and Daniel Peters, and their associates and successors, be and they are hereby created a body politic and corporate, by the name, style and title of "The Jersey Silver Mining Company," and by that name shall be capable of suing and being sued, impleading and being impleaded, in any court of record or elsewhere, and of granting and of receiving in its corporate name, property, real, personal and mixed, and of holding and improving lands and working mines in the territory of Colorado and elsewhere, and leasing or disposing of privileges to work such lands or mines, or any part thereof, and shall have the right to mine silver and other minerals, and transport the same to market, and do such other acts and things as may belong to the mining business as they may deem proper.
Corporate name.	
Object.	
May make by-laws.	2. <i>And be it enacted</i> , That the said company shall have power to make such by-laws as they may deem proper to enable them to carry out the objects of the corporation, and the same to alter, amend, add to or repeal at their pleasure, and to adopt a common seal, and to alter the same; <i>provided</i> , that the said by-laws shall not be contrary to the constitution and laws of the United States and of the state of New Jersey.
Amount of capital stock.	3. <i>And be it enacted</i> , That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing it to two hundred thousand dollars, divided into shares of not less than five dollars each; and the business of the company shall be managed by seven directors, to be elected annually by the stockholders at such time and in such manner as the by-laws shall provide, but they shall hold office until their successors shall be elected; and the said G. A. Perdicaris, Augustus G. Richey, Barker Gummere, William A. Prickitt, Joseph G. Brearley, Caleb Coleman and Daniel
Directors.	

Peters shall be the first directors, and shall hold their offices until the first annual election, and in case a vacancy shall occur in such board of directors, by death, resignation or otherwise, the remaining directors shall have power to fill such vacancy by the appointment of any stockholder.

4. *And be it enacted*, That the said company may carry ^{Principal of-} on its business and establish necessary offices, under the di-_{fice.}rection of its officers, in such places as they may deem expedient, but the principal office shall be located at the city of Trenton, in this state.

5. *And be it enacted*, That this act shall take effect immediately, and shall continue in force for thirty years.

Approved February 22, 1870.

CHAPTER XCI.

An Act relative to the Trenton Water Power Company.

WHEREAS. the commissioners appointed by the state of ^{Preamble.} Pennsylvania for the improvement of the navigation of the river Delaware have restored and improved the dam erected many years ago at Scudder's Falls, by commissioners duly appointed for that purpose, and connected the same with the wing dam of the Trenton Water Power Company, whereby the navigation of the said river has been greatly improved, and the supply of water to the raceway of said company been made sufficient for the various mills depending thereupon for power, and whereas the tenure of office of the said commissioners has expired, and it is desirable that the said improvements should be permanently maintained and protected from damage, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Empowered to} *the State of New Jersey*, That the Trenton Water Power _{maintain and} Company is hereby authorized, empowered and required to _{protect dam.} maintain and protect the said dam at Scudder's falls, and the schute or passage way therein for rafts, boats and fish, as

now constructed, so that the navigation of the river and the supply of water to the raceway of the said company may be secured and maintained.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1870.

CHAPTER XCII.

An Act to incorporate the Hardiston Manufacturing Company.

Names of cor-
porators.

Corporate
name.

Amount of
capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Haines, Thomas Lawrence, John Rutherford, John H. Brown and Samuel C. Brown, and their associates, successors and assigns, are hereby created a body corporate and politic, by the name of the Hardiston Manufacturing Company, for the purpose of manufacturing agricultural implements, railroad cars, sash and blinds, and other articles of which wood and iron are mainly used, and for selling and dealing in the same, or any materials connected therewith; with power to purchase, lease, and hold such real estate, water-power, and personal property, as may be considered necessary for the prosecution of its business, and to sell, lease, mortgage or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor to any amount not exceeding two-thirds of their capital stock, and may sue and be sued in all courts of law and equity, and may have and use a common seal, and may change and alter the same at pleasure; and shall have all the powers, which, by the laws of the State, are now incident and belong to corporations.

2. *And be it enacted*, That the capital stock of the company, shall be twenty thousand dollars, with power to increase the same, from time to time, to any amount, not exceeding one hundred thousand dollars, to be divided into shares of one hundred dollars each, which shares shall be deemed personal property, and shall be transferable in such

manner as may be prescribed by the by-laws of the said corporation, and the said company is authorized to commence business when one hundred shares of its capital stock shall have been subscribed, and ten per centum thereof paid in, and it shall be lawful for said company to issue certificates of stock, in whole or in part, in payment for any real estate, water-power, or personal property purchased or leased by said company, for the purposes of their business aforesaid, provided that such property be taken at a fair valuation, to be satisfactory to the board of directors.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president, and said directors shall be stockholders in said company and shall be elected at a meeting of the stockholders, to be held at such time and place as the by-laws of the said corporation may direct, and until such election shall take place Daniel Haines, Thomas Lawrence, John Rutherford, John H. Brown and Samuel C. Brown are authorized to receive subscription to the stock and shall be directors of said corporation; a majority of the directors shall, on all occasions when assembled, constitute a body competent to make by-laws, change and alter the same, and transact any business that may come before them, and in case a vacancy or vacancies shall occur in the board of directors by death, resignation or otherwise, or a failure of the stockholders to elect a full number, authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy or vacancies by the appointment of any stockholders.

Directors, how
elected, and
their power.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made on the day designated by the by-laws of the corporation, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, three weeks notice thereof, signed by any four stockholders, being given in a newspaper published in the county of Sussex, of the time and place of such election.

Not dissolved
by failure to
elect directors

5. *And be it enacted*, That the principal office of said company shall be in the township of Hardiston, in the county of Sussex, where regular books of account shall be kept, to which any stockholder shall have free access at all reasonable times for the purpose of inspection, and that books of

Principal of-
fice.

transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters connected with their interest in said corporation.

How dissolved 6. *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stockholders of the same called for that specific purpose; *provided*, at least three-fourths in value of the stockholders shall concur therein, and upon such dissolution the directors for the time being and the survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting, selling and disposing of all its property, both real and personal, paying its debts and dividing its surplus if any, among the stockholders in proportion to their respective interests in the stock.

Proviso.

7. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1870.

CHAPTER XCIII.

An Act to prevent Horses, Cattle, Sheep and Swine from running at large in the township of Maurice River, county of Cumberland.

Lawful to im-
pound horses,
cattle, sheep
and swine.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any person who may reside within the limits of the township of Maurice River, in the county of Cumberland, to drive or convey to any public pound which may be in the said township, any horses, cattle, sheep or swine found running at large in the public highways or elsewhere within the bounds aforesaid, and impound the same; and the keeper or keepers of any public pound in said township is, and are hereby authorized and required to receive such horses, cattle, sheep or swine, and the party (or the poundkeeper, if the duty be performed by him,) shall have thirty cents per head for driving or con-

Charges of
poundkeeper.

veying to the pound each horse, head of cattle or swine, and ten cents for each sheep, and the poundkeeper shall also have thirty cents per head for every horse, head of cattle or swine, and ten cents for every sheep, for letting in the pound, and shall have the same fees per head on horses, cattle, sheep and swine, for letting out of the pound; and for feeding and attending twenty-five cents per head for horses, cattle and swine, and ten cents per head for sheep, for every twenty-four hours, or fractional part thereof they shall continue in said pound; and if the owner or owners of said horses, cattle sheep or swine so impounded shall not pay the charges of impounding and keeping within four days after such beast shall be impounded, and take the same away, it shall then be the duty of the poundkeeper to set up advertisements in five of the most public places in said township, describing such horses, cattle, sheep or swine, and giving at least ten days' notice of an intended day and place of sale; and if the owner or owners of such horses, cattle, sheep or swine do not appear and redeem the said beasts before the time so notified, the said poundkeeper shall sell the same accordingly to the highest responsible bidder present, and out of the money arising from such sale shall pay the charges arising from conveying to the pound, and retain in his hands his fees for impounding, keeping and feeding and letting out of the pound said horses, cattle, sheep or swine, and fifty cents for advertising sale and collecting the money for each horse, cattle, sheep or swine, and return the overplus to the owner or owners of said beasts; and if no owner or owners shall appear and claim such overplus within six months after such sale, the same shall be paid to the collector of taxes of said township, by him to be held and accounted for as part of the funds of said township.

Poundkeeper
may sell the
same if not
reclaimed.

2. *And be it enacted*, That it shall be lawful for the inhabitants of said township of Maurice River, at their annual town meeting, to elect annually any number of poundkeepers not exceeding four, and authorize the erection of any number of pounds, to be situated at such places as shall be most convenient for purposes of impounding in said township.

Election of
poundkeepers

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, so far as the same may apply to the said township of Maurice River be, and the same are hereby repealed.

Repealer.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1870.

CHAPTER XCIV.

An Act to incorporate the Dundee Boat Club of Paterson.

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|---|--|
| Names of corporators. | 1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That Isaac F. Boice, John A. Beckwith, George H. Low, Garret A. Hobart, Isaac Newton, junior, and Robert I. Hopper, and such other persons as now are or hereafter may be associated with them, and their successors, shall be and are hereby constituted a body corporate |
| Corporate name. | by the name of "The Dundee Boat Club of Paterson," in the county of Passaic, for the purpose of engaging in and promoting rowing and other athletic exercises; the principal office of said corporation to be located in Paterson, in said county. |
| May purchase, hold and sell real and personal estate. | 2. <i>And be it enacted</i> , That the said corporation is hereby authorized to receive by donation, purchase or otherwise, and to hold and possess such real and personal estate as it shall deem necessary for the purposes of said corporation, and the same or any part thereof, to sell, mortgage, lease or otherwise dispose of at pleasure. |
| Amount of capital stock. | 3. <i>And be it enacted</i> , That the capital stock of said corporation shall not exceed the sum of ten thousand dollars, and shall be divided into shares of such amounts and transferable in such manner and upon such conditions as the said corporation shall prescribe. |
| Powers. | 4. <i>And be it enacted</i> , That the said corporation shall have power to make and adopt by-laws and regulations for the admission, suspension and expulsion of its members, the election of its officers and to define their duties, and for the general management of its affairs, and from time to time may alter or repeal the same, to adopt a corporate seal, and to change the same at pleasure, and in its corporate name may be sued, |

and may institute suits both in law and equity, for the recovery of all fines, debts, fees, dues and arrearages due the said corporation, and for all other causes of action.

5. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1870.

CHAPTER XCVI.

An Act for the relief of Jeremiah Hays.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Pension.} *the State of New Jersey*, That the sum of one hundred dollars be paid by the treasurer of this state to Jeremiah Hays, of Cape May county, a soldier of the war of eighteen hundred and twelve, upon the passage of this act, and at the rate of one hundred dollars per annum thereafter to be paid to him semi-annually during his lifetime.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1870.

CHAPTER XCVII.

An Act to prevent nuisances in the Township of Newton, in the County of Camden.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Empowered to} *the State of New Jersey*, That the township committee of the ^{abate nui-} township of Newton, in the county of Camden, are hereby ^{sances.} authorized, empowered and directed to abate all nuisances

that may exist in the said township of Newton, and to remove or cause to be removed any nuisance that might be injurious to the public health, and to compel the party maintaining such nuisance to pay for the removal of the same.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1870.

CHAPTER XCVIII.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven.

Salary of the
mayor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the mayor of the city of Newark shall be such sum not exceeding twenty-five hundred dollars per year, as shall be fixed therefor by the common council of said city.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1870.

CHAPTER XCIX.

An Act for the relief of John Peer, of the county of Morris.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and he is hereby authorized and required to pay to John Peer, of the county of Morris, who was a soldier in the war

of eighteen hundred and twelve, or to his order, the sum of one hundred dollars per annum during the term of his natural life in equal semi-annual payments of fifty dollars each, the first payment to be made upon the first day of June, eighteen hundred and seventy.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1870.

CHAPTER C.

An Act to incorporate the Long Branch and Sea Bright Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Sea Bright and Long Branch Turnpike Company shall be opened by William W. Shippen, Samuel B. Dod, William H. Wood, Joseph H. Cooper, Francis Corlies, Mifflin Paul, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and such places as they, or a majority of them, may direct, giving notice at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state.

2. *And be it enacted*, That the capital stock of said company shall be five thousand dollars, with liberty for the said company to increase the same to fifteen thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when fifty shares shall be subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company, by the name of the "Sea Bright and Long Branch Turnpike Company," and by that name shall have, enjoy, and exercise all the rights, powers and privileges appertaining to corporate bodies, and necessary to carry the objects of said company into effect.

3. *And be it enacted*, That at the time of subscribing for

Payment of
installments.

said stock, two dollars shall be paid upon each share subscribed for, to the commissioners, or any of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and the residue of the subscription shall be paid in installments, at such times and at such places, and to such persons as the president and directors of the company shall from time to time direct or give public notice thereof, in manner aforesaid; and upon failure of the 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 installments, or any of them, to and for the use of said company; *provided*, that the stockholders shall, upon request, have the right to pay the stock subscribed for, except the first installment, by work upon said road, under such regulations, at such time, and upon such notice as the directors may determine.

Limitation of
subscriptions.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of said company be not subscribed for within three years from the time of opening the said 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 in by them.

Election of
directors.

5. *And be it enacted*, That when fifty shares of said stock shall be 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 hereinbefore directed with regard to the opening of said 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 said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and 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 by ballot the same number of directors, a majority of whom shall be citizens of this state as aforesaid, and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share of the holder or holders thereof, either in person or by proxy.

6. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect ^{Election of president, and his duties.} from among their number a president of their said company, who shall be a citizen of this state and a resident of the county of Monmouth, 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 said directors, and shall 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 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 powers and authority and perform all duties herein prescribed.

7. *And be it enacted*, That the said directors, or a majority, ^{Powers of directors.} may supply any vacancy in the interval between the annual elections, by death, resignation, removal or refusal to act of any president or director, and may appoint a treasurer, who shall be a citizen of this state and a resident in the county of Monmouth, and all officers, agents, superintendents and other 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 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 transfer of stock and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution and ^{Proviso.} laws of this state or of the United States.

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 ^{Annual statement.} statement of the affairs of the company during said term.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of said president or three of ^{Special meetings of stockholders.} the 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 hereinbefore 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.

Not dissolved
by failure to
elect directors

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

Authorized to
construct a
turnpike.

11. *And be it enacted,* That it shall and may be lawful for the said company to construct and make a turnpike road from the cross-road at Atlanticville, in the county of Monmouth and township of Ocean, to the bridge at Sea Bright over the South Shrewsbury river, in said county and township, and that the width of said turnpike road shall not exceed four rods in width.

Right to enter
on lands, &c.

12. *And be it enacted,* That it shall be lawful for said company, their officers, superintendents, engineers and workmen, with carts, wagons and other carriages, and with beasts of burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosure thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road, and that when 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 land or materials so required for the use of said company in the construction of said road 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 there be any, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the supreme court of this state, or to

Proceedings
in case no
agreement can
be made with
owners of pro-
perty.

one of the judges of the court of common pleas of the county of Monmouth, who shall cause said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state to make publication thereof as he shall direct for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time, 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, commissioners to examine and appraise said land or materials, and to assess the damages, upon notice to be given to the persons interested, as shall be directed by the justice or judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully to examine the matter in question and make a true report according to the best of their skill and understanding, to meet at the time and place appointed and proceed to view and examine the said lands or materials and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by the said company for such land and materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same 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 of Monmouth, to remain on record therein, and shall be recorded by the clerk, 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, after payment of the value and damages so assessed, and of the right of said owner or owners to recover the amount of said valuation with interest and costs, in an action 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 constitute a lien upon the property of the company in the nature of a mortgage; and the said justice shall tax and allow such

costs, fees and expenses to the said justice, commissioner, clerks, and other person or persons performing any of the duties prescribed in this section as he shall think equitable and right, which shall in all cases be paid by the said company.

May demand
and receive
toll.

13. *And be it enacted*, That as soon as the said company shall have constructed said road in a workmanlike manner, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or a turnpike across the said road, not exceeding two in number, and to demand and receive toll for travelling each mile, and all fractions over a half a mile of the said road, not exceeding the following rates, to wit :

Rates of toll. For every carriage, sleigh or sled drawn by one beast,
one cent and a half;
For every additional beast, one cent and a half;
For every dozen of calves, sheep or hogs, one cent;
For every horse and rider, or led horse or mule, five mills;
For every dozen of horses, mules or cattle, four cents;
and it shall be lawful for the tollgatherers to stop persons riding, leading or driving any horses, cattle, mules or calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll as above specified.

Shall cause
mile stones to
be erected.

14. *And be it enacted*, That before the said company shall receive toll for travelling said road, they shall cause milestones or posts to be erected, and maintained, one for each and every mile on the said road, and on each stone or post shall be fairly and legibly marked the distance the said stone is from Sea Bright bridge, and shall cause to be fixed and always to be kept up at the gates or turnpikes aforesaid, in a conspicuous place, a printed list of the rates of toll which may be lawfully demanded.

Penalties for
injuries or
avoidance of
toll.

15. *And be it enacted*, That if any person shall wilfully break down, throw down or deface any of the milestones or posts so erected on the said road, or wilfully tear down and deface any of the rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gate or gates or turnpikes, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be

recovered by the said company by action of debt or other proper action in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or horses turn off the said road to pass a gate or gates, on private grounds adjacent thereto, and again enter on the said road, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by said company for the use thereof, in an action of debt, with costs of suit.

16. *And be it enacted*, That if any toll gatherer shall unnecessarily delay or hinder any traveler passing at any of the gates and turnpikes, or shall receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit to be prosecuted by, and recovered for the sole use of the person so unreasonably hindered or defrauded. Penalty for delaying travelers.

17. *And be it enacted*, That all the drivers of the carriages, sleighs or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds on the right hand of said road in the passing direction, leaving the other side of the road free and clear for carriages or persons on horseback, *provided*, a notice to that effect be placed in a conspicuous place; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any one who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit. Drivers shall keep to the right. Proviso.

18. *And be it enacted*, That when the said company shall have completed any two consecutive miles of said road, according to the directions, and true intent and meaning of this act, it shall be lawful for the said company to erect a toll gate across the said road, and demand and receive toll for travelling thereon, agreeably to the foregoing rates. When toll may be demanded.

19. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1870.

CHAPTER CI.

An Act to incorporate the Widow's Home.

Preamble. WHEREAS, the late Rachel Stevens, by her will bearing date May third, eighteen hundred and thirty-nine, did provide and direct as follows, viz: "I do give and bequeath to my executors, hereafter named, the sum of one thousand dollars in trust, to erect a suitable house and accommodations upon a lot of ground in the city of Hoboken, which my children have agreed to give me in fee simple for the object of this will; and if for any cause this gift shall fail to take effect, I give to my said executors the further sum of one thousand dollars in trust to purchase a lot in the said town, on which to erect the said house, and the said house and lot together with the further sum of seven thousand dollars, I do give and devise to my said executors, and the survivors and survivor of them and their heirs, executors and administrators, in trust in the said premises; and with the neat income of the said seven thousand dollars, to support and maintain eight aged widows, not less respectively than sixty years of age, members of the Protestant Episcopal Church, or as many of them as the property and income will accommodate and maintain; the said widows to be selected by my trustees and their successors, and the said asylum to be maintained and kept up forever; and I do authorize my trustees to establish rules for the regulation of the said asylum, to invest the said seven thousand dollars in good real securities, and to call in the same and reinvest it from time to time in like manner, and also to appoint other trustees in such number as they shall think fit, and to convey and assign the said premises in such a manner as that there shall always be a sufficient number of competent persons trustees of the said asylum to attend to the same, and to effectuate the objects of my will, my intention being so to vest the said sums in my said executors in order that if they cannot personally attend to the said trusts, they may select the trustees and convey the estate bequeathed as aforesaid to them in such manner

as will best attain my purpose, for which end I give them the largest powers consistent with the end I have declared;" and whereas, Martha B. Stevens, Samuel B. Dod and William W. Shippen, the executors of the last surviving executor of the said Mrs. Rachel Stevens, in order to better fulfil said trusts, have associated as trustees with themselves Right Reverend William H. Odenheimer, Bishop of the Protestant Episcopal Church of the Diocese of New Jersey, and Reverend N. Sayre Harris and John C. Besson, Esquire, being the rector and one warden of the Saint Paul's Episcopal Church, and Reverend Reuben E. Howes and Frederick B. Ogden, Esquire, being the rector and one warden of Trinity Episcopal Church, of the city of Hoboken; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Martha B. Stevens, Samuel B. Dod and William W. Shippen and the Bishop of the Diocese of New Jersey, of the Protestant Episcopal Church, and the rectors of Saint Paul's and Trinity Churches in the city of Hoboken, and one warden from each of the said churches, shall be and they are hereby constituted a body politic and corporate by the name of the "Trustees of the Widows' Home," and by that name shall have perpetual succession, and may sue and be sued, implead and be impleaded, and may purchase and hold property, whether acquired by purchase, gift or devise, and whether real, personal or mixed, and may make and have a corporate seal, and the same break and alter at their pleasure, and shall have all other rights belonging to similar corporations by the laws of this state. Names of trustees.

2. *And be it enacted*, That the entire management of the affairs and concerns of the said corporation, and the corporate powers hereby granted, shall be vested in the above named trustees, any three of whom shall constitute the necessary quorum for the transaction of business. Management vested in trustees.

3. *And be it enacted*, That the trustees shall have power from time to time to enact by-laws, not repugnant to the constitution or laws of the United States or of this State, or to this act for the regulation and management of said charitable institution, and to declare who shall and who shall not enjoy the benefits thereof within the terms of said will before recited, and shall have power to fill up vacancies in their Powers of trustees.

board which may occur by death or resignation, or any cause whatever.

Ex officio officers.

4. *And be it enacted*, That the Bishop of the Protestant Episcopal Church of the Diocese of New Jersey, shall be ex-officio president of said board, and that the rectors of the aforesaid Episcopal churches shall be ex-officio members of the board of trustees, and if at any time said rectors of said churches shall cease to act, then their places may be supplied by election of such new members as may be necessary to supply their places.

5. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1870.

CHAPTER CII.

An Act to authorize the Stewards of the Asbury Methodist Episcopal Church, of Woodstown, New Jersey, to sell and convey certain real estate.

Authorized to sell church property held in trust.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the stewards of the Asbury Methodist Episcopal Church, of Woodstown, New Jersey, or their successors in office, be and are hereby authorized and empowered to sell and convey a house and lot of land situate in the village of Woodstown, in the county of Salem, now held by them in trust as the property or for the use and benefit of the said society of the said Asbury Methodist Episcopal Church, of Woodstown, New Jersey, by virtue of a deed made to them by William B. Kirby and Abigail Ann, his wife, bearing date the twenty-fifth day of March, anno domini eighteen hundred and fifty-eight, and for that purpose to make, execute and deliver a good and sufficient deed of conveyance therefor, to the purchaser or purchasers of the same, and that such deed of conveyance shall be good and effectual in law.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved February 22, 1870.

CHAPTER CIII.

An Act supplementary to "An Act to authorize the Trustees of Haddon School District Number One to borrow money and issue bonds to build a school house," approved the thirty-first day of March, anno domini one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of Haddon School District Number One are hereby authorized to borrow the sum of five thousand dollars, in addition to the sum of twelve thousand dollars already authorized by the act to which this is a supplement, for the purpose of finishing and furnishing the school house now being erected by them in the said district; and the said trustees are further authorized and empowered to issue bonds for securing the repayment of said moneys so borrowed to the lenders thereof, with lawful interest, with like force and effect, and under the same conditions, powers and privileges as are set forth and provided for in and by the second, third, fourth and fifth sections of the aforesaid act to which this is a supplement.

Trustees of
school district
may issue
bonds.

2. *And be it enacted*, That this supplementary act shall take effect immediately.

Approved February 22, 1870.

CHAPTER CIV.

An Act to enable Sarah M. Barnes to lease, mortgage and convey her real estate.

Preamble.

WHEREAS, it is represented to us that Sarah M. Barnes, of Chester, Morris county, New Jersey, is the owner of real estate which she acquired by descent some twelve years after her desertion by her husband, as hereinafter stated, and which real estate she is desirous of leasing, mortgaging and conveying but is embarrassed in so doing by reason of the absence of her husband, David Barnes, who left her in the year eighteen hundred and forty-eight, and who has not been seen since said year eighteen hundred and forty-eight, nor heard of since the year eighteen hundred and fifty-eight by said Sarah M. Barnes, nor by any other person so far as she can ascertain, and that she believes said David Barnes to be dead, although she is unable to prove or obtain proof of his death; now, therefore,

Authorized to
sell real es-
tate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said Sarah M. Barnes to mortgage, lease, grant and convey any and all real estate which she may at any time own or have any interest in, or any part of such real estate, and to execute and deliver any and all deeds and other instruments necessary and proper for that purpose, and generally to deal with such real estate in all respects the same as if she were a single unmarried woman; and every lease, mortgage, conveyance or other deed or written instrument whatever, executed by her without the concurrence of her husband, shall be good, valid and effectual in law in all respects the same as if her husband had joined therein, or as if she were a single unmarried woman.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1870.

CHAPTER CV.

A Supplement to an act entitled "An Act to incorporate the Bloomfield Trust Company," approved April first, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of "The Bloomfield Trust Company" be and the same is hereby changed to that of "The American Trust Company of New Jersey," and that the business and the corporate powers of said company shall be exercised by a board of trustees and such officers and agents as they shall appoint; said board of trustees shall consist of twenty-one persons, and the first board of trustees shall consist of the six persons named in the first section of the act to which this is a supplement, and fifteen others to be chosen by ballot from among the stockholders; they shall elect a president annually from their own body and shall have power to declare, by a by-law, what number of trustees shall be a quorum for the transaction of business.

2. *And be it enacted*, That the board of trustees shall divide itself, by lot, into three classes of seven each; the term of office of the first class shall expire at the end of one year; that of the second class at the end of two years, and that of the third class at the end of three years; and at the expiration of the first year, and annually thereafter, seven trustees shall be chosen, who shall hold their office for three years, or until their successors are elected; trustees shall be re-eligible and vacancies occurring in the intervals of elections shall be filled by the board.

3. *And be it enacted*, That the election for trustees shall be held annually at the office of the company, and the board shall give at least ten days' notice thereof, in two daily newspapers published in the county of Essex, and in case of a failure to elect on that day the trustees whose regular terms do not expire, shall proceed to elect seven trustees, or such number as may have failed of election, who shall then constitute the board, and before any member shall enter upon the duties of a trustee, his election shall be approved by the

Trustees must
be approved
by supreme
court or a jus-
tice thereof.

supreme court of this state or a justice thereof, and in case of disapproval by said court or justice the board of trustees shall fill the vacancy thereby created, subject to approval as before; every election of trustees shall be by ballot and a plurality of votes shall elect; three inspectors of election shall be appointed by the board of trustees from among the stockholders, and every shareholder shall be entitled, either in person or by proxy, to one vote for trustees for every share of capital stock standing in his name on the books of the company.

How money
may be in-
vested.

4. *And be it enacted*, That the trustees shall have a discretionary power of investing the moneys received by them, in trust, in public stocks or bonds of the United States, or any individual state, or in the bonds or stocks of any county, city, town or township in this state, or in such real or personal securities as they may deem proper.

Removal of
trustees for
fraud.

5. *And be it enacted*, That whenever it shall appear to the satisfaction of the supreme court that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct towards said company, the said court may, upon proper notice to such person, and affording him an opportunity of being heard in his defence, remove such person or persons, and make such further order and take such further measures for securing the funds and properties of the said corporation as the said court shall deem expedient.

No loan to be
made to trust-
tees.

6. *And be it enacted*, That no loan shall be made directly or indirectly to any trustee of the said company.

Books open
for inspection
of supreme
court.

7. *And be it enacted*, That the books of the said corporation shall at all times during their hours for business, be open for inspection and examination by the supreme court of this state, or such person as the said court may designate as their agent for such purpose.

How capital
shall be in-
vested.

8. *And be it enacted*, That the capital of the said company shall be invested in bonds and mortgages on unincumbered real estate worth double the amount loaned thereon, or in stocks or bonds of the United States, or of this state, or in stocks or bonds of any county, city, town or township of this state, authorized to be issued by the legislature, and within two years after the said company commences business, at least one-half of the capital paid in shall be invested, and thereafter remain constantly invested in bonds and mortgages on real estate within the limits of this state.

9. *And be it enacted*, That it shall be lawful for the said

company to receive moneys on deposit and allow such interest thereon as may be agreed upon with the depositors, not exceeding seven per centum per annum, and to accept and execute all such trusts of every description as may be committed to them upon such terms and commissions as may be established by said company and agreed upon with any person or persons whatsoever, or by any corporation, or for any trust or business committed or transferred to them by any court of record, or any officer of this or any other state.

May receive money on deposit, and accept and execute trusts.

10. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1870.

CHAPTER CVI.

A Supplement to an act entitled "An Act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

WHEREAS, Willow street, from Newark avenue to the Hackensack plank road, in the city of Hoboken, is undergoing improvement under and by virtue of an ordinance of the mayor and council of the city of Hoboken, passed for that purpose, and approved April fifteenth, eighteen hundred and sixty-nine; and, whereas, said improvement was divided into sections and separate contracts on each of said sections were awarded to several different contractors for making said improvements; and, whereas, the said improvements on some of the said sections are now completed and finished, while other sections of said improvements will not be completed for a long time to come; and whereas, it is desirable that the lands benefited by the said improvements along the said sections already completed, should be assessed for such benefits received and the money collected therefor for the purpose of paying the contractors for doing said work on said sections now completed; therefore,

Preamble.

Expenses how
ascertained
and assessed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the expenses of each of the sections of said improvement now completed shall be ascertained and assessed by three impartial commissioners not interested therein, who shall be appointed by said council from the freeholders resident in the city as soon as may be after the passage of this act, which commissioners shall examine into the whole matter and shall determine and report in writing to the council what real estate ought to be assessed for such section of said improvement, and what proportion of such expenses shall be assessed to each separate parcel or lot of land, and shall accompany such report with a map containing each lot assessed and the name of the owner or owners thereof, which report and map shall be filed in the office of the city clerk, whereupon the said clerk shall cause to be inserted in the newspapers, as now required by law, for at least ten days, notice of the filing of said report, and that the council will meet at a time and place to be specified in said notice, to consider said assessment and receive and consider all objections thereto which may be presented in writing; at said day named in said notice, or at any time thereafter, the council may confirm said assessment, or if they refuse to confirm the same they may return the same to said commissioners for correction in any particulars named by said council; and said commissioners shall amend said report and map in the particulars named and report again to the council, and if said report and map be amended as directed, the council may thereafter, without any notice to any person, confirm said assessment or assessments, and upon said confirmation said assessment or assessments shall constitute a lien on the property assessed for the amount of such assessment or assessments, and shall be collected as assessments for improvements have been heretofore collected in said city.

Commissioners of assessment.

2. *And be it enacted*, That on each of the remaining sections of said Willow street improvement, commissioners of assessment may be appointed at any time after the passage of this act, which commissioners and the said council, shall proceed in all things to make and confirm assessments thereon as directed in the preceding section of this act.

Council may appoint surveyors to assist commissioners.

3. *And be it enacted*, That the council may, whenever they deem it advisable, appoint one or more city surveyor or city surveyors to assist commissioners of assessments, appointed by said council, in making measurements and estimating

quantities to enable the said commissioners to arrive at a just conclusion in the matters submitted to them, and that the fees and expenses of such surveyor or surveyors shall be added to the costs of such improvement or section of an improvement, and assessed upon the property benefited by such improvement or section thereof.

4. *And be it enacted*, That hereafter, whenever any street improvement in said city is contracted for by sections, commissioners of assessments may be appointed by said council on each section, and the costs of each section may be assessed upon the property benefited thereby, in proportion to the benefit received, as soon as such section is completed, notwithstanding the entire improvement may not be completed.

Sections of
street im-
provement as-
sessed, &c.

5. *And be it enacted*, That all assessments made by sections for any improvement in said city, which heretofore have been or hereafter may be confirmed by said council, shall not for that reason be considered invalid or illegal, but shall be legal, valid and binding to all intents and purposes.

Assessments
declared legal

6. *And be it enacted*, That in any case after the commissioners of assessments have filed their report and assessment map and notice thereof, and of the time and place when and where the council will meet to hear objections thereto as now required by law, at said day appointed for hearing the objections thereto, or at any time afterwards, the said council may confirm said assessment, or if they refuse to confirm the same they may return the same to said commissioners for correction in any particulars named by said council, and the said commissioners shall amend said report and map in the particulars named and report again to the council, and if said report and map be amended as directed, the council may thereafter, without any notice to any person, confirm said assessment.

Confirmation
of assessments
&c.

7. *And be it enacted*, That the council may appoint commissioners of assessment on any improvement, or any section of an improvement, immediately after the contract therefor is awarded; *provided*, said commissioners shall not make their assessment or report to the council until the improvement or section thereof on which they are appointed is completed.

Time of ap-
pointing com-
missioners.

Proviso.

8. *And be it enacted*, That hereafter it shall not be lawful for the mayor and council of the city of Hoboken to cause to be assessed any poll tax upon the inhabitants of said city of Ho-

Poll tax de-
clared unlaw-
ful.

boken, to raise money to pay the principal or interest on any volunteer bounty bonds issued by said "The Mayor and Council of the City of Hoboken;" and that the mayor and council shall cause the real and personal estate in said city of Hoboken to be assessed at the full and actual value thereof, at such rate per dollar as will be sufficient to produce the sum required to be raised for such purposes.

Salary of corporation attorney.

9. *And be it enacted*, That the ordinance of the mayor and council of the city of Hoboken, fixing the salary of the corporation attorney of the city of Hoboken, passed June twenty-ninth and approved June thirtieth, eighteen hundred and sixty-nine, shall take effect from the said thirtieth day of June, and that the said corporation attorney shall be entitled to receive the salary in said ordinance mentioned, from the said thirtieth day of June last past until the end of his official term.

Repealer.

10. *And be it enacted*, That all acts and parts of acts inconsistent with this act be, and the same are hereby repealed.

11. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1870.

CHAPTER CVII.

A Further Supplement to "An Act to facilitate Judicial Proceedings in the county of Hudson," approved March seventeenth, eighteen hundred and sixty-eight.

President judge to receive trial fee for every indictment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk of the Hudson county court of general quarter sessions of the peace shall tax in the bill of costs the president judge's trial fee of two dollars, for the hearing and trial of every indictment or other cause in said court, and also for every other cause or complaint heard and tried in said court, when an indictment and jury are waived, pursuant to the sixth section of the act to which this act is a supplement, and that the additional or president

judge of the court of common pleas, quarter sessions and orphans' court, designated by said act to which this is a supplement, shall receive two dollars for every such hearing and trial, to be paid in quarterly payments, by the board of chosen freeholders for said county.

2. *And be it enacted*, That the said additional or president judge shall, for the hearing and trial of every cause or proceeding in the orphans' court, where there are adverse parties, receive the sum of two dollars, to be paid by the party liable for the costs in such cause or proceeding; and upon every hearing and decree, upon the presentation of any account by any executor, administrator, guardian, trustee, commissioner, auditor or other person required by law to present to said court an account for examination or allowance, the said president judge shall receive the sum of five dollars, to be paid by the person or persons presenting such account; and for every cause tried in the court of common pleas, one dollar; and for every appeal tried therein, fifty cents, to be included in the taxed costs.

Also for every cause heard and tried, accounts of executors, &c.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1870.

CHAPTER CVIII.

An Act to Incorporate the Keyport and Oak Grove Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be, and are hereby ordained and constituted, and made a body politic and corporate, in fact and in law, by the name of "The Keyport and Oak Grove Turnpike Company," and that William L. Roberts, James M. Van Brakle, Thomas E. Van Brakle,

Commissioners to open subscription books.

James L. Tilton, Joseph W. Walling, John W. Holmes and William S. Walling, or a majority of them, are hereby appointed commissioners to open the subscription books and receive subscriptions to the capital stock, at such time 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 a paper published in the county of Monmouth.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be five thousand dollars, with power to increase the same to ten thousand dollars, and shall be divided into shares of twenty-five dollars each; that at the time of subscribing to said stock, two dollars shall be paid upon each share subscribed for, to the said commissioners, or any of them, which money shall be paid over to the treasurer of the said company, as soon as one shall be appointed; that the residue of said stock shall be paid to the treasurer in such installments, and at such times and places as the board of directors of said company shall from time to time direct; that upon the failure of the payment thereof, as so directed, the said board shall have power, after giving twenty days' personal notice of their intention so to do, to forfeit the shares of each and every person so failing to pay said installments, or any of them, to and for the use of the company.

Failure to pay
installments
to work for-
feiture.

Directors,
when and how
chosen.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; that when one hundred shares of stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the said stockholders, giving at least ten days' notice of the time and place of said meeting, in the newspaper aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot, seven directors, for the term of one year, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice being given by the existing board of directors, the stockholders shall elect by ballot, seven directors, a majority of whom shall be citizens of this state; and the judge of such election shall be appointed by the president; and at every such election, and

one vote, a vote may be given for each share of stock by the in all other cases, in which the stockholders shall be entitled to holder thereof, in person or by proxy; and in case it shall happen that an election of directors should not be made on the day when pursuant to this act it ought to be made, said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, and the directors for the time being shall continue to hold their office until others shall have been chosen in their place.

Failure to
elect not
dissolve.

4. *And be it enacted*, That as soon as may be, after the first, and subsequent annual election of directors, they shall elect from their number a president of said company, for the term of one year, and until another shall be elected, who shall receive such compensation as the board of directors may direct; he shall keep the seal of the company, and preside at all meetings of said board; and in case of his absence, the said board may appoint one of their number chairman, pro tempore; and the board of directors may fill any vacancy that may occur therein until the next annual election, and may exact from the president, treasurer, and other officers and agents of said company, such security, for the faithful performance of their respective trusts, as they may deem expedient; and special meetings of the said stockholders may be called by the president by giving ten days previous notice of the time and place of holding the same, and the object for which such meeting is called.

Powers of di-
rectors.

5. *And be it enacted*, That at the annual meeting of the stockholders, the board of directors for the preceding year shall exhibit to them a full and complete statement of the affairs of the company during their said term.

Annual state-
ment.

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Keyport to Oak Grove, in the county of Monmouth, beginning in the turnpike road from Keyport to Freehold at the head of Brown's Point lane; thence along said road from Keyport to Oak Grove to the road leading from Morrisville to Matawan at James Van Brakle's corner; and the said company may, by their officers, agents, or other persons in their employ, enter from time to time, and at all times, upon all lands, to search for stone, gravel, sand or clay, for constructing and keeping up said road, doing no unnecessary damage to said lands; *provided*, said company, as soon as they shall construct the said turnpike road, shall pay to the respective owners of

May construct
turnpike road.

Proviso.

the lands over which they may pass, all damages which the said owners shall sustain by reason of the construction of said turnpike road; and in case the said owners and said company cannot agree upon the amount of said damage, then the damage shall be ascertained and determined, as nearly as may be in the manner hereinafter provided for ascertaining and determining the damage which any land owner may sustain by taking of stone, gravel, sand or other materials from his or her lands, for the construction and maintaining of said turnpike road.

Width of road

Shall make
good and suffi-
cient bridges.

Proceedings
when compa-
ny and owners
cannot agree.

7. *And be it enacted*, That the said turnpike road shall not exceed fifty feet in width, and at least sixteen feet thereof shall be sufficiently bedded and faced with stone, plank, clay or gravel, to make a good firm road; and it shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and said company shall make good and sufficient bridges along said road, not less than sixteen feet in breadth, and whenever said road shall be raised so much at the margin or side as to render carriages passing thereon liable to be overturned, the said company shall cause good and sufficient railings to be erected on the sides, so as to prevent horses and carriages from running off.

8. *And be it enacted*, That it shall be lawful for the said company, their agents, superintendents, engineers, and all persons employed by them, with carts, wagons, and other carriages, and with beasts of burthen and draught, with all necessary materials, tools and implements, to enter upon all lands contiguous or near to the said road, doing as little damage as possible, repairing any breach they make in the inclosure thereof, and to make all ditches and underdrains across and through said lands as are necessary for the proper draining of said road, and to take and carry away stone, clay, gravel or sand, or other materials therefrom suitable for making or repairing said road; and if the said company or their agents, and the owner or owners of such required land or materials cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Monmouth, upon application by either party, and after six days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested, impartial, judicious freeholders, residents of the state,

commissioners to assess the price or damage of such materials, who shall, before they enter upon the duties of their appointment, be duly qualified, according to law, faithfully and impartially to execute the duties thereof, and after six days' notice in writing to both parties of the time and place, shall meet, view the premises, hear the parties and evidence, if desired, and thereupon make such decision or award as to them may appear just and equitable, and transmit such award and decision, in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the said county of Monmouth, to be by him filed as a public record, and certified copies taken, if desired by either party; and upon payment, or the tender of the sum so awarded by the commissioners, the said company, or their agents, may enter upon and remove all such materials as have been appraised as aforesaid; and when, by reason of any legal incapacity, or the absence of the owner or owners of said land or materials, no agreement can be made with said company, then it shall be the duty of said company to pay the amount of any award made in behalf of any such persons by the commissioners appointed as aforesaid, into the court of chancery, to the clerk thereof, subject to the orders of said court, for the use of said owner or owners.

9. *And be it enacted*, That as soon as the said company shall have constructed, in a workmanlike manner, the said road according to the directions of this act and the true intent and meaning thereof, it shall and may be lawful for the said company to erect gates or turnpikes across the same, also, to erect toll-houses thereon, and to demand and receive toll for travelling each mile and all fractions of a mile of the said road, not exceeding the following rates, to wit: For every carriage, sleigh or led drawn by one beast,

one cent; Rates of toll.

For every additional beast, one cent;

For every horse and rider, or led horse or mule, five mills;

For every dozen calves, sheep or hogs, seven mills and a half;

For every dozen horses, mules or cattle, four cents;

and it shall be lawful for the toll-gatherers to stop all persons riding, leading or driving any horses, cattle, mules, sheep, calves or hogs, or carriages of burden or pleasure, from passing through said gates or turnpikes until they have paid the toll before specified; *provided*, that nothing in this

Proviso.

act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from their regular place of public worship on the Sabbath day, or horses or carriages, sleighs or sleds carrying persons to or from a funeral, or any person passing from any part of his farm to any other part of the same on the common business thereof.

Shall cause
mile stones to
be erected
and rates of
toll posted.

10. *And be it enacted*, That before the said company shall receive toll for travelling on said road, they shall cause mile-stones or posts to be erected and maintained, and on each stone or post shall be fairly and legibly marked the distance said stone or post is from the village of Keyport, and shall cause to be fixed at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be painted in large letters, "keep to the right as the law directs."

Penalty for
injuries.

11. *And be it enacted*, That if any person shall wilfully throw down or deface any of the mile stones or posts so erected on said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of ten dollars, besides being liable to an action of damage for the same, to be recovered by said company by action of debt or otherwise, in any court of competent jurisdiction with costs of suit; and if any person, with his or her carriage, team or horses, turn out of said road to pass a gate or gates upon private grounds adjacent thereto, and again enter on said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay five times as much as the legal toll would have been for passing through said gate or gates, to be recovered by said company for the use thereof, in action of debt, with costs of suit.

Penalty for
delaying trav-
elers.

12. *And be it enacted*, That if any toll gatherer shall unnecessarily delay or hinder any traveler passing through any of the gates or turnpikes, or shall demand more than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered and defrauded.

13. *And be it enacted*, That if the said company shall not keep the road and bridges in repair, it shall be the duty of any judge of the court of common pleas in the county of Monmouth upon complaint being made to him in writing, stating the bridge or part of the road that is out of repair, and specifying the particular defect, and after four day's notice in writing to said company specifying the particular part of the road or bridge, and the particular defect complained of, and after hearing the parties, if the said company shall not have mended or repaired the bridge or part of the road complained of, to appoint under his hand and seal, three judicious, disinterested freeholders of the county of Monmouth, not residents in any township through which said road passes, who having been duly qualified according to law, to act impartially in the case, shall proceed to view and examine said part of the turnpike road or bridge so complained of, and report to said judge in writing, under their hands and seals, or of any two of them, whether it be in such state as the law requires it to be kept, and if the report be unfavorable to said road, said judge shall immediately, in writing, under his hand and seal, order the keeper of the gates or turnpikes to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of said judge to open said gates or turnpikes, exact toll of travelers, he shall for each offence forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in action of debt with cost of suits; and the said judge shall be allowed for his services one dollar, and the persons appointed one dollar each, to be paid by the company; and upon due proof before said judge that said company have repaired or mended said road or bridge in the particular complained of, he shall by license under his hand and seal directed to the toll gatherers, permit the gates or turnpikes to be shut and the toll to be collected as before, and the said toll shall be allowed and paid as before directed; but if on view as before mentioned the report of the persons appointed, or a majority of them, shall be in favor of said company, the same fees shall be allowed as before prescribed, and be paid by the person or persons making the complaint.

14. *And be it enacted*, That the said corporation may use said road from Keyport to Oak Grove, with the consent of two thirds of the landholders along and on the same, and if

Proceedings
when road and
bridges are not
kept in repair.

May use cer-
tain public
road.

the owners of such lands shall refuse their consent, then in that case such road shall first be vacated according to law.

When toll-gates may be erected.

15. *And be it enacted*, That whenever the said company shall have completed any two consecutive miles of the said road according to the directions and true intent and meaning of this act, it shall be lawful for the said company to erect a toll gate across said road, and demand and receive toll for travelling thereon agreeably to the foregoing rules.

Approved February 23, 1870.

CHAPTER CX.

An Act for the improvement of the town of Washington, in the county of Middlesex.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the limits of the town of Washington, in the county of Middlesex, for the purposes of this act shall be as follows, viz: beginning at South river, in a line of lands between Randolph Low and John Culver, and running thence first up said line and on the same course to the centre of the road leading from Old Bridge to New Brunswick, near (formerly) Sheriff Bissett's house; second following the centre of said road the different courses thereof, to a line of lands between Charles Van Deventer and the Messrs. Meslers; third, down the said line and a line of Garline and Abraham Van Deventer to South river aforesaid; fourth, up said river the courses thereof to the place of beginning.

Election of board of commissioners, &c.

2. *And be it enacted*, That it shall and may be lawful for such of the legal voters of the said town of Washington as may reside within the aforesaid limits, on the first Monday of May next, to assemble at the hotel of B. B. Walker, in the town of Washington, on the said first Monday in May next, and then and there by ballot, and by a plurality of votes, elect five commissioners, a town clerk, and two inspectors of election, and as soon after said election as the said commis-

sioners shall be sworn into office as hereinafter provided, they shall be denominated "The Board of Commissioners of the Town of Washington," and by that name they and their successors, forever hereafter, shall and may have perpetual succession, shall be capable of suing and being sued in all courts of this state, and by that name may make contracts and agreements, and make regulations and ordinances for the purpose of carrying out and effecting the objects and purposes of this act.

3. *And be it enacted*, That at the election hereinbefore mentioned, Garret I. Snedeker, Jonathan H. Peterson and Daniel Morgan, or such of them as may consent to act, or the survivors or survivor of them, shall act as inspectors, and Henry Gordon shall act as clerk; that at such election the polls shall be opened at one o'clock p. m. and close at four o'clock p. m., that the persons elected shall hold their offices for one year from the said first Monday of May next, and until their successors are elected and sworn into office: that on the first Monday of May, yearly and every year thereafter, the legal voters aforesaid shall and may hold a like election at such place in said town as may be designated by the said board of commissioners, who shall by ordinance prescribe the time of opening and closing the polls at such election, and the mode and manner of conducting it; *provided, however*, that said election shall be by ballot, and the polls at said election shall be open at least from one o'clock p. m. until four o'clock in the afternoon, of all which public notice shall be given by the said board of commissioners at least ten days before such election; *provided, also*, that in case of the death, absence or refusal, or any disability preventing any of the before-mentioned persons from serving, the same shall and may be appointed by the board of commissioners, and shall hold his office until his or their successor or successors is or are elected and qualified; at all elections held in pursuance of this act, except the first, the town clerk shall act as poll clerk.

4. *And be it enacted*, That the said board of commissioners, town clerk and inspectors of election, who shall be elected as hereinbefore provided, shall, before entering on the duties of their respective offices, and within five days after they shall be notified of their election by the inspectors of election, take and subscribe an oath or affirmation before some person authorized by the laws of this state to administer an oath,

that they will faithfully discharge the duties of their respective offices, and in default thereof the election of the person or persons in default shall be deemed void and of no effect, and such vacancies, with all others that may occur, shall be filled by the preceding board of commissioners.

Powers of
commission-
ers.

5. *And be it enacted*, That within thirty days after said commissioners shall have been sworn into office as aforesaid, they shall meet in some suitable place and organize and appoint one of their number as chairman, and when so organized they shall have power to pass and enact such by-laws and ordinances not repugnant to the constitution or laws of this state, as they may consider proper for altering, regulating and fixing the grade of the roads, streets and sidewalks, for keeping the same in repair, and for preventing or removing obstructions therein; for preventing and suppressing riots and disturbances of the peace; for suppressing vice and immorality, and all such other laws and ordinances as they may think adapted to promote the welfare, good order, health and prosperity of the said town and the inhabitants thereof; *provided*, that no fine shall exceed ten dollars for the first offence, nor more than twenty dollars for each offence thereafter, and no imprisonment shall exceed thirty days for any offence; *provided, also*, that no by-laws or ordinances affecting the rights or property of said inhabitants shall be valid or binding, unless the same shall receive the votes of at least three of the said board of commissioners, nor shall the same go into operation until it shall be regularly recorded in a book kept for that purpose, and a copy thereof signed by the chairman of said board of commissioners and attested by the clerk, shall have been posted for at least twenty days in the room where the said board of commissioners shall usually assemble, and in at least three other public places in said town.

Proviso.

Proviso.

Officers to be
appointed by
commission-
ers.

6. *And be it enacted*, That the said board of commissioners shall appoint a town treasurer, a town marshal and a street superintendent, whose duties shall be the same as the overseer of the roads, under the laws of this state, and who shall be under the direction and control of said board of commissioners, each of whom shall give security, in such sum as said board of commissioners may require for the faithful discharge of the duties of their respective offices; shall hold their offices during the pleasure of the board and receive such compensation as may be allowed by the said board of commissioners.

7. *And be it enacted*, That one person shall be appointed ^{Police justice, and his powers.} and commissioned by the said board of commissioners as a police justice, who shall have and exercise the same power and jurisdiction within said limits in criminal cases as justices of the peace now or hereafter may be authorized to exercise in this state, and shall be entitled to take fees as justices of the peace now or hereafter may be entitled to for like services; the courts held by said justice shall be courts of record, and said justice shall have full power to cause to be kept all ordinances that may be made by said board of commissioners for the preservation of the public peace, and for the good government of said town; and all recognizances taken by or before said justice shall be by him forthwith sent ^{Duties of the marshal.} to the court of general quarter sessions of the peace of said county.

8. *And be it enacted*. That it shall be the duty of the marshal to preserve the peace and good order of said town, and he is hereby empowered to arrest any person or persons offending against any of the ordinances of said board of commissioners, or behaving in a disorderly manner and disturbing the public peace and quiet, and forthwith bring such person or persons before the said police justice, who is hereby authorized and required to hear and investigate the charges preferred (which in all cases shall be preferred under oath and taken in writing before said justice), and on conviction the said justice shall impose such punishment as to him shall seem just and proper, and in accordance with the ordinances of said board of commissioners, and shall enforce the same by his warrant of commitment, directed to the said marshal, commanding him to convey the offender to the common jail of the county of Middlesex, there to remain and be kept and dealt with as is provided for in said ordinance, and until the fine and costs are paid; and further as regards criminal offences against the law of this state committed within the limits of said town, the said marshal is hereby empowered and required to discharge like duties as now are or hereafter may be required of constables under the laws of this state.

9. *And be it enacted*, That the jailor of the county of ^{Jailor of the county to keep offenders} Middlesex for the time being shall receive and safely keep all such offenders as shall be committed to the jail of the said county by the said justice for the term of his, her or their imprisonment, as expressed in the warrant of commitment,

and the expenses of keeping offenders so committed for transgression against such ordinances as may not be crimes or misdemeanors by the laws of this State, shall be borne and paid by the said board of commissioners of the town of Washington, and in the case of offenders committed for crimes or misdemeanors the expenses shall be paid as in the case of other offenders in the county of Middlesex.

Actions for
penalties, how
brought.

10. *And be it enacted*, That all actions for the recovery of any penalties created or imposed by any ordinances passed by said board of commissioners, shall be brought and prosecuted in the name of "The Board of Commissioners of the town of Washington," or in the name of the treasurer of the town for the time being; and in such actions, as well as in all complaints for the violation of any of said ordinances, the records of the board of commissioners shall be received as conclusive evidence of the passage of all ordinances recorded therein and signed by the chairman and clerk of said board, and the due publication of said ordinances, in the manner hereinbefore required, shall in all cases be presumed to have been made, unless the contrary is proved; no person shall be deemed incompetent as a witness or juror in any trial in which the board of commissioners of the town of Washington or treasurer of the town is a party, by reason of his being an inhabitant of or tax payer in said town.

Commission-
ers shall esti-
mate and as-
sess the costs
and expenses
of grading
and paving
sidewalks
when they
cross streets.

11. *And be it enacted*, That the said board of commissioners, as aforesaid, shall make an estimate of the probable cost of grading and paving the sidewalks, where they cross other streets, and making such other crossings of streets as may be necessary, as said commissioners shall deem proper, and other expenses incurred under this act, except the cost of paving in front of each owner's land, and shall assess the amount necessary for such purpose within the limits of said town, in the same manner in which assessors are now or hereafter may be authorized by law to assess for township and county taxes, and subject to the same appeal to the commissioners of appeal of the township of East Brunswick; and the amount so assessed shall be paid to said commissioners within sixty days after written demand thereof shall be made by said commissioners, and in case of neglect or refusal, said commissioners shall make out a list of delinquents, and place the same in the hands of the police justice of the said town of Washington, who shall issue a precept in the nature of a tax warrant, directed to the marshal of the town, who shall

Amount as-
sessed to be
paid within
sixty days.

proceed to collect the amount due from such delinquent, in the same manner as township and county taxes now are or hereafter may be authorized by law to be collected; *provided*, Proviso. that before said warrant shall be issued, such police justice shall be satisfied, by the oath of one of the said board of commissioners, that the amount claimed against such delinquent is justly due and unpaid, and the same has been demanded as required by this act.

12. *And be it enacted*, That as soon as said assessment shall be made, the said commissioners shall cause the sidewalks, where the same cross other streets, and such other crossings as may be necessary, to be graded and paved with suitable stone, and of such width as they may deem proper, shall procure all necessary material for the doing thereof, shall make all necessary drains and culverts, and other necessary passages for water, in the manner herein provided, and the expenses thereof shall be paid by the treasurer of said town, out of the moneys in his hands, collected for that purpose, under the direction of said board of commissioners. Commissioners shall cause the work to be done.

13. *And be it enacted*, That each and every land owner, in front of whose lands sidewalks shall have been or may hereafter be made, in pursuance of this act, and every occupant of such lands, shall, at all seasons of the year, clear and remove from said sidewalks all snow, slush, ice or mud that may be thereon, and shall at all times, also, clear out and keep open, for the free and easy passage of and flow of water, the drains and gutters in front thereof, and if any such land owner or occupant shall neglect or refuse to do so for the space of six hours after being notified by the said commissioners, the said commissioners shall have the same done, and the expenses thereof may be recovered in the manner prescribed heretofore. Owners shall clear sidewalks.

14. *And be it enacted*, That whenever the land owners on any street that is or may hereafter be opened, or on any parts of the streets within the limits described in the first section of this act, shall determine, by a majority of votes of the land owners in said streets (each land owner to be entitled to one vote for every forty feet of land owned by him or her on such street, and each land owner to be entitled to one vote at least,) to grade and pave the sidewalks on one or both sides of such street, any land owner on such street or part of street may call a meeting of land owners, by giving a written notice, put up in three public places in said town Proceedings for paving sidewalks.

five days previous to said meeting, and designating the time and place of such meeting; and the said land owners, when assembled, shall choose a chairman and secretary, who shall determine the number of votes to which each land owner is entitled, receive orally and count the votes, and their certificate of determination shall be evidence thereof; and such certificate of their determination shall be filed with the board of commissioners, and when so filed, the said street or parts of streets so designated, shall thereafter be subject to the provisions of this act, and said board of commissioners shall proceed to have the sidewalks of such street or parts of streets graded and paved in the manner herein prescribed.

Township
road tax, how
applied.

15. *And be it enacted*, That three quarters of the whole amount of road taxes which shall hereafter be assessed, levied and collected by the officers of the township of East Brunswick, within the limits of said town of Washington, for roads or for the improvement or repairs of roads, shall not be applied to roads without the boundaries of said town, but that the assessor and collector of said township shall hereafter assess and collect upon and from the taxable inhabitants of said town, and on all lands liable to be taxed therein, the road tax which shall have been ordered to be raised at the previous annual township election, of the township of East Brunswick, in the same manner as the same have been heretofore assessed, levied and collected, and it shall be the duty of the collector of said township to pay over three-quarters of the amount of the road tax by him received, which shall have been assessed and collected within the limits of said town of Washington, to the treasurer of the said board of commissioners, to be expended and applied under the direction of said commissioners, in repairing and improving the streets of the aforesaid town of Washington, and for this purpose the said assessor of said township shall, by some convenient mark in his duplicate, designate the road taxes assessed within the limits of said town of Washington; and in case of any dispute respecting such designation on the apportionment of the said road taxes, the same shall be determined by the commissioners of appeal in cases of taxation for said township.

Repealer.

16. *And be it enacted*, That all acts relating to the election of overseers of the highways in the township of East Brunswick, so far as they relate to the parts of said town-

ship embraced within the aforesaid limits of the town of Washington, are hereby repealed.

17. *And be it enacted*, That it shall and may be lawful for the legal voters of said town, at their annual election for town officers as hereinbefore provided, or at any special election appointed by the board of commissioners for that purpose, by notice in writing, set up in at least five public places in said town, for at least ten days before the day appointed for holding such special elections, to vote by ballot for such sum or sums of money for the then ensuing year, as they may think necessary for any special purposes for the improvement of said town of Washington, other than is hereinbefore provided for in this act; *provided*, that such sums in the aggregate shall not exceed in any one year fifteen cents on each hundred dollars of the valuation of the taxable property liable to assessment under this act, which sum or sums of money so voted shall be assessed and levied and collected under the direction of said board of commissioners, in the same way and manner as is hereinbefore provided for the collection of the moneys for street crossings, etc.

Amount voted for improvements.

Proviso.

18. *And be it enacted*, That no compensation shall be paid to any of said commissioners; that no moneys shall be paid by the treasurer of said board of commissioners for any purposes under this act, except upon resolution of the board upon bills countersigned by the chairman; and that the town clerk of said town shall keep minutes of the proceedings of said board, and record the same in a book provided for that purpose, and further, that no ballot cast at any annual election in said town shall contain thereon the names of more than three persons of the same political party, in which case all such ballots shall be void and of no effect.

No compensation to commissioners.

19. *And be it enacted*, That said commissioners shall render full and detailed statements of all moneys collected and expended by virtue of the provisions of this act, on the day of each annual election for officers under said act; and at the place of holding such election, before such election takes place, and by publishing at least one week before said annual election, a synopsis of said statements, by notices in three of the most public places in said town.

Detailed statement of moneys collected and expended.

20. *And be it enacted*, That nothing in this act shall be construed to make the persons mentioned in the third section of this act, as well as all other subsequent officers of said town, ineligible to any position at any election hereafter.

Construction of act.

21. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1870.

CHAPTER CXI.

An Act to incorporate the Phillipsburg Stove Works.

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| Names of cor-
rators. | 1. <i>BE IT ENACTED by the Senate and General Assembly of the State of New Jersey</i> , That Jonathan Ingham, William Ingham, John Maxwell, Horace M. Norton, Alexander Moore, George W. Bearder and George H. Stafford, and the survivors of them, and all such persons as may hereafter be associated with them or the said survivors, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in law, by the name of "the Phillipsburg Stove Works," for the purpose of manufacturing stoves and doing a general foundry and machine business, in the town of Phillipsburg, in the county of Warren. |
| Corporate
name. | |
| May hold real
and personal
estate. | 2. <i>And be it enacted</i> , That the said corporation may purchase, hold, sell, convey, mortgage, lease and dispose of such real and personal property as may be needful and proper for use in carrying on said business, or may accrue to them in the course thereof. |
| Election of di-
rectors. | 3. <i>And be it enacted</i> , That the stock, property and concerns of said corporation shall be managed and conducted by not less than five nor more than thirteen directors, who shall elect one of their number president, and shall also have power to appoint a treasurer and secretary and such other officers and agents as they may deem necessary, and said directors shall be stockholders in said corporation, and shall hold their offices for one year, and until others are chosen in their stead; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day and at such place as the by-laws of the corporation shall direct, at which election each stockholder shall be en- |

titled to one vote, either in person or by proxy, for each share of stock by them respectively held; and until such election take place, the said Jonathan Ingham, William H. Ingham, Horace W. Norton, John Maxwell, Alexander Moore, George W. Bearder, and George H. Stafford, being stockholders and directors of this corporation, now doing business under the general manufacturing act, approved March second, eighteen hundred and forty-nine, by the name of the Phillipsburg Stove Works, shall be directors of this corporation; a majority of the directors, shall on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation or the failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholders.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not for that cause be deemed to be dissolved; but the stockholders may proceed to hold an election for directors on any other day, such notice having been given of the time and place of such election as the by laws may prescribe.

Not dissolved
on failure to
elect directors

5. *And be it enacted*, That the capital stock shall be fifty thousand dollars, and may be increased to one hundred thousand dollars, divided into shares of one hundred dollars each, which shall be deemed personal property and shall be transferable upon the books of the corporation in such manner as the by-laws of such corporation shall direct; and it shall be lawful for the directors, or a majority of them, to call and demand from the stockholders respectively all sums of money by them subscribed of the said capital stock or of the increased capital, if at a meeting of the stockholders two-thirds in interest shall decide to increase it, but not exceeding the amount in this section previously mentioned, at such times and in such proportions as they shall think proper, and if any stockholders shall fail to pay such demand within thirty days after a notice shall have been published for the space of fifteen days in one or more newspapers in the county of Warren, then the directors of said company shall

Amount of
capital stock.

have power to sell so much of said delinquents' stock as may be necessary to make up the required amount, together with interest thereon, and all expenses; *provided*, that the aforesaid directors shall advertise said sale for two weeks in one or more newspapers published in the aforesaid county of Warren.

Principal of-
fice.

6. *And be it enacted*, That the principal office of the said company shall be at Phillipsburg in said county, at which office regular books of account shall be kept, to which books any stockholder shall have free access at all reasonable times for the purpose of examining the same.

Annual state-
ment.

7. *And be it enacted*, That the said directors shall submit to the stockholders at their annual meeting, a written statement of the affairs of said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from said corporation, and the amount of all assets and property belonging to said corporation as nearly as the same can be ascertained.

Property ves-
ted in corpo-
ration.

8. *And be it enacted*, That the property, both real and personal, now belonging, or in any wise appertaining to the "Phillipsburg Stove Works," a corporation doing business under the general manufacturing act of this state as aforesaid, shall pass to and become vested in the company hereby incorporated as "The Phillipsburg Stove Works," without any deed or other conveyance to that effect.

How dissolved

Proviso.

9. *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stockholders of the same specially called for that purpose; *provided*, that at least four-fifths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being, and the survivors of them, or such persons as the stockholders shall appoint, shall be trustees for the settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts and dividing its surplus among the stockholders in proportion to their respective interests in the stock.

10. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1870.

CHAPTER CXII.

An Act to incorporate the Morris Plains Aqueduct Company.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of cor-
porators.</sup> *the State of New Jersey,* That Gordon Burnham, Jonathan W. Roberts, Lewis C. Lawton, Isaac A. Caufield and Richard A. McCurby, and all such persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Morris Plains Aqueduct Company," and by that name shall <sup>Corporate
name.</sup> 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 whatever, have a common seal and make, change or alter the same at pleasure, and purchase, hold and enjoy such real and personal estate, and make and execute any deeds or agreements, and acquire and receive by purchase, gift or otherwise any rights or privileges which may be necessary for the objects of this incorporation.

2. *And be it enacted,* That the stock of said company <sup>Amount of
capital stock.</sup> shall be deemed personal property, and shall consist of three hundred and fifty shares of twenty dollars each, and shall be transferable in such manner as the corporation by their by-laws shall direct; and that the management of the concerns of said corporation shall be entrusted to five directors, being stockholders of said corporation, who shall be chosen <sup>Directors,
how chosen,
&c.</sup> every year at the annual meeting of the stockholders, which shall be held on the first Monday of May, at such hours and place in Morris Plains or Morristown, in the county of Morris, as said directors shall from time to time appoint, a notice of which election shall be published in the newspapers published at Morristown at least ten days before such election, or personal notice thereof given as aforesaid to each person in whose name there shall at such time be standing one or more shares of stock on the books of said company; that all such elections shall be by ballot by the stockholders in person or by proxy and in accordance with the by-laws of said

company, and every stockholder shall be entitled to one vote for each share which he or she may hold in said corporation, and the persons having the greatest number shall be directors; and in case of a 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; and a majority of the said directors may appoint from time to time such agents, officers and superintendents, and assign such duties to them or either of them and make such compensation as they shall think fit; and the said directors are hereby authorized in their discretion to establish such rules, regulations and by-laws for and concerning the conduct and government of the directors, their officers, agents and servants as they shall deem reasonable and proper; and until other directors are chosen from the stockholders, the first directors shall be Gordon Burnham, Lewis C. Lawton, Jonathan W. Roberts, Isaac A. Caufield and Richard A. McCurby, who shall hold their offices until the first Monday of May next or until others are legally chosen.

Vacancies how filled. 3. *And be it enacted*, That the persons named in the preceding section of this act shall be commissioners to procure subscriptions for the stock of said corporation, and they, or a majority of them, may cause books for that purpose to be opened at Morristown, in the county of Morris, any time after the passage of this act, giving at least ten days previous notice thereof in the newspapers published at Morristown, and two dollars on each share of stock subscribed for shall be paid in cash at the time of subscribing therefor, and the balance to be paid by installments at such times and in such amounts as the directors shall order; and whenever one hundred shares shall be subscribed, and said installments paid, it shall be lawful for the said commissioners to call a meeting of the stockholders as aforesaid, for the purpose of electing directors and transacting other necessary or proper business.

First directors 4. *And be it enacted*, That the said corporation are hereby authorized and empowered to lay pipes and supply water to or on any lands lying to the north and east of Whippany river, in the townships of Hanover and Morris, in the county of Morris, but nothing herein contained shall be construed to permit said corporation to lay any pipes or supply any water to or on any lands south of the said Whippany river.

Commissioners to receive subscriptions 5. *And be it enacted*, That said corporation shall be authorized to lay their pipes along or across the public roads

Authorized to lay pipes and supply water to certain limits.

May lay pipes along or across public roads.

and highways of the said townships of Hanover and Morris, within the limits contained in the foregoing section, and for that purpose, may, by their servants and agents, enter upon such highways and roads and dig all necessary ditches, making as little interruption as may be to public travel thereon ; that if it should become necessary, in the opinion of the said directors, to lay pipes through any private lands in said townships of Morris and Hanover within said limits, or if any private lands shall be required for erecting reservoirs or other works thereon, and no agreement can be made with the owner or owners thereof as to the amount of compensation to be paid for the laying said pipes through said lands, or the price of said lands, as the case may be, by reason of the unwillingness of said owners, or any of them, to accept such compensation or price as the said directors may deem reasonable, or by reason of the absence or legal incapacity of said owners, or any of them, it shall be the duty of either of the justices of the supreme court of this state upon application to him by said directors, or on their behalf, and after ten days' previous notice in writing of such application to the persons interested, if known and in this state, or if unknown or out of the state, after publication thereof for any time not less than twenty days in the ——— newspapers printed at Morristown, to appoint three disinterested appraisers from the county of Morris to determine the compensation to be paid for the laying of said pipes through said lands, or the price to be paid for said lands, as the case may be ; and it shall be the duty of the said appraisers after having taken an oath or affirmation faithfully and impartially to discharge the trust herein reposed in them, and after having carefully viewed the premises within thirty days after the appointment to deliver to said directors a written appraisement, under the hands and seals of them, or a majority of them, of the award they have made, containing a full description of the lands through which the pipes are to be laid, or of the lands required for the erection of reservoirs or other works as aforesaid, which appraisement the said directors shall cause to be recorded in the registry of deeds for the county of Morris ; and upon payment or tender by the said directors to such owner or owners aforesaid, or some one of them, of the sum awarded in such appraisement, if any, then the said directors shall have the right to lay said pipes through the lands aforesaid, or the said corporation shall be deemed seized in fee

Proceedings
when no
agreement can
be made be-
tween compa-
ny and owners
of land.

simple of the lands required for the erection of the said reservoirs or other works as aforesaid; and in case any owner or owners of such lands shall be feme covert, under age, non compos mentis, or out of the state, then and in that case, it shall be sufficient for said directors to pay the amount which may have been appraised as aforesaid into the court of chancery of this state, subject to the order of said court for the use of the party or parties entitled to the same, the costs of all which proceedings shall be taxed by the said justice of the supreme court and paid by the said directors.

Proceedings
in case of ap-
peal.

6. *And be it enacted*, That in case the said directors, or the owner or owners of the said lands shall be dissatisfied with the award of the appraisers named in the preceding section, and shall apply to any justice of the supreme court at the next term, after filing of the said award, the court shall have 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 to be had, and the said issue to be tried at the next circuit court, to be holden in 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 damages aforesaid sustained, and if they shall find a greater sum than the said appraisers shall have awarded in favor of said owner or owners, then judgment therefor, with costs, shall be entered against said corporation 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 directors shall have offered or the said appraisers 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 may direct; but such application shall not prevent the directors from taking or laying pipes through said lands upon the award of the appraisers, the value or damages being first paid, or upon a refusal to receive the same upon a tender thereof, or, the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

May make ne-
cessary re-
pairs and al-
terations.

7. *And be it enacted*, That whenever it shall become necessary to make any repairs or alterations in any pipes which may have been laid through any private lands, either

by virtue of the preceding section, or by agreement with the owner or owners thereof, it shall be lawful for the said directors, with their workmen and agents, and with necessary vehicles, tools and implements to enter upon said lands and make the necessary repairs and alterations, doing no unnecessary damage; *provided, always*, that nothing in this section ^{Proviso.} contained shall be so construed as to protect the said directors, or their workmen or agents, from any action that may be brought against them individually by the owner or owners of said land, for any damage they may have wilfully or unnecessarily done.

8. *And be it enacted*, That the president and directors of ^{Dividends.} the said corporation shall declare and make such dividends as they may deem prudent and proper from time to time, out of the net profits of the said water works, and the said corporation shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open, within the usual hours of business, for the inspection of the stockholders.

9. *And be it enacted*, That if the water now contemplated to be used by the said corporation for the purposes of this act of incorporation, should, by reason of the increased demand therefor, be insufficient to supply the demand, it shall be lawful for the said corporation, and they are hereby empowered, to procure an additional supply of water from other sources, ^{May procure additional supply of water from other sources.} lying to the north and east of the public road that leads from Morris Plains, past the saw mill of Henry Pier-son to Dover, and to erect and construct the necessary works therefor, and, if necessary for such purposes, they are hereby authorized and empowered to increase their capital stock ^{May increase capital stock.} from time to time, not exceeding, in the whole additional amount, the sum of twenty thousand dollars, to be divided into shares of twenty dollars each, to be paid by installments, in the manner and upon like notice above mentioned; and whenever a subscription to said additional stock is authorized by the board of directors, the stockholders for the time being shall be first entitled to subscribe for said stock in a ratable proportion of stock held by them; and whenever a dividend is declared the said directors shall declare and make dividends upon all the stock subscribed and paid for.

10. *And be it enacted*, That if at any time it shall so hap-

Failure to
elect not to
dissolve.

pen that an election for directors shall not take place on the day herein appointed for that purpose this corporation shall not be deemed dissolved; but the directors for the time being shall appoint a future day to hold such election for directors, giving the same notice of such election as is hereinbefore required for that purpose.

11. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1870.

CHAPTER CXIII.

An Act to incorporate the Co-operative Company of Elizabeth, New Jersey.

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Aaron Chichester, Philip H. Amore, John W. Brooks, Robert B. Thompson, E. H. Wilson, E. M. Herrick, William C. Manvel, John McCandless, A. T. Mulford, John S. Stryker, W. Luttgen, John L. Shreve, C. J. Despard, Samuel Barber, William H. Patten, Robert Crosbie, George C. Ford, John McAdams, Robert McCloud, George Webb, Stephen Magie, William Addis, James Moore, James Smith, E. Kellam, J. A. Lutz, S. B. Ryder, Benjamin Urner, Nathaniel Munday, C. H. Genung, E. P. Bray, Joseph H. Gray, William McKinlay, James W. Woodruff, A. S. Woodruff, Jesse Tiger, Thomas H. Smith, Nathan Worley, Charles P. Sherman, Charles P. Kennedy, Jason Hicks, E. P. Hampson, James S. Green, S. Slater, Isaac S. Riker, J. Y. Brokaw, and others, their successors, associates and assigns shall be and they are hereby ordained, constituted and declared to be a body politic and corporate, for the purpose of carrying on the trade or trades of general and retail dealers, producers and manufacturers, in order to enable its members to purchase food, fuel, clothing and other necessities and conveniences of life, on the most favorable terms, and for that purpose may hold such real estate as

may be necessary to carry on said business, or may accrue to them in the course thereof, and may sell, mortgage, lease, or otherwise dispose of the same, under the name of "The Co-operative Company, of Elizabeth, New Jersey," to be located in the city of Elizabeth, in the county of Union, in this state, with power to establish branches at such places and for such periods of time as may seem advantageous or convenient to said corporation; and by that name to sue and be sued, to plead and be impleaded in all courts of justice; and to have and to use a common seal, and to alter and change the same at pleasure.

2. *And be it enacted*, That the amount of stock of this company shall be fifty thousand dollars, and the amount with which it will commence business is five thousand dollars, divided into shares of twenty-five dollars each, and that they shall commence business as soon as practicable after the above amount of five thousand dollars is paid in.

3. *And be it enacted*, That the general management of this company shall be vested in a board of control, consisting of twelve members, all of whom shall be stockholders, six of whom shall, at the first meeting of this company, be elected for two years and six for one year; and ever after at the annual meetings of the company, six controllers shall be elected to take the place of those whose term of office then expires.

4. *And be it enacted*, That in case it shall at any time happen that an election of directors or controllers shall not be made on the day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the controllers of the said corporation shall direct.

5. *And be it enacted*, That the board of control for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, for the management of the company, managers and employees, *provided* that such by-laws, rules and regulations shall not be repugnant to the constitution or laws of the United States or the state of New Jersey, and shall elect from their own number a president, secretary and treasurer; they shall elect a board of managers and determine the salaries of officers and employees and the amount of bonds to be given, and shall have power

to suspend any officer or employee for incompetence or malfeasance in office; they shall be the highest tribunal for all complaints and shall control all business management for the interest of the company, according to the laws of the state, and report to the company quarterly.

Contingent
fund.

6. *And be it enacted*, That before any dividend is declared according to the laws of the state, five per centum of the net profits shall be appropriated to a contingent fund, which shall be allowed to accumulate until it shall amount to a sum equal to one-third of the cash capital paid in; any surplus shall be disposed of for the interest of the company, by the board of control.

Stock trans-
ferable.

7. *And be it enacted*, That the stock of said corporation shall be deemed personal property, and shall be transferred in such manner as the by-laws shall prescribe, but no dividends shall at any time be made to the stockholders, except from the net profits of the company.

Officers, how
elected.

8. *And be it enacted*, That all officers of the company shall be elected by ballot, by the members in person, or by proxy, duly witnessed and stamped; a plurality of ballots shall decide an election, and no one shall be entitled to more than one vote.

Dividends.

9. *And be it enacted*, That all accounts shall be balanced quarterly, and dividends declared according to the constitution and by-laws of the company.

Regular meet-
ings.

10. *And be it enacted*, That the regular stated meetings of this company shall be held on the first day of February, May, August and November; *provided*, that in the event of said days being Sunday or holiday, said meetings to be held on the following day, at which meetings the board of control shall make their quarterly reports; the meeting in February shall be the annual meeting.

Proviso.

11. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1870.

CHAPTER CXIV.

A Further Supplement to an act entitled "An Act to incorporate the Newark Plank Road and Ferry Company," approved February twenty-fourth, eighteen hundred and forty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited in the sixth section of the act entitled a "Supplement to an act entitled 'An Act to incorporate the Newark Plank Road and Ferry Company,' approved February twenty-fourth, eighteen hundred and forty-nine," which supplement was approved March twenty-ninth, eighteen hundred and sixty-six, within which to complete the railroad authorized by said supplement, be and the same is extended five years from the passage of this supplement, within which time the said road may be constructed, as authorized in the supplement herein recited. ^{Limitation extended.}

2. *And be it enacted*, That the said company is hereby authorized to demand and receive such sum or sums of money for toll as they from time to time shall think reasonable and proper, irrespective of the length of the said road and in lieu of the rates now charged per mile; *provided*, that they shall not charge more than the maximum amount authorized by said act; *and provided*, that said restriction shall not apply to cases where the weight of the load exceeds three tons. ^{Rates of toll. Proviso. Proviso.}

3. *And be it enacted*, That section four of the supplement entitled a "Supplement to an act entitled 'An Act to incorporate the Newark Plank Road and Ferry Company,' approved February twenty-fourth, eighteen hundred and forty-nine," which said supplement was approved March fourteenth, eighteen hundred and fifty-five be and the same is hereby repealed. ^{Limitation}

4. *And be it enacted*, That all parts of the act to which this is a supplement, inconsistent with this act, are hereby repealed. ^{Repealer.}

5. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall take effect immediately.

Approved February 23, 1870.

CHAPTER CXV.

An Act to incorporate the Pioneer Cranberry Company of Ocean County.

Names of cor-
porators.Corporate
name.Proceedings
when compa-
ny and own-
ers of land
cannot agree.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard B. Parker, R. C. Browning, Charles E. Parker, C. C. Bristol, Jacob H. Wyckoff, and all such persons as may hereafter be associated with them, their successors and assigns, be, and they are hereby constituted a body politic and corporate in fact and in law by the name of "The Pioneer Cranberry Company of Ocean County," for the purpose of buying, holding, cultivating and improving lands in Ocean county, and for raising and selling cranberries and other fruits, and other produce of said lands, and carrying on the business connected therewith, and erecting such buildings and holding such personal property as may be necessary therefor, and that they and their successors, by the same name, may sell, grant, alien, mortgage and dispose of the said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels, or any part thereof; and may lay, open, make and maintain ditches, drains and embankments through their own and adjoining and contiguous lands as they deem for the benefit of said lands doing no unnecessary damage and subject to such compensation to be made therefor as is hereinafter directed.

2. *And be it enacted*, That if the said company or their agents cannot agree with the owner or owners of such required lands 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, then one of the justices of the supreme court of this state, or one of the judges of the court of common pleas, in and for the county of Ocean, shall on application of either party, nominate and appoint three disinterested persons to examine such lands and estimate the value thereof or damage sustained thereby, who shall at the same time take into consideration all the benefits which the said owner or owners may derive from, or

in consideration of said improvements, and who shall after at least ten days notice to the parties of the time and place where they will be heard in relation to the matter, proceed without delay to make their report thereon, and deliver the same to the court at the next session thereof, which shall be held in the said county ; and whenever such report shall be confirmed by the court aforesaid, the said company shall within two months thereafter, pay to the said owner or owners, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damages sustained, as the case may be ; and thereupon the said company shall become seized in fee of such lands so required and shall be discharged from all such claim by reason of such damage, but no claim shall be made or allowed after the expiration of three years from the time the lands are taken or the damages sustained.

3. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with the liberty to increase the same to one hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each, and that subscriptions to the capital stock may be paid in real and personal estate in a valuation to be agreed upon by a majority of the directors ; and the said corporation may issue stock in payment therefor, and that the subscriptions for stock shall be opened in the village of Manchester, in Ocean county, at such time and place as the directors may designate, under their direction, or that of such person or persons as a majority of them may select. Amount of capital stock.

4. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, one of whom shall be president, and a majority of whom shall have all the powers of the board, and they shall hold their office for one year, and until others are elected in their places, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such times and places in this state or elsewhere, as the by-laws may provide ; and that until an election for directors shall be held, the persons named in the first section of this act shall be directors. Directors and officers.

5. *And be it enacted*, That the said corporation may be dissolved by a general meeting of the stockholders, specially called for that purpose ; *provided*, that at least three-fourths How dissolved Proviso.

in value of the holders of the capital stock shall concur therein; and upon such dissolution, the directors for the time being, and the survivor or survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts and dividing the surplus among the stockholders in proportion to their respective interests in the stock.

Stock trans-
ferable.

6. *And be it enacted*, That the stock of said corporation shall be deemed personal estate and shall be transferable in such manner as the by-laws may prescribe.

7. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1870.

CHAPTER CXVI.

A Supplement to "An Act incorporating the National Stock Yard Company," approved March sixteenth, eighteen hundred and sixty-nine.

May issue
bonds and se-
cure the same
by mortgage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the "National Stock Yard Company" is hereby authorized to borrow money not to exceed one million of dollars, and to issue bonds for the same under its corporate name and seal, in payment for real and personal property, and for the completion of its stock yards, which said bonds may be secured by mortgage on the real and personal estate and franchise of said company.

Directors.

2. *And be it enacted*, That the affairs of said corporation shall be managed by directors not exceeding thirteen in number.

Repealer.

3. *And be it enacted*, That all parts of the act to which this is a supplement, conflicting herewith, be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1870.

CHAPTER CXVII.

A Further Supplement to the act entitled "An Act to Revise and Amend the Charter of the City of Newark," approved March eleventh, eighteen hundred and fifty-seven.

WHEREAS, a certain portion of the city of Newark, formerly ^{Preamble.} belonging to the township of Clinton, and known as "Clinton Hill," has been heretofore laid out with narrow, short and irregular streets and passage ways, by private owners of property without any municipal authority, and without reference to adjoining property, or to connecting streets, or to the public interest or convenience, which streets have been to some extent built upon, and thus the danger from fire by reason of their narrowness has been greatly increased; and whereas, it is very desirable to continue the policy which has been pursued for many years by the city authorities, of laying out streets and avenues upon a general plan, which shall secure, as far as possible, uniformity, proper width, good ventilation, and reasonable security against fire; and whereas, the commissioners appointed by the common council for that purpose, now engaged in the examination of the streets in the section of the city above described, find it impracticable under existing laws to remedy the difficulties, or to secure the desirable results above mentioned; therefore

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners appointed by the common council of the city of Newark, pursuant to an act of the legislature of this state, approved April first, eighteen hundred and sixty-nine, and entitled "A supplement to the act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of ^{Commissioners authorized to purchase certain described lands, &c.}

Newark," approved March twentieth, eighteen hundred and fifty-seven, are hereby appointed commissioners with full power and authority to purchase at their discretion, all or any part of the lands, real estate, buildings and improvements within the limits described as follows, to wit: beginning at the intersection of the easterly line of Belmont avenue with the northerly line of Avon avenue, thence running northerly along the easterly line of Belmont avenue to the southerly line of Waverley place; thence easterly along the southerly line of Waverley place to the westerly line of Somerset street; thence southerly along the westerly line of Somerset street to the northerly line of Avon avenue, thence westerly along the northerly line of Avon avenue to the place of beginning, and to make such compensation therefor to the owner or owners thereof, as they may deem reasonable, and to receive from the said owner or owners conveyances of the same to the city of Newark; in case no agreement for such purchase can be made with said owners, the said commissioners shall thereupon proceed to estimate and determine the fair value of the said real estate or improvements, having first given at least ten days notice in writing, to the owner or owners thereof, either personally, or by leaving the same at his or her place of residence, of the time and place when and where he or they may be heard in relation to the matter; in case said owner or owners shall be an infant, or a married woman, or non compos mentis, or absent from the city, or be for any cause incapacitated to act in this behalf, then notice as to the time and place, and the object of said meeting shall be advertised in two daily newspapers published in said city, for the space of ten days as aforesaid: said meetings may be adjourned at the discretion of said commissioners from time to time; as soon as they shall have determined upon said valuation they shall make and sign a certificate thereof, and file the same in the office of the city clerk; and immediately upon the payment to said owner or owners of the amount of said valuation or in case he or they will not or cannot receive the same, upon the deposit of said amount in such trust company or savings institution as any justice of the supreme court of this state may direct, the title to and right of possession of such property shall become vested in the mayor and common council of said city of Newark: any such owner conceiving himself aggrieved by the proceedings of said commissioners, may appeal therefrom to the supreme court of

Proceedings in
case no agree-
ment to pur-
chase can be
made with the
owners.

Proceedings in
case of appeal.

this state at any time within sixty days after the filing of the certificate as aforesaid, in the office of the city clerk, and the supreme court shall order a trial by jury to assess the value of the property or real estate of such owner, the trial whereof shall be conducted as in other cases of trial by jury, and the final judgment of said court shall be conclusive, as to said valuation, and the amount already paid or deposited as said valuation as aforesaid shall be increased or diminished accordingly; in case the title or interest of any person or persons in said property shall be doubtful or disputed, the value thereof awarded by the said commissioners may be deposited as aforesaid upon affidavit of such facts and an order to that effect by such justice, and such deposit shall have the same effect as a payment made to said owner or owners; and the said court may proceed in a summary way upon petition of any person or persons claiming to be the owner of said lands or any part thereof, to ascertain the interests of said parties, and to determine to what person or persons the said money shall be paid, and shall have power to distribute the same among the persons entitled thereto; immediately upon the completion of the said purchases or acquisitions as aforesaid, the said commissioners shall make a full and complete report of the same to the common council.

2. *And be it enacted*, That for the purpose of carrying out the provisions of this act, the commissioners appointed pursuant to the provisions of an act of the legislature of this state, approved March tenth, eighteen hundred and fifty-nine, and designated as "The Commissioners of the Sinking Fund of the City of Newark," shall have authority to issue, in the name of "The Mayor and the Common Council of the City of Newark," bonds under the corporate seal of said city, and the signature of the mayor, to be denominated "Clinton Hill Improvement Bonds," to an amount not exceeding four hundred thousand dollars, bearing interest, payable semi-annually, at a rate not exceeding seven per centum per annum, pledging the credit and whole property of the city for the payment of the same, which bonds the said last named commissioners may sell at public or private sale for the best price they can obtain for the same, and upon such terms and conditions as they may deem advisable, including the payment of the tax upon the same with the consent of the common council of said city; said bonds shall be payable five years after their date, but said last named commissioners shall re-

Authority to
issue bonds
for payment of
land, &c.

serve the right to pay the same at any time before their maturity, and upon giving notice by advertisement for one month in two daily newspapers published in said city, of their readiness so to do, interest upon the same shall thereupon cease; they may also purchase the same or any part thereof at any time before their maturity at any price not greater than their par value; out of the proceeds of the sale of said bonds, the said last named commissioners shall pay the several amounts awarded to such persons as may be entitled to receive the same, or deposit the same as aforesaid, upon the certificate to that effect of the commissioners first above named, or upon the judgment of the said court, or the order of such justice thereof as aforesaid; the proceeds of the sale of said bonds shall be appropriated exclusively to the payment for lands and property acquired as aforesaid, the necessary costs and expenses of the proceedings had and taken under this act, and to the payment of interest; no more of said bonds shall be issued nor sold than may be necessary to accomplish the purposes aforesaid.

Commissioners may vacate and lay out streets and highways.

3. *And be it enacted*, That the said first above named commissioners after having acquired the title to and possession of said lands and property in the name of the city as above mentioned shall have full power and shall thereupon proceed to vacate the whole or any part of any street, road, highway or alley within the said boundaries, and to project and lay out upon and across the same such streets, avenues or highways as they may deem necessary and proper, and to remove all obstructions therefrom; they shall immediately upon concluding the same, report their proceedings with complete surveys, maps and descriptions to the common council, which shall be filed in the office of the city clerk, and the said streets, avenues and highways shall thereby and thereupon become open for public use, and the common council may proceed to work and improve the same at their discretion.

Report their proceedings to council, with maps and surveys.

Commissioners shall lay out the lands in lots and sell the same.

4. *And be it enacted*, That after the said maps and surveys shall have been filed as aforesaid, the said commissioners first above named shall immediately proceed to lay out and divide the said lands and premises (except the said streets, avenues and highways) into suitable lots or plots and shall advertise and sell the same at public or private sale for the best prices and upon the best terms they can obtain for the same, which sale or sales may be adjourned from time to time at their discretion; all of the purchase moneys and se-

curities shall be in the name and behalf of the mayor and common council of said city and shall be paid over to the said commissioners of the sinking fund, who are hereby invested with full power to collect the same by suits at law or in equity, which moneys when collected, shall be appropriated by them for the purposes above mentioned; all buildings and improvements may be sold as soon as legal possession of the same has been secured as aforesaid; immediately upon the completion of any or all of such sales as aforesaid, the said commissioners first above named shall make a full report of the same to the common council, who shall thereupon direct the mayor to execute good and sufficient conveyances to the purchasers in the name and under the seal of said city.

Purchase money to be paid into sinking fund.

Commissioners shall report all sales to council

5. *And be it enacted*, That if the proceeds of said sales shall be insufficient to pay the principal and interest of the bonds which may have been issued as aforesaid, and all costs, charges and expenses to which the city may be subjected to by virtue of any proceedings had or taken under this act, the said commissioners first above named whenever the common council shall so direct shall proceed to make a just and equitable assessment of such deficit, including all probable subsequent costs, charges and expenses, upon all the lands and real estate adjacent or contiguous to the lands so purchased or acquired as aforesaid, in proportion as nearly as may be, to the advantage each shall be deemed to have received by reason of the proceedings authorized by this act; they shall make a report by a certificate in writing of the assessments so made; and before proceeding to sign the same shall place the same in their office and give ten days notice by advertisement in two daily newspapers of said city, of the time when and place where said report may be examined, and parties interested heard by the said commissioners; after hearing the parties the said commissioners shall proceed and complete the report and sign the same, and report it with all objections which have been made to them in writing to the common council, who shall thereupon examine the matter, and may ratify the said report and assessments or return it to said commissioners for a reconsideration; after the same shall have been again reported to the common council and filed in the office of the clerk, the said assessments shall be final and conclusive, and such subsequent proceedings for the collection of said assessments shall be had

If proceeds are insufficient the deficit to be assessed on adjacent land

as are provided by law in the case of other assessments for benefits, except that when said assessments shall be collected, they shall be paid over to said commissioners of the sinking fund for the purposes aforesaid.

Surplus to be distributed to owners of lands.

6. *And be it enacted*, That if the proceeds of said sales shall be more than sufficient to meet the payments above mentioned, the said commissioners first above named shall proceed to distribute the said surplus pro rata among the owners of the lands so purchased and acquired as aforesaid.

Commissioners shall take oath.

7. *And be it enacted*, That the said commissioners first above mentioned, before they enter upon the performance of their duties, shall take and subscribe an oath or affirmation before the city clerk or mayor to perform the duties required of them by this act fairly and impartially according to the best of their skill and judgment; vacancies in their numbers shall be filled by the common council as is provided by law in similar cases; the said commissioners are authorized to employ such surveyors and other assistants as they may deem necessary; and all costs and expenses shall be paid by the said commissioners of the sinking fund out of any moneys received by them as aforesaid upon the certificate of the commissioners first above mentioned who shall out of the same moneys and from the same commissioners receive such compensation for their services as may be fixed by the common council.

Costs and expenses, by whom paid.

8. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1870.

CHAPTER CXVIII.

An Act to incorporate the Forked River and Barnegat Turnpike Company.

Names of incorporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Aumack, Amos Falkenburgh, David S. Parker, Jacob Birdsall, Enoch Jones, John

Predmere, James Bodine, William Cox and John A. Brown, and such other persons as may be hereafter associated with them, shall be and are hereby constituted a body politic and corporate in law by the name of "The Forked River and Barnegat Turnpike Company." Corporate name.

2. *And be it enacted*, That the capital stock of the said corporation shall be five thousand dollars, with authority in the said company to increase the same to any amount not exceeding fifteen thousand dollars, which stock shall be divided into shares of twenty-five dollars each, and shall be deemed personal estate, and transferable in such manner as the by-laws of said corporation shall direct. Amount of capital stock.

3. *And be it enacted*, That the persons named in the first section of this act, or a majority of them, shall be commissioners to receive subscriptions for the capital stock of said corporation, and are authorized at such time or times and places in the county of Ocean as they shall appoint, giving at least twenty days notice thereof in a public newspaper printed and published in said county, and a majority of said commissioners being in attendance, to open books for the reception of such subscription, and at the time of subscribing, two dollars and fifty cents on each share of said stock shall be paid to said commissioners, and the residue shall be paid as is hereinafter directed. Commissioners to open books of subscription.

4. *And be it enacted*, That whenever one hundred shares of said stock shall be subscribed, and one thousand dollars paid in as hereinbefore directed, the said commissioners, or a majority of them, shall give notice as above directed for a meeting of the stockholders for the purpose of electing directors and organizing said company, of which election the said commissioners, or a majority of them, shall be the judge, and the said stockholders, when so met, shall elect by ballot from among their number nine directors, who shall be citizens of the state, and shall hold their offices one year, and until others are elected, and each stockholder at such election and all other elections, shall have one vote for each share of stock owned by him at the time of such election, and may vote by proxy, duly authorized at any election. Election of directors.

5. *And be it enacted*, That a majority of the board of directors shall be a quorum for the transaction of business, and have power to call in the remainder of said capital stock by installments, not exceeding two dollars and fifty cents each, giving thirty days notice thereof in an Ocean county Payment of installments.

newspaper, and any stockholder neglecting or refusing to pay such installment for ten days after the same is due, shall forfeit his stock and all payments thereon.

Powers of
directors.

6. *And be it enacted*, That when said board of directors are elected, said commissioners shall deliver to them, or such person or persons as they shall appoint, all books and papers belonging to said corporation and all moneys received by them on subscriptions to capital stock, deducting expenses incurred for books, printing and necessary expenditures, and two dollars for each day they have been employed in the duties pertaining to their appointment; and said directors and their successors shall annually thereafter cause an election for directors, to be held at a time and place to be specified in the by-laws of said corporation, but said corporation shall not be dissolved by reason of a failure to elect officers on any prescribed day, and the incumbents shall hold over until their successors are appointed, which may be done at any other time.

Officers.

7. *And be it enacted*, That said directors shall elect from their own body, or from the stockholders, a president, who shall reside in Ocean county, a secretary and a treasurer, who shall hold their offices one year, and also such subordinate officers and agents as the business of said corporation may require, fix the compensation of all officers and agents and make by-laws for the government of said corporation not inconsistent with the laws of the United States or of the state of New Jersey.

Authorized to
construct a
turnpike.

8. *And be it enacted*, That the said president and directors are hereby invested with all the rights and powers necessary or expedient to survey, lay out and construct a turnpike road, to commence at or near the village of Forked River, in the township of Union, in the county of Ocean, and extend by the village of Waretown to the village of Barnegat, in the township of Union in the said county, which shall be at least thirty-two feet and not more than fifty feet in width, sufficiently arched and drained to make and keep the same dry, and at least eighteen feet thereof sufficiently bedded and faced with stone, gravel or other material, to make a solid, firm and even road at all seasons of the year, and at least twelve feet six inches thereof in width, so graded as not to rise above an angle of six degrees with the plane of the horizon; and the said company shall construct and keep in good repair, good and sufficient bridges on the line

of said road, not less than twenty feet in width; and whenever said road is or shall be raised, so much at the margin thereof as to render carriages passing thereon liable to overset, said company shall cause sufficient railings to be erected and maintained on the side to prevent horses and carriages from running off.

9. *And be it enacted*, That it shall be lawful for said company to locate and construct the said turnpike road, on any of the public highways, between the commencement and termination thereof, and in those places where the said public highways are not straight, then in those places the said company shall have power to construct the said turnpike road where they may deem proper, in order to make the said turnpike road straight; *provided*, by due proof to the satisfaction of the inferior court of common pleas of the county of Ocean on application on behalf of said company, it be shown that a majority of the land owners adjoining any of said highways in said township, have, by their signatures, approved the same; and when such proof is so produced, the said court shall cause an adjudication thereof to be entered in the minutes of the court.

10. *And be it enacted*, That when such adjudication shall be made and entered, it shall be lawful for said company, by its officers, agents and employees to enter upon, take possession of, hold, use, occupy, and excavate said highways, within such township where said landowners have so approved the same, and to erect embankments and bridges, and do all other things necessary or expedient to carry into effect the objects of this act; also to open to a width of not exceeding fifty feet, any of said highways, in cases where such public highways are of less width than fifty feet, compensating the owner or owners for the land taken to supply the deficiency, or if the company and the owner cannot agree, proceeding according to the provisions of the twelfth section of this act.

11. *And be it enacted*, That it shall be lawful for said president and directors, the officers and employees, to enter at any time upon any lands or waters, for the purpose of exploring, surveying, levelling and laying out the route of said turnpike road, doing no unnecessary damage to private property, and when the route of said turnpike road, or any five consecutive miles thereof shall have been determined upon, and a survey thereof filed in the office of the clerk of the

Proviso.

county of Ocean, to enter upon, take possession of, have, hold, use, occupy and excavate any such lands, to erect embankments and bridges thereon, and to do all things necessary or expedient to carry into effect the object of this act; also to search for and take sand, gravel, clay, stone, and such other material for the construction and use of said road; *provided, always,* that the said corporation shall pay, or tender payment for, all damage for the occupancy and right of way over such lands, and sand, gravel, clay, stone and other materials to be taken, before entering or breaking ground in the premises, except for the purpose of surveying said route, unless consent in writing of the owner of said lands be first obtained.

Proceedings
in case no
agreement can
be made with
owners of prop-
erty.

12. *And be it enacted,* That if any of the owners of such required lands or materials, not being part of such public highways, cannot agree with said company as to the amount of compensation to be paid for such materials, or the right of way over such lands, or where by reason of the legal incapacity or absence of such owner or owners such agreement cannot be made, a particular description of such required land or materials shall be given in writing, under oath or affirmation by some proper agent of the company, and also the name or names of the occupants, if any, 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 said company to give notice thereof to the persons interested, if known and residents in this state, and if unknown or out of this state, to make publication thereof as he shall direct, for any term not less than twenty days, assigning a particular time and place for the appointment of commissioners hereinafter named, at which time and place, upon evidence satisfactory to him of the service or publication of such notice aforesaid, and after hearing the parties, if they desire, he shall appoint under his hand and seal three disinterested freeholders of the county of Ocean commissioners to examine and appraise said materials or the right of way over said lands, and determine the amount of compensation to be paid for the same; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some competent officer, faithfully and impartially to examine the matters 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 examine lands or materials, and equitably and justly to appraise the said materials, or the right of way over said lands, and to fix the compensation to be paid for the same; and said commissioners, or any two of them that shall make a report in writing, under their hands, of the amount of such appraisement and compensation to be paid, which report, and the said description of lands and materials, the said appraisement and oath of commissioners shall within ten days thereafter be filed in the office of the clerk of the county of Ocean, to remain of record therein; and the said report, or a certified copy thereof, shall be plenary evidence of the right of said company to have, hold, use, occupy and possess the said materials and the right of way over the said lands, and of the right of said owners to recover the amount of such appraisement from said company in an action of debt with costs of suit, if the shares remain unpaid twenty days after demand made, and until such amount be paid, it shall constitute a lien upon the property of the said company in the nature of a judgment, and the said justice of the supreme court shall tax the costs, fees and expenses of this proceeding to be paid as he shall think just; and in case of the legal incapacity of such owner or owners, the amount of such appraisement shall be paid to the clerk of the court of chancery for the use of such owner or owners, subject to the order of said court.

13. *And be it enacted*, That either party may appeal from the decision of such commissioners to the circuit court of the county of Ocean at the next term thereof after such decision, by proceeding in the form of petition to said court with five days notice to the opposite party of such appeal, which court shall have full power and jurisdiction, by the verdict of a jury, if agreed by either party to hear and finally determine the same, and if the amount of such appraisement be increased the said company shall pay the costs of said appeal, and if the same be decreased the said owner or owners shall pay said costs, and if need, judgment may be entered in the minutes of said court for the amount of such verdicts, and for the costs of either of them.

14. *And be it enacted*, That whenever one mile of said turnpike road shall be completed, the said company may erect gates and turnpikes across the same, and demand and receive for each mile of said completed road traveled, toll at the following rates, to wit:

Rates of toll. For every carriage, sleigh or sled drawn by one beast, two cents ;
 For every additional beast, two cents ;
 For every horse and rider, led horse or mule, two cents ;
 For every dozen cattle or horses, mules, calves, sheep or hogs, and so in proportion for a greater or less number, ten cents ;
 and it shall be lawful for any toll gatherers of said company to stop any vehicle or beast or beasts from passing through any of said gates or turnpikes, until toll as above specified has been paid for them.

Shall cause mile stones to be erected. 15. *And be it enacted*, That before the said company shall demand or receive toll, they shall cause a mile stone or post for each mile of said road to be erected and maintained on the side thereof, and on each stone or post shall be fairly and legibly marked on one side the distance from Forked river, and on the other the distance from Barnegat, and shall cause to be affixed and always kept at said gates, in some conspicuous place, a list of the rates of toll which may be lawfully demanded.

Penalties for injuries or avoidance of toll. 16. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of said mile stones or posts, or wilfully cut, break down, destroy or deface, or otherwise injure any toll gate, turnpike or bridge belonging to said road, or shall forcibly pass any of the said gates or turnpikes without having paid the legal toll, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages to be recovered by action of debt, or other prosecution and costs of suit by the said company for their use ; and if any person shall, with his team, carriage or horse, turn out of said road to pass a gate or turnpike with intent to avoid the toll due, he shall forfeit and pay ten dollars, to be recovered by said company to their use in an action of debt with cost of suit.

Drivers shall keep to the right. 17. *And be it enacted*, That all persons using said road shall keep their horses, carriages, sleighs, or sleds of burthen or pleasure, on the right hand of said road, in the passing direction, leaving the other side of the road free and clear for the carriages or persons on horseback to pass ; and if any person or persons shall offend against this provision, such person or persons shall, besides being liable for all damages, forfeit and pay to any person or persons injured or obstructed

in his passage, five dollars, to be recovered by such person in an action of debt with costs of suit.

18. *And be it enacted*, That all such parts of any public highway as shall be taken for said turnpike road by virtue of this act, shall cease to be a public road or highway so long as the same shall be used for said turnpike road. Highways shall cease to be public road

19. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1870.

CHAPTER CXIX.

An Act to incorporate the Mechanics Savings Bank of Elizabeth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Aaron Q. Thompson, Henry DeCasse, Anthony W. Dimock, George W. Tubbs, James T. Wiley, Thomas B. Budd, Jacob Seiple, Frederick Terhune, Ferdinand Blancke, James C. Denman, Chauncy Harris, Robert Wescott, John Q. Sloan, George F. Meyer, Horace F. J. Drake, Andrew Dutcher, John Engel, John McCord, S. Winans Whitehead, Meyer Sontheimer, Thomas B. Leggett, William McKinly, James Higgins, William Conolly, Jacob Schultheis, Anthony Stein and their successors, shall be and are hereby constituted a body corporate and politic, by the name of "The Mechanics' Savings Bank," and by that name shall be capable of purchasing, taking, holding and enjoying to them and their successors, any real estate in fee simple or otherwise, and any goods and chattels, or personal estate which shall be necessary for the purposes herein mentioned, and of selling, leasing, or otherwise disposing of said real and personal estate, or any part, at their will and pleasure; *provided, always*, that the clear annual value of such real and personal estate, exclusive of the profits that may arise from any investments in which the deposits may be made, shall not exceed the sum of twenty thousand dollars. Names of corporators. Corporate name. Proviso.

2. *And be it enacted*, That the said institution shall be

Managers,
how elected,
&c.

Officers.

General pow-
ers.

Proviso.

May receive
and invest de-
posits.

conducted by five managers, elected by ballot from among the number of the above named incorporators, who shall hold for one year and until their successors are elected, which election shall be held in the city of Elizabeth, on the second Monday of March, in the present year, and annually thereafter, at such hour and place as may be designated by advertisement, and at which election a majority of the votes cast by the incorporators present and voting shall determine the choice for managers; of the managers so elected three shall be a quorum to transact business, and at least three shall be residents of the city of Elizabeth, and the seat of any manager who shall have neglected to attend for four consecutive meetings, may be vacated by the board; the managers shall meet annually on the second Tuesday in March, and choose one of their number as president; they shall have power to appoint a secretary, treasurer, and such other officers as to them shall appear necessary, for conducting the business of the institution; which officers so chosen and appointed shall be under oath for the faithful performance of the duties of their offices respectively, and shall give security, if required, for the faithful execution of the duties of their office, in such sum or sums and such securities as may be directed by the board of managers; such of the above named incorporators as may not be chosen as managers shall be regarded as advisory members of the board of managers, without pecuniary responsibility for any act done by the board, and without the power to vote at any meeting of the board.

3. *And be it enacted*, That the board of managers shall, from time to time, have power to make, ordain and establish such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of meetings of the officers and managers, and for the transacting, managing and directing the affairs of the institution; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state and of the United States of America; and such by-laws and regulations shall be put up in some public and conspicuous place in the room where the business of said institution shall be conducted, and shall not be altered so as to affect injuriously any one who may have been a depositor previous to the alteration.

4. *And be it enacted*, That the said institution may receive as deposits, all sums of money which may be offered

for the purpose of being invested, in such amounts, and at such times, and on such terms as the by-laws shall prescribe; which shall be invested accordingly, and shall be repaid to the depositors at such times and with such interest, and under such regulations, as the board of managers shall from time to time prescribe, and the said institution may accept and execute all such trusts, of every description, as may be committed to them by any person or persons whatever, by will or otherwise, or transferred to them by the order of any court.

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion of the profits, after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund; *provided*, that said rates of interest may at the discretion of the managers be so regulated as that the interest allowed to depositors, having over one thousand dollars deposited, shall be at least, at the rate of one per centum per annum less than the interest allowed other depositors.

Regulation of interest.

Proviso.

6. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the managers, or either of them for their services, except the president, secretary and treasurer, and the committee on examination of property offered as security for loans, who shall receive such compensation as may from time to time be established by a majority of the whole number of the managers of said corporation; nor shall the said institution issue any notes or bills, nor shall any officer of the institution be allowed directly or indirectly to borrow any money from said institution or to use the same, except to pay necessary expenses, nor shall the institution take or hold any bonds, mortgages or other securities for the payment of money drawn or endorsed by or existing against any manager of the institution, as security for money loaned by it, unless the same shall have been received in payment of debts due from other parties.

No compensation to managers.

No officer shall borrow money.

7. *And be it enacted*, That the said institution shall invest no money in any public stock other than such as are created under the laws of the United States, or of the states of New Jersey, New York, Pennsylvania, Ohio, or in the stocks or bonds of either of the cities or counties of the state of New Jersey, nor in bonds and mortgages, except on unencumbered productive real estate worth at least double the

How money shall be invested.

amount of the sum invested, nor in stocks or bonds of any incorporated company whatever.

Certificates of deposit.

8. *And be it enacted*, That all certificates of evidence of deposit made under the hand of the proper officers of the institution, shall be as binding as if the same were made under their common seal.

Minors may give acquittance for deposit.

9. *And be it enacted*. That it shall be lawful for the said institution at their discretion to pay to any depositor, being a minor, such sum as may be due to such depositor, not exceeding one thousand dollars, in cases where no guardian shall have been appointed for such depositor, and that the receipt and acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person for his or her benefit; married women may deposit money in their own names, and receive their interest and dividends thereon, and receive and withdraw the same, and such deposits shall not be subject to the control of the husband nor liable for his debts, nor shall money deposited by single women be subject in case of marriage, to the use or control, nor liable for debts of the future husband.

Proviso.

Depositor may appoint person to receive moneys.

10. *And be it enacted*, That a book shall be kept at the office of the institution in which any depositor shall be at liberty to appoint a person or persons to whom, in the event of his or her death, the money shall be paid if not otherwise disposed of by will, and all payments made to the person or persons so appointed shall be a full discharge of the said institution.

Limitation.

11. *And be it enacted*, That the said institution shall not be required to receive on deposit a less sum than ten cents, nor to allow interest on a deposit until it amounts to one dollar, nor to allow any interest on the fractional part of one dollar, nor shall the institution be required to allow interest on the fractional part of a month.

All deposits to be entered.

12. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the institution, and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.

Annual report to legislature.

13. *And be it enacted*, That it shall be the duty of the said institution to make an annual report to the legislature of this state, under the oath or affirmation of the treasurer, and a

committee appointed for that purpose by the managers, or three or more of their number, of the state of its funds, and such statement shall be published in one or more of the newspapers published in the city of Elizabeth.

14. *And be it enacted*, That the managers shall have the power to fill up by ballot, at a regular meeting, any vacancy which may occur in their own body or officers by a vote of a majority of the managers present. ^{vacancies, how filled}

15. *And be it enacted*, That the office or place of business of the said institution shall be in the city of Elizabeth, and the books of the institution shall be open at all times to the inspection and examination of such person or persons as the legislature may, from time to time, appoint for that purpose. ^{Office in Elizabeth.}

16. *And be it enacted*, That this act shall be and hereby is declared to be a public act, and the same shall be construed in all courts favorably and benignly for every beneficial purpose therein included, and that no misnomer of the said institution in any deed, grant, devise or other instrument of contract or conveyance shall vitiate or defeat the same; *provided*, the institution shall be sufficiently described so as to ascertain the intention of the parties; *and provided also*, that the legislature may, at any time hereafter, amend, modify or repeal this act. ^{Act construed favorably. Proviso.}

17. *And be it enacted*, That this act shall continue in force until repealed, and shall take effect immediately.

Approved February 23, 1870.

CHAPTER CXX.

An Act to incorporate the Pemberton Land and Improvement Company.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Barclay Haines, John L. N. Stratton and Job H. Gaskill, or the survivor or survivors of them, and all such persons as may be hereafter associated with them, be and they are hereby created a body politic ^{Names of copartners.}

Corporate
name, and
powers.

and corporate in fact and in law, by the name of the "Pemberton Land and Improvement Company," to be located in Ocean and Burlington counties, and by that name shall be capable in law of acquiring, purchasing, leasing, holding and enjoying any lands, tenements and hereditaments, and of constructing any buildings and to improve the said lands, tenements, buildings and hereditaments, or any part thereof, and to sell, grant, mortgage and convey, and to lease to any person or corporation, and for such purpose or purposes as a majority of the directors from time to time shall see fit, and to sue and be sued, plead and be impleaded, and to make and use a common seal.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with power to increase the same to a sum not exceeding in the aggregate five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and such company may purchase lands and all other property necessary for the business of the company, and issue stock in payment therefor, and the stock so issued shall be declared full stock, and not liable to any further calls, and as soon as ten thousand dollars shall have been subscribed, it shall be lawful for said corporation to commence business.

Subscription
books.

3. *And be it enacted*, That the subscription books of said stock shall be open at such time and place as a majority of the persons named in the first section of this act shall designate.

Election of
directors.

4. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by not less than five nor more than eleven directors, who shall be stockholders, one-third of whom shall be residents of the state of New Jersey, one of whom shall be president, who shall hold their offices for one year, and until others are elected, and that the said directors shall be chosen every year, at such time and place, and upon such notice as shall be provided by the by-laws of said company; whenever vacancies in said board of directors occur, in any manner, such vacancy may be filled by the remaining directors, or a majority of them, at any meeting of the board of directors.

Stock trans-
ferable.

5. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and transferable in such manner as shall be prescribed by the board of directors.

6. *And be it enacted*, That if it should happen, at any

time, that an election should not be made on the day on which pursuant to this act, it ought to be made, the said corporation shall not for this cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as shall be directed by the company. Not dissolved by failure to elect directors

7. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the buildings, bridges, or any other works or property of the said corporation, such person or persons shall forfeit and pay therefor to the said corporation, three times the amount of damages sustained by the means thereof, to be recovered in the name of the said corporation, with costs of suit, in any court having cognizance thereof. Penalty for injuring works, &c.

8. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1870.

CHAPTER CXXI.

An Act to incorporate the New Jersey Warehouse and Guaranty Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert F. Stockton, Benjamin Buckley, E. Boudinot Colt, Daniel W. Talcott, Samuel Borrowe, George W. Campbell, junior, Lewis B. Brown, and their associates and successors be and hereby are constituted a body corporate, under the name of "The New Jersey Warehouse and Guaranty Company," and under that name may sue and be sued, plead and be impleaded, and by that name may exercise and enjoy all the rights and powers granted by this act. Names of corporations. Corporate name.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with power to increase the same to a sum not exceeding five hundred thousand dollars, by a vote of the board of trustees of said company; and as soon as ten thousand dollars of said stock shall have Amount of capital stock.

been subscribed and ten per centum of the same paid in cash, it shall be lawful for said company to organize and proceed to business, as provided for in the third section of this act; that the said capital stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property and shall be transferable in such manner as shall be provided in the by-laws.

Trustees, and
their powers.

3. *And be it enacted*, That the stock, property and affairs of said company shall be managed by a board of trustees of seven persons, who shall all be stockholders, and a majority of whom shall be residents of this state; vacancies may be filled by the remaining trustees; a majority of the trustees for the time being shall constitute a quorum for the transaction of all business; the first board of trustees shall consist of the persons named in the first section of this act, who shall hold office until the first day of May, eighteen hundred and seventy, and until others are chosen in their places, and who shall have power to organize said company by the appointment of officers and the adoption of by-laws, and to proceed to business under this act, and may also fill any vacancies in their number arising from death or any other cause.

President and
other officers;
their powers.

4. *And be it enacted*, That the board of trustees shall appoint one of their number to be president, and they may at their pleasure appoint a vice president and an executive committee, who shall, when the board of trustees are not in session, have, possess and enjoy all the powers and duties conferred on said trustees by this act, and may appoint such other officers and agents as they may deem necessary for the transaction of the business of the company, and may at pleasure remove any officer or agent in such manner as the by-laws shall provide, and they may from time to time make and establish such by-laws, rules and regulations as they shall deem expedient touching the government of said company, the management of its property and effects, the transfer of shares of its capital stock, the duties and conduct of its officers and agents, and their salaries and compensations, the manner and time of holding elections and meetings of its trustees or executive committee, and all matters which may appertain to the concerns, property, business and welfare of said company; *provided*, that the said by-laws shall not conflict with the constitution or with the laws of this state, or with the provisions of this act, and declare dividends from the profits of said company; and said trustees may receive sub-

Proviso.

scriptions to the capital stock of said company, and may require payment of the same at such times, and in such installments as they may deem proper, and the board of trustees may, from time to time, fix the number of trustees; *provided*, ^{Proviso} the same shall not be less than seven or more than thirteen.

5. *And be it enacted*, That it shall be lawful for the corporation hereby created, to lease, purchase, hold and convey, all such real and personal estate as they may deem necessary and convenient for carrying on the business of storing, warehousing, and lighterage, and may erect warehouses, and other edifices, docks, elevators, and wharves thereon, and may rent, and hire out, such of their edifices, docks, wharves, lighters and other vessels as they see fit, and may receive on storage or deposit any goods, wares, merchandise, or other kinds of personal property for safe keeping or shipment, and to transact and carry on all kinds of business, usually transacted by warehousemen and lightermen, and to collect and receive compensation for storage, dockage, wharfage and lighterage, for the use of their warehouses, docks, wharves, quays, and the elevators and machinery connected therewith, or the lighters employed or owned by them, together with the charges and expenses for labor or otherwise, in the receipt, delivery or custody of goods, wares or merchandise, received by or stored with said company, at such rates, and on such terms as may be agreed upon in any contract, made between any owner, depositor, or shipper, and this corporation, and all said charges and expenses above specified, shall be a lien, and said lien may be enforced by a sale thereof, in the same manner hereinafter specified for the collection and reimbursement to this company of advances, interest, commissions and expenses made by them on the pledge of any real or personal property. ^{General powers.}

6. *And be it enacted*, That it shall be lawful for said company to guarantee the payment, punctual performance and collection of promissory notes, bills of exchange, contracts, bonds, accounts, claims, rents, annuities, mortgages, choses in action, evidences of debt, and certificates of value upon such terms and commissions as may be established by said company, and the said company may receive upon storage, deposit, pledge or otherwise, merchandize, money, bullion, specie, plate, stocks, bonds, mortgages, promissory notes, bills of exchange, certificates and evidences of debt, warehouse receipts, bills of lading, policies of insurance, con- ^{May guarantee payment of notes, bonds, &c.}

tracts or any other property, and to take the management, custody and charge of the same and of all other real or personal property and estate and to advance moneys, securities and credits upon the same at such rates of interest not exceeding the legal rates and upon such terms and commissions as may be contracted for and established by said company and said company may make, issue, and execute in the transaction of their business all necessary receipts, certificates and instruments either with or without their corporate seal, and the same shall be signed by such officer or officers of the company as shall be prescribed by the by-laws.

May advance moneys.
May hold real and personal estate.
7. *And be it enacted*, That it shall be lawful for the said company to lease, purchase, hold, mortgage or convey all such real or personal estate as may be necessary to carry on their business, as well as such real or personal estate as they may deem it necessary to acquire in the enforcement or settlement of any claim or demand arising out of their business transactions, and to sell or exchange the same for other property as they may determine that the interest of the company may require.

May sell property if advances are not paid.
8. *And be it enacted*, That it shall be lawful for said company to sell at public auction, or at private sale as may be specified in any contract between the parties, all property of what kind soever mentioned in or affected by such contracts after one month shall have elapsed from the time of the maturity of any obligations under such contract (or immediately, upon the discovery of any fraud, misrepresentation or concealment in regard to the ownership or character of property mentioned in or affected by such contract) and reimburse themselves out of the proceeds of such sale, for the moneys due them with the interest, costs and charges; *provided, however*, that nothing in this section contained shall be construed to prevent the said company from making any such sale at such earlier time and in such manner as may be provided for in any contract or agreement made by any person or persons with said company.

Proceedings when property decreases in value.
9. *And be it enacted*, That it shall be lawful for said company in case any property deposited with them upon which any advance shall have been made by them, shall before maturity of the contract, from any cause decrease in value from the price originally fixed, to give notice in writing to the depositor of said property or his agent to perform the condi-

tions of the contract, or make good the deficiency caused by such decrease in value within thirty days, and in default thereof may sell and dispose of such property at public or private sale, and out of the proceeds thereof may retain the amount due them under the contract, together with the costs, interest and charges; but nothing in this act shall be held or construed to limit or affect the liability or obligations of the corporation hereby created as the same is fixed by common law or by statute any further than the same is limited or affected by the express terms of the contract in this section mentioned, or to prevent said company from selling such property in such manner and on such notice as may be agreed upon in such contract, and that said notice may be given personally or by mailing the same prepaid, directed to the depositor or his agent at his usual or last known residence or place of business.

10. *And be it enacted*, That it shall be lawful for said company, from time to time, to borrow such sums of money as may be necessary to carry out the purposes of this act, and may issue and dispose of their promissory notes or bonds for the amount so borrowed, and they may mortgage any part of their corporate property or franchises to secure the payment of such bonds, and that it shall be lawful for any fire or life insurance company to purchase and hold such bonds; *provided*, that no defence of usury shall at any time be interposed by the corporation hereby created. May mortgage real and personal property to secure bonds. Proviso.

11. *And be it enacted*, That it shall be lawful for said company to receive moneys on deposit and allow such interest thereon as may be agreed upon with the depositors. May receive moneys on deposit.

12. *And be it enacted*, That it shall be lawful for said company to receive moneys, securities, evidences of debt, and all other property, real or personal, in trust, and to accumulate the same at such rates of interest as may be obtained or agreed upon or to allow such interest thereon as may be agreed upon, not exceeding in either case the legal rate. May receive moneys, &c., in trust.

13. *And be it enacted*, That it shall be lawful for said company to accept and execute all trusts of every description as may be committed to them by any person or persons whatsoever, or by any corporation, or may be committed or transferred to them by order of any court of record or any office of this or any other state. May accept and execute trusts.

14. *And be it enacted*, That nothing in this act shall be

Not to issue
bills or notes
as money.

construed to authorize said company to issue any notes or bills for circulation as money.

Principal of-
fice.

15. *And be it enacted*, That the said corporation shall have their principal office in the county of Hudson, in this state, and may also have an office or offices for the transaction of business in the city of New York.

16. *And be it enacted*, That this act shall take effect immediately.

Approved February 24, 1870.

CHAPTER CXXII.

An Act for the establishment and government of the Police of the City of Newark.

Establishment
of board of po-
lice commis-
sioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the powers and duties connected with and incident to the police government and discipline of the city of Newark shall be as hereinafter specially provided, vested in and exercised by a board of police commissioners, officers of police and such number of patrolmen not exceeding one hundred and fifty, as the said commissioners may appoint.

Names of com-
missioners.

2. *And be it enacted*, That Andrew A. Smalley, Herman Schalk, John Dwyer and David Anderson, be, and they are hereby constituted a board of police commissioners of the city of Newark, and that they, as soon as practicable, shall proceed to determine by lot their respective terms of office for one, two, three and four years respectively, from the first Tuesday after the first day of January, in the year eighteen hundred and seventy-one; at the expiration of each term the full term succeeding shall be four years.

Terms of of-
fice.

Mayor ex offi-
cio a member.

3. *And be it enacted*, That the mayor of the city of Newark be, and he is hereby constituted ex-officio a member of said board of police commissioners.

Election of
commission-
ers.

4. *And be it enacted*, That at the annual charter election in the year eighteen hundred and seventy-one, the qualified

voters of the city of Newark shall elect one commissioner to serve in said board of police commissioners for the term of four years from the first Tuesday after the first day of January, in the year eighteen hundred and seventy-two, and they shall, at each charter election thereafter, elect one person as police commissioner to serve on said board for the term of four years from the first Tuesday after the first day of January next succeeding his election; and the said board of police commissioners so constituted shall have the sole power of the government, appointment and dismissal of the police force of the city of Newark.

5. *And be it enacted*, That the said board shall annually, or whenever a vacancy occurs, select one of their number to act as president, who shall preside at their meetings, which shall be held at least twice in every month; and in case of a vacancy in the office of chief of police, by removal, disability or otherwise, the president shall perform all the duties and possess all the powers of said chief during the continuance of said vacancy. President, and his duties

6. *And be it enacted*, That the said board of police commissioners shall have power to fix and regulate the compensation of the chief and the subordinate officers of said police force, but said compensation shall not exceed the following amounts, viz: to the chief of police two thousand dollars per annum, and to each of the members of the police force the sum of two dollars and seventy-five cents per diem; and said police commissioners may appoint from among the force one captain of police at a salary not to exceed fifteen hundred dollars per annum, and two lieutenants of police at salaries not to exceed the sum of twelve hundred dollars per annum for each respectively, which salaries to said chief, captain and lieutenants shall be in lieu of all per diem compensation. Board may fix and regulate compensation.

7. *And be it enacted*, That the said board of police commissioners shall have the power to appoint a police surgeon from among the regularly graduated and licensed physicians of the city of Newark at a salary not to exceed five hundred dollars per annum, said surgeon to be under the control of said board and subject to its rules and regulations. Police surgeon.

8. *And be it enacted*, That the said board of police commissioners shall have power to make such rules and regulations as to them may seem proper; *provided*, they do not May make rules and regulations.

conflict with the provisions of this act or of the constitution or laws of this state or of the United States.

May compel
attendance of
witnesses, &c.

9. *And be it enacted*, That the said board of police commissioners shall have power to issue subpoenas in the name of the president of said board, and compel the attendance of witnesses upon any proceedings by virtue of its rules and regulations; and each commissioner of police is hereby authorized to administer oaths in any matter or proceeding as aforesaid, and any willful or corrupt swearing by any person before said board shall be deemed perjury, and punished in the same manner as is now prescribed by the statutes of this state in cases of perjury.

Vacancies,
how filled.

10. *And be it enacted*, That in case of vacancy in said board, by death, resignation or otherwise, the board of police commissioners, or a majority of them, shall elect a citizen of the city of Newark to fill the unexpired term of said vacancy.

Organization
of police force

11. *And be it enacted*, That the present police organization of the city of Newark, and the government thereof, shall terminate from and after the first day of February, in the year eighteen hundred and seventy, and the board of police commissioners created by this act shall make all and every necessary arrangement for the organization of the new force, but no person shall be appointed on said force or discharged therefrom except by the votes of a majority of said board present at such appointment or discharge; and all books, papers and property now belonging to and used by the present police department, including the station houses and court rooms, with the appurtenances thereof, shall, at the time of the organization of the said board, on demand, be delivered up to the board of police commissioners created by this act; the title to any real estate occupied as above still to remain in the mayor and common council of the city of Newark.

Board shall
keep a record
of their pro-
ceedings.

12. *And be it enacted*, That the said board of police commissioners shall keep a complete record of their proceedings in a book or books provided for that purpose, and they shall annually submit a full report of their transactions, together with a financial statement, to the common council of the city of Newark, which report shall be published in the same manner as the mayor's message and other public documents, and a copy shall be filed in the office of the city clerk.

All orders to
be promulga-
ted through
the chief.

13. *And be it enacted*, That the board of commissioners shall promulgate all orders through the chief of police, who shall

be the executive head of the whole force of the city, subject to the rules and regulations of the board.

14. *And be it enacted*, That the said board of police commissioners shall at all times aid and assist the mayor and common council of the city of Newark in the execution of all laws and ordinances in force in said city. Shall aid in executing laws

15. *And be it enacted*, That in the month of January in each year the said board of police commissioners shall estimate in detail the expenses of the police department for the ensuing year, and transmit the same to the common council, which body shall make provision for the assessment of the same in the tax ordinance. Estimate of expenses in detail.

16. *And be it enacted*, That immediately after the first day of February, in the year eighteen hundred and seventy, the said board of police commissioners shall meet, and make an estimate of the probable expenses of the police department during the current year, and transmit the same to the common council, which body shall make provision for the payment of the same, in the same manner as the expenses of the present police department are paid. Council shall make provision for payment of same.

17. *And be it enacted*, That in paying salaries a pay roll shall be made out by said board of police commissioners, and submitted to the common council, who shall order a warrant drawn on the city treasurer therefor, to the order of the president of said board of police commissioners, whose duty it shall be to pay the men according to said pay roll. Pay-roll of salaries.

18. *And be it enacted*, That no money shall be drawn from the city treasurer for the board of police commissioners, except by warrant ordered by the common council, in pursuance of a requisition by said board of police commissioners. No money drawn except by warrant.

19. *And be it enacted*, That said board of police commissioners may employ temporarily any or all of the present police force until they shall have completed the organization of the department according to the provisions of this act. Present police may be employed until organization.

20. *And be it enacted*, That in cases of riot or other necessity the said board of police commissioners are hereby empowered to employ temporarily any number of extra policemen at a compensation not to exceed three dollars per diem. Extra police-men.

21. *And be it enacted*, That said board of police commissioners shall be entitled to a clerk of their own selection, to be paid such salary as the said board shall determine, the same not to exceed twelve hundred dollars per annum. Clerk.

22. *And be it enacted*, That no person shall be appointed

Police force
to be com-
posed of citi-
zens

to membership of said force who at the time of his appointment is not a citizen of the United States, and who has not been a resident of Newark for one year prior to his appointment, or who has been convicted of crime, or who cannot read the English language.

Powers and
exemptions.

23. *And be it enacted*, That the members of the force are hereby invested with all the powers applicable to sheriff and constables to the state, (except to serve civil process); they shall also be exempt from duty as jurymen, and from military service during the time they shall remain members of said force.

Commission-
ers may arrest
without war-
rant.

24. *And be it enacted*, That each of said police commissioners shall have full power to arrest, without warrant, for breaches of the peace committed in their presence; and in every such case of arrest the person arrested shall be forthwith taken before a proper judicial officer to be dealt with according to law.

Restrictions.

25. *And be it enacted*, That no one of said commissioners shall accept or hold any other place of public trust or emolument within the elective franchise unless he shall have first resigned his office of commissioner, and upon his acceptance of any such place his position as a member of said board shall become vacant.

Compensation

26. *And be it enacted*, That the said commissioners, other than the mayor for the time being, shall receive for their compensation for all services to be rendered by them under this act the sum of two hundred and fifty dollars each per annum, and the president of said board the sum of five hundred dollars per annum, to be paid by the common council of the city of Newark out of the treasury of said city in quarterly payments; and in case any of the commissioners under this act shall take or receive any other reward, compensation or emolument for or in respect of any service under this act, or for or in respect of any appointment to be made or voted on, or for or in respect of any vote to be given by him as such commissioner, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not to exceed two thousand dollars or imprisonment at hard labor for a term not to exceed two years, or both, at the discretion of the court before which such conviction is had.

Repealer.

27. *And be it enacted*, That so much of the act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-

seven, as is inconsistent with this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved February 24, 1870.

CHAPTER CXXIII.

A Further Supplement to "An Act to facilitate Judicial Proceedings in the County of Essex," approved March fifteenth, eighteen hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the compensation of the clerk of the grand jury of said Essex county shall hereafter be one hundred and fifty dollars per term instead of one hundred as in said act provided.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1870.

CHAPTER CXXIV.

A Supplement to "An Act to incorporate the Newark Fire Department," approved March fourth, eighteen hundred and thirty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "the fire wardens one representative, composed of eighteen men and upwards, and under eighteen men one representative," in section second of the act of which this is a supplement, be, and the

same are hereby repealed, and this act shall take effect immediately.

Approved March 1, 1870.

CHAPTER CXXV.

A Further Supplement to "A Further Supplement to 'An act to provide for the publication of the Public Laws of this State,'" approved March twenty-third, eighteen hundred and sixty-nine.

Preamble

WHEREAS, all laws directed to be published by any existing laws of the state of New Jersey, in any of the newspapers published in the county of Hunterdon, for the year eighteen hundred and sixty-nine, were published in the Clinton Democrat, a weekly newspaper published at Clinton, in the county of Hunterdon; and whereas, the said paper was formerly known by the name of the Constitutional Democrat, and under that name published the laws for the year eighteen hundred and sixty-eight, from which publication the former publisher of said paper was by the act to which this is a supplement, declared to be entitled to receive compensation, and did receive such compensation; and whereas, the change in name of said paper has occurred since the passage of the act to which this is a supplement, and doubts may arise as to the authority of the comptroller to audit the bills for the publication of said laws for the year eighteen hundred and sixty-nine,

Appropriation
for publication
of laws.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Carpenter, junior, the publisher of the Clinton Democrat, a newspaper printed and published at Clinton, in the county of Hunterdon, be, and he is hereby declared to be entitled to receive the same compensation for publication in said newspaper of the laws of this state for the year eighteen hundred and sixty-nine, as was allowed the publishers of other newspapers in said county for said or similar work.

2. *And be it enacted*, That this act shall enter effect immediately.

Approved March 1, 1870.

CHAPTER CXXVI.

An Act to prevent the removal of dirt in Newton Township, in the county of Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to remove or deposit any dirt, earth, filth, rubbish or other materials, in any of the highways, streets, lanes, alleys or thoroughfares in the township of Newton, in the county of Camden, without first having obtained the consent of the township committee, which consent must be in writing, signed by a majority of said township committee. Not lawful to remove or deposit dirt, &c., without consent of township committee.

2. *And be it enacted*, That for the purpose of carrying out and effecting the purpose and object provided for in the first section of this act, the township committee of the township of Newton, in the county of Camden, are hereby authorized, empowered and directed to bring an action of debt in the court for the trial of small causes, against any person or persons offending against the provisions of the first section of this act, for the recovery of any sum not exceeding one hundred dollars, which suit shall be brought by the clerk of said township committee, on behalf of the inhabitants of said township of Newton. Penalty for offending.

3. *And be it enacted*, That whenever complaint shall be made by the said township committee, before one of the justices of the peace of said township of Newton, against any person or persons offending against the provisions of this act, the said justice shall thereupon issue his warrant for the apprehension of such person or persons, and the said justice before whom such person or persons shall be brought, shall require such person or persons to enter into good and sufficient recognizance to appear and answer said complaint, Proceedings on complaint.

and in default thereof such person or persons shall be committed to the county jail to await said investigation.

Proceedings in
case of default

4. *And be it enacted*, That if, at the said time and place so appointed, such person or persons shall not appear, or if such person or persons do appear, and make no demand for a trial by jury, then the said justice shall proceed to examine the case and give judgment for said township, pursuant to the provisions of this act.

Fees of jurors,
&c.

5. *And be it enacted*, That the jurors, constable, justice of the peace and witnesses shall receive the same fees that they are by law entitled to receive in other actions of debt tried in the court for the trial of small causes.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1870.

CHAPTER CXXVII.

An Act to incorporate the Bruderliebe Association of Hackensack.

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John H. Holst, John Zimm, Philip Shaffer, Henry Snyder, Joseph Bakman, and their successors, and such others as may be associated with them, are hereby constituted a body corporate by the name aforesaid.

Object.

2. *And be it enacted*, That the object of this association is for mental and physical improvement.

May make by-
laws.

3. *And be it enacted*, That the said association shall have power to make and adopt a constitution and by-laws for the regulation, admission, suspension and expulsion of its members, the collection of fees and dues, the election of its officers, and to define their duties, and for the safe keeping of its property and funds, and from time to time to alter or repeal such constitution, by-laws and regulations.

4. *And be it enacted*, That said corporation shall have the power to sue and may be sued by their corporate name, and shall have power to take, by purchase, lease, gift, grant, devise and bequest, any real or personal estate, and hold, convey and transfer the same; *provided*, that such real or personal property shall not exceed at any time the value of twenty thousand dollars.

May have and hold real estate.

Proviso.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1870.

CHAPTER CXXVIII.

An Act to authorize the Trustees of the Methodist Episcopal Church of Bernardsville, in the county of Somerset, to sell and convey certain real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church of the village of Bernardsville, in the county of Somerset, or their successors in office, be and they are hereby authorized and empowered to sell and convey a certain lot of land situate in the said village of Bernardsville, in the county of Somerset, now held in trust as the property of the said Methodist Episcopal Church of Bernardsville, by virtue of a deed made to the trustees of said church by Charles S. Quinby and Margaret C., his wife, bearing date the twenty-ninth day of March, anno domini eighteen hundred and sixty-five, and to make, execute and deliver a good and sufficient deed of conveyance therefor to the purchaser or purchasers for the same, and that such deed or deeds of conveyance shall be good and effectual in law.

May sell church property held in trust.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1870.

CHAPTER CXXIX.

A Supplement to an act entitled "An Act to incorporate the International Life Insurance and Trust Company," approved April twenty-second, eighteen hundred and sixty-eight.

May receive
deposits of
money on in-
terest

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company shall have power to receive as deposits all sums of money which may be offered, in such sums and at such times and on such terms as the by-laws shall prescribe, which money so received shall be repaid to such depositor at such times and with such interest, not to exceed seven per centum, and under such regulations as shall be, by said company, from time to time prescribed; and the said company may accept and execute all such trusts of any and every description as may be committed to said company by any person or persons, corporation or corporations, by will or otherwise, or transferred to them by the order of any court; and the said company may take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estate on trusts created in accordance with the laws of this state, and execute such legal trusts in regard to the same on such terms as may be declared, established or agreed upon in regard thereto.

May hold real
and personal
estate on
trusts.

May hold real
and personal
estate.

2. *And be it enacted*, That the said company shall be, in law, capable of purchasing, holding and conveying such real estate as shall be requisite for the purpose of erecting buildings thereon, in which to meet and transact the business of the company, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted, or purchased by it, either at sales on judgments or decrees which shall have been obtained for such debts or otherwise.

Preamble.

AND WHEREAS, certain bonds and mortgages made or assigned to said company have been assigned to the state treasurer as trustee and in trust and on deposit as security for, and for the benefit of all policy holders of the said company, under and in conformity with, and pursuant to the provisions of the act entitled "A Supplement to an

act entitled 'An Act to provide for the incorporation of insurance companies,' approved March tenth, eighteen hundred and fifty-two, which supplement was approved March tenth, eighteen hundred and fifty-three, and for all the uses, interests and purposes provided by the laws of this state; and whereas, it may become necessary for said company to take a re-assignment of any or all of said bonds and mortgages for the purpose of foreclosing or cancelling the same; now, therefore,

3. *And be it enacted*, That it shall be the duty of the state treasurer, upon the said company depositing with him other bonds and mortgages equal in amount to the amount desired to be withdrawn, to re-assign to said company such bonds and mortgages as may be designated, the said company paying all the expenses attending such re-assignment.

Duty of state treasurer.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1870.

CHAPTER CXXX.

A Further Supplement to the act entitled "An Act for the preservation of sheep," approved April fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provision of the act entitled "A Supplement to an act for the preservation of sheep," approved April fourteenth, eighteen hundred and forty-six, which supplement was passed March twenty-fourth, eighteen hundred and fifty-two, shall be extended to and be in full force and effect within the township of Greenwich, in the county of Warren, in this state.

Cattle law extended.

2. *And be it enacted*, That the first, second, fifth and tenth sections, and all such other sections and parts of sections of an act entitled "An Act for the preservation of sheep," approved April fourteenth, eighteen hundred and

Repealer.

forty-six, as are repugnant to or inconsistent with the provisions of this act, so far as relates to the township of Greenwich, in the county of Warren, shall be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1870.

CHAPTER CXXXI.

An Act to authorize Robert Walker and Francis P. Walker to build wharves, piers and bulkheads in front of their lands on the Delaware river, in the township of Upper Penns Neck, Salem county, New Jersey.

Authorized to erect wharves. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert Walker and Francis P. Walker be and they are hereby authorized and empowered to erect and maintain all such wharves, piers and bulkheads in front of their lands on the Delaware river, in the township of Upper Penns Neck, Salem county, New Jersey, as they may deem proper and necessary for the improvement of their property, or for the benefit of commerce, and to collect wharfage for the use thereof, and to hold, use and enjoy the same to themselves, their heirs and assigns; *provided, however*, that no such wharf, pier or bulkhead shall be erected or built by virtue of this act for a greater distance than four hundred feet from high water mark, nor in front of the land of any other person.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1870.

CHAPTER CXXXII.

An Act to incorporate the Clarksville Bank.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Lewis Young, George Fritts, Edward Humphrey, John Gardner, David H. Banghart, Marcus D. Wells and Martin Wyckoff, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "The Clarksville Bank," and shall be located at Clarksville, in the county of Hunterdon, and state of New Jersey, and by that name they shall have and exercise banking powers and the incidental corporate powers enumerated in the first section of the act concerning corporations; *provided*, that the said corporation shall not trade or deal in anything except money, bills of exchange, promissory notes, gold and silver bullion and the national legal notes of the United States, and shall in no case hold any real estate, goods, wares, merchandise, or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans or contracts, or shall be conveyed or sold in full or in part satisfaction of debts previously contracted in the course of dealings, or shall be purchased upon judgment or execution for the purpose of bona fide making or securing a debt or debts due or owing said corporation.

2. *And be it enacted*, That the capital stock of the said corporation shall be two hundred thousand dollars, and shall be divided into shares of fifty dollars each; and that the said Lewis Young, George Fritts, Edward Humphrey, John Gardner, David H. Banghart, Marcus D. Wells and Martin Wyckoff, or a majority of them shall be and they are hereby appointed commissioners to open at Clarksville, in said county of Hunterdon, books of subscriptions for, and receive subscriptions to said capital stock, giving at least twenty days' notice in one of the newspapers printed in said county of Hunterdon, of the time and place of receiving said subscriptions; that the said books, after having been opened shall be kept open for three successive days, unless the

Names of corporators.

Corporate name.

Banking powers.

Proviso.

Amount of capital stock.

Commissioners to receive subscriptions.

amount of said capital stock shall be sooner subscribed for ; that upon the first day of opening said books no persons but citizens of the state of New Jersey shall be allowed to subscribe for said stock, and at the time of subscribing for said stock the respective subscribers shall pay to said commissioners five dollars for each share subscribed for.

Directors, officers, &c.

3. *And be it enacted*, That the affairs of the said corporation shall be managed by a board of nine directors, five of whom shall be a quorum for the transaction of business except in cases of discount, which may be regulated by the by-laws ; that said directors shall be stockholders and shall before entering upon the duties of their office, severally take and subscribe an oath or affirmation, faithfully to execute the trust reposed in them as directors ; that the directors shall hold their offices for one year, and until their successors shall be chosen ; that the annual election of directors shall be held on the second Tuesday of May in every year, at the banking house of said corporation, at such time as the board of directors shall appoint, of which election at least twenty days notice shall be given by the directors, by an advertisement in one of the newspapers printed in said county of Hunterdon ; that the said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be by such of the stockholders as may attend in person or by proxy, they being respectively entitled to one vote for each share of stock held in his, her or their own name for at least three calendar months next before the election ; that for the well-ordering of said election, the board of directors shall previously thereto, appoint three stockholders not being directors, to be judges thereof, who shall conduct the election and determine upon the legality of votes, the eligibility of persons voted for, and who shall be elected ; and in all cases of an equality of votes between two or more persons voted for, avoiding an election of a full board, the said judges, or a majority of them, shall thereupon select from those not elected having the highest number of votes, as many as may be required to make up the full number of nine directors ; and the directors so elected shall, at the first meeting thereafter, when a quorum shall be present, elect one of said nine directors to be president, as well of their board as of the said corporation ; and whenever a vacancy shall occur in said board of directors, by death, resignation, or otherwise, such vacancy may be filled for the remainder of the year by the

board of directors; and if at any time it shall happen that an election of directors shall not take place at the time above mentioned, the said corporation shall not for that reason be deemed dissolved, but an election therefor shall be had as soon as conveniently may be thereafter, upon like notice as above directed, and at the place and in the mode above specified.

4. *And be it enacted*, That as soon as conveniently may be after the aforesaid capital stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the subscribers to said capital stock at Clarks-ville, in said county of Hunterdon, to elect the first board of directors, by giving at least twenty days' notice of the time and place of said meeting, by advertisement in one of the newspapers printed in said county of Hunterdon; and at such meeting the said commissioners, or a majority of them, shall be the judges of the said first election, and shall be eligible to be voted for as directors at such election, and shall have the same powers as the judges of the annual election of directors; and they shall conduct said first election as near as may be in the manner hereinbefore prescribed for the said annual elections, the subscribers attending said meeting in person or by proxy, being entitled to one vote for each share of stock respectively subscribed by them; and said first board of directors shall, as soon as conveniently may be after said election, organize by electing a president in the manner hereinbefore prescribed for the election of a president, and shall also, at the same time, elect a cashier; and after the said board shall have been thus organized, it shall be the duty of the said commissioners to pay over to the said board all the moneys received by them for subscriptions to said capital stock, deducting therefrom only the necessary expenses incurred by them, and the receipt of the said president and cashier, for said moneys, shall be a full and absolute acquittance and discharge therefor, and the said first board of directors shall have power to fill vacancies therein by death, resignation or otherwise, and shall hold their offices until the second Tuesday of May next after their election, and until their successors shall be chosen.

5. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and the real estate of said corporation may be taxed as other lands in this state are or may be taxed; and that the board of directors

Failure to
elect direc-
tors not to
dissolve.

Election of di-
rectors.

May call in
amount sub-
scribed, un-
der penalty of
forfeiture.

for the time being shall have full power to call in the residue of the subscriptions to the said capital stock by such installments and at such times as the said board may think proper, under the penalty of the holders of said stock forfeiting to the said corporation all previous payments thereon, which forfeiture may be made and declared by order or resolution of said board; *provided*, that at least twenty days' previous notice of the time and place for the paying of said installments shall be given by advertisement in one of the newspapers printed in said county of Hunterdon, and that no installment of more than ten dollars on each share shall be called in at one time, nor shall said installments be required to be paid in nearer than ten days of each other.

Proviso.

Cashier.

6. *And be it enacted*, That there shall be a cashier of said bank appointed or re-appointed annually, liable, however, to be removed and another appointed in his stead, at the pleasure of the said board of directors; and upon such appointment or re-appointment, he shall, before entering upon the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bond or bonds, with good and sufficient security to the said corporation, to be approved by the board of directors in the penal sum of at least twenty thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank.

All bills and notes issued binding on the corporation.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of a less denomination than one dollar; and the bills or notes which may be issued by 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, although not under the seal of said corporation, shall be binding and obligatory on said corporation, and of like force and effect, and shall be assignable and negotiable in like manner as if made by a natural person, and all bills obligatory and of credit under the seal of said corporation, which shall be made for the payment of money to any person or persons, shall be assignable by assignment endorsed thereon, under the hand or hands of such person or persons, or his, her and their assignee or assignees, successively, and all bills, notes, bills obligatory or of credit, made or issued by said corporation, shall be deemed and taken to be payable and demandable at the banking house of said corporation.

8. *And be it enacted*, That it shall be the duty of the

board of directors of said corporation to make semi-annual dividends of so much of the profits of the business of said corporation as the said board shall deem advisable, but no dividend shall be made of any part of the capital stock. Semi-annual dividends.

9. *And be it enacted*, That the rate of discount at which loans may be made by said corporation shall not exceed the legal rate of interest in this state established for the time being; *provided*, that nothing herein contained shall be construed to prohibit the said corporation from dealing in bills of exchange and the purchase and sale of the bonds, notes and bills of the government of the United States, and the bonds and securities of the state of New Jersey, or of any town, city or county thereof. Rate of discount. Proviso.

10. *And be it enacted*, That no transfer of the stock of said corporation shall be valid and effectual until any debt or debts, which may be due to said corporation from the person or persons transferring shall have been fully discharged, nor until such transfer shall have been registered in a book or books, to be kept for that purpose, by the board of directors. No transfer of stock made by persons indebted to corporation.

11. *And be it enacted*, That if at any time the said corporation shall neglect or refuse, on demand being made at their banking house during the regular hours of business, to redeem in lawful money any of the bills or notes issued by said corporation, and which shall then be due and payable, the said corporation shall thereupon, under pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes shall be fully paid. Refusal to redeem is to debar banking operations.

12. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall be first liable for the redemption of its bills or notes then in circulation, and shall be first applied to the payment thereof, and in case of a distribution of the assets of said corporation among the creditors thereof, under the order or decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all the other creditors. Assets first liable for payment of bills in case of failure.

13. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted at law or in equity, by any receiver or receivers All directors to be residents of this state, and liable for circulation.

that shall or may be appointed, for the payment of any such bills or notes, as if the same were their joint and several bills or notes, executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability; and if any director shall so attempt to resign his office, he shall be and continue liable the same as if no such resignation had been attempted, and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors, and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability, and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers under the provisions of this act, shall be sold until after the expiration of six months from the date of the judgment or decree.

Shall not resign office to avoid liability

Proviso.

Distribution of assets.

14. *And be it enacted*, That if the assets of the said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills and notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of said bills and notes.

Stockholders liable to receiver for an amount sufficient to redeem circulation

Proviso

15. *And be it enacted*. That the stockholders of the said corporation at the time of its becoming insolvent other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills and notes after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder other than said directors shall be liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent, and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them, and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

Actions at law

16. *And be it enacted*, That in case of an action or suit at

law against any director or directors, stockholder or stockholders under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to Proviso. the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on and the numbers and denominations thereof.

17. *And be it enacted*, That the bills or notes issued by Amount of bills issued. said corporation shall not at any time exceed double the amount of its capital stock actually paid in, and if the president or cashier thereof shall knowingly or willfully issue or cause to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment not less than one year nor more than five years, in the discretion of the court.

18. *And be it enacted*, That it shall be the duty of said Annual statement published. corporation, on the first Tuesday of January in each and every year, after commencing the business of banking, to publish in one of the newspapers printed in said county of Hunterdon, a statement, under oath or affirmation, of the actual condition of said corporation, conforming as nearly as may be with the annual statements now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president or cashier, or any director, shall knowingly and wilfully falsely swear or affirm to any such statement, he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof.

19. *And be it enacted*, That it shall not be lawful for the Limitation. said corporation to issue any bills or notes or otherwise enter upon the business of banking until an affidavit or affidavits shall have been made and filed in the office of the secretary of state, stating that fifty thousand dollars of the capital stock of said corporation had been subscribed for and paid in, conformable to the provision of this act.

20. *And be it enacted*, That this act shall go into effect immediately, and continue in force for twenty years, but it shall be lawful for the legislature at any time hereafter to alter,

modify or repeal the same whenever in their opinion the public good may require.

Approved March 1, 1870.

CHAPTER CXXXIII.

An Act to incorporate the Mercer County Bank of Trenton.

Names of corporators.

Corporate name.

Banking powers.

Proviso.

Amount of capital stock.

Commissioners to receive subscriptions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alfred S. Livingston, Edward H. Stokes, John Taylor, Alfred Muirheid, Crowell Marsh, John G. J. Campbell, Levi S. Atchley, Joseph H. Moore, William R. Titus, James B. Green, Scudder H. Cook, Joseph B. Yard, Baltes Pickel, Joseph B. Richardson, Thomas C. Pearce, John N. Lindsay and William A. Hendrickson, and their associates, be and they are hereby created a body politic and corporate, by the name of the "Mercer County Bank of Trenton," and by that name they shall have and exercise banking powers and the incidental corporate powers enumerated in the first section of the act concerning corporations; *provided*, that the said corporation shall not trade or deal in anything except money, bills of exchange, promissory notes and gold or silver bullion, and shall in no case hold any real estate, goods, wares, merchandise, or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans or contracts, or shall be purchased upon judgment or execution for the purpose of securing or obtaining payment of any debt or debts due to said corporation.

2. *And be it enacted*, That the capital stock of the said corporation shall be two hundred thousand dollars, with liberty to increase it to five hundred thousand dollars, and shall be divided in shares of fifty dollars each; that Alfred S. Livingston, E. H. Stokes, William R. Titus, Baltes Pickel, Scudder H. Cook, Joseph B. Yard, Alfred Muirheid, John Taylor and Thomas C. Pearce, or a majority of them shall be and they are hereby appointed commissioners to open at

the City of Trenton, books of subscriptions for, and to receive subscriptions to, said capital stock, giving at least ten days' notice in at least three of the newspapers printed in the county of Mercer, of the time and place of receiving said subscriptions; that the said books, after having been opened, shall be kept open for three successive days, unless the amount of said capital stock shall be sooner subscribed for; that at the time of subscribing for said stock the respective subscribers shall pay to said commissioners five dollars upon each share subscribed for, and that the said corporation shall have liberty to commence business as soon and not before, fifty thousand dollars shall be actually paid in cash.

3. *And be it enacted*, That the affairs of the said corpora-^{Directors and officers.} tion shall be managed by a board of eleven directors, a majority of whom shall be a quorum for the transaction of business except in cases of discount, which may be regulated by the by-laws; that said directors shall be stockholders and residents of this state, and shall before entering upon the duties of the said office, severally take and subscribe an oath or affirmation, faithfully to execute the trust reposed in them as directors; that the directors shall hold their office for one year, and until their successors shall be chosen and qualified; that the annual election of directors shall be held on the second Tuesday in January in every year, at the banking house of said corporation, at such time as the board of directors shall appoint, of which election at least fourteen days notice shall be given by the directors, by an advertisement in one or more of the newspapers published in the county of Mercer; that the said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be elected by such of the stockholders as may attend in person or by proxy, each stockholder being entitled to one vote for each share of stock standing in his or her name on the books of the corporation, for thirty days at least, next preceding such election; that for the well-ordering of said election, the board of directors shall previously thereto, appoint three stockholders, not being directors, to be judges thereof, who shall conduct said election and determine the legality of votes, the eligibility of persons voted for, and and who shall be elected; and in all cases of an equality of votes between two or more persons voted for, thereby preventing an election of a full board, the said judges, or a majority of them, shall thereupon select from those not elected having

the highest number of votes, as many as may be required to make up the full number of eleven directors; and the directors so elected shall, at the first meeting thereafter, when a quorum shall be present, elect one of their number to be president, as well of their board as of the said corporation; and whenever a vacancy shall occur in said board of directors, by death, resignation or otherwise, such vacancy may be filled for the remainder of the year by the board of directors; and if at any time it shall happen that an election of directors shall not take place at the time above required, the said corporation shall not for that reason be deemed to be dissolved, but an election for directors shall in such case be held as soon as conveniently may be thereafter, upon like notice as above directed, and at the place and in the mode above specified.

Failure to
elect not to
dissolve.

Election of di-
rectors, &c.

4. *And be it enacted*, That as soon as conveniently may be, after the sum of fifty thousand dollars of said capital stock is subscribed, and actually paid in cash, the said commissioners, or a majority of them, shall call a meeting of the subscribers to said capital stock, in Trenton, to elect the first board of directors, by giving at least ten days' notice of the time and place of said meeting, by advertisement in at least two papers published in the county of Mercer; and at such meeting the said commissioners, or a majority of them, shall be the judges of the said first election, and shall have the same powers as the judges of the annual election of directors; and they shall conduct said first election as near as may be in the manner hereinbefore prescribed for said annual elections, such of the subscribers as may attend said meeting in person or by proxy, being entitled to one vote for each share of stock respectively subscribed for by them; and said first board of directors shall, as soon as conveniently may be after said election, organize by electing a president in the manner hereinbefore prescribed for the election of a president, and shall also elect a cashier; and after the said board shall be thus organized, it shall be the duty of said commissioners to pay over to the said board all the moneys received by them for subscriptions to said capital stock, deducting and retaining therefrom only the necessary expenses incurred by them, and the receipt of the said president and cashier, in behalf of said board of directors, for said moneys, shall be full and absolute acquittance and discharge therefor, and said board of directors shall hold their offices until the

second Tuesday in January, in the year one thousand eight hundred and seventy-one, and until their successors are chosen and qualified.

5. *And be it enacted*, That the capital stock shall be deemed personal property, and shall be subjected to such taxes as all other banking institutions of this state are liable to, and the real estate of said corporation may be taxed as other lands in this state are or may be taxed; and that the board of directors for the time being shall have full power to call in the residue of the subscriptions to the said capital stock by such installments and at such times as the board may think proper, under the penalty of the holders of said stock forfeiting to the said corporation all previous payments thereon, which forfeiture may be made and declared by order or resolution of said board; *provided*, that at least twenty days' previous notice of the time and place for the payments of said installments shall be given by advertising in at least two papers published in the county of Mercer, and that no installment of more than five dollars on each share shall be called in at one time, nor shall said installments be required to be paid within less than twenty days of each other.

Failure to pay installments to work a forfeiture.

Proviso.

6. *And be it enacted*, That there shall be a cashier of said bank appointed or re appointed annually, liable, however, to be removed and another appointed in his place, at the pleasure of the said board of directors; and on such appointment or reappointment, the said cashier shall, before entering on the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bond with good and sufficient security to be approved by the board of directors in the penal sum of at least thirty thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank.

Cashier.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of a less denomination than one dollar; and the bills or notes which may be issued by 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, although not under the seal of said corporation, shall be binding and obligatory on said corporation, and of like force and effect, and shall be assignable and negotiable in like manner as if made by a natural person, and all bills obligatory and of credit under the seal of said corporation, which shall be made for the pay-

All bills and notes issued binding on the corporation.

ment of money to any person or persons, and his, her and their assignee or assignees, and all bills or notes, bills obligatory or of credit, made or issued by said corporation, shall be deemed and taken to be demandable and payable at the banking house of said corporation.

Semi-annual dividends.

8. *And be it enacted*, That it shall be the duty of the board of directors of said corporation to make semi-annual dividends of so much of the profits of the business of said corporation as the board shall deem advisable, but no dividend shall be made of any part of the capital stock.

Rate of discount.

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

Proviso.

No transfer of stock made by persons indebted to corporation.

10. *And be it enacted*, That no transfer of the stock of said corporation shall be made by any stockholder from whom any debts due to the said bank, or who is the drawer or endorser of any bill of exchange or note discounted and held by said bank, when said bill of exchange or note is due, without the consent of the said board of directors, but such stock shall be and remain liable for the payment of such notes or bills of exchange.

Refusal to redeem is to debar banking operations.

11. *And be it enacted*, That if at any time the said corporation shall refuse or neglect, on demand being made at their banking house during the regular hours of business, to redeem in lawful money any of the bills or notes issued by it, and which may then be due and payable, the said corporation shall thereupon, under the pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes are fully paid; *provided*, that the provisions of the act entitled "An Act to suspend the penalties of the non-redemption in specie of bank notes," approved March twenty-fourth, eighteen hundred and sixty-two, and the supplement thereto, approved March sixth, eighteen hundred and sixty-three, be and continue in force in relation to the bank incorporated and chartered by this act

Proviso.

Assets first liable for bills in case of failure.

12. *And be it enacted*, That if the said corporation hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall be first liable for its bills and notes then in circulation, and shall be first applied to the payment thereof, and in case of a distribution of

the assets among the creditors of said corporation under the order or decree of the court of chancery, the holders of such bills or notes shall be equal in priority, and shall have a preference over all other creditors, except bona-fide judgment or mortgage creditors.

13. *And be it enacted*, That in case of the insolvency of said corporation the directors thereof shall be jointly and severally liable for all the bills or notes of said corporation which may be in circulation at the time its becoming insolvent, and may be jointly or severally prosecuted at law or in equity, by any receiver or receivers that shall or may be appointed, for the payment of such bills or notes, as if the same were their joint or several bills or notes, and executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability; and in case any director shall so attempt to resign his office, he shall be and continue liable the same as if such resignation had not been attempted, and such liability of the directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors, and it shall not be lawful for any director to assign or transfer his stock to avoid his said liability, and in the case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, no such suit shall be prosecuted against the said directors by such receiver or receivers except for such deficiency as may remain after the assets of such corporation have been duly appropriated to the payment of said bills or notes, except in case of fraud committed by said directors.

All the directors liable for circulation.

Shall not resign office to avoid liability

Proviso.

14. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills or notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills or notes; and the stockholders of the said corporation at the time of its becoming insolvent other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills or notes after the assets of said corporation and the property of said directors

Distribution of assets.

Stockholders liable to receiver for an amount sufficient to redeem circulation.

- Proviso. shall have been distributed as aforesaid; *provided*, that no stockholder other than the said directors shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent, and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the stock so held by them, and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.
- Actions at law 15. *And be it enacted*, That in case of any action or suit at law against any director or directors of said corporation by any receiver or receivers thereof the said receiver or receivers may declare generally for money had and received;
- Proviso. *provided*, that a schedule shall be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on and the numbers and denominations thereof.
- Amount of bills issued. 16. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock paid in, and if the president or cashier shall knowingly and wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment not less than one year nor more than five years, in the discretion of the court.
- Statements to be made. 17. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday in the months of January, April, July and October, in every year, to make the statements required to be made by the other banks of this state, by the act entitled "An Act to punish frauds committed on the incorporated banks of this state and for the better regulation of said banks," approved April sixteenth, eighteen hundred and forty-six.
- Majority of stockholders to be residents of this state 18. *And be it enacted*, That a majority in interest of the stockholders shall be residents of this state.
19. *And be it enacted*, That this act shall continue in force for twenty years, but it shall be lawful for the legislature at any time hereafter to alter, modify or repeal the same when-

ever in their opinion the public good shall require it, and that this act shall go into effect immediately.

Approved March 1, 1870.

CHAPTER CXXXIV.

A Supplement to an act entitled "An Act to incorporate the Camden Mutual Insurance Association," passed March twelfth, eighteen hundred and forty-one.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Corporate} *the State of New Jersey,* That every person who shall be a ^{name.} member of the said "The Camden Mutual Insurance Association," on the first day of July, in the year of our Lord one thousand eight hundred and seventy, and shall hold in his or her name any unexpired or renewed and subsisting policy of insurance, which shall have been issued by the said company or which shall have been unconditionally assigned to him or her with the consent and according to the rules and practice of the said company, shall, on the first day of July be entitled to receive from the board of directors of the said company a certificate signed by the president and secretary of the said company, to an amount that shall be in ^{Certificate.} proportion of the whole amount of the money that shall have been paid to said company for premium or premiums on such unexpired and subsisting policies, to the whole amount of the moneys, securities and property held and owned by the said company, and in case any member of the said company shall have died, who, if, he or she had been living would have been entitled to any such certificate under this act, his or her executors or administrators shall be entitled to and receive the same as such executor or administrator.

2. *And be it enacted,* That applications for such certificates, ^{Limitation of} by the persons entitled thereto, shall be made to the said ^{time for issu-} board of directors or to the president or secretary thereof, at ^{ing certifi-} the office of the said company, within four months after the ^{cates.} said first day of July, or in default of such application the

- same shall be deemed and taken to have been relinquished to the company; that all such certificates, whenever issued, shall bear date on the said first day of July, and shall be deemed and taken to be personal property, and shall be transferred on the books of the company in such manner and under such regulations as the board of directors may from time to time order and direct, said certificates shall be issued in shares of five dollars each, and any person claiming and entitled to such certificate, may, if he or she elects so to do, pay to the said company so much money as with any fractional part of any share that may be due to him or her as aforesaid, will be equal to five dollars, and thereupon receive a certificate for the same, otherwise such fractional part shall be deemed and taken to belong to the said company and constitute a part of its funds; *provided*, that any person holding a perpetual policy of insurance of said company, and receiving said certificate as aforesaid, shall not upon any surrender of said policy be entitled to receive from said company any payment or return premium on account thereof, and that the said directors shall cause notice of the issuing of the said certificates to be given to the members of the said company by publishing the same in a newspaper, published in the city of Camden, for six weeks before the said first day of July.
- 3. And be it enacted*, That if the certificates of stock or shares issued to the members of the company as aforesaid, shall not be equal in amount to the value of the money, securities and property held and owned by the said company, the directors of the said company may, in such manner and at such times as they shall direct, issue to the members of the said company holding certificates as aforesaid, certificates to an amount which together with the certificates then issued will equal the value of the money, securities and property held and owned by the said company.
- 4. And be it enacted*, That at any time after the board of directors shall have issued certificates of stock to an amount equal to the value of the moneys, securities and property held by the said company, the said directors may increase the capital stock of the said company, to an amount not to exceed in the whole the sum of three hundred thousand dollars, and for that purpose may issue and sell new stock in the company.
- 5. And be it enacted*, That each of the certificates to be granted and issued as aforesaid, shall be considered as re-

Date of certificate.

Proviso.

Certificate to be for full value of the money held and owned by company.

Increase of capital stock.

Certificates to represent capital stock.

presenting so much of the capital stock or funds of the said company, and the owner or owners thereof shall be entitled to receive interest or dividends on the same.

6. *And be it enacted*, That the directors of the said com- Directors.
pany shall be elected at the time and in the manner provided for in the act, to which this is a supplement, by the stockholders of said company; and at such election the stockholders of the said company shall be entitled to one vote for each share of stock issued or held by them respectively.

7. *And be it enacted*, That it shall be lawful for the di- Dividends.
rectors of the said company annually, or oftener, as they may see proper, to declare and cause to be paid to the holders of such certificates of stock as aforesaid, dividends out of the profits of the said company; *provided*, that no part Proviso.
of the capital stock shall at any time or on any pretence whatever be divided among the stockholders for dividends.

8. *And be it enacted*, That persons insuring in or with Insurers not
said company after the passage of this act, shall not be deemed mem-
bers.
deemed or taken to be members of the said company.

9. *And be it enacted*, That nothing in this act contained Not to engage
shall be held to authorize the said company to carry on bank- in banking.
ing operations.

10. *And be it enacted*, That nothing in this act contained Policies of in-
shall be construed to alter or change any contracts or poli- surance.
cies for insurance heretofore made by the said company, but the same shall continue and be in full force and effect.

11. *And be it enacted*, That this act shall go into effect as When act
soon as a meeting of the members of the said company, con shall take ef-
vened by the directors of the said company, upon two weeks fect
notice of the time and place of said meeting, to be printed in a newspaper published in the city of Camden, shall, by resolution, accept the same as a supplement to and part of the charter of the said company, which resolution of acceptance shall be certified under the hand of the president and secretary and corporate seal of the said company, and shall be filed in the office of the secretary of state, and a certified copy of said resolution of acceptance shall be published in the next session laws of this state, and the same or an exemplified copy thereof shall be evidence thereof in all courts and places whatsoever.

12. *And be it enacted*, That so much of the act to which

Repealer. this is a supplement, as is inconsistent with the provisions of this act, be, and the same is hereby repealed.

13. *And be it enacted*, That it shall be lawful for the legislature, at any time hereafter, to amend, modify or repeal this act.

14. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1870.

CHAPTER CXXXV.

An Act to incorporate the Morris County Machine and Iron Company, at Dover, New Jersey.

Names of corporators.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That George Richards, Henry McFarlan, Columbus Beach, Edmund Canfield, Edward N. Kirk Talcott, James H. Simpson, Henry Baker, and their associates, successors and assigns, are hereby created a body corporate and politic, by the name of "The Morris County Machine and Iron Company," for the conducting of a general foundry and machine business, mining and smelting iron and other ores, and for the purchase, manufacture and sale of iron and other metals, with power to lease, purchase and hold such mines and mining rights, real and personal property, as may be considered necessary for the due prosecution of its business, and to sell, lease or mortgage the same, or any portion thereof; and by that name they and their successors shall have all the powers which by the laws of this state are now incident and belonging to corporations.
Corporate name and object.	
Amount of capital stock.	2. <i>And be it enacted</i> , That the capital stock of this company shall be one hundred thousand dollars, with power to increase the same by a vote of a majority of the stock to five hundred thousand dollars, divided into shares of one hundred dollars each, which shares shall be deemed personal property, and shall be transferable in such manner as shall be prescribed in the by-laws of said corporation; and the said com-

pany is authorized to commence business when twenty thousand dollars of its capital stock shall have been subscribed and paid in ; and no dividend shall be made to the stockholders except from the profits of said company.

3. *And be it enacted*, That the property and affairs of this company shall be managed and conducted by a board consisting of seven directors, being stockholders, and that George Richards, Henry McFarlan, Columbus Beach, Edmund Canfield, Edward N. Kirk Talcott, James H. Simpson and Henry Baker shall be the first directors to organize and manage the affairs of the said company, and shall continue in office until others are elected or appointed in their stead. Management.

4. *And be it enacted*, That the annual election of directors shall take place on the second Thursday in January in each year, after eighteen hundred and seventy, at such hour and place as shall be directed by the by-laws of said corporation, and two weeks previous notice of such election shall be given in a newspaper published in Morris county, and all elections for directors shall be by ballot, and each share of stock shall be entitled to one vote, and the votes may be by person or by proxy ; the persons having the greatest number of votes, being stockholders, shall be directors for the ensuing year ; and any vacancy or vacancies occurring by death, resignation or otherwise, shall be filled in the manner prescribed by the by-laws of said company, and if from any cause, an election for directors should not take place on the day for the annual election, it shall not therefore work a forfeiture of this charter, but a new election shall be ordered in conformity with the by-laws of said company, and the directors shall hold over until others are elected in their places. Annual election of directors.

5. *And be it enacted*, That the board of directors shall have power to demand from the subscribers to the capital stock of said corporation, the money for such subscriptions, and for any subscriptions to the increase of its capital, or any assessment thereon, and in case of the failure to pay such subscriptions, or such calls or assessments as they may appoint, the said board may, after four weeks notice in a newspaper published in Morris county, declare the said stock, and all previous payments thereon, forfeited to the corporation, and such stock, and all previous payments thereon and all right to the same, shall thereby be forfeited and belong to the said corporation. Power to demand capital stock on pain of forfeiture.

May make by-laws, &c.

6. *And be it enacted*, That the board of directors shall adopt by-laws declaring the number of directors necessary to form a quorum for the transaction of business, the officers of the company and their duties, and such other matters as are prescribed in this act, and shall have authority to enact such rules and regulations as they may deem necessary for the management of the affairs of this company and the business of the board of directors, and shall have power from time to time to alter the said by-laws; *provided*, that the same, as adopted, shall not be contrary to the constitution of the United States, or the laws of this state.

Proviso.

How dissolved

7. *And be it enacted*, That the number of directors may, at any time, be increased or diminished, or the capital stock be diminished, or this corporation be dissolved by a vote of three-fourths of the stock represented in such voting at a meeting called for that purpose by a notice served personally or by mail upon each stockholder at least four weeks previous thereto, and published once a week for four successive weeks in a newspaper printed in Morris county; upon such dissolution the directors, or such persons as the stockholders may appoint, and their survivors and successors shall be trustees, and as such, shall have full power to realize, sell, convey and collect the assets of said corporation, real and personal, and pay its debts and divide the surplus among its stockholders, pro rata.

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

Approved March 1, 1870.

CHAPTER CXXXVII.

An Act to incorporate the Gesangverein Eintracht.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Schutz, Adolph

Schalk, Frederick Reynolds, Charles Stollberg, Charles A. Grossmann, Peter Nenninger, Henry Sauerbier, Julius Stapff, Frederick J. D. Rumpf, John W. Lieb, Leopold Graf, Edward Balbach, junior, Rudolph L. Sander, Louis Adam, Hermann Schwab, Henry Stengel, Albert Metz, Jacob Schmidt, Louis Kirchner, Max Sommer, John Baier, Tobias Wiedenmeyer, Peter Bender, John A. Boppe, John P. Huber, John Zais, Herman Kreidler, Joseph Hensler, Jacob Stucky, Herman Graf, their associates and successors, shall be, and they are hereby constituted a body politic and corporate, in fact and in name, by the name of "The Gesangverein ^{Corporate name.} Eintracht," to be located in the city of Newark, having for its objects the promotion of artistic taste in general, and of vocal music in particular, by the practice and performance of sacred and secular music, and by the establishment of a school for gratuitous instruction in singing and music, with power to take by purchase, devise, or otherwise and to hold, transfer, mortgage and convey such real and personal estate as shall be necessary or useful for the purposes of the corporation, not exceeding the amount of one hundred thousand dollars.

2. *And be it enacted*, That the said corporation shall have power to prescribe rules and orders for its general government, for the admission and expulsion of members, for the election, term of service, number and duties of its officers and for the direction and management of its affairs. ^{May prescribe rules, &c.}

3. *And be it enacted*, That said corporation may for the purpose of purchasing or erecting the necessary buildings, issue shares in amounts not less than twenty-five dollars, each, redeemable in twenty years or sooner, and bearing no higher interest than at the rate of seven per cent. per annum; said shares may be secured by mortgage or otherwise at the option of the corporation. ^{May issue shares to raise money.}

4. *And be it enacted*, That the control and disposal of the funds, property and estate of the said corporation shall be vested in a board of not less than fifteen nor more than thirty trustees, of which board the president, the vice-president, the secretary and the financial secretary shall be members, all of whom shall be elected annually at the time and in the manner provided for by the laws of the said corporation, and shall hold office until their successors shall be elected; no trustee shall receive a compensation for his services. ^{Powers of trustees.}

5. *And be it enacted*, That the said Charles Schutz, Adolph ^{First trustees.}

Schalk, Frederick Reynolds, Charles Stollberg, Charles A. Grossmann, Peter Nenninger, Henry Sauerbier, Julius Stapff, Frederick J. D. Rumpf, John W. Lieb, Leopold Graf, Edward Balbach, junior, Rudolph L. Sander, Louis Adam, Herman Schwab, Henry Stengel, Albert Metz, Jacob Schmidt, Louis Kirchner, Max Sommer, John Baier, Tobias Wiedenmayer, Peter Bender, John A. Boppe, John P. Huber, John Zais, Herman Kreidler, Joseph Hensler, Jacob Stucky, Herman Graf, named in the first section of this act, shall be the first board of trustees of the corporation hereby created until the first annual election shall be held.

Restrictions
and liabilities.

6. *And be it enacted*, That this corporation shall possess the general powers and be subject to the restrictions contained in the act entitled "An Act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

7. *And be it enacted*, That nothing in this act shall be so construed as to conflict with the laws of the United States or of this state.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1870.

CHAPTER CXXXVIII.

An act to repeal "An Act to incorporate the Union Meadow Company, of Upper Raccoon Creek, in the county of Gloucester," approved April second, eighteen hundred and sixty-nine.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to incorporate the Union Meadow Company, of Upper Raccoon Creek, in the county of Gloucester," approved April second, eighteen hundred and sixty-nine, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1870.

CHAPTER CXXXIX.

An Act to improve Kearney avenue, in the townships of Kearney and Harrison, in the county of Hudson.

WHEREAS, the surveyors of the highways of the county of ^{Preamble.}

Hudson did, on the twentieth day of April, in the year of our Lord eighteen hundred and sixty-five, in pursuance of the laws of this state, lay out a public road four rods in width, called Kearney avenue, in the then township of Harrison, now in the townships of Kearney and Harrison, and did also order that the said road should be opened on the first day of July, eighteen hundred and sixty-five; and whereas, said avenue when regulated and graded will be of great value and use to the inhabitants of said townships, but more particularly to those persons who own lands lying upon either side of the same; therefore to enable the said objects to be carried out and accomplished,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Commission-}
the State of New Jersey, That N. Norris Halsted, Joseph ^{ers to im-}
L. Hewes, Stephen K. Jerolemon, John Boyd, junior, and ^{prove avenue.}
Henry Kenton, or a majority of them, be hereby appointed commissioners to cause said Kearney avenue to be regulated and graded throughout its whole length and width; *provided,* ^{Proviso}
they first secure the consent in writing of the owners of a majority of the frontage on said avenue, the whole length thereof, as laid on the map of said avenue made by Ellis Dunn, surveyor, and now on file in the clerk's office of Hudson county.

2. *And be it enacted,* That before entering upon the duties ^{shall take an}
hereinafter specified, the said commissioners, or a majority ^{oath, and ad-}
of them, shall take and subscribe an oath or affirmation ^{vertise for}
before some persons having authority to administer the same, ^{proposals.}
that they will faithfully and impartially perform the duties required of them, and that they are not, and will not become interested directly or indirectly, in any contract to be given out by them, and after which it shall be lawful for the said commissioners to advertise, for not less than ten days, in at least one newspaper published in Jersey City and the city of

Newark for proposals, and may thereafter open said proposals for the doing of said work, and let the same to the person or persons who offer to do it for the least sum of money; *provided*, that said work shall not be let without security from the contractor or contractors in such sums as the commissioners or a majority of them may require, not less, however, than one-third the price for doing such work; *provided*, the whole cost of said work shall not exceed the sum of six thousand dollars, and said commissioners may, if they deem it to be to the interest of the property owners along said avenue, reject all the offers and re-advertise as above; and said commissioners are hereby empowered to employ some competent surveyor to perform the services required of him, at such compensation as they may determine.

Proviso.

Proviso.

May issue certificates of indebtedness to contractor.

3. *And be it enacted*, That said commissioners may, on a certificate of the surveyor of the amount of work done, issue to the contractor a certificate or certificates in sums of not less than five hundred dollars as the work progresses, and on the completion of the work for the balance due, and a like certificate to the surveyor in payment for expenses incurred, which certificates shall draw interest at the rate of seven per centum per annum until paid, and such certificates shall be receivable in payment for any assessment laid by said commissioners as shall be hereinafter provided.

Shall prepare maps and statement of cost.

4. *And be it enacted*, That after the work of regulating and grading said avenue shall be completed, the said commissioners shall cause three maps to be made of all the lands fronting on said avenue, designating each parcel by numbers and showing the owners' or reputed owners' names on said map, and the lineal feet which each parcel shall front on either side of said avenue, and they shall lay down on said maps a statement of the cost of such improvement, and make a schedule showing an equal division of the costs and charges of such improvement to each parcel of land pro rata in the proportion which the whole cost bears to the total lineal frontage on said avenue, the interest upon certificates issued to be computed up to a period of sixty days after the making of such maps; and said commissioners shall thereby lay an assessment on said lands as aforesaid, and certify to the same on said map by their hands, and cause one copy of said map, with their qualifications, to be filed of record in the county clerk's office of the county of Hudson, and place the other copy in the hands of the collectors of taxes for the time being

Shall levy an assessment on lands, which shall be a lien

of said townships of Kearney and Harrison respectively, which assessment shall be a lien on the lands in said townships respectively upon which the same is laid from the time of filing said map and certificate in said clerk's office; and it shall be the duty of the collectors in each of said townships respectively to collect said assessment within sixty days from the time of laying the same, in the same manner in which township taxes are collected, and to pay the same over to the holders of any certificate or certificates of said commissioners in sums of fifty dollars or upwards as the same shall come into his hands, endorsing such payments upon such certificates; and the said collectors shall proceed in all things as by the laws of this state township collectors are bound to proceed, where not otherwise herein specified, and shall be liable to the same pains and penalties prescribed in sundry cases.

Collectors
shall collect
assessment.

5. *And be it enacted*, That in case any owner or owners of lands shall fail to pay the assessment laid thereon within sixty days from the time of laying the same, then the collector shall return the same in the same manner; and all subsequent proceedings, including the sale of the lands so assessed, shall be the same as though they were to be had for unpaid taxes, and the moneys made by virtue of the sale of lands or chattels shall be applied in payment of the certificates issued by the commissioners, with interest as above, and the lawful costs of said proceedings.

On failure to
pay lands may
be sold.

6. *And be it enacted*, That this act shall be taken and deemed a public act, and shall take effect immediately.

Approved March 1, 1870.

CHAPTER CXL.

A Supplement to the act entitled "An Act to incorporate the Rahway Water Company," approved March eighth, eighteen hundred and fifty-nine.

Amendment. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the phraseology "the counties (or county) of Middlesex or Union, (or both) as the case may require," occurs in the act to which this is a supplement, the same shall be amended to read "the county of Union;" and wherever the word "Middlesex" otherwise occurs in said act, the word "Union" shall be substituted therefor.

Approved March 1, 1870.

CHAPTER CXLI.

An Act for the relief of Ebenezer Emmons of the county of Monmouth.

Pension. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and is hereby authorized and required to pay to Ebenezer Emmons of the county of Monmouth, who was a soldier in the war of eighteen hundred and twelve, or to his order, the sum of one hundred dollars per annum during the term of his natural life, in equal semi-annual payments of fifty dollars each, the first payment to be made upon the first day of June, eighteen hundred and seventy.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1870.

CHAPTER CXLII.

An Act to incorporate the Paterson Athletic Association.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of cor-
porators.</sup> *the State of New Jersey,* That James Jackson, Garret A. Hobart, Isaac Newton, junior, Charles H. May, George H. Low, James Crooks, J. Alexander Beckwith, J. W. Congdon, B. W. Hoxsey, Andrew Derrom, E. Theodore Bell, R. S. Hayes and David T. Gilmore, and such other persons as now are or shall hereafter be associated with them and their successors, are hereby constituted a body corporate by the name of "The Paterson Athletic Association," for the purpose of <sup>Corporate
name.</sup> mental and physical improvement, by the establishment and maintenance of a suitable gymnasium and reading room, or either, and by such other means and appliances as shall be expedient and proper for such purpose.

2. *And be it enacted,* That the capital stock of the said <sup>Amount of
capital stock.</sup> corporation shall be two thousand dollars, with the power to increase the same to the sum of ten thousand dollars, if they deem it proper so to do, to be divided into shares of five dollars each, which shall be transferable only on the books of the said corporation, subject to such regulations and restrictions as the directors shall from time to time prescribe.

3. *And be it enacted,* That the said corporation shall be ^{Directors.} located in the city of Paterson, and that the persons named in the first section of this act shall be first directors of the said corporation, who shall continue in office until the first Wednesday in February, anno domini eighteen hundred and seventy-one, and until others are duly elected in their stead.

4. *And be it enacted,* That the directors of the said cor- <sup>Powers of di-
rectors.</sup> poration shall have power from time to time to make and establish such by-laws, rules and regulations as they shall deem proper for the election of officers, for prescribing their functions and the mode of discharging the same, for the admission of members, the suspension and expulsion of the same, for the government of the officers and members, for imposing and collecting admission fees, fines and contributions from the members, and for such other purposes as shall become neces-

sary to fully carry out and effect the objects and intent of this corporation, not inconsistent with the laws of this state or of the United States.

May purchase
and hold real
estate.

5. *And be it enacted*, That for carrying out the purposes and objects of this corporation they may purchase and hold such personal property as may be deemed necessary and expedient, and may lease, purchase, hold and convey such real estate as they shall require, to an amount not exceeding the sum of ten thousand dollars.

How dissolved

Proviso.

6. *And be it enacted*, That the said corporation may be dissolved at any general meeting of the stockholders specially convened for that purpose; *provided*, at least a majority in value of the stockholders shall be present or represented therein, who shall elect trustees at said meeting, not less than three in number, which trustees, their survivors or survivor, shall be empowered to dispose of all the assets, real and personal, and collect and pay the debts of the said corporation, and settle and compound all its affairs and divide its surplus among the stockholders in proportion to their respective interests in the capital stock.

General powers.

7. *And be it enacted*, That the said corporation shall possess all the powers and privileges and be subject to all the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved February fourteenth, anno domini eighteen hundred and forty-six, and the various supplements thereto.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1870.

CHAPTER CXLIV.

A Further Supplement to "An Act to incorporate the City of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all improvement certificates hereafter issued by the said city of Hoboken shall draw interest at the rate of seven per centum per annum from the date of their issue. Rate of interest of certificates.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1870.

CHAPTER CXLV.

An Act to authorize the Board of Chosen Freeholders of the County of Passaic to raise money for the construction of bridges by the issuing of bonds; and to protect the bridges of said county from injury by fast driving.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Passaic to provide for the expenses incurred or to be incurred in the building of bridges in and for said county, by the issuing of seven per centum coupon bonds in the corporate name, and under the corporate seal of said county to be signed by the director of said board of chosen freeholders and attested by the county collector of said county for an amount not to exceed the sum of one hundred thousand dollars in the aggregate, and the said bonds to be for such sums, not less than five hundred May issue bonds to provide for erecting bridges.

dollars each, and payable at such time or times as the said board shall deem proper, not exceeding twenty-five years from the date of the approval of this act, the interest to be payable semi-annually; and to pledge the property and credit of said county for the payment of the same; and the said board of chosen freeholders shall have power to sell said bonds for any sum not less than the par value thereof.

Bonds paid by
taxation.

2. *And be it enacted*, That the said board are hereby authorized and required to provide for the payment of the said bonds and the interest thereon as the same shall from time to time become due and payable by taxes to be raised, levied, assessed and collected, at the times and in the manner that other county taxes in said county are levied, assessed and collected.

How proceeds
shall be ap-
plied.

3. *And be it enacted*, That the proceeds of the bonds issued under and by virtue of this act shall be applied by said board to the payment and satisfaction, of such indebtedness as heretofore has been, or shall hereafter be contracted in the construction of bridges in and for said county.

Penalty for
driving over
bridges faster
than a walk.

4. *And be it enacted*, That it shall not be lawful for any person to ride or drive upon or over any bridge in the said county of Passaic which shall exceed one hundred feet in length faster than a walk, under a penalty of ten dollars for each offence to be sued for and recovered in any court of competent jurisdiction in this state, with costs of suit, by any person who shall sue for the same.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1870.

CHAPTER CXLVI.

An Act to increase the number of the Township Committee of the township of Bloomfield, in the county of Essex, and to provide for the making of cross-walks, sidewalks, the lighting of streets, and the care of the public grounds in said township.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the township committee of said township of Bloomfield shall consist of seven persons instead of five, to be chosen in the manner provided by law. Increase of township committee.

2. *And be it enacted*, That upon the application of two-thirds of the number of land owners upon any street or part thereof in the township of Bloomfield, made in writing over the hands of said land owners, asking for the lighting of such street or part thereof under this act, the township committee of said township shall have power to cause lamp posts to be erected with lamps and the necessary fixtures, and to provide for the lighting of such street or part thereof in such manner and at such times as said committee shall by resolution direct. Proceedings in lighting streets.

3. *And be it enacted*, That when such posts, lamps and fixtures as may be necessary for the lighting of such street or part thereof shall have been put up and provided, and the entire expense thereof ascertained by said committee, they shall proceed to assess such expense upon the owners of lands upon such street or that part thereof provided with lights as aforesaid as nearly as may be in proportion to the benefits derived by them respectively therefrom, and shall reduce said assessment to writing and sign the same, and shall cause two copies thereof to be set up in two public places in said township, near to said street or part thereof, with a notice of the time and place of a meeting of said township committee to hear said land owners interested therein, and also cause notice to be served upon each of said land owners living in said township and mentioned in said assess- Expense to be assessed upon owners of lands upon the street.

Notice to parties interested therein.

ment substantially, as follows: "You are hereby notified that the township committee have assessed against you the sum of ——— as your share of the expense of erecting posts, lamps and fixtures in the street on which you own land, and that said committee will meet at ——— on ———, for the purpose of reviewing and revising said assessment, at which time and place you are invited to be present.

A. B., Township Clerk."

which notices shall be given at least six days before the time mentioned therein for the meeting of the township committee, and shall be served either by leaving a copy at the residence of said land owner if living in said township or by delivery to him or her in person; at the meeting so fixed, or at any duly adjourned meeting after such notice, said committee shall hear the allegations of the land owners who may be present, and shall revise said assessment if they deem it advisable and just so to do; and their assessment so revised shall be final and conclusive upon the parties, and the sums so assessed shall be collected at the same time and in the same manner as other township taxes.

Annual expense assessed on owners of lands.

4. *And be it enacted*, That after said posts, lamps and fixtures shall have been erected, the annual expense of maintaining the same and lighting of said lamps shall be paid by said township committee in the first instance, and shall then be assessed upon the owners of lands in said street, or part thereof, in the manner provided in the preceding section of this act, in each year, and collected at the same time and in the same manner as other township taxes.

Proceedings in grading and paving sidewalks.

5. *And be it enacted*, That upon application, in writing, signed by twelve or more of the freeholders of said township, petitioning said township committee to cause the sidewalks along any side of a street in said township, between the points named in said petition, to be graded and paved or laid with boards or composition, it shall be lawful for said township committee, in their discretion by resolution of a majority of their number at any regular meeting, to direct such grading, paving or laying to be done, or such part thereof as they may deem best; but before any action shall be taken in pursuance of such resolution, notice shall be given of the same by setting up a copy of said resolution, containing a description of such work, and showing between what points the same is to be done, together with a list of the land owners between said points, in two public places in said township, near to said

points, and showing also where the profile or grade may be seen, and the time and place when said land owners can be heard before said committee respecting said proposed work; which notice shall be set up at least six days before such meeting of the township committee, and a similar notice shall also be served on each of said land owners living in said township, at least six days before such meeting, by delivering a copy thereof to him or her, in person or by leaving such copy at his or her residence; after said owners have been heard, or shall have failed to appear, the said committee shall vote again upon the resolution, so as aforesaid adopted, and when the same as originally made, or as revised, shall be adopted by a majority of said committee, it shall be lawful for said committee to cause said sidewalk to be graded and laid or paved in the manner described in said revised resolution; a copy of said resolution shall be served on each of said land owners living in said township, by the same being delivered in person or left at the dwelling house of such owners respectively; nothing shall be done towards carrying said resolution into effect till after ten days from the service thereof as aforesaid, and if within said ten days any land owner shall give written notice to the clerk of said township, or to the chairman of said township committee of his or her intention to do such work described in said resolution in front of his or her land at his or her own expense, such land owner shall have the right so to do according to the directions of said resolution and in conformity with the grade therein referred to; but if any land owner shall not give such notice, or shall fail to begin said work within fifteen days after giving such notice, or having begun the same shall not proceed therewith without delay, said committee shall cause the same to be done as they shall deem best, and when the expense of such grading, laying or paving shall have been ascertained, said committee shall proceed to assess the same upon the owners of the land on that side of the street and between the points where such work was done, as nearly as may be according to the actual cost of the work in front of the lot or land of each owner respectively, and shall reduce said assessment to writing and sign the same, and thereupon the like notice shall be set up and given and the like proceedings had as are set forth in section third of this act in regard to assessments for lighting streets; and when said assessment shall have been confirmed or altered after the

hearing as provided for in said third section, the same shall be final and conclusive upon the parties, and the sums so assessed shall be collected at the same time and in the same manner with other township taxes.

Township
committee to
lay crosswalks

6. *And be it enacted*, That said township committee shall have power to cause crosswalks to be laid and maintained across roads or streets in said township wherever they may deem proper, and the expense thereof shall be paid out of any moneys raised for that purpose or for the purposes of roads or highways in said township; and they shall also have power to pass by a majority of their number, such ordinances, by-laws and regulations as they may judge proper respecting the care and improvement of the public grounds, and to prevent the running at large of cattle therein, and to direct and regulate the planting, rearing and trimming of shade and ornamental trees, to abate and remove all nuisances in the streets and public places in said township, and to cause the snow to be removed from the sidewalks therein.

How road tax
shall be ex-
pended.

7. *And be it enacted*, That out of the moneys raised and collected for purposes of roads and highways from the taxpayers residing along any street or road it shall be the duty of the township committee to expend upon such street or road at least two-thirds of the amount paid by such tax payers, and the remaining one-third whenever they may judge best; and the taxes collected for roads or highways from persons living on any turnpike or road of an incorporated company shall also be expended where said committee shall determine; the township committee shall deliver to the township collector a copy of the assessments made as aforesaid for lighting streets or for grading and laying or paving sidewalks, and the said collector shall include in the tax bills of the persons against whom such sums have been assessed by virtue of this act, the respective sums so assessed against them, to be collected from such persons at the same time and in the same manner as other township taxes; and the said township committee is hereby authorized on the credit of said township to negotiate for the use of such sums of money from time to time as it may be necessary for them to employ in carrying out the purposes of this act; and it shall be lawful for the inhabitants of said township at any annual town meeting to vote any sums of money that they may deem necessary, to be raised by taxes during any year ensuing such meeting for crosswalks and public grounds or either of such purposes, and

such moneys shall be assessed and collected as other township moneys shall be, and the moneys so raised for crosswalks or public grounds shall be expended by the township committee as they may deem best.

8. *And be it enacted*, That the township committee shall also cause the grades of the streets and sidewalks of said township to be established and profiles thereof to be deposited with the clerk of said township to be preserved by him and exhibited to such persons as may desire to examine them, and the sidewalks constructed under this act as well as all others in said township shall be laid so as to conform to such grades.

Grades of streets and sidewalks to be filed with township clerk.

9. *And be it enacted*. That an act entitled "A Further Supplement to an act entitled 'An Act to authorize the inhabitants of the Township of Bloomfield to vote by ballot at their town meetings,' approved March thirtieth, eighteen hundred and sixty-nine," be and the same is hereby repealed, and this act shall be deemed a public act and take effect immediately.

Repealer.

Approved March 1, 1870.

CHAPTER CXLVII.

An Act for the Relief of Jesse P. Carll and William H. H. Carll, Assignees of Charles M. Carll.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the orphans' court, in and for the county of Salem, or any two judges thereof, by their order, upon application to said court or judges, by Jesse P. Carll and William H. H. Carll, assignees of Charles M. Carll, to extend the time limited in the fifth and eleventh section of an act entitled "An Act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors," approved April sixteenth, eighteen hundred and forty-six (so far as the said act may apply to the assignment of said Charles

Act for relief.

M. Carll,) for a period not exceeding three months from the date of this act, and the said order shall have the same effect as if the time limited therein had been fixed by said act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1870.

CHAPTER CXLVIII.

A Further Supplement to an act entitled "An Act to incorporate Morristown," approved April sixth, eighteen hundred and sixty-five.

May issue
bonds and
provide by tax
for payment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporation of Morristown be and is hereby authorized to issue bonds to an amount not exceeding five thousand dollars, in sums of not more than one thousand dollars, and not less than one hundred dollars each, to be signed by the mayor and countersigned by the town clerk, and sealed with the corporate seal of said town, and to have written or printed thereon the words "Fire Bonds," and one thousand dollars in amount of said bonds shall be made payable each and every year from the date thereof, so that the whole amount of said bonds shall become due and payable in five years from the date thereof, with interest at seven per centum per annum, payable semi-annually, and the common council of Morristown shall have power to raise the money by tax to pay the principal and interest of the said fire bonds as the same mature, in addition to the tax they are now authorized to raise, and in the same manner as other taxes are assessed and raised by said corporation.

Proceeds ap-
plied to es-
tablishment of
fire depart-
ment.

Proviso.

2. *And be it enacted*, That the proceeds of the sale of said bonds shall be appropriated and used by said common council for the establishment and maintenance of the fire department; *provided*, that the common council of Morristown shall have power to sell and dispose of the bonds of the said corporation at market value.

3. *And be it enacted*, That the eighth section of the "Sup- Amendment.
plement to an act entitled 'A Supplement to an act to incor-
porate Morristown,'" approved April sixth, eighteen hundred
and sixty five, which said supplement was approved March
fifteenth, eighteen hundred and sixty-six, shall be so amended
that next after the words "greater sum than," in said sec-
tion, the words "five thousand dollars" shall be stricken out
and the words "ten thousand dollars" be inserted.

4. *And be it enacted*, That the common council of Mor- May raise
ristown shall have power to pledge the credit of said corpora- temporary
tion by promissory note or notes of the mayor or otherwise, loans.
for the purpose of raising temporary loans; *provided*, that Proviso.
no such loan or loans shall be made or raised before the tenth
day of March in any year, nor to a greater amount than
eight thousand dollars in any one year, which amount so
raised shall be first paid out of the taxes first thereafter
raised by said corporation.

5. *And be it enacted*, That section two of the supplement Repealer.
entitled "A Further Supplement to the act entitled 'An Act
to incorporate Morristown,'" approved April sixth, eighteen
hundred and sixty-five, which said supplement was approved
April seventeenth, eighteen hundred and sixty-eight, be and
the same is hereby repealed.

6. *And be it enacted*, That the said mayor, recorder, alder- May vacate
men and common councilmen of Morristown shall have power, streets.
by ordinance or resolution, to vacate any portion or strip of
any street or road within the corporate limits of said town,
and after the portion or strip so vacated shall have been
taken possession of by the owner of the freehold therein, it
shall not be lawful for the corporate authorities of said town
to take or appropriate the same again for any public purpose
without making compensation therefor according to law;
provided, it shall not be lawful to vacate any part or portion Proviso.
of any of the streets or roads within said corporate limits
after the same shall have been surveyed, adopted, fixed and
established by the corporate authorities in accordance with
the provisions of the charter of said corporation, and the
several supplements thereto.

7. *And be it enacted*, That the said mayor, recorder, May regulate
aldermen and common councilmen of Morristown, shall have and alter the
power by ordinance, to regulate and alter the grade of any grade of any
road or street within the corporate limits; and whenever road or street.
they shall desire so to do, they shall cause a profile map to

be made of such road or street, or so much thereof as shall be proposed to be altered in its grade, which map shall show the proposed new grade; and shall give ten days notice by publication in two newspapers in Morristown, of the time and place of meeting of their committee on streets, to hear objections and suggestions as to such proposed change of grade, which the said committee is hereby authorized to hear, and which meeting may be adjourned from time to time, and said committee, after hearing such objections and suggestions, shall make a report to the common council, who shall then have power to act thereon, and pass such ordinances in the premises as they shall think best.

Commissioners to make assessment of damages.

8. *And be it enacted*, That after the grade of any street shall be altered by virtue of any such ordinance, it shall be the duty of the common council, on the application in writing of any land owner who shall think himself or herself aggrieved or injured by such alteration, to appoint five disinterested freeholders of said town commissioners to make an estimate and assessment of the damages that any and each owner of land lying on the said street, whose grade has been so altered, has sustained by reason of such alteration.

Shall take an oath.

9. *And be it enacted*, That such commissioners, before entering on the execution of the duty of their appointment, shall severally take and subscribe an oath or affirmation before the mayor or town clerk of said town, to make such estimate and assessment fairly and impartially according to the best of their skill and judgment.

Proceedings in making assessments.

10. *And be it enacted*, That said commissioners shall give ten days' public notice by advertisement in two newspapers printed and published in Morristown, of the time and place of their first meeting; and said commissioners, or a majority of them when met, shall have power to examine witnesses, under oath or affirmation, to be administered by any one of said commissioners, to enter upon and view the premises alleged to be injured by such alteration of grade, and to adjourn from time to time, and shall make a just and true estimate and assessment as aforesaid, and make a certificate of such estimate and assessment, and file the same with the town clerk, and it shall be binding and conclusive on the parties, as well the land owners as the common council, but any party interested, and also the common council, may appeal from the finding of such commissioners in the case of any of the land owners whose case is presented to

and passed upon by the commissioners, within thirty days from the time of filing such certificate, and the supreme court shall thereupon order a trial by jury, to reassess the damages in the case or cases appealed from.

11. *And be it enacted*, That when the total amount of ^{Assessments made on lands for damages.} damages shall have been ascertained by virtue of the proceedings hereinbefore provided for, the means to pay the same shall be provided for by an assessment upon all the lands and real estate which shall be benefited by such change and alteration of grade, the same to be levied and assessed in proportion to the benefits each piece or parcel of land shall receive therefrom, and the amount levied and assessed upon any piece or parcel of land shall not exceed the benefit received by it, and the common council shall appoint five disinterested freeholders of said town commissioners to make such assessment and levy, who shall be sworn and proceed in all respects the same as hereinbefore provided for in the case of the commissioners to assess the damages, and there shall ^{Right of appeal.} be the like right of appeal from their certificate of assessment and levy.

12. *And be it enacted*, That the certificate last mentioned ^{Certificate final and conclusive.} shall be final and conclusive upon the parties unless appealed from within thirty days from its filing with the town clerk; and on appeal from the assessment and levy, as to any one or more pieces or parcels of land shall not affect the assessment in other respects, and the amount assessed and levied on each piece or parcel of land shall, from the time of its being filed with said town clerk, be a lien on such pieces or parcels of land until paid, or otherwise discharged by law.

13. *And be it enacted*, That the common council shall ^{Council shall have power to collect by suit at law.} have power to collect such levy and assessment by suit at law against the owner of the piece or lot of land upon which it is levied, or by sale of the same to pay such assessment, or by both of these proceedings.

14. *And be it enacted*, That in case of a suit at law to recover such assessment, the action shall be for money paid, ^{Manner of action.} laid out and expended for the use of the owner of said piece or lot of land, and the declaration shall be general, and at the trial the special matter shall be given in evidence in support of such action.

15. *And be it enacted*, That the lien hereby declared and imposed upon any piece or lot of land so assessed, shall and ^{Lands may be sold under lien} may be enforced by sale thereof at public auction, to be

made by the town treasurer, which sale shall be advertised and conducted in all respects the same as are sales of land by sheriff by virtue of executions, except the advertisements in one newspaper shall be sufficient; and said treasurer shall have power to adjourn said sale and re-advertise said premises to the same extent and in the same manner that a sheriff or master in chancery now has on sale under execution, and such sale shall be for the lowest term of years for which any person who bids will take the said piece or parcel of land and pay the said assessment with the interest, costs, fees and charge and expense of sale, which shall be the same as are allowed the sheriff in sales upon executions, excepting per centage; and the said treasurer shall make out and deliver to the purchaser a deed for the same, which may be acknowledged and recorded as other deeds, and no title under such sale shall be held invalid by reason of any defect or informality which would not invalidate a sheriff's sale, and no sale shall be invalidated by reason of any error or mistake in the amount due on the assessment and levy under which it is made, or for any overcharge of costs, fees, charges or expenses thereof, (but the treasurer shall be liable in damages to the party aggrieved for any such overcharge,) nor for any irregularity of the common council in their proceedings to grade said street.

Due notice to
be given of
sale.

16 *And be it enacted*, That no proceedings to sell under the foregoing provisions shall be taken until after the said certificate of assessment and levy shall have been on file thirty days with the town clerk, nor until after the town treasurer shall have advertised that the same has been on file for two weeks in the two newspapers published in Morristown.

17. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1870.

CHAPTER CLI.

An Act to incorporate the Ridgeway Grape and Cranberry Company of Ocean County.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard B. Parker, R. C. Browning, Charles E. Parker, C. C. Bristol, Jacob H. Wyckoff, and all such persons as may hereafter be associated with them, their successors and assigns, be, and they are hereby constituted a body politic and corporate in fact and in law by the name of "The Ridgeway Grape and Cranberry Company of Ocean County," for the purpose of buying, holding, cultivating and improving lands in Ocean county, and for raising and selling grapes, cranberries and other fruits, and other produce of said lands, and carrying on the business connected therewith, and erecting such buildings and holding such personal property as may be necessary therefor, and that they and their successors, by the same name, may sell, grant, alien, mortgage and dispose of the said lands, tenements and hereditaments, grapes, cranberries, produce, fruits, goods and chattels, or any part thereof; and may lay, open, make and maintain ditches, drains and embankments through their own and adjoining and contiguous lands as they deem for the benefit of said lands doing no unnecessary damage and subject to such compensation to be made therefor as is hereinafter directed.

Names of corporations.

Corporate name and objects.

2. *And be it enacted*, That if the said company or their agents cannot agree with the owner or owners of such required lands 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, then one of the justices of the supreme court of this state, or one of the judges of the court of common pleas, in and for the county of Ocean, shall on application of either party, nominate and appoint three disinterested persons to examine such lands and estimate the value thereof or damage sustained thereby, who shall at the same time take into consideration all the benefits which the said owner or owners may derive from, or in consideration of said improvements, and who shall after

Proceedings when company and owners cannot agree.

at least ten days' notice to the parties of the time and place where they will be heard in relation to the matter, proceed without delay to make their report thereon, and deliver the same to the court at the next session thereof, which shall be held in the said county; and whenever such report shall be confirmed by the court aforesaid, the said company shall within two months thereafter, pay to the said owner or owners, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damages sustained, as the case may be; and thereupon the said company shall become seized in fee of such lands so required and shall be discharged from all such claim by reason of such damage, but no claim shall be made or allowed after the expiration of three years from the time the lands are taken or the damages sustained.

Amount of
capital stock.

3. *And be it enacted*, That the capital stock of said company shall be seventy-five thousand dollars, with the liberty to increase the same to one hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and that subscriptions to the capital stock may be paid in real and personal estate in a valuation to be agreed upon by a majority of the directors; and the said corporation may issue stock in payment therefor, and that the subscriptions for stock shall be opened in the village of Manchester, in Ocean county, at such time and place as the directors may designate, under their direction, or that of such person or persons as a majority of them may select.

Powers of di-
rectors.

4. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, one of whom shall be president, and a majority of whom shall have all the powers of the board, and they shall hold their office for one year, and until others are elected in their places, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such times and places in this state or elsewhere, as the by-laws may provide; and that until an election for directors shall be held, the persons named in the first section of this act shall be directors.

How dissolved

Proviso.

5. *And be it enacted*, That the said corporation may be dissolved by a general meeting of the stockholders, specially called for that purpose; *provided*, that at least three-fourths in value of the holders of the capital stock shall concur

therein; and upon such dissolution, the directors for the time being, and the survivor or survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts and dividing the surplus among the stockholders in proportion to their respective interests in the stock.

6. *And be it enacted*, That the stock of said corporation shall be deemed personal estate and shall be transferable in such manner as the by-laws may prescribe. Stock transferable.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1870.

CHAPTER CLII.

An Act relating to the Street Commissioners of Greenville,
Hudson County, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the street commissioners of Greenville are hereby authorized to take from the Hudson county clerk's office and the township clerk's office of the township of Greenville, Hudson county, the maps filed in said offices by said commissioners, on the fourth day of October, eighteen hundred and sixty-nine, and to correct and alter the same as they may deem for the best interests of the township of Greenville, and thereafter to refile the same in said offices within twenty days. Street commissioners authorized to correct and alter maps.

2. *And be it enacted*, That the said commissioners shall, in addition to the rights and powers conferred on them by this act, have the same rights, powers and authority with reference to the streets and avenues laid down on said altered and corrected maps, and with reference to the improvement thereof, as they had, with reference to streets and avenues, shown on said maps now on file in said offices, and the im- Rights and powers as to streets and avenues.

provement thereof under any acts now in force respecting said commissioners or their rights, powers or duties; all the streets and avenues which shall be laid down on said corrected and refiled maps shall be open to public use, and any street or avenue heretofore existing and not laid down and shown on said corrected and refiled maps shall, from the date of said refiled, cease to be a public street or avenue; immediately upon the refiled of said maps, said commissioners may commence to improve the streets and avenues laid down thereon.

May issue improvement certificates.

3. *And be it enacted*, That the said commissioners shall have power to issue "improvement certificates" to contractors in payment for work and material done or furnished on any street or avenue, and to issue them at such times during the progress of the work and after it has been finished, for such amounts, payable at such periods and executed in such manner as they may deem best; said improvement certificates shall be paid out of the proceeds of the sale of the bonds mentioned in section four of this act.

May borrow money and issue bonds.

4. *And be it enacted*, That it shall be lawful for the street commissioners to borrow such sums of money as they may deem necessary, in anticipation of the collection of assessments for street improvements, the payment of said sums thus borrowed to be provided for by the issue of either registered or coupon bonds as said commissioners may from time to time direct, and in such amounts as may be required to meet the contracts and obligations of said commissioners falling due or to fall due thereafter, for any street improvements; that said bonds shall bear interest at the rate of seven per centum per annum, payable half-yearly, and the principal of said bonds shall be payable at such times as said commissioners may designate on the face thereof, and said bonds may be sold at public or private sale at such times as the commissioners may direct, at a rate not less than ninety-five per centum of their par value; the township committee of the township of Greenville shall have power and authority, and are hereby required to provide, by taxation, for the payment of said bonds and the interest thereon, as the same shall become due; the assessments for street improvements shall be collected by the said commissioners and paid over to the township committee.

May borrow money and issue bonds

5. *And be it enacted*, That it shall be lawful for the street commissioners of Greenville to borrow a further sum of money, not more than ten thousand dollars, to be provided for by the

issue of either registered or coupon bonds, as said commissioners may from time to time direct; that said bonds shall pay interest at the rate of seven per centum per annum, payable half yearly, and the principal of said bonds shall be payable at such times as said commissioners may designate on the face thereof, and said bonds may be sold at public or private sale at such times as the commissioners may direct, at a rate not less than ninety-five per centum of their par value; the township committee of the township of Greenville shall have power and authority, and are hereby required to provide by taxation for the payment of said bonds and the interest thereon as the same shall become due, and the proceeds of the sale of said bonds shall be used to pay the four thousand dollars of bonds issued by the township committee of Greenville under section five of an act entitled "A Further Supplement to an act entitled "An Act to create the township of Greenville, approved March eighteenth, eighteen hundred and sixty-three," approved April second, eighteen hundred and sixty-nine, and the interest due on said bonds and the amount remaining shall be used to pay the general and incidental expenses of said commissioners incurred and to be incurred, and not embraced in any assessment made or to be made by them.

6. *And be it enacted*, That the assessments upon real estate for street improvements may be paid in fifteen equal yearly payments, each payment to be equal to one-fifteenth of the assessment with interest thereon, at the rate of nine per centum per annum, from the date the said assessment becomes a lien upon the real estate; but if any yearly payment with the interest thereon remains unpaid for thirty days, then the whole amount of the assessment unpaid with interest thereon at the rate of nine per centum per annum, shall, at the option of said street commissioners, become immediately due and payable; nothing, however, in this act contained shall be so construed as to prevent any person from, at any time, paying the entire amount of said assessment and accrued interest then unpaid.

How assessments on real estate for street improvements shall be paid.

7. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be, and the same are hereby repealed; and that this act shall be deemed a public act and take effect immediately.

Repealer.

Approved March 2, 1870.

CHAPTER CLIV.

An Act to vest lands absolutely in the townships of Chester and Cinnaminson, in the county of Burlington, and to enable said townships to convey and dispose of the same.

Preamble.

WHEREAS, Ephraim Haines, by deed of conveyance, bearing date the tenth day of February, anno domini seventeen hundred and seventy, conveyed to Joshua Roberts and Edmund Hollinshead, elders and overseers of the society or congregation of Friends belonging to Chester meeting, in the township of Chester, county of Burlington, State of New Jersey, and to their successors in office forever, for the purpose of a burial place for strangers and other Christian people that do not properly belong to the said society or congregation, all that certain lot of land situate on the northeastwardly side of the road leading from Moorestown to Westfield, near the village of Moorestown adjoining lands of John H. Stokes and lands late of Charles Collins, containing one rood of land; and whereas, said lot of land was afterwards conveyed by the officers of said society to the inhabitants of the township of Chester, county of Burlington, state of New Jersey, in their corporate name and capacity for the purpose aforesaid, by deed bearing date the second day of March, anno domini eighteen hundred and twenty-one; and, whereas, said burial ground has ceased to be used for the purpose aforesaid, and most of the bodies originally interred there have been removed to other places, and it is desirable that said property should be sold and disposed of; and, whereas, the said township of Chester has since been divided into two townships, to wit: the townships of Chester and Cinnaminson, which said townships claim to hold an equal interest in said lands; therefore,

Townships
may convey
lands free
from trusts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title to said lot of land and premises be, and the same is hereby declared to be vested, in fee simple absolute, in the two several townships of Chester and Cinnaminson, share and share alike, free, clear and dis-

charged of and from all and every of the trusts, limitations and conditions, subject to which the same has been heretofore held, and with full power to convey and dispose of the same in fee simple absolute to any person or persons whatever, by deed of conveyance, to be executed under the corporate seals of said two several townships, attested by the signatures of the several members of the township committees of said two townships.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1870.

CHAPTER CLVI.

Supplement to an act entitled "An Act for the relief of School Districts Numbers Twelve, Thirteen, Seventeen and Eighteen, in the township of Morris, in the county of Morris," approved March sixteenth, eighteen hundred and fifty-four, and the several supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Morris School District shall constitute and be called "The Board of Education of Morristown," and the present trustees shall continue to be a body corporate and politic in fact and in name, by the name of the "Board of Education of Morristown," and by that name they and their successors forever, shall and may have perpetual 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 any court of law or equity, and that they and their successors may have a common seal and alter the same at their pleasure.

2. *And be it enacted*, That the said board of education shall elect annually one of their number president, and shall have power to appoint a secretary and a treasurer, with such

compensation and under such security as they may deem necessary, and the meetings of said board shall be public and at least once a month, and at which meeting any taxable person shall have the right to appear to present any proper petition, or to state any grievance through some member of the board.

Board to have charge of public schools.

3. *And be it enacted*, That the said board of education shall have the sole management and control of the public schools now established and hereafter to be established in the said school district, and all of the property therein contained appertaining thereunto, and shall have power, and it shall be their duty to make rules of order and by-laws for the government of the board, its members and committees, and general regulations to secure proper economy and accountability in the use of the school money, to supervise, manage and govern the said public schools, and from time to time make all needful rules and regulations therefor, to direct the course of studies, provide in all things for the good government of said schools, to purchase such books, apparatus, stationery, and other things necessary and expedient to enable said schools to be properly and successfully conducted, to keep the school buildings properly repaired and furnished, to fix the number and compensation of teachers, and to select, employ and pay the teachers employed therein; *provided*, that nothing in this section shall be so construed as to require the said board to furnish books gratuitously for the use of the pupils of the school.

Proviso.

Evening schools

4. *And be it enacted*, That the board of education may provide evening schools, for those whose ages or avocations are such as to prevent their attendance at the day schools, in such of the school buildings as they may from time to time deem expedient.

Duty to examine and inspect schools monthly, and publish annual report.

5. *And be it enacted*, That it shall be the duty of the said board of education; first, to examine and inspect each of the schools, at least once in each month, and oftener if necessary, and on or before the first day of July in each year to publish in each of the newspapers published in the town of Morristown, a report, in which there shall be a particular statement of the amount of money that will be required during the ensuing year for school purposes, the amount to be raised by tax, and shall set forth the condition of the several school buildings, and whether any, and if any, what repairs, alterations, additions or modifications of those buildings, seem

to them to be necessary, and the probable cost of such repairs, additions, and so forth; second, whether they are kept clean and in good order; third, in what manner they are heated and ventilated, and how effectual the means in producing the result desired; fourth, the studies pursued; fifth, the punctuality in attendance of the scholars and teachers; sixth, the progress of the classes in their studies; seventh, the order, attention and general appearance of each school and department; eighth, the length of each morning and afternoon session, and the number and length of the recesses allowed; ninth, the number of scholars who shall have been admitted and taught in each school, and discharged during the preceding year, and the average number that have actually attended each school during the year; tenth, the names, number and qualifications of the teachers, and such other matters as in their opinion are important to ensure discipline or extend the usefulness of the schools.

6. *And be it enacted*, That whenever and as often, as it shall be expedient or necessary to organize new schools it shall be the duty of the board of education to organize the same, and for the purpose of organizing the same, and maintaining those already organized, it shall be the duty of the board of education, after the publication of the said annual report, to order and direct what amount of money shall be raised in each year by tax, and the said board of education are hereby empowered to raise by tax such sum or sums of money as they may deem necessary, and the said board of education shall make out a certificate thereof, signed by the president and the secretary under oath or affirmation that the same is true and correct, and deliver the same to the assessor or assessors of the township or townships in which said district is situated, which said assessor or assessors shall assess on the estate of the inhabitants of said school district, and on all lands liable to be taxed therein, in the same manner as township taxes are assessed, such sum of money as shall have been ordered to be raised in the manner aforesaid, and the collector or collectors of said township or townships in which said district is situated shall pay over the same, when collected, to the treasurer of the board of education, and all moneys so raised and appropriated shall be expended by the board of education for the support of the public schools in said district according to the provisions of this act.

May organize
new schools
it and direct the
amount of
money to be
raised.

Proceedings
on certificate
of same.

7. *And be it enacted*, That the board of education shall

- Rules and reg- not adopt or establish any rule or regulations by which any
ulations. child, residing within the limits of the district, between the
ages of five and eighteen years shall be prevented from at-
tending the public schools in the said district, without any
Proviso. cost or expense for tuition whatever; *provided*, that the said
board shall have authority for misconduct, or other sufficient
reason to suspend or dismiss a pupil from school.
- School record. 8. *And be it enacted*, That there shall be provided and
kept in each school by the principal teacher thereof, neces-
sary blank books, in which shall be entered the names, resi-
dences, and ages of the scholars attending school, and the
number of days they shall have respectively attended, the
absence of any or either of the teachers in said school, and
the alleged cause thereof, and also the names of all persons
visiting such school, and the times of such visiting, which
books shall at all times be kept open for the inspection of
any person who may desire to inspect the same.
- School for 9. *And be it enacted*, That there shall be provided and
colored child- kept a public school or schools, for the education of colored
ren. children, residents within said district, subject in all things
to the control of the said board of education, as the schools
hereinbefore provided for, are subject.
- Superintend- 10. *And be it enacted*, That the said board of education
ent of public shall have power, from time to time, to appoint a superinten-
schools. dent of public schools within said district, and such other
officers or agents as they may deem necessary for the proper
maintenance of the public schools of said district, prescribe
their duties, and fix their compensation, which appointment
shall continue during the pleasure of the board of education,
and no longer.
- Duty of town 11. *And be it enacted*, That it shall be the duty of the
collector as to school moneys collector of the township or townships, in which the said
school district is situated, to pay over to the treasurer of said
board of education all moneys collected by him, and belong-
ing to said district as soon as practicable after they have
been received by him; and it shall likewise be the duty of
the county collector to pay over to the treasurer of the said
board of education, all moneys received by him and belong-
ing to the said district.
- Payment of 12. *And be it enacted*, That the said board of education
bonds. shall provide for the payment of all bonds issued, or autho-
rized to be issued by the Morris school district, and shall
yearly and every year, cause the amount of the same, with

the interest, to be assessed and levied, as is provided by the original act.

13. *And be it enacted*, That the board of education may ^{Vacancies.} fill any vacancy that may occur in their board, by reason of the death, resignation, or removal of any of its members.

14. *And be it enacted*, That all acts and supplements ^{to Repealer.} acts heretofore passed and inconsistent with the provisions of this act, are hereby repealed.

15. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1870.

CHAPTER CLVII.

An Act to incorporate the Ocean Grove Camp Meeting Association of the Methodist Episcopal Church,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of cor-} *the State of New Jersey*, That Elwood H. Stokes, Ruliff V. ^{porators.} Lawrence, George Hughes, William B. Osborn, David H. Brown, John S. Inskip, William H. Boole, Benjamin M. Adams, Alfred Cookman, Adam Wallace, John H. Stockton, Aaron E. Ballard, William Franklin, Robert J. Andrews, Joseph H. Thornley, George W. Evans, Christopher Sickley, George Franklin, Samuel T. Williams, William Manahan, John Martin, George W. Cheeseman, James Black, Oliver Gardiner, Gardiner Howland and William F. Jordan, and their successors, are hereby constituted a body corporate and politic under the name of "The Ocean Grove Camp Meeting ^{Corporate} Association of the Methodist Episcopal Church," for the pur- ^{name.} pose of providing and maintaining for the members and friends of the Methodist Episcopal Church a proper, convenient and desirable permanent camp meeting ground and christian seaside resort.

2. *And be it enacted*, That it shall and may be lawful for ^{May purchase,} said corporation to purchase and hold real and personal ^{hold and sell} estate, and to acquire such lands in this state, in fee simple or ^{real and per-} ^{sonal estate.}

otherwise, as they may deem necessary, proper or desirable for the purposes and objects of the corporation, and the same or any part thereof to dispose of in parcels or otherwise, or in fee simple or otherwise, on such terms, conditions and restrictions, not repugnant to the laws of this state or of the United States, as they may see fit.

May supply
water and
light.

3. *And be it enacted*, That it shall be lawful for said corporation to construct and provide all necessary works to supply the said premises with water and artificial light, and to provide all other conveniences and make all other improvements which may be deemed necessary or desirable.

Management
vested in trus-
tees.

4. *And be it enacted*, That the affairs of the said corporation shall be managed by twenty-six trustees; the persons named in the first section of this act shall be the first trustees of said corporation, and shall hold their offices until others are chosen in their stead; they and their successors shall be and remain members of the Methodist Episcopal Church, in good and regular standing; any trustee dying, or ceasing to be a member of said church, or being guilty of conduct deemed incompatible with the objects and purposes of the corporation, his place may be declared vacant and a successor duly elected by a two-thirds vote by ballot of the remaining trustees present at the regular annual meeting of the association.

Powers of
trustees.

5. *And be it enacted*, That said board of trustees shall from their own number elect a president, secretary and treasurer annually, and may appoint any other officers of the corporation they may think proper from time to time, and may pass and enforce such by-laws as they may deem needful; *provided*, that the same be not repugnant to the constitution or laws of this state or of the United States.

Proviso.

Property ex-
empt from tax

6. *And be it enacted*, That the real and personal property of said corporation (said property not to exceed in annual value five thousand dollars) shall be exempt from all assessment and taxation; any surplus funds remaining to the corporation after defraying the necessary expenses thereof for improvements or otherwise, shall be devoted to such charitable, benevolent or religious objects or purposes as may be agreed on by the said board of trustees at their regular annual meeting.

Peace officers.

7. *And be it enacted*, That the said trustees shall have power to appoint such peace officers as may be deemed necessary for the purpose of keeping order on the camp ground

and premises of the corporation, which officers shall be paid by the said corporation for their services, but shall have, when on duty, the same power, authority and immunities which constables and other peace officers under the laws of this state possess or enjoy, when on duty as such; and they shall have power to enforce obedience on said ground and premises to any rule or regulation of said trustees for the preservation of quiet and good order; all the provisions of "An Act for suppressing vice and immorality," revision approved April fifteenth, eighteen hundred and forty-six, and of "An Act to prevent the disturbance of meetings held for the purpose of religious worship," passed February second, eighteen hundred and twenty, shall apply to all meetings or gatherings held in pursuance of and under the authority of the corporation hereby created in all respects.

8. *And be it enacted*, That the meetings and religious services held on said camp ground and premises shall at all times be under the direction of a committee for that purpose, to be appointed by the said board of trustees at their regular annual meeting. Meetings and religious services.

9. *And be it enacted*, That this act shall be considered a public act, and shall take effect immediately.

Approved March 3, 1870.

CHAPTER CLVIII.

A Supplement to an Act entitled "An Act to Incorporate the Perth Amboy Savings Institution," approved April second, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the seventh section of the act to which this is a supplement, shall be so extended as to authorize the said corporation to make temporary loans upon personal security, with pledges of collateral securities worth at least twenty per centum more than the amount loaned; *provided*, that the amount thus loaned shall May make loans on personal security, &c. **Proviso.**

not at any time exceed twenty per centum of the whole amounts of the assets and securities of the said corporation.

Amendment. 2. *And be it enacted*, That section second of this act shall be so amended as to permit five managers to constitute a quorum.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1870.

CHAPTER CLIX.

An Act to incorporate the Rahway Manufacturing Company.

Names of corporators.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That Jacob R. Shotwell, Patrick Clark, John T. Moore, Horace L. Clark and Amos P. Scudder, and their associates, successors and assigns, be and they are hereby created a body politic and corporate, by the name
Corporate name.	of "The Rahway Manufacturing Company," for the purpose of manufacturing and selling fan blowers and machinery, and other articles connected with said business; and for that purpose may purchase, convey, mortgage and lease such real and personal property as may be needful for use in carrying on said business, or may accrue to them in the course thereof.
Office, where located.	2. <i>And be it enacted</i> , That the business of said company shall be carried on at Rahway, in the county of Union; and the directors may hereafter change the location of the same.
Amount of capital stock.	3. <i>And be it enacted</i> , That the capital stock of said company shall be twenty-five thousand dollars, and may be increased to any sum, not exceeding in all one hundred thousand dollars, divided into shares of one hundred dollars each; and it shall be lawful for said company, if they shall see fit, to purchase any part or all the property, assets, rights and effects of the company now known as the Rahway Manufacturing Company, and to give stock in part or full payment thereof; when twenty-five thousand dollars of the stock is subscribed for and paid, or satisfactorily secured to be paid,

said company may commence to conduct and carry on their business until they shall deem it necessary to extend their operations, and increase their capital for that purpose, which a majority of the directors are authorized to do, to the amount hereinbefore mentioned, and it shall be lawful for the directors, or a majority of them, to call and demand from the stockholders respectively, all sums of money by them subscribed of the said capital stock, or to the increased capital above the said sum of twenty-five thousand dollars, at such times and in such proportions as they think proper, under pain of forfeiting the shares subscribed, and all previous payments thereon, if such payments shall not be made in thirty days after a notice shall have been published for the space of fifteen days in one or more newspapers published in said county of Union.

4. *And be it enacted*, That the stock, property and business of said corporation shall be managed and conducted by not less than three nor more than seven directors, being stockholders, one of whom shall be president; and that the persons named in the first section of this act, shall be the first directors to organize the affairs of said company, until the first Monday of May next, and until others are elected in their stead; that on and annually thereafter, the directors shall be chosen on the first Monday of May, at such place and on such notice as the by-laws of said company shall determine; that all elections shall be by ballot, and if at any time, for any cause, it shall happen that no election shall be held or made at the time herein appointed, the directors for the time being shall continue in office until an election be regularly held according to the requirements of the by-laws in that behalf, or by this act; and any vacancy in the board of directors may be filled for the unexpired term by a majority of the same; that a majority of the directors shall be residents of this state; and the directors may appoint such officers and agents as they may deem necessary; and may, by their by-laws, fix their duties and compensation therefor.

5. *And be it enacted*, That the stock and property of the said corporation shall be deemed personal estate, and be transferred in such manner as the by-laws shall prescribe; that certificates of stock be made to the stockholders by the directors, and no transfer of stock shall be valid or effectual until such transfer be entered on the book or books to be kept by the directors for that purpose.

How dissolved 6. *And be it enacted*, That this corporation may be dissolved at any time by a general meeting of the stockholders, summoned specially for that purpose by the board of directors, or a majority of them, giving thirty days notice of such meeting in a newspaper published in said county, at least once in each week during said period; *provided*, three-fourths in value of the stockholders be present or represented therein, and that this act shall continue in force for the period of thirty years, unless dissolved as aforesaid; but, the same may be altered or amended by the legislature whenever it is deemed necessary for so doing.

Previous.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLX.

A Further Supplement to an act entitled "An Act to Incorporate the Plainfield Fire Department," approved March third, eighteen hundred and fifty-four.

Amount of capital stock. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of said corporation shall not, in the aggregate, exceed the sum of fifty thousand dollars, and that it shall not be lawful to raise in any one year, for any and all the purposes mentioned in this act, or the act to which this is a supplement, a sum exceeding six thousand dollars.

May borrow money and issue bonds. 2. *And be it enacted*, That the said corporation are hereby authorized to borrow the sum of ten thousand dollars, in addition to the amount authorized by supplement approved March sixteenth, eighteen hundred and sixty-nine, and to issue bonds for the same, under their corporate name and seal, for the purpose of funding their said indebtedness and providing the necessary building or buildings for their fire apparatus, and putting down additional fire wells, which said bonds shall be issued in sums of from one hundred to five hundred

dollars each, with interest at the rate of seven per centum per annum, payable semi-annually, one thousand dollars of which bonds shall be payable in one year from the date of their issue, and one thousand dollars of said bonds shall annually thereafter become due and be paid with the interest as above provided, at maturity.

3. *And be it enacted*, That the amount of money as thus required by section second of this act to be paid annually, being one thousand dollars, and interest on the said bonds, which shall not have matured, and the bonds and interest issued under "Supplement approved March sixteenth, eighteen hundred and sixty-nine," which shall not have matured, shall be added annually to the amount voted to be raised for other purposes by the members of said corporation, according to the act to which this is a supplement, said several amounts not to exceed, in any year, the aforesaid sum of six thousand dollars; and said aggregate amount of money shall be assessed, collected and paid in the manner prescribed in the act to which this act is a supplement, for assessing and collecting money in said fire district until all the bonds authorized by this act shall be fully paid.

Amount to be assessed according to original act.

4. *And be it enacted*, That the members of the board of managers of said corporation shall, while holding such office, be exempt from jury and militia duty, upon complying with the provisions of the original act, and the several supplements thereto, respecting active firemen as to enrolling their names in the county clerk's office.

Managers exempt from jury and militia duty.

5. *And be it enacted*, That hereafter the board of managers and active members of the said Plainfield fire department shall be exempt from tax for the support of this department, as authorized to be assessed and collected by the original act and the several supplements thereto, on property so taxable, to the value of two thousand five hundred dollars annually.

Managers and active members exempt from tax for support of fire department.

6. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

Repealer.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXI.

A Further Supplement to "An Act for the preservation of Sheep," approved April fourteenth, eighteen hundred and forty-six.

Provisions of
act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the "Act for the preservation of sheep," approved March twenty-fourth, eighteen hundred and fifty-two, be and the same are hereby extended and applied to the township of Hopewell, in the county of Mercer, together with the following amendments to the same.

Change of
time for revision
of duplicate of
assessor.

2. *And be it enacted*, That the time mentioned in the third and fourth sections of the aforesaid act (the first Monday in October) be changed to the time fixed by law for the meeting of the township committee to revise and correct the duplicate of the assessor.

To whom to
apply.

3. *And be it enacted*, That the protection afforded by this act to owners of sheep shall extend only to residents or taxpayers in the township.

Repealer.

4. *And be it enacted*, That all acts inconsistent with the provisions of this act and of the act to which this is a supplement, be and the same are hereby repealed, as far as the same shall apply to the township of Hopewell, in the county of Mercer, except a supplement to the said act approved March twenty-ninth, eighteen hundred and sixty-six.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXII.

An Act to incorporate La Favorita Boat Club of Hackensack.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Speer Cumming, Abraham Fielding, John J. Anderson, George Ricardo, Thomas Cumming, and such others as may be associated with them, and their successors, shall be, and are hereby constituted a body corporate by the name of "La Favorita Boat Club of Hackensack, in the County of Bergen," for the purpose of engaging in and promoting rowing and other athletic exercises.

Names of corporators.

Corporate name.

2. *And be it enacted*, That the said corporation is hereby authorized to receive by donation, purchase, or otherwise, to hold and possess such real and personal estate as it shall deem necessary for the purposes of said corporation, and to sell, mortgage, lease or otherwise dispose of the same at pleasure.

May hold real and personal estate.

3. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of twenty thousand dollars, which shall be divided into shares of such amounts and transferable in such manner and upon such conditions as the said corporation shall prescribe.

Amount of capital stock.

4. *And be it enacted*, That the said corporation shall have power to make and adopt by-laws and regulations for the admission, suspension and expulsion of its members, the election of its officers, and to define their duties, and for the general management of its affairs, and from time to time may alter or repeal the same, to adopt a corporate seal, and to change the same at pleasure, and in its corporate name may be sued, and may institute suits both in law and in equity for the recovery of all fines, debts, fees, dues and arrearages due the said corporation, and for all other causes of action.

General powers.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXIII.

An Act relating to public money in School District Number One,
of the town of Newton, Sussex County.

Preamble. • WHEREAS, the trustees of School District Number One, of the town of Newton by direction of the legal voters of said district, are now engaged in erecting a building for the public school of said district; and whereas, the moneys heretofore raised and appropriated for the erection of the said building are found inadequate for the purpose; and whereas, during the erection of said building there has been raised by taxation in said district for school purposes about the sum of five thousand dollars, which fund is now in the hands of the collectors of the town of Newton, and which cannot be legally used for building purposes, and which is not now needed for any other purpose; therefore,

Collector re-
quired to pay
over moneys
to trustees. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town collector of the town of Newton be authorized and required to pay over to the trustees of Newton School District Number One all the moneys belonging to said district now in his hands on demand.

How applied. 2. *And be it enacted*, That it shall and may be lawful for the said trustees to use and appropriate said moneys to and for the erection, completion and furnishing of the public school building now being erected by them in said district.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXIV.

An Act to authorize the Trustees of Friends' School Fund at Plainfield, New Jersey, to appropriate such amount of the income of the Trust Funds as they may deem proper to other educational purposes.

WHEREAS, in the year seventeen hundred and ninety-two, a *Preamble.* subscription was originated among the members of the Preparative meeting of Friends at Plainfield, and a fund was raised therefrom for the purpose of a school to be under the care of the said meeting; for the education of poor children belonging to the same; and whereas, but a small portion of the income of said fund is now required for the purpose mentioned in the original subscription agreement; and whereas, the trustees of said fund are willing to appropriate a portion of the income of the same to other educational purposes; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the trustees of "Friends' School Fund at Plainfield," and their successors be, and they are hereby authorized and empowered after defraying the expenses of the education of the children referred to in the original subscription, mentioned in the preamble, to appropriate the remainder of the income of the said trust fund, or such portion of the remainder as they may deem proper towards the establishment of a public library in Plainfield or to such other educational project in Plainfield as they may approve. *May appropriate fund to public library.*

2. *And be it enacted,* That the said trustees shall have the power to fill any vacancy in their own body, or to appoint successors, on the death, resignation or inability to act, of any member or members thereof, and that in future the number of said trustees, shall not be less than five, of whom not less than three shall be members of the same Society of Friends, of which the present trustees are members. *Vacancies how filled.*

3. *And be it enacted,* That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXV.

A Supplement to "An Act to incorporate the Manchester Land Company."

Preamble.

WHEREAS, By an act of the legislature of the state of New Jersey, approved March twenty-first, eighteen hundred and sixty-six, entitled "A Supplement to an act entitled 'An Act to incorporate the Manchester Land Company,' " it was intended to repeal so much of the fourth section of the original act incorporating the said Manchester Land Company, approved March sixth, eighteen hundred and sixty-six, as required a majority of the directors to be residents of the state of New Jersey; and whereas, an error has been found to exist in the copy of said supplement in the office of the secretary of state, as well as in all authorized copies of said supplement, by which the word "stockholders" is found to be substituted for the word "directors,"

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the fourth section of the act to which this is a supplement as requires a majority of the directors and president to be residents of the state of New Jersey, be, and the same is hereby repealed, to date from and take effect March twenty first, eighteen hundred and sixty-six, the date of the supplement for which this is a substitute.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXVI.

A Further Supplement to "An Act to incorporate the Newton Presbyterian Academy," approved February twelfth, eighteen hundred and fifty-two.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Repealer.} *the State of New Jersey,* That so much of the said act of incorporation as places the academy thereby incorporated, (and which academy is now known by the corporate name of "The Newton Collegiate Institute,") under the control or supervision of the presbytery of Newton, be and the same is hereby repealed.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXVII.

An Act to incorporate the Morris County Ice Company.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of cor-} *the State of New Jersey,* That Henry M. Johnson, John S. ^{porators.} Pollard, Henry Boughton, Caleb Tuttle, Josiah Fairchild, Benjamin P. Fairchild and such other persons as may hereafter be associated with them, be and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name of the "Morris County Ice ^{Corporate} Company," and shall be capable of purchasing, holding and ^{name.} conveying any lands, tenements, goods and chattels necessary or proper for the objects of this corporation.

2. *And be it enacted,* That the capital stock of the said ^{Amount of} company shall be fifty thousand dollars, with liberty to the ^{capital stock.}

company to increase the same to one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property and transferable in such manner as the said corporation shall by their by-laws direct.

Commissioners to open subscription books.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company, at such time or times, and place or places as they or a majority of them may deem proper, and at the time of subscribing for said stock, such percentage shall be paid upon the amount subscribed for, to the said commissioners or some one of them as the said commissioners or a majority of them may think proper, and as soon as the sum of ten thousand dollars of the capital stock is subscribed for, such commissioners or a majority of them shall call a meeting of the stockholders to choose seven directors, and such election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said commissioners, or any three of them, shall be inspectors of said first election of directors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and money paid in after deducting all expenses previously incurred and a reasonable compensation for their services, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such a meeting, or at the annual election of said corporation, shall as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state, and in case of the death, resignation or removal of the president or director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by the said board of directors, or a majority of them, and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Election of directors.

Not dissolved on failure to elect directors

4. *And be it enacted*, That the directors of the said corporation shall be seven; and in case it shall happen that an election of directors should not be made during the day when

pursuant to the by-laws of said company it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, on giving at least twenty days notice in one or more newspapers published in the county of Morris, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places.

5. *And be it enacted*, That a majority of the directors of the said company shall be competent to transact all business of said corporation, and shall have power to call in the stock of said company, by such installments, and at such times, as they may direct, by giving thirty days previous notice in a newspaper published in the county of Morris; *provided*, that no installment shall exceed ten dollars on each share, and that no two installments shall be required to be paid within thirty days of each other, and in case of the non payment of said installment, or any of them, they shall have power to forfeit the share or shares upon which such default shall arise to the said corporation, and the said directors shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear useful and proper, touching the management and regulation of the stock, property, estate, effects and business of the said corporation; and also, shall have power to appoint such officers, clerks and servants, as to them shall seem meet, and to establish and fix such salaries to them and to the president, as to the said directors shall seem proper.

6. *And be it enacted*, That the objects, business and purposes of the said corporation hereby created, shall be the gathering, procuring, preserving, storing, purchasing, buying, selling, transporting and vending ice as an article of merchandise, and for that purpose they and their successors are hereby invested with full power and authority to build, erect, keep and maintain all necessary storehouses, warehouses, sheds, buildings, boats, floats, and to do any and all things which they may deem proper or requisite in the carrying on or management of their said business.

7. *And be it enacted*, That the said corporation hereby created shall have power and authority from time to time, and at all times, to acquire, purchase or lease, and use, hold, possess and enjoy such real estate and such personal estate within or without this state as they shall deem necessary for the purposes of the said company, and the same or any part

of such real or personal estate to sell, mortgage, lease or otherwise dispose of at pleasure, and also with power and authority to make, build, and construct on the real estate so held by them, such buildings and other improvements as they may deem proper and necessary for the better carrying into effect the objects and provisions contemplated by the provisions of this act.

Penalty for
injury to
works.

8. *And be it enacted*, That if any person or persons shall wilfully or maliciously break, cut, destroy, injure or damage any boat, float, vessel, store or warehouse, or other appendage, or any real or personal property used or employed by the said corporation in the transaction of its business, or wilfully or maliciously obstruct, hinder or delay any of the officers, agents, servants or managers of the said company in the legitimate transaction of their business, such person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding two hundred and fifty dollars, or imprisonment at hard labor in the state prison for two years, or both: *provided however*, that no such criminal prosecution shall take away, or in any way impair the right of the said company to an action of damages by civil suit.

Proviso.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXVIII.

An Act to incorporate the Overpeck Creek Canal Company.

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph B. Miller, Thomas W. Demarest, John S. Lyle, Wm. Walter Phelps, Ashbel Green, Cornelius Lydecker, Nathan T. Johnson, J. Smith Homans, Jr., Charles Metzler, Andrew D. Bogert, James O. Morse, Francis Howland and William Laimbeer, and all such persons as may be hereafter associated with them, and their suc-

cessors and assigns, shall be, and they are hereby constituted a body corporate, in fact and in law, by the name and style of "The Overpeck Creek Canal Company," and may acquire and hold all real and personal property, and do all other acts and things as may be necessary for the objects of this incorporation. Corporate name.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same, from time to time, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be subscribed and paid, or forfeited and transferable in such manner as the by-laws of such corporation shall direct. Amount of capital stock.

3. *And be it enacted*, That the stock, capital, property, concerns and affairs of the said company shall be managed and conducted by a board of not less than seven, nor more than thirteen directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices for one year, or until others are elected in their place; and that said directors shall be chosen by the stockholders of said company annually, at such time and place, and in such manner and upon such notice as shall be directed by the by laws of said corporation; and in case such election of directors shall not be held at the appointed time, the corporation shall not, for that cause, be deemed dissolved, but such election may be held at any other time, on the usual notice; and the officers and directors for the time being shall be continued in office until others are elected in their stead. Directors, when and how chosen. Failure to elect not to dissolve.

4. *And be it enacted*, That a majority of said board shall constitute a quorum for the transaction of business; and that if, at any time, it shall happen that any vacancy or vacancies occur, from any cause whatever among the directors named in this act, or those hereafter to be elected, such vacancy or vacancies shall be filled by such stockholders as the directors for the time being, or a majority of them, shall appoint; and the said directors may appoint such officers, superintendents and other agents and assign to them such duties and compensation as they shall deem fit; and the place of business and principal office of said company shall be in Bergen county. Powers.

5. *And be it enacted*, That the incorporators hereinabove named shall be the first directors, and shall respectively hold First directors

their offices for one year from the organization of said company, and until others shall be legally chosen from the stockholders in their places ; and every share of stock, upon which all installments due shall have been paid, shall entitle the holder thereof to one vote, either in person or by proxy, at any authorized meeting of such stockholders.

May lay out
and cut a canal.

6. *And be it enacted*, That the said company be, and is hereby authorized to lay out and cut a canal, to commence at or near the confluence of the Overpeck or English Neighborhood creek, with the Hackensack river, in the township of Hackensack, in the county of Bergen, and thence running up said Overpeck creek, and in a northerly direction as far as the board of directors may determine, not above the northerly line of the township of Hackensack ; the said canal to be cut in as direct a line as practicable, with all necessary cut-offs, feeders and connections necessary to utilize the same.

May enter on
and take lands

7. *And be it enacted*, That the said company may construct a canal, with such tow paths, locks, bridges, basins, wharves, pilings, and all other works, devices, toll houses and offices, and all appurtenances which may be necessary or expedient for the carrying out the purposes of this act, and it shall and may be lawful for the said company to occupy and take as much land, not exceeding two hundred feet in width, except in such places where from the depth of the excavation or the height and breadth of the embankment, or for locks and basins, it may be necessary to take more land, in which case so much land as may be necessary and no more, shall be taken, and it shall and may be lawful for the said company, their agents and employees, to enter at all times on all lands and all waters for the purpose of exploring, surveying and laying out the route of said canal and of locating the same ; and to make and erect all necessary feeders, works and appendages thereof ; and when the route of said canal, or any part thereof, shall have been determined, and a survey thereof shall be deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents and employees, to enter upon and take possession of, hold, occupy, have, use, and excavate any lands, and may appropriate any material on or near the route of said canal necessary for making, completing and using such canal, subject to such compensation as is hereinafter provided.

8. *And be it enacted*, That it shall and may be lawful for

the said company to excavate and dredge for the purpose of said canal any land under the waters of said Overpeck creek and the Hackensack river, so as to improve the navigation thereof, and construct all necessary dykes and levees, or water ways for that purpose, and to straighten or improve the course and direction of the waters of said creek and deepen the same so far as necessary; but nothing herein is to be construed against the public right of navigation over any of the navigable waters of said creek and rivers, and the due authority and sovereignty of the government of the United States thereover.

9. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by 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 said company in the construction of said canal, 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 inferior court of common pleas of the county of Bergen, who shall cause the company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of the state, to make publication thereof, as he shall direct, for any time not less than ten days, and to assign a particular time and place within said county for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents of the county in which the lands or materials in controversy are situated or owners reside, commissioners to appraise the said lands or materials, and to assess the damages upon such notice to be given to the persons interested, as shall be directed by the judge making such appointment, to be expressed therein not less than ten days; and it shall be the duty of 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 make a true report according to the best of

May excavate
and dredge
land under
water, &c.

Proceedings
when no
agreement can
be made be-
tween compa-
ny and owners
of land

their skill and understanding,) to meet at the time and place appointed and to proceed to view and examine the said land or material, and the said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of said canal, as the case may be, to the said owner or owners, or parties interested, and to make a just and equitable estimate or appraisement of the value of the same, and an assessment of damages as shall be paid by the company for such lands 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 in the clerk's office of Bergen county, which report, or a copy thereof, certified by the clerk of said county, shall at all times and places be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy said land or material, and of the owner or owners to recover the amount of said valuation, with interests and costs, in an action of debt in any court of competent jurisdiction, if they shall neglect or refuse to pay the same for sixty days after demand made of their treasurer or secretary.

May charge
and collect
tolls.

10. *And be it enacted*, That such corporation shall have power to charge and collect tolls and rates for the passage of all boats and vessels upon the said canal, and for towing all boats and vessels upon the same, and to make, enact, and at pleasure to change and re enact such tolls and rates, and also, all necessary rules and regulations for the collection and levying the same, as to them may seem proper, and for the good conduct and operation of said canal; *provided*, that the toll charged by said company shall not exceed seven cents per mile for each ton of registry measurement on all vessels passing through said canal; *and further provided*, that nothing herein shall authorize said company to charge tolls on any waters now navigable and free to commerce.

Proviso.

Proviso.

Canal a public
highway for
vessels, &c.

11. *And be it enacted*, That the said canal when completed shall forever thereafter be esteemed a public highway, free for the passage of all vessels, and for the transportation of any goods, commodities, or produce whatever, in payment of the tolls and charges conforming to the lawful regulations and by-laws of said corporation.

Dividends.

12. *And be it enacted*, That the directors of said company may declare and make such dividends as they may deem pru-

dent and proper from time to time out of the profits of said canal.

13. *And be it enacted*, That the president and directors of said company shall have power to purchase all tow boats, steamboats, barges, or other vessels, for the transportation of persons or any species of property on said canal, and for towing vessels through the same, as they may deem expedient or proper, and to make contracts and engagements with any other corporation or with individuals for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and for towing boats through and on said canal, and to enforce the fulfilment of such contracts.

14. *And be it enacted*, That when the said canal shall cross any public road or the railroad track or tracks of any incorporated company, it shall be the duty of the said company hereby incorporated, at their proper expense, to make good and sufficient bridges across said canal, and to keep the same in repair, so as to prevent any unnecessary inconvenience in the usage of such road or railroad by reason of the said canal crossing the same.

15. *And be it enacted*, That as soon as the said canal or any part of it is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the costs of the said canal, including equipments, appendages and all expenses, in the office of the secretary of state, and annually thereafter on the first Monday in January of each year he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipments, appendages and expenses of said canal and after the said canal, or any part thereof, shall be in operation; the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipments and appendages of said canal, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all canals over which the legislature shall have power for that purpose at the time of the passage of such law or laws; and until the said canal, or any part thereof shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same

purpose, and by the same person or persons, as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Proviso.

Penalty for injuries.

16. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the canal constructed under the provisions of this act, or any of the necessary works, wharves or improvements, such person or persons so offending shall forfeit and pay to said company the sum of fifty dollars, to be by them recovered in any court having any competent jurisdiction in an action of debt; and further, shall be liable for all damages.

May borrow money and secure the same by bond and mortgage.

17. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said canal, or for the uses and objects of said company, and to secure the payment thereof by bond or mortgage, or otherwise, on said canal, or on the land, privileges, franchises and appurtenances of or belonging to said corporation, on the best possible terms, to be sanctioned by the board of directors, or a majority thereof; *provided*, that the sum or sums so borrowed shall not exceed a sum equal to two-thirds of the amount of the capital stock paid in, or value of the property of said company.

Limitation.

18. *And be it enacted*, That said canal shall be commenced within five years and completed within ten years from the passage of this act.

19. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXIX.

An Act to consolidate the Hope Hose Company of the City of Burlington, and the Fulton Fire Engine Company of the City of Burlington, supplementary to the charters of the said companies.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Consolidation of fire companies.} *the State of New Jersey,* That it shall be lawful for "The Hope Hose of the City of Burlington," and "The Fulton Fire Engine Company of the City of Burlington," whenever two-thirds of the members of each of said companies shall, in writing, express their consent and agreement thereto, to consolidate the said two companies together into one company to be called "The Hope Fire Company, Number One, of the City of Burlington," and whenever such consent and agreement shall be filed in the office of the secretary of state of this state, signed by said members and attested by the presidents and secretaries, and the seals of the said companies respectively, the said consolidated company shall be a body politic and corporate of this state, by the name of "The Hope Fire Company, Number One, of the City of Burling- ^{Corporate name.} ton," and by that name shall have perpetual succession and the other usual powers incident to corporations aggregate of this state, and thereupon all and singular the franchises, privileges, powers and immunities, and all the rights and credits, moneys and effects, and all the properties, real, personal and mixed, of the said two first named companies respectively acquired under their respective charters and the several supplements thereto, shall vest in and become the property and the right of the said "The Hope Fire Company, Number One, of the City of Burlington," which company shall also be liable for the payment and satisfaction of all lawful debts, claims and demands against the said two first named companies respectively, and subject to all the responsibilities, duties and obligations of their charters respectively, and of the several supplements thereto, except as modified by this or some other act.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said consolidated company shall not exceed the sum of fifteen thousand dollars, which shall be applied to the purchase of real estate, furniture for their house, and such implements and machines, and to such incidental expenses, as shall to said consolidated company appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.

Officers.

3. *And be it enacted*, That the said consolidated company shall elect annually out of their own body a president, and such other officers and assistants as they shall deem necessary for conducting their affairs, according to their constitution and by-laws, and that the said president shall keep in his custody the common seal of the said consolidated company, and at the expiration of his term of office, shall deliver it over to his successor, and in their corporate name may institute suits for the recovery of all fines, debts and arrearages due to said consolidated company.

May hold real
and personal
estate free
from taxation.

4. *And be it enacted*, That the property of said consolidated company, held under this act shall be free and exempt from taxes and assessments.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXX.

A Supplement to "An Act to incorporate the Union Car Spring Manufacturing Company," approved March seventeenth, eighteen hundred and sixty-five.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement be so amended as to permit the board of directors of the Union Car Spring Manufacturing Company to locate the same, as the said board of directors shall deem most advantageous.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXXI.

An Act to consolidate The Young America Hook and Ladder Fire Company of the City of Burlington, and the Franklin Fire Engine Company of the City of Burlington, supplementary to the charters of said Companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "The Young America Hook and Ladder Fire Company, of the City of Burlington," and "The Franklin Fire Engine Company of the City of Burlington," whenever two-thirds of the members of each of said companies shall in writing express their consent and agreement thereto, to consolidate the said two companies together into one company, to be called "The Young America Fire Company, Number Three, of the City of Burlington," and whenever such consent and agreement shall be filed in the office of the secretary of state of this state, signed by said members and attested by the presidents and secretaries, and the seals of the said companies respectively, the said consolidated company shall be a body politic and corporate of this state, by the name of "The Young America Fire Company, Number Three, of the City of Burlington," and by that name shall have perpetual succession and the other usual powers incident to corporations aggregate of this state, and thereupon all and singular the franchises, privileges, powers and immunities, and all the rights and credits, moneys and effects, and all the property, real, personal and mixed, of the said two first named companies respectively, granted by or acquired under their respective charters and the several supplements thereto, shall vest in and become the property and the right of the said

Consolidation
of fire compa-
nies.

Corporate
name.

"Young America Fire Company, Number Three, of the City of Burlington," which company shall also be liable for the payment and satisfaction of all lawful debts, claims and demands against the two first named companies respectively, and subject to all the responsibilities, duties and obligations of their several charters respectively, and of the several supplements thereto, except as modified by this or some other act.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said consolidated company shall not exceed fifteen thousand dollars, which shall be applied to the purchase of real estate, furniture for their house, and such implements and machines, and to such incidental expenses as shall to said company appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.

Officers.

3. *And be it enacted*, That the said consolidated company shall elect annually, out of their own body, a president and such other officers and assistants, as they shall deem necessary for conducting their affairs according to their constitution and by-laws, and that the president shall keep in his custody the common seal of the said consolidated company, and at the expiration of his term of office shall deliver it over to his successors, and in their corporate name may institute suits for the recovery of all fines, debts and arrearages, due to said company.

Property free
from tax.

4. *And be it enacted*, That the property of said consolidated company held under this act, shall be free and exempt from taxes and assessments.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXXII.

An Act to incorporate the Mutual Benevolent Association of Hibernia, Morris County, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of corporations.} *the State of New Jersey,* That Robert Richards, William May, Henry Lumsden, junior, Stephen Tonkin, Sylvester B. Carr, Samuel Tippet, Samuel Ridener, George Tremewan, Richard Collins, Michael Prisk, John Cunningham, William Kanouse, Thomas S. Boyd, Edgar G. Rockwell, Edward Farrell, and such other persons as now are or hereafter shall become members of "The Mutual Benevolent Association of ^{Corporate name.} Hibernia," are hereby constituted a body corporate by the name aforesaid, to have perpetual succession, and to have a common seal

2. *And be it enacted,* That the object of this corporation ^{Objects.} is benevolent by providing for each other's temporal welfare, affording relief to its members in case of sickness, accident or infirmity, and aiding in the burial of deceased members.

3. *And be it enacted,* That the said corporation shall have ^{May adopt by-laws.} power to adopt a code of by-laws for the better management of its finances, general business, election and duty of its officers; *provided,* that such by-laws shall not be repugnant to nor inconsistent with the constitution of the United States or of this state.

4. *And be it enacted,* That the said corporation may hold ^{May hold real estate.} real or personal property, either purchased or devised, not to exceed the sum of twenty thousand dollars.

5. *And be it enacted,* That the said corporation shall ^{pos-} ^{General powers.} possess all the powers and privileges and be subject to all the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the various supplements thereto.

6. *And be it enacted,* That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXXIII.

An Act to incorporate the Newark Chemical Works.

- Names of cor-
porators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John B. I. Robison, William Johnson, Caleb G. Crane, Edward J. Hamilton, and their successors and assigns, be and they are hereby created a body politic and corporate, in fact and in law, by the name of the
- Corporate
name. "Newark Chemical Works," for the purpose of manufacturing and selling acids and other chemicals, super-phosphate and other fertilizers; and for that purpose may purchase and hold all real and personal estate necessary for the conducting of said business, and may sell, mortgage, lease, or otherwise dispose of the same.
- Amount of
capital stock. 2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with power to increase the same to two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each, and shall be transferable in such manner as the by-laws of said corporation shall direct.
- Commission-
ers to open
books of sub-
scription. 3. *And be it enacted*, That the above-named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of such corporation, at such time and place in the city of Newark as they may deem proper, giving notice thereof, for at least ten days, in some newspaper published in said city of Newark; and that as soon as fifty thousand dollars of such stock is subscribed and paid, or satisfactorily secured to be paid, the commissioners shall then give the stockholders notice that a meeting will be held for the purpose of organizing the said company.
- Real estate,
&c., may be
taken for sub-
scriptions. 4. *And be it enacted*, That subscriptions to the capital stock may be paid by the sale or transfer to the company of, and it shall be lawful for the said company to grant and issue, certificates of shares, in part or full payment for land or real estate, or any leasehold or other interest therein, or any property appropriate to the business contemplated by this act at a valuation to be agreed upon.
5. *And be it enacted*, That the business of the said corpo-

ration shall be managed by not more than five directors or less than three, all of whom shall be stockholders, and one of whom shall be president; such directors shall hold their office for one year and until others are elected in their stead; and an election of directors shall be held yearly, at such time and such place, and upon such notice, as the by-laws shall direct, at which election each stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock by them respectively owned.

6. *And be it enacted*, That the directors of said corporation shall have power to make by-laws for the management and government of said corporation, and may appoint such subordinate officers as the business of the said corporation may require.

7. *And be it enacted*, That the regular books of account of said corporation shall be kept in the office of said company, in the city of Newark, to which books every stockholder shall have free access at all reasonable times for the purpose of examining the same.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the restrictions and liabilities, set forth in "An Act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXXIV.

An Act to incorporate the Peabody Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become depositors to the guarantee capital hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate by the name of "The Peabody

Insurance Company," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts, whether in law or in equity, and by that name may also have, purchase, possess and enjoy, and to their successors, lands, tenements, hereditaments, goods, chattels, property and effects of any kind soever, and the same to grant, demise, alien and dispose of at pleasure, for the benefit of the said company, and may also have a common seal and alter and renew the same at pleasure, and also to create and establish such by-laws and regulations as shall seem necessary and expedient for the government of said corporation, and to put the same into execution.

Amount of
guaranteed
capital.

2. *And be it enacted*, That the guarantee capital shall be one hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, to be divided into shares of one hundred dollars each ; and so soon as fifty thousand dollars shall be actually paid in it shall be lawful for said company to commence the business of said company.

Election of
directors.

3. *And be it enacted*, That the business, property and affairs of said company shall be managed by a board of not less than twelve nor more than twenty-four directors, seven of whom shall constitute a quorum ; said directors shall during their continuance in office be stockholders in their own right, and a majority of them shall be residents of this state ; of the board of directors chosen at the first election, one-third shall hold their offices for one year, one-third for two years, and one-third for three years, and at each subsequent election one-third of the board shall be chosen for the term of three years, and until their successors shall be elected ; the annual election shall, after the year one thousand eight hundred and seventy, be held on the second Monday in January in each year, at such hour of the day, and at such place in the city of Newark as the board of directors for the time being shall direct, of which election two weeks' public notice shall be given in one or more newspapers printed in the city of Newark, such election to be held in such manner as may be prescribed by the rules and regulations of said company ; and in case it should happen that an election for directors should not be held on the day when, pursuant to this act, it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful on any other day to hold such election, and each one hundred dollars of the guarantee capital shall entitle its owner to one

Not dissolved
by failure to
elect directors

vote at each election, to be given in person; and if at any time it shall happen that any vacancy or vacancies occur from any cause whatever among the directors of said company, such vacancy or vacancies shall be filled until the next annual election by such person or persons as the remainder of the directors shall appoint; the first directors shall be Charles Boylan, Charles S. Osborne, Daniel Condit, James L. Gurney, Adam Hay, Walter L. Starr, James M. Allen, John P. Osborne, Otis C. Butler, Charles Compton, William Shove, Silas S. Williams, William Robotham, Thomas Burch and Philip C. Scudder, and that the office and records of said company shall be kept in the said city of Newark, in the county of Essex.

4. *And be it enacted*, That the board of directors shall have power to appoint a president, secretary and treasurer, and such other officers and agents as they may deem necessary for carrying on the business of the company, and to allow them, respectively, such compensation for their services as may, in their judgment, be deemed reasonable.

5. *And be it enacted*, That William P. Parker, Otis C. Butler and Charles W. Badger, be and are hereby appointed commissioners to open books for subscription to the guarantee capital of said company, in the said city of Newark, upon two weeks' notice, published in one or more newspapers printed in said city, and that said books of subscription shall be kept open so long as the commissioners, or a majority of them, think proper.

6. *And be it enacted*, That it shall and may be lawful for said company to insure houses, buildings, merchandise and other property, against loss or damage by fire, or by steam boiler explosion, inland navigation and transportation, upon such rates and conditions as shall be contained in the policy of insurance.

7. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by said company, may be made either under or without the seal thereof, and shall be subscribed by the president, or by such other officers as shall be designated by the company for that purpose, and attested by the secretary, and being so attested and subscribed, shall be obligatory upon the company according to the tenor of such policies or contracts.

8. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold real estate for the conveyance of real estate.

nient transaction of their business, and also to take and hold real estate, personal property, or securities of any description, mortgaged, transferred or pledged to said company to secure the payment of any debts which may be contracted with them, and also to proceed on said mortgages or other securities for the recovery of the moneys thereby secured, either at law or in equity, and to purchase on sales made under such proceedings, or otherwise to take and receive any real estate in payment or towards satisfaction of any debt previously contracted with or due to said company, and the said real estate to mortgage, sell, exchange or otherwise dispose of; and said company may invest their capital and accumulating premiums from time to time, in any public stocks created by the incorporated cities and of the townships and counties of this state or of the United States, or of the state of New Jersey, or in bonds and mortgages and other securities.

Dividends.

9. *And be it enacted*, That it shall and may be lawful for the directors to make such dividends of so much of the profits of the company as shall appear advisable, among the subscribers to the guarantee capital, upon such ratio as shall be established by the by-laws, which dividends shall be paid out annually or semi-annually, as the by-laws shall direct, to the parties entitled thereto, or to their legal representatives.

Guarantee capital transferable.

10. *And be it enacted*, That the guarantee capital of said company shall be deemed to be personal property, and shall be assignable and transferable in such manner as the by-laws of said company shall direct.

All persons insured may participate in profits.

11. *And be it enacted*, That all persons who shall insure with the said company may participate in the profits during the period they remain insured by the same, upon such terms and conditions as the directors, by their by-laws, may fix and determine, and the power conferred in this section shall not prevent the said company from issuing policies of insurance without participation in the profits of the company.

12. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXXV.

An Act to incorporate the Powhatan Encampment, Number Thirty, of the Independent Order of Odd Fellows, of Moorestown, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of cor-
porators.</sup> *the State of New Jersey,* That Wallace Lippincott, Darling Conrow, George Conrow, George W. Hall, Samuel Carson, J. C. Stroud and William R. Lippincott, and their associates, officers and members of "Powhatan Encampment, Number Thirty, of the Independent Order of Odd Fellows, of the State of New Jersey," and their successors, be and they are hereby constituted and declared to be a body corporate and politic in law, by the name, style and title of "Powhatan Encamp- <sup>Corporate
name.</sup> ment, Number Thirty, of the Independent Order of Odd Fellows, of the State of New Jersey," and by that name they and their successors shall and may at all times hereafter be capable in law of having, purchasing, holding and possessing <sup>May purchase
and hold lands</sup> any lands, tenements, hereditaments and personal estate, purchased, devised or bequeathed by any person or persons, body corporate or politic, capable of making the same, and also to have a common seal and the same to use at pleasure; *provided, always,* that the said corporation or body politic ^{Proviso.} shall not at any time hold or possess property, real, personal or mixed, exceeding in value the sum of ten thousand dollars.
2. *And be it enacted,* That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXXVI.

An Act to incorporate the Maurice River Manufacturing Company.

Preamble.	WHEREAS, it is desirable to develop and improve the water power of Maurice river, and by that means extend and increase manufacturing establishments in the county of Cumberland, thereby promoting the public good; therefore,
Names of incorporators.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That Charles K. Landis, John L. Burke, Edward S. Lansing, C. B. Campbell, Frank P. Crocker, William A. House and W. O. H. Gwynneth, and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted and declared to be a body politic, in fact and in name, by the name of "The Maurice River Manufacturing Company," and by that name they, their successors and assigns, shall and may have continual succession, shall and may sue and be sued, implead and be impleaded in all courts of justice, and shall have power to make and use a common seal, and to alter or change the same at pleasure; and they and their successors shall have power and authority at any time after the passage of this act to purchase or receive by gift, possess, enjoy and retain, demise, lease, grant, alien and sell all such lands, tenements, hereditaments, waters, streams and water privileges, mills and manufactories, rights, goods, chattels and effects of every description whatever, as may be necessary or expedient for the objects contemplated by this act, under such rules and regulations as the said company may ordain.
Corporate name, and powers.	
Amount of capital stock.	2. <i>And be it enacted</i> , That the capital stock of said company shall be one hundred thousand dollars, with power to increase the same to three million dollars, to be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said company by their by-laws may direct.
Subscription books to be opened.	3. <i>And be it enacted</i> , That the above named persons, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said company, and as soon as

twenty thousand dollars of the capital stock shall be subscribed, such commissioners, or a majority of them, shall give notice to said subscribers of the time and place of meeting, to choose seven directors of said company, a majority of whom shall be residents of this state, and such election shall be held at the time and place so appointed by such of the subscribers to said capital stock as may attend in person or by proxy, each share of said stock subscribed for entitling the subscriber thereof to one vote; at such election the above mentioned commissioners shall act as inspectors thereof, and shall certify under their hands the names of persons who may be elected, and shall thereupon deliver over to the persons so elected the subscription books and such moneys as may have been received by them.

4. *And be it enacted*, That the directors chosen at such meeting and at the annual election of said corporation shall as soon as may be after every such election, choose out of their own number a president, who shall hold his office until a successor shall be elected; and in case of death, removal, resignation or disqualification of any director, the vacancy may be filled by said board of directors; the said board of directors shall also have power to appoint a treasurer, secretary and such other officers and agents as they may deem necessary for the carrying on the business of said company.

5. *And be it enacted*, That in case it shall happen that an election of directors shall not take place at the time when, by this act, it should be held, the said company shall not for that cause be deemed dissolved, but such election shall be held at such other time as the directors for the time being shall appoint; and such directors for the time being shall continue to hold their office until new ones shall be chosen in their place.

6. *And be it enacted*, That the election for directors shall be held at such times and places as the board of directors shall from time to time direct, of which election public notice shall be given for at least ten days in some newspaper published in the county of Cumberland; a majority of said directors shall be a quorum to transact all business of said corporation; they shall have power to call in the capital stock of said company by such installments and at such times as they may direct; and in case of non-payment of said installments, or any of them, to forfeit the share or shares on which default shall arise to and for the use of the corporation, and also to make and prescribe such by-laws, rules and regulations as to

Election of
directors.

Vacancies,
how filled.

Not dissolved
by failure to
elect directors

Failure to pay
installments
to work for-
feiture.

them shall seem needful and proper touching the management of the stock, property, estate and effects of said corporation.

May construct
dams and
raceways for
water power.

7. *And be it enacted*, That it shall be lawful for the said company when duly organized, to construct a dam or dams across the Maurice river at such point or points in the township of Landis, in the county of Cumberland, as they may deem most expedient to create ponds and reservoirs of water, and to construct raceways along the banks of said river, and in connection therewith to construct as many lateral or branch raceways, and such locks, weirs, buildings and other works as the company shall deem expedient for the purposes of creating a water power, and using the same for the manufacturing of all articles or materials whatsoever; and the said corporation shall have full power to manufacture all articles and materials whatsoever, and of buying, selling and dealing in the same; and for the purpose of enabling said company to determine where said dams, raceways and other works of said company can be located and constructed to the best advantage, it shall be lawful for the said company, by its agents, engineers, officers or other persons in their employ, to enter upon all lands lying along said river, in the townships through which said river runs, whether the same may be covered with water or not, for the purpose of exploring, surveying and locating said dams, locks, raceways and other improvements, doing no unnecessary damage to private property; and when the location of said dams, locks, raceways and other improvements shall be determined, and a survey of the same deposited in the office of the clerk of the county of Cumberland, it shall be lawful for the said company, by any of its officers, agents, superintendents, engineers, contractors, workmen and other persons in their employ, to enter upon, take possession of, have, hold, use and occupy any such lands, and to make excavations and embankments, and all the necessary works and structures which may be deemed expedient to carry into effect the purposes contemplated by this act; *provided*, that where such lands are not purchased by or given to said company, payment or tender of payment of all damages for the occupancy of said lands, to be determined as hereinafter provided, shall be made before the said company shall enter upon or occupy said lands, except for the purpose of surveying the same as hereinbefore mentioned.

Right to enter
on lands, &c.

Proviso.

8. *And be it enacted*, That if the said company or its officers or agents cannot agree with the owner or owners of such required lands or water right, for the use or purchase thereof, or if by reason of the legal incapacity or the absence of such owner or owners no such agreement can be made, as particular a description as the case will admit of, of land or water or other rights so required for the use of the said company, shall be given in writing, under the oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupants or owners, if known, to one of the justices of the supreme court, who shall require the said company to give notice of said application to the persons interested, if known and in this state, or if unknown or out of this state, to make publication as he shall direct for any time not less than ten days, and the said justice shall appoint a time and place for the appointment of three disinterested commissioners to view said lands; and at the time and place appointed, upon satisfactory evidence of the service or publication of said notice, the said justice shall appoint three disinterested commissioners to appraise the value of said lands and water rights, and the damages which may be sustained by the owner by the taking of the same by the said company; and the said commissioners having first taken an oath, in writing, faithfully and impartially to execute the duties of said appointment, shall, after giving five days' notice to both parties when said parties reside in this state, view the premises and hear the parties and their evidence, if so desired, and thereupon make such appraisement of the value of said lands or water rights, and of the damages sustained by the owner, said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of the said improvements, manufactories, water power, canal or artificial navigation to the said owner or owners, as to them shall appear just and proper, and shall transmit such appraisement and award in writing, under their hands, to the justice who appointed them, to be by him returned and filed in the office of the clerk of the said county of Cumberland, together with all the papers before him relating thereto, there to be kept as a public record; and if either party shall feel aggrieved by the said appraisement and award of the said commissioners, the party so aggrieved may appeal to the circuit court of said county of Cumberland. at the next term after said appraisement

Proceedings
in case no
agreement can
be made with
owners of pro-
perty.

Proceedings in
case of appeal.

and award shall be returned as filed as aforesaid, by proceeding in the form of a petition to said court, and the party appealing shall give to the opposite party five days' notice in writing of said appeal, and the filing of said petition in such circuit court shall vest in said circuit court full power to hear and adjudge the same, and if required by either party the said court shall award a venire for a jury, who shall hear and finally determine said appeal; the said jury shall assess the value of the land or water rights taken by said company, and all damages sustained, or that may be sustained by the owner, and if said jury shall find a greater sum than was awarded by the commissioners, judgment shall be given therefor against the company with costs, and execution may be issued thereon, but if the said jury shall be demanded by the owner, and shall find the said sum or a less sum than the commissioners awarded, the costs shall be paid by the owner or owners, and shall be deducted out of the sum so found by the jury or considered a payment thereon, or an execution may issue therefor by the order of the court, and on payment, or tender of payment of the sum so awarded by the commissioners or found by the jury, with costs, where costs are adjudged, the said company shall be deemed to be seized in fee simple of all lands and real estate and water rights appraised as aforesaid; *provided*, that the said company may take possession of said lands and water rights, and use the same for the purposes contemplated by this act, at any time after the appraisal and award of said commissioners, and notwithstanding any appeal therefrom, having first tendered to the owner or owners the amount of said award; or in case of refusal to receive the same, or in case of any disability on the part of the owner, or in his absence from the state, having paid the same into the clerk's office of the circuit court of said county for the use of such owner or owners.

Proviso.

May borrow money and secure the same by bond and mortgage.

9. *And be it enacted*, That the said corporation shall have power to borrow from time to time such sum or sums of money as shall be necessary to construct said dams, raceways, locks, and to furnish said corporation with the necessary lands, buildings, machinery, materials and other purposes for the uses and objects of said corporation, and to secure the repayment thereof by bond and mortgage, or otherwise, on the said lands, property, privileges, franchises and appurtenances of, or belonging to said corporation, at a rate of interest not

exceeding seven per centum per annum; *provided*, that it Proviso. shall not be lawful for the said corporation to plead any statute or statutes of this state against usury in any court of law or equity in any suit instituted to enforce the payment of any bonds or mortgages executed under this section of this act.

10. *And be it enacted*, That the principal office of the said Principal of- company shall be at Vineland, in the county of Cumberland, fice. and that regular books of account shall be kept in the said office, to which books of account any stockholder may have free access at all reasonable times for the purpose of inspection; and that books of transfer of stock shall also be kept and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

11. *And be it enacted*, That the said company shall have May receive power to issue stock for or take in payment of subscriptions real and per- any personal or real property required to be used for and in sonal property conducting of the said business of the said company, and that for stock no dividends shall be declared except as the by-laws of said company may direct; and said company may issue stock in payment of any debt of said company.

12. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXXVII.

A Further Supplement to the act entitled "An Act to incorporate the South River and Freehold Plank Road Company," approved February nineteenth, eighteen hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly of* May build *the State of New Jersey*, That the said corporation be, and branch plank they are hereby authorized and invested with all the rights road. and powers necessary and expedient to construct and build one or more branches from said road to such point or points

in Middlesex or Monmouth counties as they may deem necessary, and for that purpose are hereby invested with all the rights, privileges and powers heretofore granted in the act to which this is a supplement.

May increase
capital stock.

2. *And be it enacted*, That the said company may have power to increase the capital stock to such amount as they shall deem necessary, if in their judgment the interest of the company so require.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXXVIII.

An Act to authorize the township of Brick, in the county of Ocean, to vote by ballot.

Vote by ballot
authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Brick, in the county of Ocean, be and they are hereby authorized and required to elect by ballot in the manner now authorized by law for the election of state and county officers, at the annual town meeting, all such township officers as the inhabitants of the said township are now, or hereafter may be authorized or required to elect, and shall in like manner designate and fix the amount of money to be raised by the said township for schools, roads and other purposes; and also fix and determine the place for holding the next annual town meeting and state and county election.

Inspectors of
election.

2. *And be it enacted*, That the inspectors of election elected at the last general election for state and county officers, or at any future election for such officers, shall preside at and conduct the election at the next ensuing annual town meeting in said township respectively.

Plurality to
elect officers,

3. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officers at such election, and to fix the place for holding the next annual town meeting and state and

county elections; but a majority of all the votes cast shall be required to determine the amount of money to be raised or specified for any particular purpose, and in case of a tie vote or a neglect or refusal of any officer elected to serve, the township committee shall have power to fill such vacancy at their next meeting after such election, and to decide between those having an equal number of votes and to determine the amount or amounts of money to be raised.

but a majority
to determine
amount of
money to be
raised.

4. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately.

Approved March 8, 1870.

CHAPTER CLXXIX.

A Further Supplement to "An Act to set off from the township of Bloomfield, in the county of Essex, a new township to be called the township of Montclair," approved April fifteenth, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful for any person or persons to sell any ale, porter, beer or other malt or spirituous liquors, as a beverage, within the said township except it be at a regularly licensed inn or tavern.

Unlawful to
sell ale, &c.,
except at
licensed inns.

2. *And be it enacted*, That it shall be submitted to the people annually, at their regular town meetings, to decide whether they shall apply for a license to the court for an inn and tavern license to sell intoxicating liquors as a beverage in the said township, and that no license shall be granted to any person or persons for that purpose unless a majority of the votes thus cast shall be in favor of the same.

Majority of
votes to decide
annually whe-
ther licenses
shall be grant-
ed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXXX.

An Act to repeal "An Act to authorize the inhabitants of the township of Montague, in the county of Sussex, to vote by ballot at their town meetings," approved March fifteenth, eighteen hundred and fifty-nine.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An Act to authorize the inhabitants of the township of Montague, in the county of Sussex, to vote by ballot at their town meetings," approved March fifteenth, eighteen hundred and fifty-nine, be and the same is hereby repealed; and all laws in force in said township in reference to the election of township officers prior to the passage of the aforesaid act, is hereby revived.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXXXI.

An Act to incorporate the America Hose Company, of Mount Holly.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Read, W. Budd Deacon, Morris H. Keeler, Horace Cronk, George S. White, John W. Bodine, Josiah S. Dill, Albert H. Burr, Nathan S. Schuyler, George H. Pancoast, Samuel B. Keeler, Joseph R. Mulliner, J. Henry Heaviland, J. Frederick Laumaster, Benjamin F. Kempton, Alonzo M. Bodine, Jacob A. Whitcraft, George Collins, William W. Curtis, Howard Shinn

and Charles Vansant, and all persons, not exceeding one hundred in number, as now are or hereafter shall become associates of the America Hose Company of Mount Holly, 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 "America Hose Company of Mount Holly," and by such name they shall have succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors may have a common seal, make, enter into and execute any contracts or agreements touching or concerning the objects of said incorporation, and shall have full power and authority to make, form and adopt such form of constitution and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.

2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of five thousand dollars, which shall be applied to the purchase and holding real estate, to the procuring, maintaining and repairing such fire engine, hose carriage, hose, ladders, buckets, fire hooks, hose house or other property, and such implements and machines, and to such other incidental expenses as shall to the said company appear best calculated to secure the property of their fellow citizens from injury or destruction by fire; and shall have power to borrow such sum or sums of money as may be necessary to pay for the same, and to secure the payment thereof by bond and mortgage, or otherwise, on the said real and personal estate.

3. *And be it enacted*, That the said company shall have power to elect annually, or oftener, if necessary, a president, secretary and treasurer, and such other officers and assistants as they shall deem necessary for conducting their affairs, according to their constitution and by-laws, and that the said president shall keep in his custody the common seal of the said company, and at the expiration of his term of office shall deliver it over to his successor; and in their corporate name may institute suits for the recovery of all fines, debts and arrearages due the said company.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXXXII.

A Supplement to "An Act to incorporate the Bloomfield and Orange Horse Car Railway Company," approved April fifteenth, eighteen hundred and sixty-eight.

Preamble. WHEREAS, the act to which this is a supplement, and an act entitled "An act to set off from the township of Bloomfield, in the county of Essex, a new township to be called the township of Montclair," were both approved on the fifteenth day of April, eighteen hundred and sixty-eight; and whereas, the said "The Bloomfield and Orange Horse Car Railway Company," desire authority to construct their road, either to any point within the present limits of the township of Bloomfield, or within the original limits of said township; therefore,

Authorized to construct a horse railroad 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "The Bloomfield and Orange Horse Car Railway Company," be and they are hereby authorized and empowered to construct their railway from some suitable point in the town of Orange, in the county of Essex, to some suitable point either within the present limits of the township of Bloomfield, in said county, or within the original limits of said township.

Time for completion extended. 2. *And be it enacted*, That the time for the completion of said railway be, and the same is hereby extended for three years from and after the expiration of the time limited in the charter of said company, and that the name of the said company be and the same is hereby changed to "The Wat-Chung Railway Company."

Change of name. 3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXXXIII.

An Act to incorporate the New Jersey Mutual Benefit Company,
of Bergen County.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of cor-}
the State of New Jersey, That Richard K. Cook, John R. ^{porators.}
 Lydecker, Stephen Van Brunt, Eben Winton, Edward C. Ho-
 mans and Daniel W. Leeds, and such other persons as may
 be hereafter associated with them, be and they are hereby
 constituted and made a body politic and corporate, by the
 name of "The New Jersey Mutual Benefit Company, of ^{Corporate}
 Bergen County," and having for their object mutual protec- ^{name.}
 tion and benefit, in case of death, with power to make and
 establish such by-laws, rules and regulations as they shall
 deem expedient for the better management of the concerns of
 said corporation, and the same to alter and repeal at plea-
 sure; *provided always,* that such by-laws, rules and regula-
 tions be not inconsistent with the laws of this state or the
 United States.

2. *And be it enacted,* That it shall be lawful for the com- ^{May hold real}
 pany to have, hold, purchase, receive, possess and enjoy, to ^{and personal}
 themselves and their successors, real and personal property ^{estate.}
 of every kind, to an amount not exceeding three hundred
 thousand dollars, and the same, or any part thereof, may sell,
 grant and alien, may sue and be sued, plead and be impleaded
 in all courts whatsoever, and may do and execute all acts and
 things to them appertaining in their said corporate capacity;
 the company may issue certificates of membership, which ^{Certificates of}
 certificate shall state on its face the agreement with the mem- ^{membership.}
 ber receiving the same, and, when signed by the president and
 countersigned by the secretary, shall be binding on the com-
 pany; and the company shall forward, within sixty days, satis-
 factory proof of death, the amount as stated in said certificate;
 a post office money order for the amount of any assessment,
 lawfully registered in any post office and forwarded to the
 company, within forty days from the date of the notice of
 the same, shall be recognized as payment of said assessment.

3. *And be it enacted,* That for the well ordering and gov-

Annual election of directors.

erning of the affairs of said company, there shall be chosen annually, at such time, and in such manner as the by-laws of the company shall prescribe, not less than three nor more than nine directors, who shall continue in office until their successors are appointed; and no meeting of the company shall be legal unless notice is given at least two weeks previous in two newspapers published or circulating in the county of Bergen; but no failure to appoint directors shall cause a dissolution of the company.

Powers of directors.

4. *And be it enacted*, That the directors shall choose a president and vice president of the corporation, and they shall also appoint such other officers, clerks and agents, and establish such agencies, and fix such compensation as they may deem advisable; and they shall have power to make such covenants and agreements, perform such acts, and exercise such powers, as they shall deem expedient, subject to the authority, provisions, and limitations of the charter, constitution and by-laws of said corporation; to declare dividends out of the surplus earnings of the company, whenever they may deem it advisable; the president and vice president may hold their offices for one year, and until others are chosen; but the other officers, agents, and servants of the company may be displaced, and others appointed in their place by the directors; in the absence or disability of the president, the vice president may exercise the duties of the president, and if both are disabled the directors may choose a president pro tempore; and the directors for the time being shall have power by the vote of the majority to fill any vacancy which shall happen in their board by death or resignation, or otherwise, by choosing a director or directors from among the members of said corporation, who shall continue in office until a successor or successors shall otherwise be chosen.

Directors authorized to receive subscriptions to a guarantee fund.

5. *And be it enacted*, That the directors of the company are hereby authorized and empowered to receive subscriptions to a guarantee fund for said corporation for an amount not exceeding two hundred thousand dollars, which shall be transferable on the books of the company; and said subscribers to said fund shall pay on subscribing thereto at least ten per centum on the amount subscribed, and the directors may make further assessment until the amount so subscribed shall be paid, or secured to be paid to the satisfaction of said board of directors; and whenever such fund shall be liable for the payment of losses, according to the rules of the com-

pany, the amount shall be assessed pro rata to the amount of the fund on each of the subscribers to said fund.

6. *And be it enacted*, That whenever all assessments shall have been returned to the subscribers of the guarantee fund, and the receipts of the company shall exceed the expenses, to an amount equal to the amount of the guarantee fund, then the directors, at their option, may retire or return all or such portion of the guarantee fund to the subscribers as the interests of the company may seem to them to require. Guarantee fund may be retired.

7. *And be it enacted*, That the subscribers to said guarantee fund shall be entitled to receive from the funds of the company three and one half per centum semi-annually for all moneys actually advanced by them to the company for the use and liability of said fund so actually paid in. Interest on guarantee fund.

8. *And be it enacted*, That in all elections for directors, and in all questions which shall arise at the annual meetings, each member of the company, and each subscriber to the guarantee fund, shall be entitled to vote and take part in the meeting, and each shall be eligible to the office of director ; all the officers of the company shall give bonds for the faithful performance of their duties, in such amounts as the directors may require ; and the directors shall make a statement of the affairs of the company at each annual meeting. Members and subscribers to guarantee fund entitled to vote.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1870.

CHAPTER CLXXXIV.

A Further Supplement to "An Act to incorporate the Elwood Shoe Manufacturing Company of Atlantic County," approved April second, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement, be and is hereby so amended as that the capital Increase of capital stock.

stock of said company may be increased to fifteen hundred shares of a par value of one hundred dollars each.

Directors.

2. *And be it enacted*, That the said company are hereby authorized to elect five, seven, nine, eleven or thirteen of its stockholders to be directors, as a majority of its shares, voted by the stockholders at any of its annual meetings, may determine; *provided*, that the present board of directors, at any time during the ensuing year, may elect directors as above prescribed.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXXXV.

An Act to authorize the Trustees of the Methodist Episcopal Church of Toms River, in the county of Ocean, and State of New Jersey, to sell and convey certain real estate.

Trustees authorized to sell real estate held in trust.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church of Toms River, in the county of Ocean and State of New Jersey, or their successors in office, be and they are hereby authorized and empowered to sell and convey all that certain lot of land situate on the north side of Washington street, in the village of Toms River, in the county of Ocean, and state as aforesaid, now held in trust as the property or for the use and benefit of the said society of the said Methodist Episcopal Church of Toms River, by virtue of a deed made to the trustees of said church by James A. Hyres and Sarah B. Hyres, his wife, on or about the twenty-second day of February, anno domini eighteen hundred and sixty-nine, and for that purpose to make, execute and deliver a good and sufficient deeds of conveyance therefor to the purchaser or purchasers of the same, and that such deeds of conveyance shall be good and effectual in law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXXXVI.

An Act to incorporate the Mount Hope Temperance and Benevolent Society of Mount Hope, Morris County, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John B. Lownsbury, Samuel Klotz, James McMannis, Thomas Colwell, John McPhillips, John Murphy, third, John Cerrigan, John Buckley, Matthew Rourke, Matthew Carney, and such other persons as are now, or may hereafter become members, and their successors, are hereby created a body corporate and politic, in fact and in name, by the name of "The Mount Hope Temperance and Benevolent Society of Mount Hope, Morris county, New Jersey," and by that name, they and their successors shall, and may be at all times hereafter capable in law of suing and being sued, purchasing, holding and possessing any real or personal property, purchased, devised, bequeathed or given by any person or persons, body politic or corporate, capable of making the same; *provided always*, that the said corporation shall not, at any time, hold or possess property, real or personal, to exceed the amount of twenty thousand dollars.

Names of corporators.

Corporate name.

Proviso.

2. *And be it enacted*. That the object of this society shall be to provide for the temporal welfare of the members thereof, by affording relief in case of sickness or accident, assisting in the expense of the burial of deceased members, the encouragement of all persons to abstain from the use of intoxicating drinks, and for any benevolent or charitable purpose pertaining to said society.

Object.

3. *And be it enacted*, That the said society shall have the power to make such by-laws, rules and regulations for the control and management of the affairs of said society, as

General powers.

shall be necessary and proper, consistent with the constitution of this state and of the United States.

Directors
shall be mem-
bers.

4. *And be it enacted*, That the said society shall, by a majority of the votes of all the members thereof, after ten days notice in one of the papers published in the county of Morris, elect a board of not less than five nor more than ten directors of said society, which board shall be composed of members of the said society only.

Directors, how
elected.

5. *And be it enacted*, That hereafter the said society shall elect, annually, on the second Saturday in March, in each and every year, such board of directors, of which election due notice shall be given as to the time and place, as is required in the fourth section of this act, and members in good standing in said society, only, shall be entitled to vote at such election.

Vacancies,
how filled

6. *And be it enacted*, That any vacancy occurring in said board of directors, shall be filled by the remaining members of said board, who shall hold office until others are duly elected in their stead.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CLXXXVII.

An Act to extend the charter of the New Brunswick Savings Institution.

Charter con-
tinued and
extended.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to incorporate the New Brunswick Savings Institution," approved March fifteenth, in the year of our Lord eighteen hundred and fifty-one, and the supplements thereto, be and the same are hereby continued and extended for and during the term of twenty years from and after the time by the aforesaid act limited for its continuance.

2. *And be it enacted*, That this act shall take effect im-

mediately upon the expiration of the term in and by the said act entitled "An Act to incorporate the New Brunswick Savings Institution," limited for the continuance thereof.

Approved March 8, 1870.

CHAPTER CLXXXVIII.

An Act to prevent Horses, Cattle, Sheep and Swine from running at large in the township of Upper Alloways Creek, county of Salem.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any person who may reside within the limits of Upper Alloways Creek township, in the county of Salem, to drive or convey to any public pound, which may be in the said township, any horses, cattle, sheep or swine, found running at large in the public highways, or elsewhere within the bounds aforesaid, and impound the same, and the keeper or keepers of any public pound in said township is, and are hereby authorized and required to receive such horses, cattle, sheep or swine; and the party (or the pound keeper, if the duty be performed by him) shall have twenty cents per head for driving or conveying to the pound each horse, head of cattle or swine, and ten cents for every sheep; and the pound keeper shall also have twenty cents per head for every horse, head of cattle or swine, and ten cents for every sheep, for letting in the pound, and shall have the same fees per head on horses, cattle, sheep and swine, for letting out of the pound; and for feeding and attending, twenty-five cents per head for horses, cattle and swine, and ten cents per head for sheep, for every twenty-four hours or fractional part thereof they shall continue in said pound; and if the owner or owners of said horses, cattle, sheep or swine, so impounded, shall not pay the charges of impounding and keeping, within four days after such beasts shall be impounded, and take the same away, it shall then be the duty of the pound keeper to set

Lawful to impound horses, cattle, sheep and swine.

Charges of poundkeeper.

Poundkeeper
may sell the
same if not
reclaimed.

up advertisements in five of the most public places in said township, describing such horses, cattle, sheep or swine, and giving at least ten days notice of an intended day and place of sale; and if the owner or owners of such horse, cattle, sheep or swine, do not appear and redeem the said beasts, before the time so notified, the said pound keeper shall sell the same accordingly, to the highest responsible bidder present, and out of the money arising from such sale, shall pay the charges arising from conveying to the pound, and retain in his hands his fees for impounding, keeping and feeding, and letting out of the pound, said horses, cattle, sheep or swine, and fifty cents for advertising sale and collecting the money for each horse, cattle, sheep or swine, and return the overplus to the owner or owners of the said beasts if they shall appear to claim the same; and if no owner or owners shall appear and claim such overplus within sixty days after such sale, the same shall be paid to the overseer of the poor of said township, by him to be held and accounted for as part of the funds of said township.

Election of
poundkeepers

2. *And be it enacted*, That it shall be lawful for the inhabitants of the said township of Upper Alloways Creek, at their annual town meeting, to elect annually, any number of pound keepers not exceeding four and authorize the erection of an equal number of pounds, to be situated at such places as shall be most convenient for purposes of impounding in said township.

Penalty for
hindering the
impounding of
animals.

3. *And be it enacted*, That any person who shall wilfully interfere with hinder or stop any horses, cattle, sheep or swine, while being driven to the public pound of said township of Upper Alloways Creek, so that the animals being so driven shall escape from the person driving them, shall forfeit and pay the sum of ten dollars, to be sued for and recovered in action of debt, with costs of suit, before any justice of the peace of said township by any person who shall sue for the same.

Repealer.

4. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, so far as the same may apply to the said township of Upper Alloways Creek, be and the same are hereby repealed.

Approved March 8, 1870.

CHAPTER CLXXXIX.

An Act to authorize the Egg Harbor Homestead and Vineyard Company to change its corporate name to that of the New Jersey Agricultural Annuity and Legacy Company, and to increase its powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Egg Harbor Homestead and Vineyard Company, a corporation under the provisions of an act entitled "An Act to encourage the agricultural developments of the State, and to enable persons of moderate means to become land holders," approved April tenth, eighteen hundred and fifty-five, be and it is hereby authorized to adopt the name of "The New Jersey Agricultural Annuity and Legacy Company."

2. *And be it enacted*, That the said company be empowered to receive contributions in money, from time to time, from any and all person or persons whomsoever, and to issue certificates for the same, entitling the said contributors to annual incomes after a term or terms of years, to continue for their respective lives, and their heirs, or persons designated by them, to certain principal sum or sums of money or legacies, to be paid on the death of said contributors as shall be set forth and stipulated in said certificates.

3. *And be it enacted*, That all sums of money to be derived from said periodical contributions, after paying the necessary expenses connected with their collection and the issue of the said certificates, shall be expended in the improvement and cultivation of suitable lands of the said company, for vineyards, cranberry and hop plantations and other commercial farming, averaging not less than ten acres for every thousand dollars expended; and that all net proceeds from the sale of the productions of said lands thus improved and cultivated shall be appropriated as follows, to wit: first, fifty per centum of said annual proceeds, or so much as may be required, but not less than twenty-five per centum thereof, shall be set apart as a fund for paying the annual incomes that may be or become due to the contributors, and the prin-

Corporate
name.

May issue cer-
tificates to
contributors
entitling to
annuities, &c.

How moneys
shall be ap-
plied.

How proceeds
of sale of
lands shall be
appropriated.

cipal sum or sums of money that may be or become payable on their death, or the death of any of them, to their respective heirs; second, of the remainder an amount not exceeding twenty-five per centum of the said annual proceeds shall be set apart as a contingent and working capital; third, the next twenty-five per centum of said annual proceeds may be divided among the stockholders of said company; fourth, of the surplus thereafter remaining of the said annual proceeds one-half part shall be distributed among the said contributors, inclusive of said company, for all legacies paid up by it, and the other half part among the stockholders of the company, as extra dividends, and no premium, annuity or extra dividend allowed to contributors or their successors or heirs shall be deemed to be usurious.

Acceptance of
act by stock-
holders.

4. *And be it enacted*, That as soon as may be, after the passage of this act, the stockholders of the said company may meet, on the call of their board of directors, and if in such meeting at least three-fourths of the stockholders in interest are present or represented, and three-fourths of those present or represented vote in favor of accepting this act, and the authority and powers granted by it, in addition to the powers already possessed by the said company under the provisions of the act under which it has been incorporated, then the president of said company shall forthwith inform the secretary of state of the acceptance by such meeting of stockholders of this act, and it shall thereupon be in force.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CXC.

A Further Supplement to an act entitled "A Supplement to an act entitled 'An Act to incorporate the Chosen Freeholders of the several Counties of this State,' approved April sixteenth, eighteen hundred and forty-six," approved April sixth, eighteen hundred and sixty-five.

WHEREAS, the payment of moneys to volunteers, substitutes ^{Preamble.} and drafted men is no longer necessary, and the war debt of the county of Union is funded; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Repealer.} *the State of New Jersey*, That the second section of an act entitled "A Supplement to an act entitled "An Act to incorporate the chosen freeholders of the several counties in this state," approved April sixteenth, eighteen hundred and forty-six, which supplement was approved April sixth, eighteen hundred and sixty-five, be and the same is hereby repealed so far as it relates to the county of Union.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CXCI.

An Act to change the name of Horace R. Dangler to that of Horace Read.

WHEREAS, Horace R. Dangler, of Dennisville, Cape May ^{Change of} county, is desirous of having his name changed to Horace ^{name.} Read, and no reason appearing to the contrary.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of cor-} *the State of New Jersey*, That the name of Horace R. Dang- ^{porators.}

ler, of Dennisville, in the county of Cape May, be, and the same is hereby changed to Horace Read, and by that name he shall possess and enjoy all the rights, powers and privileges which he would have possessed and enjoyed, had he retained his original name of Horace R. Dangler.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CXCH.

An Act to incorporate the Committee of Presbyterian Church Extension in the Presbytery of Newark.

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| Names of corporators. | 1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That Robert Aikman, Jonathan F. Stearns, Henry F. Hickok, J. Ulrich Guenther, Charles E. Knox, Eldridge Mix, James B. Pinneo, William R. Sayre, Joseph N. Tuttle, Ira M. Harrison, Henry N. Beach and John D. Reichert, (designated for the purpose by the Presbytery of Newark,) and their successors in office to be hereafter designated by the said Presbytery, shall be and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of "The Committee of Presbyterian Church Extension in the Presbytery of Newark," for the purpose of aiding feeble congregations in connection with, and within the bounds of the said Presbytery, in erecting, purchasing, procuring or securing to their use, houses of worship. |
| Corporate name. | |
| General powers. | 2. <i>And be it enacted</i> , That the said corporation shall possess the general powers, and be subject to the provisions contained in an act entitled "An Act concerning corporations," approved February fourteen, eighteen hundred and forty-six, and the acts amendatory thereof, so far as the same are applicable, or have not been repealed or modified, or may not be inconsistent with the provisions of this act. |

3. *And be it enacted*, That the management and disposition of the affairs and funds of said corporation shall be vested in the individuals named in the first section of this act, and their successors in office, who shall remain in office for such period, and be succeeded by others to be elected at such time and in such manner as the said Presbytery shall direct or appoint; and such election shall be made and the funds shall be held, and administered, invested and disposed of for the purposes aforesaid in conformity with the provisions of the plan adopted by the said Presbytery; *provided*, that no money shall be furnished by said corporation to aid any congregation to procure a house of worship, the title of which shall be vested in any bishop, priest or other ecclesiastic.

Management
vested in com-
mittee.

Proviso.

4. *And be it enacted*, That the said corporation shall in law be capable of taking and holding any real or personal estate, which has been or may hereafter be given, devised or bequeathed to them for the purposes of their incorporation, or which shall accrue from the use of their funds; but the said corporation shall not take and hold real and personal estate exceeding the sum of two hundred and fifty thousand dollars.

May have and
hold real es-
tate.

5. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 8, 1870.

CHAPTER CXCIIL.

An Act to incorporate the National Cranberry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joshua Forsyth, Job H. Gas-kill, John Forsyth, James R. Gould, Barclay Haines, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The National Cranberry Company, for the purpose of buying, holding, cultivating and improving lands in the counties of Ocean and Burlington, and for raising and selling

Names of cor-
porators.

Corporate
name.

cranberries and other fruits and other produce of said lands, and carrying on the business connected therewith, and erecting such buildings and holding such personal property as may be necessary therefor, and that they and their successors by the same name may sell, grant, alien, mortgage and dispose of the said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels or any part thereof.

Amount of
capital stock

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and that subscriptions to the capital stock may be paid in real and personal estate, in valuation to be agreed upon by a majority of the directors, and the said corporation may issue stock in payment therefor; and that the subscriptions for stock shall be opened in the town of Pemberton, in Burlington county, at such time as the directors may designate under their direction or that of such persons as a majority of them may select.

Directors and
officers.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, one of whom shall be president, and a majority of whom shall have all the powers of the board, and they shall hold their office for one year, and until others are elected in their stead, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such times and places in this state, or elsewhere as the by-laws may provide; and that until an election for directors shall be held, the persons named in the first section of this act shall be directors.

Stock trans-
ferable.

4. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable in such manner as the by-laws may prescribe.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CXCV.

An Act to authorize the Trustees of the Methodist Episcopal Church, of the City of Cape May, in the County of Cape May, to sell and convey certain Real Estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church, of the city of Cape May, (formerly the city of Cape Island,) or their successors, be and they are hereby authorized and empowered to sell and convey all the real estate, with the appurtenances to the same belonging or in anywise appertaining, conveyed by Downs Edmonds, junior, Eli B. Wales, Andrew H. Reeves, Jeremiah Eldredge and William Cummings, trustees of the Presbyterian Church at Cold Spring, in the lower township of the county of Cape May, to the trustees of the said Methodist Episcopal Church of the city of Cape May, by a certain deed dated the first day of May, eighteen hundred and fifty-four, and recorded in the clerk's office of the county of Cape May, on the eleventh day of May of the same year; also that the said trustees be and they are hereby authorized and empowered to sell and convey all the real estate, with the appurtenances to the same belonging, conveyed by William Corgie and wife to the trustees of the said Methodist Episcopal Church by two certain deeds, one bearing date the twenty-ninth day of April, eighteen hundred and fifty-two, and recorded in the clerk's office of the county of Cape May, on the twenty-first day of May of the same year, the other dated the twenty-first day of May, eighteen hundred and fifty, and recorded in the clerk's office of the county of Cape May, on the fourth day of June of the same year, and to make, execute and deliver a good and sufficient deed or deeds for the said three tracts or pieces of real estate and appurtenances, to the purchaser or purchasers of the same, and such deed or deeds being executed in due form of law, shall pass and convey to the purchaser or purchasers full and perfect title to the said several tracts of land, free and clear and absolutely discharged from all trusts whatsoever, upon which the said tracts were previously held by the

Trustees authorized to sell and convey church property.

trustees of the said Methodist Episcopal Church of the city of Cape May.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CXCV.

An Act to incorporate the Hamil and Booth Manufacturing Company.

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| Names of corporators. | 1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> . That Robert Hamil, James Booth and James S. Shapter, and the survivors of them, and such other persons as may hereafter be associated with them, be, and they are hereby created a body politic and corporate, in fact and in law, by and under the name of "The Hamil and Booth Manufacturing Company," for the purpose, and with the power and authority of carrying on, in the county of Passaic, in this state, the business of manufacturing goods and fabrics of every kind, of which silk, wool, linen and cotton, or any or either of them form a component part, and of buying and selling the same, and all other goods and articles necessary and proper to be used in the business authorized by this act; and by the said name shall have continued succession, and be capable of holding, purchasing, leasing, mortgaging and conveying any lands, tenements, goods and chattels necessary or proper for the purposes of the corporation hereby created; and the principal office of said company shall be at Paterson aforesaid. |
| Corporate name. | |
| Amount of capital stock. | 2. <i>And be it enacted</i> , That the capital stock of said company shall be three hundred thousand dollars, with liberty to the directors to increase the same to any amount not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each; and the persons named in the first section of this act are hereby authorized to open books of subscription, and take and receive subscriptions to |

such capital stock, at such time or times, and in such manner, and to such extent, not exceeding the amount herein authorized, as they shall deem proper; and whenever the same shall be paid or satisfactorily secured to be paid, to the extent called for, the said company may commence business; and the persons before named and the directors of said company may receive in payment of subscriptions for stock any land, buildings, machinery or other property by them deemed necessary or proper for the use of said company, and at such valuation as a majority of said directors shall approve, and also all the property, bonds, stocks, bonds, accounts, claims and demands held by or belonging to Robert Hamil and James Booth, now carrying on the silk manufacturing business, in the city of Paterson, under the name, style and firm of Hamil and Booth.

Commission-
ers to receive
subscriptions.

May receive
for stock land,
machinery,
&c.

3. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by not less than three nor more than five directors, being stockholders, one of whom shall be president, to be appointed by said directors, who, after the first directors hereinafter named, shall hold their offices for one year, and until others shall be elected in their stead; the number of directors may be fixed from time to time by the stockholders, at their annual meeting; and the directors shall be chosen annually on the second Monday of January, or on such other day and at such place in the county of Passaic as the directors shall, by their by-laws or otherwise, from time to time appoint, public notice for at least ten days previous, of the time and place being given in one of the newspapers published in the city of Paterson, by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled, either in person or by proxy, to as many votes as he shall hold shares of the capital stock, and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors may appoint such officers, superintendents and agents, and assign such compensation as a majority of said directors shall think fit; and if any vacancy, by death, resignation or otherwise, shall occur among the directors named in this act, or those hereafter to be elected, such vacancy may be filled by the remaining directors, or a majority of them; and the said Robert Hamil, James Booth and James S. Shapter shall be the first directors of said company, and shall serve as such

Election of di-
rectors, &c.

until the second Monday of January next, and until others are legally chosen.

Failure to pay
installments
to work a for-
feiture.

4. *And be it enacted*, That it shall be lawful for the directors of said company to call in and demand from the subscribers to said capital stock, the amount subscribed by them, at such times and in such proportions as they shall deem proper, under the penalty of forfeiting the shares by them respectively subscribed, and all previous payments made thereon, if such payments shall not be made in thirty days after demand thereof by service of notice upon them or publication thereof in one or more of the newspapers published in the city of Paterson.

Not dissolved
by failure to
elect directors

5. *And be it enacted*, That in case an election for directors shall not be made on the day specified in this act, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on such other day as may be provided by the by-laws of said corporation, or by resolution of the board of directors.

May make by-
laws, &c.

6. *And be it enacted*, That a majority of the directors shall form a quorum for the transaction of the business of said corporation, who shall have power to ordain, establish and put in execution such by-laws, ordinances and regulations as they shall deem necessary and proper for the government, management or disposition of the stock, effects, profits and concerns of the said corporation; *provided*, that the same be not contrary to the constitution or laws of this state or of the United States.

Proviso.

Stock trans-
ferable.

7. *And be it enacted*, That the stock and property of said corporation, of whatever name or kind, shall be deemed personal estate, and the said stock shall be transferable in such manner as the directors may prescribe, but no transfer of stock shall be valid or effectual until such transfer shall be entered and registered in the books to be provided and kept by the president and directors for that purpose; and no dividends shall be declared except out of the net profits of the company.

How dissolved

8. *And be it enacted*, That the said company may be dissolved at any general meeting of the stockholders thereof specially convened for that purpose by the president upon twenty days' notice, in writing, served upon each stockholder or by publication for the same period of time in two newspapers of the city of Paterson; *provided*, at least three-fourths in value of the stock shall be present or represented

Proviso.

thereat by the said stockholders ; and upon such dissolution, the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interests in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three nor more than five in number, for such purpose, in which case the persons so appointed, and the survivors and survivor of them shall be trustees for the purposes aforesaid ; and the said trustees may use the corporate name of the company in all proceedings necessary and proper in the settlement and prosecution of any claim or business, and the transfer and sale of any property of the company.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CXCVI.

An Act to incorporate the Democratic Association of Matawan.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Rose, William S. Hornor, Koertenius Wyckoff, Thomas I. Bedle, Henry C. Stillwell, Lawrence Carten, William Cartler, and such other persons as now are, or hereafter shall become members of the Democratic Association of Matawan, are hereby constituted a body corporate, by the name aforesaid.

Names of corporators.

Corporate name.

2. *And be it enacted*, That the said association or corporation, shall have power to establish and maintain a reading room, or place for engaging in discussions on political economy, and other purposes ; and to this end shall be capable in law, to hold, by donation, purchase, or otherwise, and also to lease and convey, from time to time, real and personal estate, so far as the same may be needed, for the

Object.

purpose of carrying out the objects for which the said association is incorporated.

Amount of
capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of twenty thousand dollars, and shall be divided into shares of five dollars each, which shall be transferable in the manner and upon the conditions that shall be prescribed by the laws of the said corporation, and the said corporation may commence its operations as soon as the sum of five thousand dollars of its capital stock is subscribed, and twenty per centum paid in.

May prescribe
rules, &c.

4. *And be it enacted*, That the said corporation shall have the power to make and adopt a constitution, by-laws and regulations for the admission, suspension and expulsion of its members and their government, the election of its officers, and to define their duties, and from time to time may alter or repeal the same, and in their corporate name may institute suits for the recovery of all fines, debts, fees, dues, and arrearages due the said corporation.

Voting.

5. *And be it enacted*, That each member shall be entitled to one vote and no more, at any election or meeting of said association, except when voting on the disposition, or management of the real estate or personal property of said corporation, when each stockholder shall be entitled to one vote for each and every share of stock held by him.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CXC VII.

A Further Supplement to an act entitled "An Act to incorporate the Elizabeth and Newark Horse Railroad Company," approved March twenty-fifth, eighteen hundred and sixty-four.

May construct
a railroad.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Elizabeth and Newark Horse Railroad Company be, and they are hereby authorized,

in addition to the railroad and branches authorized to be constructed by the act to which this is a supplement, and the several supplements thereto, to lay down and construct a railroad with all the necessary turnouts and switches thereto, and with a single or double track from the present authorized terminus of the road at or near the depot of the Morris and Essex Railroad Company, in the city of Newark, upon and along the street called Ogden street, in a northerly direction, to a point at or near the Mount Pleasant cemetery; *provided*, ^{Proviso.} that the right to construct the same through the city of Newark shall not vest in said corporation until the consent of the common council of said city shall first be had and obtained.

2. *And be it enacted*, That the Elizabeth and Newark Horse Railroad Company be and they are hereby authorized to lay and construct the road authorized to be constructed by them, of such width or gauge of track as is now established by law for other horse railroads in said city of Newark, and to change and alter the gauge of the track of said road, or any part thereof now constructed, to the width or gauge of track now established by law for other horse railroads in said city of Newark. ^{Width of track.}

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1870.

CHAPTER CXCVIII.

An Act to incorporate the Wewanapee Lake Association.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of cor-} *the State of New Jersey*, That James Turner, James W. Higgins, James L. Benedict, John Crane, George W. Doty, John Teas, James M. Wade, Noah Woodruff, Ulysse Savvy, junior, Lewis H. Wade and Oliver Crane, and their associates and successors shall be and they are hereby constituted a body politic and corporate, by the name of "The Wewanapee Lake Association," with power to purchase, hold and improve such ^{Corporate name and object.}

real estate as may be necessary for the purposes of said society, and power to sell and convey the same, and all the powers, rights and incidents of a corporation, under the laws of the state of New Jersey.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be thirty-five thousand dollars, with the privilege of increasing the same to sixty thousand dollars, which shall be divided into shares of twenty-five dollars each, and paid in by the stockholders at such time and in such manner, and in such installments as the said directors of said company may direct, and in such penalties for neglecting the payment of such installments as the said directors shall deem advisable; and such shares shall be deemed personal property, and be transferable in such manner as the company, by their by-laws, may appoint; *provided*, that at least thirty days notice in writing shall be given to each of the stockholders of the time when the shares are required to be paid in.

Proviso.

Commission-
ers to receive
subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books and receive subscriptions to the capital stock of said company, at such time or times, and place or places, as they or a majority of them may think proper, giving notice thereof at least two weeks, by publishing the same for two weeks in some newspaper published in this state, and circulating in the county of Union; and as soon as the sum of ten thousand dollars shall be subscribed and paid in, a like publication as afore-said, for the space of two weeks, shall be given for the meeting of the stockholders, to choose eleven directors, who shall hold their office for one year, and until others are elected.

Election of di-
rectors.

4. *And be it enacted*, That the said election shall be certified by the said commissioners, or a majority of them, who shall thereupon deliver over to the directors elected as afore-said, the subscription books and moneys paid in, at such time and place as shall be appointed by the commissioners, or a majority of them, notice whereof shall be given to the said directors, and who shall be thereupon authorized to hold their first meeting, and commence business.

Powers of di-
rectors.

5. *And be it enacted*, That all the affairs of the company shall be managed by eleven directors, to be chosen by the stockholders annually, at such time and place, in such manner, and upon such notice, as by the by-laws of said company may be directed, who shall serve for one year, and until others are chosen in their stead; and the said directors shall,

from time to time, elect a president from their body, and shall also elect and employ such other officers as they may deem necessary, and make all such by-laws, rules and regulations, as they may think proper for the regulation and government of said association, for admission to their grounds; and for the purpose of maintaining order and preventing disturbances in and about the grounds, shall have police jurisdiction within a quarter of a mile of the boundaries thereof, with power to suppress the sale of ardent spirits, or prohibit gambling or any breach of the peace or laws of this state; and the said company shall not suffer or permit their grounds to be open for pleasure or travel on the Sabbath day, nor suffer the lake or said grounds to be used for skating, fishing or boating on the Sabbath.

6. *And be it enacted*, That the object of the said association shall be to improve the swamp and low lands lying above the stone bridge, on the road leading from the dwelling house of David A. Williams to the First Presbyterian Church, at Connecticut Farms, known as the west branch of the Elizabeth Town river, in the township of Union, in the county of Union, by overflowing any portion of the same, by means of a dam or otherwise, to be erected and built on said Elizabeth Town river, of such height as to create an artificial lake, and for the purpose of carrying out the provisions of this act; the president and directors, or others in their employ, shall have full power and lawful authority, at all times, to enter upon all swamps, meadow or other lands, or water lying either side the said west branch of Elizabeth Town river, above the said stone bridge, in Union township, in the county of Union; and survey the same, and locate the dam, and locate the artificial lake, roads and carriage ways; and to lay out the lands adjoining thereto, or any part thereof, into squares, parks, walks and other divisions, making such other improvements as may be found or deemed necessary, convenient or ornamental; and when such location shall have been determined upon, the said president and directors, shall cause a map to be made of all the lands and water which they may require for the purposes aforesaid, and file the same in the clerk's office of the county of Union aforesaid, and then it shall be lawful for the said association, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have and occupy, use, excavate and embank any such

Improvement
of swamp and
low lands by
means of a
dam.

May enter on
lands, &c.

lands; erect and maintain dams, construct roads, walks, and all other works, and to do all other acts and things, which shall be suitable or necessary for forming and completing the lake, and other improvements contemplated by this act, compensation having first been made as herein provided for.

Proceedings
when no
agreement can
be made be-
tween compa-
ny and owners
of land

7. *And be it enacted*, That if the association, or its agents, cannot agree with the owner or owners of such required lands, for the use, or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, the association shall give notice to the persons interested, if known, and in this state, or if unknown, or out of this state by publication in at least one of the daily newspapers published in the city of Elizabeth, that they intend to make application to one of the judges of the court of common pleas, in said county, on a day and at a place to be named in said notice, and not less than twenty days from the date of service or publication, thereof, for the appointment of three commissioners, and on the said day, and at the place named in said notice, the said judge shall make said appointment, of three commissioners under his hand and seal, and it shall be the duty of said commissioners (having first taken an oath or affirmation before some person authorized to administer the same, faithfully and impartially, to examine the matter in question and make a true report according to the best of their skill and understanding) and to meet at such time and place as they shall designate, giving at least fifteen days notice of their meeting, and on the day so appointed or on some subsequent day or days to which they may adjourn, to proceed to view and examine the said lands and make a just and equitable estimate of the value of the same, and the said commissioners shall report in writing the whole amount which the said association must pay to each owner, stating in said report the metes and bounds of the lands assessed, which said report the association shall file, in the office of the county clerk of said county of Union, and cause the same to be there recorded, and a copy thereof certified by the clerk of said county, shall at all times after making the payment hereinafter mentioned, be considered as plenary evidence of the right of said association to have, hold, use occupy, possess and enjoy the lands so described, in fee or otherwise; and it shall be the duty of said association to pay to the said owner or owners the amount assessed

as aforesaid, or in case the said owner or owners refuse to receive the same, or are incapacitated by law to receive the same, then said sum shall be delivered to the clerk of said county, to be by him retained for such owner, under the order and direction of the court of common pleas of said county, and upon making payment in either of the ways above stated, the title of the premises mentioned in said award and so paid for, shall be vested in said association.

8. *And be it enacted*, That if the said owners or any of them are dissatisfied with the report of the commissioners named in the preceding section, the said party so dissatisfied may appeal to the circuit court of said county at the term next succeeding the filing and recording of such award; whereupon the said court shall proceed to hear and determine the whole matter in the same manner as if such owner had summoned said association to appear before said court; and if the jury, upon the trial of the cause, shall find a greater sum than the commissioners have awarded, or the association offered, in favor of said owner or owners, then judgment thereon with costs shall be entered against the association, which shall constitute a lien upon the property of the association, which said lien shall have priority over any other incumbrance which said association have given, but if said jury shall find the same or less amount than the company shall have offered, or the said commissioners awarded, then the person appealing shall pay the costs in such manner as the court shall direct.

Proceedings
in case of ap-
peal.

9. *And be it enacted*, That said association are hereby authorized and empowered to collect and receive a revenue from the sale of ice taken from the said lake, and by the hiring of the grounds so leased or purchased as aforesaid, for boating, fishing, skating, pic-nics, drives, and the general occupation thereof as a grove; and shall have the right to construct, keep and maintain such water power, mills, reservoirs, fixtures and apparatus as may be useful or necessary, and supply the neighborhood with good and wholesome water from said lake, for domestic and other purposes, and to make contracts with persons and corporations, for the preservation, supply and use of said water, and to erect, construct, and maintain all works necessary for that purpose.

May sell ice,
hire grounds,
&c.

10. *And be it enacted*, That the said association shall be allowed to purchase or lease, and to hold such real estate, in manner aforesaid, and shall also be allowed to purchase and

May purchase
and hold real
estate.

hold such personal estate as may be necessary for the purpose of said association.

11. *And be it enacted*, That this act shall take effect immediately, and continue in force for forty-nine years.

Approved March 8, 1870.

CHAPTER CXCIX.

A Further Supplement to the act entitled "An Act to create from parts of the town of Orange and the townships of Caldwell and Livingston, in the county of Essex, a new township, to be called the township of Fairmount," approved anno domini, eighteen hundred and sixty-two.

TITLE I.

THE TOWNSHIP COMMITTEE.

Meetings of
the township
committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of West Orange shall hold an annual meeting on the Saturday next after the second Monday in April in each year, and such other regular meetings as they may from time to time appoint, that special meetings shall be called by the chairman of the township committee at any time, either upon his own suggestion or upon the request of any three members, that they may adopt, alter and repeal by-laws for their own government; the township clerk (or in his absence such person as they appoint pro tempore) shall keep an accurate record of all their proceedings; that no ordinance shall be passed until it shall have been presented and read at a previous meeting; that each and every ordinance so passed as aforesaid shall be published in one of the newspapers published in the town of Orange, and that the enacting clause of such ordinances shall be in the words "Be it ordained by the Township Committee of the Township of West Orange."

*Ordinances.

2. *And be it enacted*, That the township committee of the township of West Orange shall have authority to pay out of the fund raised for incidental expenses in said township, such compensation to the assessor and collector of said township, as in the judgment of the said township committee shall be deemed a fair remuneration for the services to be performed by said officers.

3. *And be it enacted*, That the township committee shall at their discretion and from time to time appoint and remove a poundkeeper or keepers, a town counsel, a street commissioner, and shall appoint one of their own number to be a town treasurer, and three commissioners of assessment, and such other officers and agents as they shall think necessary for the governing of the township, and the carrying into effect the powers and duties imposed upon them by this act; and that every person so appointed shall be a resident and legal voter of the township, and shall continue in his office until the same shall be declared vacant, or until another person shall be appointed to succeed him therein, and shall enter upon the duties thereof.

4. *And be it enacted*, That all the officers mentioned in this act, and whose pay is not therein specifically provided for, shall be entitled to receive such compensation for their services, in addition to the fees allowed them by any general law of this state, as may be from time to time fixed and determined by the township committee.

5. *And be it enacted*, That every commissioner of assessments appointed or elected under this act shall, before entering upon the duties of his office, take and subscribe an oath or affirmation before the town clerk, or a justice of the peace (who are hereby authorized to administer the same) faithfully and impartially to execute the trust reposed in him, to the best of his ability and understanding, and that all the said oaths or affirmations shall be filed in the office of the town clerk.

6. *And be it enacted*, That the collector of taxes, street commissioner, overseer of the poor, constables and treasurer of the township, as well as other officers of the township, of whom it may be required by the township committee, shall before entering upon the duties of their respective offices, severally make and execute their bonds to the said "The Inhabitants of the Township of West Orange," for the true and faithful performance of their said duties, in such forms, and

for such sums, and with such sufficient freehold securities as the said township committee shall direct and require, and that in the case of constables, such bonds shall conform as closely as may be to the form prescribed in the first section of the act entitled "An Act respecting constables," and that such bonds when approved by the township committee shall be filed in the office of the township clerk, and may be sued upon and prosecuted in the same manner, as nearly as circumstances will admit, as the bonds of like officers are or may be under any other law or laws of this state.

Office vacated,
by what
means.

7. *And be it enacted*, That if any person so elected or appointed to any such office shall not qualify as aforesaid within ten days after said canvass of such election, or after said appointment by the township committee, his office shall be deemed and taken to be vacant.

May pass or-
dinances.

8. *And be it enacted*, That the township committee of the township of West Orange shall have power to pass, alter and repeal, from time to time, any and all such ordinances as they shall think proper for any or all of the following purposes, to wit :

To lay out
streets, con-
struct sewers,
&c.

I. To lay out and open any street, highway or alley within the township; to order and cause to be constructed any sewer or drain, whether open or covered, for the drainage of any street or public place; to order and cause any street, highway or alley already laid out, or which may be hereafter laid out, or any part or parts thereof to be vacated, abandoned, straightened, altered or widened, and to take and appropriate, for any such purposes, any lands and real estate upon making compensation to the owner or owners thereof, by the payment of damages as is hereinafter mentioned and provided ;

To grade
streets.

II. To order and cause any street, highway or alley, or any part or parts thereof to be graded, gravelled, paved, macadamized or otherwise improved, as to them may seem advisable ;

To alter grade

III. To alter the grade of any street or highway, or of any part or parts thereof, upon the payment of damages to the owner or owners of any lands and real estate on the line thereof that may be damaged thereby ;

To establish
boundaries.

IV. To ascertain and establish the boundaries of all streets, highways and alleys in said township, and to prevent and remove all encroachments that may have been or may be made thereon ;

V. To regulate, clean and keep in repair all streets, high-

ways and alleys in said township ; to prevent and remove all obstructions and encroachments thereon ; to direct and regulate the planting, rearing, trimming and preserving the shade trees in the same, and to authorize or to prohibit the removal or destruction of said trees ; to enforce the removal of snow, ice or dirt from the sidewalks and gutters of said streets, highways or alleys, by the owner or occupant of the premises fronting thereon, and also to prevent and forbid the removal of earth, gravel, or any other road making materials from the highways by any person or persons not acting under the authority of the township committee, the committee on streets and highways, or the street commissioner, and also to abate and remove nuisances of every kind in any of the highways or public places of the township ;

To clean and repair the streets, &c.

VI. To restrain and punish drunkards, mendicants, vagrants and beggars in any of the streets, highways, alleys or public places of the township ;

To restrain vagrants.

VII. To create and establish a sinking fund for the gradual payment of any indebtedness of the township, and to provide for the raising of a sufficient sum of money, by taxation, in each year to meet the annual installment that shall be required to be paid into such fund, and to provide for the honest and faithful disposition and management of the property of said fund ;

To create a sinking fund.

VIII. To make and adopt a general plan of sewerage and drainage for the township, or any part or parts thereof, and to modify and change the same at pleasure ;

To make plan of sewerage.

IX. To prevent and punish immoderate driving or riding in any street or highway, driving over or upon any sidewalk, and any cruelty to animals, and to authorize the detaining without warrant, and the arrest of any person who may be guilty thereof ;

To prevent immoderate driving.

X. To establish and regulate one or more pounds, and to restrain and prevent the running at large or grazing of horses, cattle, swine and other animals, geese and other poultry in the streets or public places, and to authorize the impounding and sale of such animals or poultry for the penalty incurred and the cost of impounding, keeping and selling the same ;

To establish pounds.

XI. To regulate and prevent the running at large of dogs, and to authorize their destruction when so found at large, and also to impose taxes upon the owners of all dogs, not to exceed two dollars upon each dog per annum ;

To prevent running at large of dogs.

Swine.

XII. To regulate or prohibit the keeping of swine ;

To prohibit
certain prac-
tices.

XIII. To regulate and prohibit any practice of any kind whatsoever having a tendency to frighten animals or to annoy persons passing in or upon the streets or sidewalks ;

To regulate
burial of dead.

XIV. To regulate the burial of the dead ; to prohibit interments within certain prescribed limits, to purchase land for public burial places, and to direct the keeping and return of bills of mortality ;

To regulate
laying of wa-
ter and gas
pipes.

XV. To lay and regulate, or prohibit the laying of water or gas pipes in or under the streets and roads, or any part thereof in said township, and to provide street lamps for and to light the streets either by gas or other material.

May establish
lamp district.

9. *And be it enacted*, That the township committee may establish, by ordinance, certain limits in said township, to be called the "lamp district," and shall in directing the taxes to be raised in each year designate how much is to be raised for the expense of lighting the streets, and shall provide that such taxes shall be assessed only on property lying within such lamp district, and the assessors shall assess such taxes separately from all other taxes in the manner aforesaid.

May establish
fire district.

10. *And be it enacted*, That the township committee may establish, by ordinance, certain limits in said township to be called the "fire district," and it shall be lawful for the township committee, and they are hereby empowered, to enact an ordinance to establish, regulate, equip and control a hook and ladder department, and to raise from year to year by an assessment on the owners of property within the limits of such department, such sum as may be required to defray the expenses of the same.

Bounty poll
taxes repealed

11. *And be it enacted*, That all poll taxes imposed by all acts and parts of acts entitled "An Act to authorize the inhabitants of the township of West Orange, in the county of Essex, to raise money to pay bounties to volunteers," approved February twenty-eighth, anno domini eighteen hundred and sixty-five, and also by an act entitled "An Act to authorize the inhabitants of the township of West Orange in the county of Essex, to raise money to pay bounties to volunteers," approved March thirtieth, anno domini, eighteen hundred and sixty-five, upon persons residing in said township shall be and are hereby repealed.

12. *And be it enacted*, That the township committee, shall have power to pass, alter and repeal any and all such ad-

ditional ordinances, not contrary to the laws of this state or the United States, as they may deem necessary to carry into effect the powers and duties conferred and imposed upon them by this or any other law.

May pass ordinances necessary to carry their powers into effect.

13. *And be it enacted*, That in all cases where the township committee shall have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment for a term not exceeding thirty days, or by a fine not exceeding fifty dollars or both.

May prescribe a penalty for violation.

14. *And be it enacted*, That the book of records of the ordinances of the said township shall be taken and received in all courts and elsewhere, as evidence of the due passage of all the ordinances recorded therein and any volume of ordinances to be printed by the authority of the township committee shall in like manner be taken and received as evidence of their due passage, and the publication of such ordinances in a newspaper, published in the vicinity and circulating in said township shall in all cases be presumed to have been made until the contrary shall be made to appear.

Record of ordinances to be taken as evidence in courts.

15. *And be it enacted*, That the township committee shall have power to raise by tax in each year such sum or sums of money, not to exceed one per centum of the total valuation of property the year preceding, as they may deem expedient or may be necessary for the following purposes, or any or all of them, to wit:

Taxes.

I. For the regulating, cleaning and keeping in repair the streets, highways, side and cross-walks;

For cleaning and repairing streets.

II. For the payment of any indebtedness of the township, or of any interest upon any such indebtedness, or of any annual installment to the sinking fund that may become due and payable in that year;

For payment of indebtedness.

III. For the maintenance and support of the poor.

For support of poor.

16. *And be it enacted*, That the township committee shall have power to borrow money, from time to time, for all purposes for which they are authorized to raise money by tax, in anticipation of the taxes for any current year, to an amount not exceeding in the whole the sum of ten thousand dollars, and for any special purpose, such as the laying out, opening, straightening, altering or widening of any street, highway or alley, or the grading, graveling, paving, macadamizing or otherwise improving of any street or highway, or any part or parts thereof, in anticipation of assessments for such im-

May borrow money in anticipation of taxes.

Proviso. improvements, to an amount not exceeding in the whole for any one improvement, the sum of ten thousand dollars, and to secure the payment of such loan by bond or other sealed instrument, sealed with the common seal of the township and signed by the chairman of the township committee and township clerk; *provided*, the time to be fixed for the payment of such loan, including any renewal or renewals therefor, shall not exceed the term of one year.

TITLE II.

THE TOWNSHIP CLERK.

Duties of the township clerk.

17. *And be it enacted*, That the township clerk shall be the clerk of the township committee and subject to their direction; that he shall attend all their meetings, and keep a true and full record of all their proceedings; that he shall have the custody of the seal and all books and papers of every kind belonging to the township or which may be filed in his office; that he shall engross and attest all ordinances that may be passed by the township committee in a book, to be prepared for that purpose, and shall request the chairman of the township committee to sign the engrossed copy of such ordinances as have been approved by him; that he shall countersign and keep a record of all licenses granted by the chairman of the township committee; that he shall receive and pay over to the township treasurer all moneys which by any law, ordinance or usage are or may be paid to the township clerk; that he shall countersign and seal all bonds, notes or other evidence of indebtedness to be made in behalf of the township under the authority of the township committee, and that he shall in general perform such other duties as are or may be required of him, or of township clerks by this or any other law of this state.

Copies of papers in office to be taken as evidence.

18. *And be it enacted*, That copies of any and all papers filed or kept in the office of the township clerk, and of the ordinances or records of the proceedings of the township committee, or any part thereof, certified by the said clerk, under the common seal of the township, shall be received as evidence thereof, in all courts and places whatsoever.

TITLE III.

THE STREET COMMISSIONER AND OTHER OFFICERS (EXCEPT COMMISSIONERS OF ASSESSMENT) APPOINTED BY THE TOWN COMMITTEE.

19. *And be it enacted*, That the street commissioner, the town counsel and the pound keeper or keepers, and all such other officers and agents as may be appointed by the township committee, shall respectively possess the powers and perform the duties, and be subject to the obligations and responsibilities, conferred or imposed upon them, from time to time, by any ordinance or resolution of the township committee, or by any general law of this state, except so far as the same may be inconsistent with the provisions of this act.

TITLE IV.

THE COMMISSIONERS OF ASSESSMENTS.

20. *And be it enacted*, That the township committee shall and may, from time to time, appoint and remove three commissioners of assessment, who shall constitute and be known by the name of "The Board of Assessments;" that it shall be the duty of the said board to assess damages in favor of any owner or owners of any lands or real estate that may be taken for, or may be damaged by any such improvement as the laying out and opening of any street, highway or alley, or the constructing of any sewer or drain, or the vacating, straightening, altering or widening of any street, highway or alley, or any part or parts thereof, or the altering of the grade of any street or highway, or any part or parts thereof, as the case may be, and to assess such damages, fairly and equitably, upon the owner and owners of any lands and real estate on the line of said street, highway or alley, which in the opinion of said commissioners will be benefited by such improvement, also to assess the expenses of any such improvement as the laying out and opening of any street, highway or alley, or the constructing of any sewer or drain, or the vacating, straightening, altering or widening of any street, highway or alley, or any part or parts thereof, or the altering of the grade of any street or highway, or any part or parts thereof, as the case may be, fairly and equitably, upon the

owner or owners of lands and real estate, on the line of said sewer or drain, or of said street, highway or alley, or any part or parts thereof, as the case may be, fairly and equitably, upon the owner or owners of said ground, whether improved or unimproved; *provided*, that any number of the said commissioners, not less than two, shall have power to make any such assessment; *and provided further*, that no commissioner shall act in any case where he is personally interested in the assessment which is to be made.

Proviso. *21. And be it enacted*, That the surveyors of the highways, assessor, chosen freeholders, commissioners of appeal in cases of taxation, and constables elected or appointed as aforesaid, shall respectively possess the powers and perform the duties of the like officers of any township of this state, so far as such powers and duties shall be consistent with this act.

Duties and powers of township officers. *22. And be it enacted*, That the township committee of the township of West Orange are hereby authorized, directed and empowered to issue bonds in the corporate name of said township to an amount not to exceed the sum of seventy five thousand dollars for the purpose of grading, macadamizing, and otherwise improving the public roads of said township, said bonds to bear interest at the rate of seven per centum per annum, and to be paid in installments as follows: the first installment to be the fifteenth part of said sum, and to be paid in the year of our Lord eighteen hundred and seventy-five, and the balance to be paid in fourteen equal annual payments thereafter, the proceeds of said bonds to be expended under the direction and control of the township committee upon such roads and in such places, as in their judgment shall seem meet and proper; *provided*, that in no case shall any road be macadamized from the proceeds of said bonds to the width of more than twenty feet, nor shall any portion of the moneys so accruing be expended upon any road, unless it be a true and lawful public road according to the statute in such case made and provided.

Township committee may issue bonds for improving public roads. *23. And be it enacted*, That whenever a petition in writing shall be presented to the township committee of said township of West Orange, signed by the owners of two-thirds of the number of lineal feet upon any road, street or avenue in the said township or upon so much thereof as lies between two points named in said petition, requesting to have the street macadamized to a greater width than twenty feet, or to

Proceedings on petition to macadamize roads.

have other improvements made in the way of curbing or gut-
 tering, the said township committee shall proceed to cause
 the said improvements named in the petition to be made, and
 when the expense of such improvement shall have been ascer-
 tained by said committee they shall assess said cost upon the
 owner or owners of the lands in front of which such improve-
 ments shall have been made on the same street; *provided*,
 that in case the owner of any lands embraced in the terms of
 the petition shall prefer to make the said improvement at
 their own expense, that no assessment shall be laid against
 such owner for such improvement; the basis of assessment
 shall in all cases be the number of lineal feet owned by each
 person in front of whose lands the said improvement shall
 have been made, upon the same side of the street, and between
 the points named as aforesaid, and all land owners between
 the points named in the petition, and upon that street for
 which such improvement is requested, may be petitioners,
 whether excepted from the assessment or not.

24. *And be it enacted*, That the said township committee
 are hereby authorized and required to provide for the pay-
 ment of the said bonds, and the interest thereon as the same
 shall from time to time become due and payable, by taxation,
 to be made, levied, assessed and collected at the times and in
 the manner that other taxes are assessed, levied and collected
 in the said township.

25. *And be it enacted*, That all contracts for the work to
 be done as aforesaid, shall be given out by contract to the
 lowest bidder, who will take the same, and the township com-
 mittee reserve the right to reject any and all bids they
 judge necessary for the best interest of the township, and said
 township committee are hereby authorized to employ some
 competent person or persons to perform the said work, at
 such compensation as they may determine.

26. *And be it enacted*, That the township committee be
 authorized to expend the sum of five thousand dollars out of
 the proceeds of said bonds, pro rata, upon the sidewalks in the
 township; *provided*, it does not extend to curbing and flag-
 ging the same; *and provided also*, the amount so expended
 shall not exceed in any one year the fifteenth part of the
 amount realized from the sale of the bonds authorized to be
 issued by this act.

27. *And be it enacted*, That the township committee of
 the township of West Orange may also enter into any con-

Cost assessed
upon owner of
lands.

Proviso.

Township
committee re-
quired to pro-
vide for pay-
ment of bonds

Contracts for
work to be
given to low-
est bidder.

Expenditure
for sidewalks.

Proviso.

tract or contracts with any horse car railroad company, in relation to the use of any street or streets of said township, where they now are or may be hereafter authorized to lay their tracks: *provided*, that no such contract or contracts shall be binding upon said township until the same shall have been first ratified and confirmed by ordinance of said township committee.

Proceedings in
laying out and
opening
streets, con-
structing sew-
ers, &c.

28. *And be it enacted*, That when any ordinance shall be presented to the township committee for making any improvement, such as the laying out and opening of any street, highway or alley, or the construction of any sewer or drain, or the vacating, straightening, altering or widening of any street, highway or alley, or any part or parts thereof; or the altering of the grade of any street or highway, or any part or parts thereof, or the grading, gravelling, paving, macadamising, or otherwise improving of any street, highway or alley, or any part or parts thereof, or the widening, straightening, leveling, grading, flagging or re-flagging, curbing or re-curbing, paving or re-paving of any sidewalk and gutter in any street, highway or alley, or any part or parts thereof, or the digging down, draining, filling up, and fencing of any lot, piece or parcel of ground, public notice of such contemplated improvement shall be given by the township clerk by publishing a copy of the proposed ordinance for at least four weeks in one of the newspapers printed in the town of Orange, and also in a newspaper printed in the city of Newark, and that the said notice shall also state the time and place of the meeting of the township committee, at which time they will proceed to consider the said ordinance; that at such meeting ample opportunity shall be given to all parties in favor of or opposed to the said improvement, to present their views with reference to the same, in writing or otherwise, as the said township committee may at the time direct; and that the township committee may in their discretion adjourn from time to time for a further consideration of the matter.

Ordinance for
laying out
streets, &c.,
to be accom-
panied by map

29. *And be it enacted*, That any ordinance which may be passed by the township committee for the laying out and opening of any street, highway or alley, or the constructing of any sewer or drain, or the vacating, straightening, altering or widening of any street, highway or alley, or any part or parts thereof shall be accompanied by a map, to be prepared under the direction of the township committee, or to be

accepted by them, as soon as conveniently may be after the passage of the ordinance; and that said map shall not only give the termini, courses and distances of the improvement, fully and particularly, as the same are described in the ordinance, but shall also show the lands and real estate to be taken therefor, and the name or names (as far as may be ascertained) of the owner or owners of such lands and real estate, which map shall be filed in the office of the township clerk.

30. *And be it enacted*, That as soon as may be after the completion of any such improvement, as the laying out and opening of any street, highway or alley, or the construction of any sewer, drain, or the vacating, straightening, altering or widening of any street, highway or alley, or any part or parts thereof, or the altering of the grade of any street, or highway, or of any part or parts thereof, or the grading, graveling, paving, macadamizing, or otherwise improving of any street, highway or alley, or any part or parts thereof (or the widening, straightening, leveling, grading, flagging or re-flagging, curbing or re-curbing of any sidewalk and gutter in any street, highway or alley, or any part or parts thereof, or the digging down, draining, filling up and fencing of any lot, piece or parcel of ground,) the expense thereof, including surveying, and a moderate allowance (the same to be estimated by the township committee,) for the cost of making the assessment hereinafter provided, shall be ascertained and determined by the township committee, and be entered by resolution upon the record of their proceedings, and the amount so ascertained and determined shall thereafter be treated as, and be held to be the true and actual cost of making such improvement.

31. *And be it enacted*, That when any such ordinance or any such resolution, in relation to any such improvement, shall be passed by the township committee, a copy thereof attested by the township clerk, shall without delay be handed by him to the board of assessments, or any member thereof, and the said clerk shall also give public notice for at least two weeks in a newspaper printed in the city of Newark, and also in a newspaper printed in the town of Orange, of the time and place (the same having been appointed by the township committee,) when and where the board of assessments will meet to assess damages and benefits as aforesaid, or the expense of making any such improvements as aforesaid, as the case may

When completed expense shall be determined by township committee.

Copy of same shall be furnished board of assessment, and notice of meeting published.

be; and that the nature and object of such improvement shall be briefly stated in such notice so as sufficiently to identify the same.

Duties of the board with regard to assessments.

32. *And be it enacted*, That the members of the said board of assessments shall attend at the time and place appointed as aforesaid; that two of their number shall be a quorum for the transaction of business, and shall be sufficient to make an assessment, but that one member shall have power to adjourn any meeting; that the board may adjourn from time to time; that it shall be their duty to give all parties interested in, or affected by the improvement, ample opportunity to be heard upon the subject of the assessment; that they shall not only view the premises, but shall have power to examine witnesses under oath or affirmation, which may be administered by any one of their number, and that they shall assess the said damages, benefits or expenses, as the case may be, separately, and with due regard to the rights and interests of all persons concerned, as well as to the value of the lands and real estate taken or damaged; that they shall certify their said assessment to the township committee by a report in writing, and signed by at least two of their number; that such report shall be accompanied by a map, showing not only the lands and real estate taken for or damaged by the said improvement, and for which they have so assessed damages, but also any lands and real estate which, in their opinion, are benefited by said improvement, or upon or by reason of which they have made any assessment for either the benefits or the expenses of said improvement; that such report and map may be considered by the township committee at any meeting, of which at least two weeks previous notice shall be given by the township clerk in and by an advertisement in a newspaper printed and published in the town of Orange, and also in a newspaper printed and published in the city of Newark; that said notice shall briefly state the object of the meeting with reference to said assessment, and at that or any subsequent meeting the said township committee, after considering the said report and map, shall and may adopt and ratify the said report, with or without alteration, as to them may seem proper; that it shall be lawful for the said township committee to refer the matter to any committee of their own body for further examination before taking final action upon it, and that when the said report shall be adopted and ratified, whether with or without alteration, as may

Shall certify the same, with map, to township committee.

Township committee may ratify report, with or without alteration.

happen, the same shall be final and conclusive upon all parties, except only in relation to an assessment for lands taken or damaged as is hereinafter provided; and that such compensation shall be paid to the commissioners of assessments for any services so rendered by them as shall, in each case, be determined by a resolution of the township committee.

33. *And be it enacted*, That the township committee in considering the said report and map, shall have the power in their discretion to assess any part (not exceeding the one fourth part) of the said benefits or expenses attending or occasioned by the said improvements, upon the township at large, and the remainder thereof upon the owner or owners of the said lands and real estate benefited by or upon the line of said improvement as aforesaid. May assess portion of the benefits on the township at large.

34. *And be it enacted*, That no notice to the owner or owners of said lands and real estate to be taken for or to be damaged or benefited by said improvement, or to be assessed for such benefits, or for the expense of making said improvements shall be required other than the several notices mentioned in the twenty-eighth, the thirty-first and the thirty-second sections of this act. Notices.

35. *And be it enacted*, That any person or persons feeling himself, herself or themselves to be aggrieved by any such assessment of damages for any lands and real estate taken for or damaged by any such improvement may appeal to the supreme court of this state, at any time within sixty days after the final adoption of said report by the township committee, and that the said supreme court shall thereupon order a trial by jury to assess such damages anew, and that the said trial shall be conducted as in other cases of trial by jury; *provided*, that the completion of said improvement shall not be delayed thereby, and that the township committee may proceed therewith as though said appeal had not been taken. All persons aggrieved may appeal. Proviso.

36. *And be it enacted*, That before any such improvement shall be carried into effect, it shall be the duty of the treasurer of the township, under the direction of the township committee, to pay or tender unto the owner or owners of lands and real estate taken therefor, or damaged thereby as aforesaid, the amount or amounts of damages so assessed to him, her or them respectively; *provided*, that if such owner do not reside in said township, or upon due inquiry cannot be found therein by the said treasurer, or is a lunatic or idiot, or is under age, Before improvement is carried out the treasurer shall tender to owners of lands the amount of damages assessed.

or otherwise legally incapacitated to receive such damages, or if such owner or owners will not accept such damages, and sign a proper receipt therefor when tendered, then the said treasurer of the township shall make an affidavit of the fact, and shall file the same with the township clerk, and the township committee shall, after inquiry, direct the amount or amounts of said damages to be placed on special deposit in some suitable depository, for the use of the person or persons to whom the same may be due; and the same shall be paid to him, her or them, when duly authorized to receive the same, without interest, except from and after the time when demand may be made for the same and refused; *and provided also*, that no tender shall be necessary in any case where the benefits which may be assessed against the said owner or owners are equal to or exceed the amount of damages assessed in his, her or their favor.

Proviso.

Report and map delivered to collector of taxes, who shall proceed to collect assessments.

37. *And be it enacted*, That after the said report of the board of assessments shall have been adopted and ratified by the township committee, whether with or without alteration as aforesaid, and shall have been duly recorded at full length in the record of their proceedings, it shall, together with the last mentioned map, be delivered to the collector of taxes for preservation in his office, and that said collector shall, immediately thereafter, prepare an abstract of said report, including therein a brief description of the improvement, the names (when known) of the several owners of the lands and real estate assessed, the several amounts so assessed against them, and a brief description of the several parcels of lands and real estate, specifying the locality thereof, with reference to streets, numbers and cross streets, as far as the same can be conveniently stated; that the said collector shall enter the said abstract in a book to be kept in his office for that purpose, and which shall be called the "Book of Assessments for Improvement," and that he shall then give notice, for four weeks in some newspaper printed in the town of Orange and also in a newspaper printed in the city of Newark, that said report and map have been so delivered to him, and requiring the owners of land and real estate affected thereby to pay the amounts of the several sums assessed against them, to him, at his office, within sixty days from the time of the first publication of said notice.

Interest, if not paid within sixty days.

38. *And be it enacted*, That if any assessments to be paid by virtue of this act, shall not be paid to the said col-

lector of taxes within sixty days after the first publication of the notice mentioned in the thirty-seventh section of said act, the said assessment shall draw interest thereupon, from and after that time, until paid at the rate of two per centum per month.

39. *And be it enacted*, That it shall be lawful for the township committee whenever they shall deem it expedient, to ordain by ordinance as aforesaid, that any street or highway which may have been or may be opened by the owner or owners of any land over which the same passes, and which has been dedicated to public use by permitting the public to use the same for any length of time, and by selling lots fronting thereon, shall be deemed and taken to be a public street or highway, and that the same shall thereafter be made, maintained and treated as such in all respects.

Streets opened by owner may be deemed and taken to be public streets.

40. *And be it enacted*, That hereafter no street or highway to be laid out and opened in said township, shall be deemed and taken to be a public street or highway, unless laid out and opened under and by an ordinance of the township committee; and that it shall be lawful for the said township committee to lay out any street or highway, exceeding four rods in width; *provided*, all the lands embraced therein shall be given to the town for that purpose by the owner or owners thereof.

All streets hereafter to be opened by ordinance.

Proviso.

41. *And be it enacted*, That it shall be lawful for the township committee from time to time, to appoint by ordinance three freeholders of the township to act as commissioners in ascertaining and determining the precise lines, courses and width, of any street or streets in said township, whether legally laid out and opened or not, but which may have been used by the public for twenty years or more, as the said street or streets is, are or shall be so used at the time of the passage of such ordinance, which commissioners, or any two of them, shall with all convenient speed, return to the said township committee a report in writing, accompanied by a map showing such lines, courses and width of said street or streets; and such report and map, when approved by said township committee shall be filed in the office of the township clerk, as well as recorded in the record of the proceedings of said township committee, and shall thereafter be taken to be full and conclusive evidence of the existence of such street or streets, as a public highway or highways, and

Commissioners to determine lines and courses of streets.

that the same shall thereafter be treated and maintained as such in all respects.

TITLE VI.

MISCELLANEOUS PROVISIONS.

- No person an incompetent witness by reason of being an inhabitant.
42. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact, to which the said "The Inhabitants of the Township of West Orange" is a party, or in which it may be interested, no person shall be deemed to be incompetent to act as a judge, juror or witness, by reason of his being an inhabitant or freeholder of said township, and that if any person shall be sued or impleaded, by reason of anything done by virtue of this act, it shall be lawful for such person to plead the general issue, and to give this act and special matter in evidence at the trial.
- Ordinances continued in force.
43. *And be it enacted*, That all ordinances of the township committee of the said township, passed under and by virtue of the act entitled "An Act to set off from the town of Orange, and the townships of Caldwell and Livingston, in the county of Essex, a new township to be called the township of Fairmount," approved March eleventh, anno domini, eighteen hundred and sixty-two, and the several supplements thereto, not inconsistent with this act, shall continue in force until altered or repealed by the said township committee.
- All books of township records to be taken as evidence.
44. *And be it enacted*, That the books of record kept by any officer of the township, under and by virtue of the provisions of this act, or any ordinance of the township committee, shall be admitted as evidence of the matters and things therein contained in all courts and places whatsoever.
- Township committee may act by resolution.
45. *And be it enacted*, That except in those cases wherein it is hereby specially directed that the township committee shall proceed by ordinance, it shall be lawful for them to proceed and act, either by resolution or by ordinance, as to them may seem fit.
- Licenses for inns and taverns.
46. *And be it enacted*, That if any person shall hereafter obtain a license to keep an inn or tavern within the limits of the township, the fee to be paid for the same shall be twenty-five dollars, and no person shall be allowed to sell beer, porter cider or wine within the limits aforesaid, until he, she or they shall first pay to the treasurer of the township, for the use of

the township, the sum of fifteen dollars, and for every violation of this section, either by refusal or neglect, to pay the said sum of fifteen dollars, it shall be the duty of the treasurer forthwith to prosecute and recover the same in any court having jurisdiction thereof, in an action of debt, with costs, and on non payment thereof the defendant shall be committed to the common jail of the county, for any term not exceeding sixty days, and until the said sum of fifteen dollars and costs shall be paid; *provided*, that the sum as Proviso. aforesaid when paid, shall be an exemption for the space of one year; *and provided also*, that this section shall not be Proviso. held to apply to druggists, or other persons who may sell beer, porter, cider or wine that is not drank upon the premises when sold.

47. *And be it enacted*, That from and after the passage of Repealer. this act, all acts and parts of acts inconsistent therewith or repugnant thereto be and the same are hereby repealed; but nothing herein contained shall be construed so as to destroy, Disclaimer. impair or take away right or remedy acquired or given by any act so repealed, and all proceedings commenced under any such former act, shall and may be carried out and completed, and all prosecutions for any offence committed, or penalty or forfeiture incurred, shall be carried on in all respects in the same manner, and with the same effect as though this act had not been passed.

48. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1870.

CHAPTER CC.

An Act to incorporate the Spotswood and Matchaponix Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the

Commission-
ers to open
books of sub-
scription.

capital stock of the Spotswood and Matchaponix Turnpike Company shall be opened by Isaac Devoe, John Paxton, John Kirkpatrick, William Perrine and Taylor Mount, or a majority of them who are hereby appointed to receive subscriptions to 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 one of the newspapers published in the county of Middlesex.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with the privilege of increasing it to fifteen thousand dollars, and shall be divided into shares of twenty-five dollars each, and that when fifty shares shall be subscribed for, the persons holding the same shall be and they are hereby incorporated into a company by the name of "The Spotswood and Matchaponix Turnpike Company," and by that name shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies and necessary to carry the objects of said company into effect.

Corporate
name.

May call in
amount sub-
scribed, un-
der penalty of
forfeiture.

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for to the commissioners, or any two of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and the residue of the subscriptions shall be paid in installments, at such times and at such places, and to such persons as the president and directors of the company shall from time to time direct, or give public notice thereof in manner aforesaid; and upon failure of the 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 installments, or any of them to and for the use of said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, 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 the stockholders shall, upon request, have the right to pay the stock subscribed, except the first installment, by work or labor upon said road, under such regulations, at such times and upon such notice by either party as the directors may determine;

Proviso

Proviso.

provided also, that no stockholder shall pay for his installments by labor for more than eight shares.

4. *And be it enacted*, That if the number of shares here- Act void if shares are not subscribed within three years inbefore made necessary for the incorporation of the said company be not subscribed for within three years 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 in by them.

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

6. *And be it enacted*, That within twenty days after the President. annual election as aforesaid, the said directors shall elect from among their number a president of the said company, who shall be a citizen of this state, 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 may direct, and shall be the presiding officer at all meetings of said directors, and shall 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 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 powers and authority, and perform all the duties herein prescribed.

Officers, and
vacancies how
filled.

7. *And be it enacted*, That the said directors, or a majority, may supply any vacancy in the interval between the annual elections, by death or resignation, removal or refusal to act of any president or director, and may appoint a treasurer, who shall be a citizen of this state, and all officers, agents, superintendents or other 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 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 transfer of stock, and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or of the United States.

Proviso.

Annual state-
ment.

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 said term.

Special meet-
ings of stock-
holders.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of said president or three of the 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 hereinbefore 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.

Failure to
elect direc-
tors not to
dissolve.

10. *And be it enacted*, That if from any cause any election hereinbefore named shall not be had at the time specified by this act, the same may be made at any other time upon notice as aforesaid, and that until such election be had the officers of the preceding year shall continue to hold their respective offices until others be elected in their stead, and

that this charter shall not be defeated or avoided by reason of the irregularity or want of such election.

11. *And be it enacted*, That it shall and may be lawful ^{May construct turnpike road.} for said company to construct and make a turnpike road along the public road, or any part thereof, from a point near the snuff mills of Isaac Devoe, at Spotswood, to a point at or near Tracy's corner, in the township of Monroe, and all damages which any land owner may sustain by reason of the constructing of said turnpike road, to be determined as nearly as may be in the manner hereinafter provided for ascertaining and determining the damages which any land owner shall sustain by taking of stone, gravel or other material for constructing and maintaining said turnpike road; and the public road, as designated in this section, shall be and the same is hereby vacated, to take effect immediately after the completion of the turnpike road authorized to be built as aforesaid.

12. *And be it enacted*, That the width of said turnpike ^{Width of road} road shall not be less than thirty-two nor more than fifty feet, and sixteen feet of the same shall be sufficiently bedded and faced with stone, gravel or other material to make a solid, firm and even road, the said sixteen feet shall be so graded that in its progress no part of it shall rise above an angle of six degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain and make good and sufficient bridges along the line of said road, not less than eighteen feet in width; and whenever said road shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained at the sides so as to prevent horses and carriages from running off.

13. *And be it enacted*, That it shall be lawful for said ^{May enter on lands.} company, their officers, superintendents, engineers and workmen, with carts, wagons and other carriages, and with beasts of burden and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosure thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road; and that when said company or its agents cannot agree with the owner or owners of such required land or materials for

Proceedings
when compa-
ny and own-
ers of land
cannot agree.

the use or purchase thereof, or, when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of said company for the construction of said road 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 there be any, 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, or to one of the judges of the court of common pleas of the county of Middlesex, who shall cause said company to give notice thereof to the persons interested, if known and in this state, or, if unknown and out of this state, to make publication thereof as he shall direct for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time, 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, commissioners to examine and appraise such lands and materials and to assess the damages upon such notice to be given to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein not less than twenty days; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully to examine the matter in question, and 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 and materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by said company for such land and materials and damages aforesaid, and to make a report thereof under the hands and seals of said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the county of Middlesex, to remain on record therein and shall be recorded by said clerk, 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 after the payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of the said valuation, with interest and costs, in an action 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 thirty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice or judge shall tax and allow such costs, fees and expenses to the justice, commissioners, clerk and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which, in all cases, shall be paid by the company.

14. *And be it enacted*, That as soon as the said company shall have constructed said road in a workmanlike manner, according to the several directions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates across said road, and to demand and receive toll for travelling each mile and all fractions over a half mile of said road, not exceeding the following rates, to wit:

For every carriage, sleigh or sled drawn by one beast, Rates of toll.

one cent;

For every additional beast, one cent;

For every horse and rider, or led horse or mule, one cent;

For every dozen of calves, sheep or hogs, two cents;

For every dozen of horses, mules or cattle, six cents;

and it shall and may be lawful for the toll gatherers to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure from passing through the said gates until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle said company to demand or receive toll from any one on the Sabbath day, or horses, carriages, sleighs or sleds carrying any persons to or from any funeral. Proviso.

15. *And be it enacted*, That before said company shall receive toll for travelling said road, they shall cause mile-posts to be erected and maintained, one for each and every mile on the said road, and on each and every post or stone shall be legibly and fairly marked the distance the said stone Shall cause mile stones to be erected and rates of toll posted.

or post is from Spotswood, and shall cause to be fixed, and always to be kept up at the gates aforesaid, in a conspicuous place, a printed list of toll which may be lawfully demanded, and also a board on which shall be painted in large letters, "keep to the right as the law directs."

Penalties for
injuries or
avoidance of
toll.

16. *And be it enacted*, That if any person shall wilfully break down, throw down or deface any of the mile posts so erected on said road, or willfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gate or gates, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by action of debt or other proper action in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or horse turn off the said road to pass a gate or gates, and enter again on said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay one dollar, to be recovered by said company for the use thereof in an action of debt with costs of suit.

Penalty for
delaying trav-
elers

17. *And be it enacted*, That if any toll gatherer shall unnecessarily delay or hinder any traveler passing at any of the gates, or shall receive more toll than is by this act established, the company shall for every such offence forfeit and pay the sum of ten dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably detained or hindered.

Drivers shall
keep to the
right.

18. *And be it enacted*, That all the drivers of the carriages, sleighs or sleds of every kind and description, whether of burden or pleasure, or persons on horseback using the said road, shall keep their horses, carriages, sleighs or sleds on the right hand of said road in the passing direction, leaving the other side of the road free and clear for carriages or persons on horseback, and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence to be recovered with costs of suit.

19. *And be it enacted*, That if said company shall not keep said roads, bridges and railings in repair, it shall be the duty of any judge of the court of common pleas of the county of Middlesex, who may be disinterested, upon complaint being made to him in writing, stating the bridge or part of the road that is out of repair, specifying the particular defect, and after four days' notice in writing given to the president or any of the directors of said company, specifying the parts complained of, and after hearing the parties, if the company have not repaired said bridge, road, or railing as specified, to appoint under his hand and seal, three judicious freeholders not interested in said road, being residents of said county and non-residents of the townships through which the said road is located, who, having been duly qualified and sworn to act impartially in the case, shall proceed to view and examine the parts complained of, and report to said judge in writing, signed by them or any two of them, whether the said road is in such state as the law requires it to be kept; and if the report be unfavorable to said road, then said judge shall immediately, under his hand and seal, in writing, order the keeper of the gate or part complained of, to keep the said gate open until otherwise ordered, and if said keeper after service of a copy of said order upon him shall, notwithstanding the order of said judge to open said gates or turnpike, exact toll of travelers, the said company shall forfeit and pay twenty dollars for each offence, to be sued for by any person who shall prosecute for the same in an action of debt, with costs of suit; and the said judge shall be allowed for his services one dollar, and the persons appointed to view the road one dollar each, to be paid by the company, and upon due proof before said judge that said company repaired or mended said road, bridge or railing in the particular complained of, he shall by an order in writing, under his hand and seal, directed to the toll gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the same fee to be allowed and paid as before directed; but if upon the view as before mentioned, the report of the persons appointed, or a majority of them, shall be favor of the company, the same fee shall be allowed as before prescribed, and shall be paid by the person or persons making the complaint.

Proceedings
when road and
bridges are not
kept in repair.

20. *And be it enacted*, That when the said company shall

- When toll
may be de-
manded have completed any one mile of said road according to the directions and true intent and meaning of this act, it shall be lawful for said company to erect a toll gate across said road, and demand and receive toll for traveling thereon agreeably to the foregoing rates.
- General pow-
ers. 21. *And be it enacted*, That the said corporation shall possess all the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty six, and the supplements thereto as far as the same are applicable.
- Limitation. 22. *And be it enacted*, That if the said road be not commenced within three years, and completed within six years from the passage of this act, that then and in that case this act shall be void.
23. *And be it enacted*, That this act shall go into effect immediately.
- Approved March 10, 1870.

CHAPTER CCI.

An Act to enlarge the powers of the Township Committee of Landis Township.

- Township
committee au-
thorized to
receive and
hold in trust
bequests for
public parks. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of Landis township, in the county of Cumberland, are hereby empowered to receive and hold in trust, for the use of the inhabitants of said township, any gift or bequest of real or personal property that has been or may be made to them by any person or persons for public parks, and to make such use of them under such conditions and regulations as the grantor or grantors shall direct, and to keep the same in order by expending such sums of money as the inhabitants may vote to be expended at their town meeting; and to erect such buildings and make such improvements thereon as may be neces-

sary for the full enjoyment thereof by the inhabitants of said township.

2. *And be it enacted*, That where parties neglect to plant shade trees, as required by an act entitled "An Act to establish a new township in the county of Cumberland, to be called the township of Landis, approved March seventh, eighteen hundred and sixty four, it shall be optional with said township committee, either to direct the town superintendent of public roads, to plant shade trees where such parties neglect so to do, or to proceed against said delinquents for the penalty as provided by the aforesaid mentioned act; the expenses of planting said shade trees to be charged against said land and collected the same as ordinary taxes. Planting of shade trees.

3. *And be it enacted*, That the said township committee shall have full power to establish, regulate, construct and maintain the grade of the streets and sidewalks of said township of Landis, and to construct and maintain sidewalks and crosswalks out of such materials as they may think proper, and provide for the keeping of said streets and sidewalks free from obstructions. May establish grade of streets and sidewalks.

4. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 10, 1870.

CHAPTER CCII.

A Supplement to the act entitled "An Act to Incorporate the Columbia Delaware Bridge Company," passed March seventh, eighteen hundred and thirty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where freeholders have now been appointed or shall hereafter be appointed by any justice of the peace according to the directions of the ninth and fourteenth sections of the act to which this is a supplement, to assess damages for the matters set forth in the said fourteenth section of the said act, it shall be the duty of Proceedings in case of assessment of damages.

Right of ap-
peal.

the said freeholders to make out their assessment of damages and return it, under their hands, to the justice of the peace who appointed them; and if either party shall feel aggrieved by the decision of the said freeholders, the party so aggrieved may appeal to the circuit court of the county of Warren at the next term after the decision of the said freeholders, by proceeding in the form of petition to the said court, with five days notice in writing to the opposite party of such appeal, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and if required the said circuit court of the said county of Warren shall award a venire in proper form for a jury before said circuit court who shall hear and determine the same; and on such trial either party may take bills of exceptions and take a writ of error; and the said trial shall be conducted in all respects before the said courts as trials at common law are conducted; and the said court shall award costs in favor of the prevailing party in said court, and shall order execution to be issued therefor, if necessary; and the said justice, upon the said trial before the said circuit court, shall produce the said award of the said freeholders, and all other papers connected with the said proceedings, and shall furnish copies of such papers to either party upon demand, and upon paying to him the legal fees.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1870.

CHAPTER CCIII.

An Act to enable the inhabitants of the Township of Northampton, in the County of Burlington, to establish a more efficient Fire Department, to issue bonds to raise money and for other purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of establish-

ing a more efficient fire department, and for procuring fire engines, hose and other fire apparatus, in the township of Northampton, in the county of Burlington, it shall be lawful for the township committee of said township, to borrow at such time or times as they may deem expedient, a sum or sums of money not exceeding in all five thousand dollars, the amount however, so to be borrowed, to be first ordered and determined by a vote of the inhabitants of the said township at their next annual town meeting, and to provide for the payment of the same by issuing bonds in the name of "The Inhabitants of the township of Northampton, in the county of Burlington," executed under the hands and seals of the said township committee, in such amounts and payable at such times as the said township committee shall deem proper, bearing interest at a rate not exceeding seven per centum per annum; *provided*, that no bond shall be disposed of by the said township committee for less than its par value; *and provided further*, that the bonds so issued, shall be made payable at a period or periods of time not to exceed ten years from the passage of this act.

2. *And be it enacted*, That the township committee of the said township of Northampton, be and they are hereby authorized and required to provide by taxation for the payment of the said bonds and interest thereon, and the said township committee shall yearly and every year, until the said bonds shall be paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in the said township are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal of the said bonds, at the several times they shall become due and payable, which shall be before the expiration of ten years from the passage of this act; *provided*, that not less than five hundred dollars of the principal of said bonds to be issued as aforesaid, shall be made payable in any one year, and with the money so collected the said township committee shall pay off the principal and interest of said bonds, before the expiration of ten years from the passage of this act.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1870.

CHAPTER CCIV.

A Supplement to an act entitled "A Further Supplement to an act entitled 'An Act to establish Public Schools,' approved April third, eighteen hundred and sixty-seven."

Board of education may sell and convey certain school property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of education of the township of Greenville, in the county of Hudson and state of New Jersey, be and they are hereby empowered, authorized and directed, to make sale and conveyance of the school property situate in the said township of Greenville, described as follows: all that certain piece or parcel of land and premises situate in the township of Greenville, in the county and state aforesaid, and is butted and bounded and described as follows, viz: beginning at the most northerly point of a three cornered plot of land where the old road leading from the town of Bergen to Bergen Point intersects the new road leading from the homestead of Peter Rowe, in Greenville to Bergen Point, and running from thence southwesterly along the easterly side of the new road aforesaid four hundred and sixty-two feet two inches, more or less; thence returning to the place of beginning and running from thence southerly along the westerly side of the old road leading to Bergen Point, a distance of three hundred and forty-two feet six inches, more or less; thence westerly two hundred and forty-nine feet six inches, more or less, to the easterly side of the new road at the point where the first line terminated or ended, being a plot of land of one acre, street measure, more or less, taken from the northerly end of the lands of Michael Terhune, being the same premises conveyed by Valentine Lauer, and Teresa his wife, to the board of education of the said township of Greenville, by deed dated the eighteenth day of July, eighteen hundred and sixty-seven, and recorded in the office of the clerk of the county of Hudson, New Jersey, on the twenty-ninth day of July, eighteen hundred and sixty-seven, in book one hundred and fifty-two of deeds for said county, page six hundred and one, and so forth; the said sale to be made at

public auction to the highest bidder, and the said property to be sold subject to the mortgage now on the same, or otherwise as the said board of education may deem most advisable.

2. *And be it enacted*, That the said board of education of said township of Greenville, are hereby authorized and empowered by their chairman and treasurer, to make good and lawful deed or deeds of conveyance to the purchaser or purchasers of said property, of all the right, title and interest of the said board of education, and of the said township of Greenville, in and to the said property and every part and parcel thereof, with the appurtenances, and that the money received from such sale shall be used by the board of education of the said township of Greenville, for the lawful purposes of public education, or shall be applied by said board of education in partial payment of other property which has been or may be purchased by the said board of education for school purposes in the said township of Greenville.

3. *And be it enacted*, That this act shall be deemed and taken to be a public act and shall take effect immediately.

Approved March 10, 1870.

CHAPTER CCV.

An Act to enable the owners of low lands and swamps, lying upon or adjoining the Assanpink Creek, in the counties of Mercer and Monmouth to clear out and straighten said Creek within the limits therein named.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That within four months after the passage of this act it shall and may be lawful for any two or more of the owners of land or meadow to be benefited by the opening, clearing out and straightening the said Assanpink creek, between the head of Amos Hutchinson's mill pond, in the township of Washington, in the county of Mercer, and the easterly line of Francis Riley, in the township of Millstone, in the county of Monmouth, to call a meeting of the persons

through whose lands the said creek or watercourse runs, or who are to be benefited thereby, by either written or printed notices served upon the owners of all the land, meadow and swamp embraced within the limits above named, either personally or by leaving the same at the usual place of residence, or by publishing the same in a newspaper printed and published in either of said counties and circulating in the neighborhood of said lands for at least two weeks prior to said meeting, and when assembled the said owners or persons interested as aforesaid shall, and may by a plurality of votes of those met, choose one or more manager or managers, who shall hold their offices for one year, and until others are elected.

May enter on
lands, &c.

2. *And be it enacted*, That it shall and may be lawful for the said manager or managers, or either of them to enter into and upon the meadows, low lands and swamps lying upon said creek within the limits aforesaid with all the necessary workmen and implements to open, widen, clear out, straighten and remove every obstruction (division swinging pole fencing across the said creek excepted) to the free passage of the water within the limits aforesaid, sixteen feet wide and not less than two and a half, nor more than five feet deep, and the mud and other obstructions taken out of said creek, to cast out upon the meadows, swamps and low lands next adjacent thereto.

Managers may
assess owners
of meadows.

3. *And be it enacted*, That the said manager or managers, shall and may apportion the amount that each respective owner or possessor of said meadows, swamps and low lands lying upon said creek, or in the vicinity thereof, within the limits aforesaid, to be benefited by the opening, clearing out and straightening of said creek, shall pay for each and every of the expenses which may accrue in carrying this law into effect, and shall and may demand and receive of all and every of the owners and possessors of said meadows, swamps and low lands, such sum or sums of money so by him or 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 manager or managers or either of them and they are hereby enjoined by action of debt to sue for and recover the same with costs of suit in any court having cognizance thereof, all which sum or sums of money so assessed and received shall be applied by the

said manager or managers to the purposes in this act before mentioned.

4. *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 inn of Mrs. Catharine Hall, in the village of Sharon, in the township of Washington, on the first Saturday of August, anno domini eighteen hundred and seventy-one, and on the first Saturday in August in each year thereafter, and appoint by plurality of votes one or more manager or managers, which said manager or managers shall continue in office one year next ensuing such choice and until others shall be chosen, and shall during the continuance of the year, and until others are chosen, be vested with all the powers hereinbefore given to the managers elected under the first section of this act. Annual meeting of owners of meadows.

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

6. *And be it enacted*, That the said manager or managers shall severally be entitled to receive for each and every day employed in discharging the duties required of them by this act the sum of two dollars. Compensation of managers.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1870.

CHAPTER CCVI.

An Act to incorporate the Humboldt Mutual Fire and Marine Insurance Company of New Jersey.

Corporate
name.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate by the name of "The Humboldt Mutual Fire and Marine Insurance Company of New Jersey," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts of law or equity, and by that name may have, purchase, possess and enjoy to them and their successors, lands, tenements and hereditaments, goods, chattels and effects of what nature and kind soever necessary for the purpose of this corporation, and the same to grant, devise, alien and dispose of at pleasure for the benefit of the said corporation, and may also have a common seal, and alter and renew the same at their pleasure.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, and when the said capital stock shall be subscribed, and fifty per centum of the sum paid in, in cash, that then the commissioners hereinafter named shall call together the board of directors, which said board of directors shall then proceed to the election of a president, a vice president, and such other officers and agents as may be necessary to manage the business of the company, and

Commission-
ers to open
subscription
books.

George Brown, Spafford S. Hughson, David Collins and William A. Howell be and the same are hereby appointed commissioners to open books for subscriptions to the capital stock of said company, and that ten days' previous notice of the time and place of the opening of said books shall be given by the said commissioners, or a majority of them, to be published in a newspaper in the city of Newark during the said space of ten days, and the said books of subscription may be

kept open as long as it shall seem best by the said commissioners, or a majority of them, so to do.

3. *And be it enacted*, That the stock, property, affairs and ^{Election of directors.} concerns of said company shall be managed and conducted by thirteen directors, a majority of whom shall constitute a quorum to transact business, who may respectively hold their office for one year and until others may be chosen, and shall at all times during their continuance in office be stockholders in the said company, holding in their own right one or more full shares; and the said directors shall hereafter be elected on the second Monday in January in each and every year, at such hour of the day, and at such place in the city of Newark, as the board of directors for the time being shall appoint, of which election public notice shall be given in a newspaper published in the city of Newark, at least ten days previous to such election, and every such election shall be by ballot, and by a plurality of the votes cast in person, and at every such election each stockholder shall be entitled to one vote and no more; and the first directors shall be George Brown, ^{First directors} Spafford S. Hughson, Jacob F. Remer, William B. Brown, David Collins, William A. Howell, Jacob Stucky, Henry W. Wilson, I. W. Condict, William U. Jube, Josiah B. Wilkinson, Elias A. Wilkinson and William G. Lord; ^{Proviso.} *provided*, they shall severally be stockholders in said company, who shall respectively hold their office for one year, and until other directors are elected in their stead; and any vacancy in the office of president, vice president or director may be filled by a majority of the remaining directors, and in the absence of the president the vice president shall have authority to exercise the power of the president; and the board of directors shall have power to allow such compensation to the officers, and others in the employ of the company for their services, as they may in their judgment deem reasonable and right; and the said directors, or a majority of them, shall have authority to make all necessary rules, regulations and by-laws as may be necessary and expedient for the management and conducting of the business of the company; *provided*, the same do not conflict with the laws of this state or of the United States.

4. *And be it enacted*, That it shall and may be lawful for the said company to insure houses and other buildings, and ^{May insure against loss by fire, &c.} personal property of all kinds against loss or damage by fire, upon such rates and conditions as shall be contained and sta-

ted in the policy of insurance, and may also insure ships or other vessels, rights, interests and property against every description of casualty incident to inland and marine transportation.

Policies of insurance.

5. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company may be made either under or without the seal thereof, and shall be subscribed by the president or by such other officer as may be designated by the by-laws for that purpose, and attested by the secretary or acting-secretary, and when so subscribed and attested the same shall be binding upon the company according to the tenor, intent and meaning of this act, and of such policies or contracts; and all such policies and contracts may be made, subscribed, attested and executed, and the business of the said company may be otherwise conducted and carried on without the presence of a board of directors by committee, or otherwise, and the same shall be binding and obligatory on the said company.

Stock transferable.

6. *And be it enacted*, That the stock of said company shall be deemed personal property, and as such assigned and transferred on the books of the company.

May hold real and personal estate.

7. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real estate as may be necessary for their convenient accommodation in the transaction of their business; and also to take and hold any real estate or securities mortgaged or pledged to the said company, for to secure the payment of any debt which may be contracted with the said company, and to redeem the moneys so pledged either at law or equity; and also to purchase on sales made under judgments at law or decrees in equity, or on any other legal proceedings, or otherwise to receive and take any real estate in payment or towards satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently sell or convert the same into money or other

Investment of capital stock.

personal estate; and for the purpose of investing any part of their capital stock, funds, or money, may purchase and hold any public stocks created by the incorporated cities, and of the townships and counties of this state or of the United States, or the state of New Jersey, as also of the bonds or other securities of the United States, or may invest the same in bonds secured by mortgages on unincumbered

real estate within this state worth double the amount of money invested or loaned.

8. *And be it enacted*, That it shall be lawful for the directors of said company to make dividends of so much of the profits of the company as shall be deemed advisable, and the said dividends shall be paid to the stockholders, or to their legal representatives. Dividends.

9. *And be it enacted*, That all persons who shall insure with the said corporation may participate in the profits during the period they may remain insured by the same, upon such terms and conditions as the directors by their by-laws may fix and determine; and the power conferred in this section shall not prevent the said company from issuing policies of insurance without the parties participating in the profits of the company. Persons insured may participate in profits

10. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1870.

CHAPTER CCVIII.

A Further Supplement to "An Act to incorporate the New Brunswick Savings Institution," approved March fifteenth, eighteen hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the sixth section of the aforesaid act as prohibits compensation to managers for actual services performed by them for said corporation, is hereby repealed; and all compensation to be allowed to managers shall be first determined upon by the board of managers at their meetings. Repealer.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1870.

CHAPTER CCIX.

A Further Supplement to an act entitled "An Act to facilitate judicial proceedings in the county of Essex," approved March fifteenth, eighteen hundred and fifty-nine.

Costs taxed in
criminal pro-
ceedings, how
paid.

Proviso.

Bail.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the costs heretofore taxed, or hereafter to be taxed in each case of conviction and sentence for crime, by the court constituted by the act entitled "A Supplement to an act entitled 'An Act to facilitate judicial proceedings in the county of Essex,'" approved March twenty seventh, eighteen hundred and sixty-seven, shall be paid in the same manner as in cases of conviction and sentence for like crimes under indictments, in the court of oyer and terminer and general jail delivery; *provided*, that in all cases where under the act to which this is a further supplement, indictments for crimes within the jurisdiction of the court of general quarter sessions of the peace of said county shall be handed down for trial to said court, by the court of oyer and terminer and general jail delivery of said county, the justice of the supreme court presiding in the said court of oyer and terminer and general jail delivery shall, notwithstanding, be entitled to and receive the same fee on each indictment so handed down from said court as was allowed by law before the passage of the last mentioned act.

2. *And be it enacted*, That the court of general quarter sessions of the peace, in the county of Essex, shall have power, at any session of said court, to let to bail or mainprize, for such time as in their discretion may seem just, all persons who may be arrested or imprisoned for any crime, by law triable before said court; and such proceedings shall be taken, in all cases in which bail should be forfeited in said court, as are now provided by law for forfeited recognizances in said court.

3. *And be it enacted*, That the provisions of any act inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Approved March 10, 1870.

CHAPTER CCX.

An Act concerning Roads in the Township of Hackensack.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Cronkright, Maurice Fitzgerald, Peter Bogert, junior, Cornelius Lydecker, William B. Dana, Nathan T. Johnson and Cornelius S. Cooper, and their successors to be hereafter appointed, are hereby constituted a board of commissioners to be known as the "Public Road Board of the Township of Hackensack;" the said commissioners, or a majority of them, shall assemble at the office of the protection society of the township of Hackensack, at Englewood, on the first Monday of April, eighteen hundred and seventy, and proceed to the organization of the said board by the election of a president and such other officers as they shall see fit, and shall thereupon determine by lot the period for which each commissioner shall hold office, so that the term of office of one commissioner shall expire on the first Monday of April, eighteen hundred and seventy-one, and the term of office of three commissioners on the first Monday of April, eighteen hundred and seventy-two, and the term of office of three commissioners on the first Monday of April, eighteen hundred and seventy-three; and the said board shall also assign, by ballot, one of their number to be the commissioner for each of the districts hereinafter created, and who shall be a freeholder in the district for which he is appointed.

2. *And be it enacted*, That the term of office of each commissioner appointed after the expiration of the term of office of the commissioners named in the first section shall be three years, and that on or before the fifteenth day of March preceeding the expiration of the term of office of each commissioner, the said board shall nominate in writing for said office to the township committee of the township of Hackensack, a suitable person being a legal voter in said township and a freeholder in the district for which he is nominated, and upon the approval of the said township committee, or a majority thereof, the person so nominated shall be appointed a com-

missioner ; and all vacancies in said board, whether by death, resignation, removal from the township, or from other cause, shall be filled in like manner ; the person so appointed to fill a vacancy holding office only for the unexpired term ; and each commissioner shall continue to exercise the duties of his office until his successor shall have been appointed in the manner hereby provided ; and should the said commissioners and township committee fail to appoint a suitable person to fill such vacancy within thirty days after the expiration of the said term of office, then the commissioners shall forthwith call a meeting of the freeholders, voters in said district as provided in fifth section of this act who shall elect by ballot other commissioners to fill their places ; and each commissioner shall before he enters upon his office, take an oath or affirmation before one of the judges of the court of common pleas of the county of Bergen, faithfully, fairly and impartially to exercise and perform the duties of said office, and which oath or affirmation shall, within five days after the making of the same, be filed by the said judge in the office of the clerk of the county of Bergen.

Township divided into seven districts and boundaries.

3. *And be it enacted*, That for the purposes of this act the said township of Hackensack shall be divided into seven districts, each of which shall include all the land within the following boundaries respectively, that is to say, district number one shall be bounded as follows : easterly by the Hudson river, southerly by the township line, westerly by the line of the Northern Railroad of New Jersey, and northerly by the southerly line of property of Henry Brinkerhoff, deceased, produced to the Hudson River ; district number two shall be bounded as follows : northerly by the southerly line of property of Thomas W. Demarest produced to the Hudson river, easterly by the Hudson river, southerly by the boundary line of district number one, and westerly by the line of the Northern Railroad of New Jersey ; district number three shall be bounded as follows : northerly by the northerly line of property of John I. Ackerman, to a point five hundred feet east of the Teaneck road ; thence parallel with said Teaneck road to the southerly line of land of Garret A. Lydecker ; thence along the line of said Lydecker to the Northern Railroad of New Jersey, easterly by the centre line of said railroad, and southerly and westerly by the township line ; district number four shall be bounded as follows : northerly by the southerly line of property of Jacob Demott,

from the Hudson river to the Tenaflly road; thence by a line drawn parallel with the road leading from Cornelius Brinkerhoff's house, and distant from said road five hundred feet to the north thereof, to a point five hundred feet east of the Schraalenburgh road, thence southerly by a line drawn parallel with the said Schraalenburgh road, and distant from said road five hundred feet to the east thereof, to the northerly line of property of John I. Ackerman, easterly by the westerly line of district number seven, southerly by the northerly line of districts numbers two and three, and westerly by the districts numbers three and six; district number five shall be bounded as follows: northerly by the township line, easterly by the westerly line of district number seven, southerly by the northerly line of district number four, and westerly by a line drawn parallel with the Schraalenburgh road, and distant five hundred feet easterly therefrom; district number six shall be bounded as follows: northerly and westerly by the township line, easterly by the westerly line of districts numbers four and five, and southerly by the northerly line of district number three; district number seven shall be bounded as follows: northerly by the township line, easterly by the Hudson river, southerly by the northerly line of district number two, and westerly by a line drawn parallel with Hudson river, and distant three thousand five hundred feet westerly therefrom.

4. *And be it enacted.* That the office of overseer of the highways in the said township of Hackensack is hereby abolished, and that the commissioners hereby provided for shall, within the limits of the district to which each shall from time to time be assigned, have the same powers, perform the same duties and be subject to the same obligations and penalties as overseers of the said township now have, perform, or are subject to, within and for the said township; and that the board of commissioners hereby created shall, in addition to other powers and duties conferred and enjoined by this act, have the same powers, perform the same duties, and be subject to the same obligations and penalties as the township committee of said township now have, perform, or are subject to in relation to the public highways; and, in addition thereto, shall have a general and exclusive supervision, control and management of the public highways in said township and of their repair and regulation, and of all parks and other lands in said township which have been, or may be dedicated

Duties of the
commission-
ers.

to the public, or which the said board may acquire without cost; and shall, from time to time, prescribe by the vote of a majority of said board, the manner in which the said public highways shall be repaired, kept in order and regulated, and the time when the same shall be worked or repaired, and if any person shall desire to dedicate to public use as a highway, any portion of his or her land, and shall execute a deed for that purpose to the inhabitants of the township of Hackensack, the same shall be a public highway, from the time of recording such deed (with an acceptance in writing signed by a majority of said board endorsed thereon) in the office of the clerk of the county of Bergen, with like effect as if the same had been opened under the provisions of any existing law.

Meetings of
legal voters in
each district
to vote and
raise money
for roads.

5. *And be it enacted*, That the said board of commissioners shall once in every year call an assembly in each district of the legal voters of the said township, who are freeholders in the said district, at such convenient place in the said district, and at such time in the month of April in each year as the said board shall deem proper, upon twenty days' notice, to be posted in five public places in said district, and published for two weeks in a newspaper printed and published in the county of Bergen, at which assembly the commissioner of said district shall preside, and the said freeholders so assembled shall have the same powers and authority in relation to the voting and raising money for the making, maintaining and repairing the public highways within such district as the inhabitants of the said township now have in relation to the roads and highways therein when assembled in town meeting; and they and their property shall be in all respects liable for the same, in like manner as the inhabitants of the said township and their property are now liable in respect of the roads therein; *provided*, that in making assessments for the purposes mentioned in this act, no deductions shall be made for debts owing by the owners of the real estate assessed, or for any mortgage thereon; *and provided*, that each of the said districts respectively shall make, maintain and keep in repair, under the direction of the said board, the public highways within their respective limits, in the same manner, to the extent of each district respectively, as the said township now is authorized and required to make, maintain and keep in repair the highways within its limits; *and provided further*, that all moneys so voted and raised by any district, shall be applied

Proviso.

Proviso.

Proviso.

by the said board to the use of the public highways in such district, and not in any other district.

6. *And be it enacted*, That the said assembly shall be conducted according to such general rules as the said board may from time to time prescribe, and shall decide, vote and appropriate such sum or sums as they shall deem necessary or proper for the use of the public highways in the district, and the tax so voted shall be assessed by the township assessor, and collected by the township collector in the manner provided by law for the assessment and collection of taxes in said township, and shall be paid over by the officer or officers receiving the same, to the president of the said board, to be by the said board applied to the purposes prescribed by this act.

May appropriate such sum as they shall deem necessary for public highways.

7. *And be it enacted*, That the said board may appoint, employ, remove, and discharge from time to time such superintendents, surveyors, engineers, and laborers, as they may deem necessary in order more effectually to carry out the intention of this act, and pay them such compensation or wages as they shall deem fair and reasonable.

May appoint and remove surveyors, &c.

8. *And be it enacted*, That the said board shall (subject only to the right of appeal and review hereinafter provided) have the full and exclusive power and authority to lay out, open, alter, widen, and straighten, grade and vacate public highways in the said township of Hackensack; that whenever the said board upon the application of twelve freeholders of the said district, made in writing, shall deem it expedient to lay out, open, alter, widen, straighten, grade, or vacate any public highway, or any number of connecting public highways in said township; the said board shall cause a map of such proposed improvement to be made and filed in their office, and which map shall be open to inspection at all reasonable times by any person desiring to inspect the same, and shall thereupon cause notice to be given by publication in a newspaper printed and published in the county of Bergen, once a week for four weeks, requiring all persons interested therein to appear before said board at a convenient time and place to be specified in said notice, when and where the said board shall hear and weigh all objections to the said improvement, and thereupon the said board shall decide and determine upon the necessity of such proposed improvement, and if the said board shall decide and determine in favor thereof, they shall make their decision in writing, and shall award such damages as they may deem just to each and every

May lay out, open, widen, grade and vacate public highways.

person affected thereby, and assess such lands as they may deem benefited in proportion to the benefit, in their judgment, received by the owners thereof, and file the said map and their award, and a particular description of the improvement so decided upon, in the office of the clerk of the county of Bergen, within ten days after making such award, and the said board shall give notice of such filing by publication in a newspaper printed and published in the county of Bergen, once a week for four weeks, and the determination of the said board shall be final and conclusive in the premises unless an appeal is taken to the court of common pleas of the county of Bergen within the time and in the manner provided for in this act.

Property
taken for pub-
lic use.

9. *And be it enacted*, That all property taken under any provision of this act shall be deemed taken for public use, and in estimating any award or assessment hereunder, the said commissioners shall estimate for benefits as well as for damages.

May construct
sidewalks,
sewers, &c.

10. *And be it enacted*, That the said board shall also have power to construct sidewalks, sewers and gutters, of such materials as they shall judge proper, along any public highway in said township; to erect lamp-posts, and to contract for the lighting of such highways, or any of them, with gas or other material, upon the application, in writing, of the owners of land of two-thirds in value, fronting upon the highway whereon such improvement is to be made, and to assess the charge of such improvement, and of the keeping the same in order, use and repair, upon the property benefited thereby; such assessment shall be filed in the office of the clerk of the county of Bergen within ten days after the same shall have been made, and the said board shall give notice of the filing of such assessment in such office, by publication in a newspaper printed and published in the county of Bergen, once a week for four weeks.

Proceedings
in case of ap-
peal.

11. *And be it enacted*, That any person feeling himself or herself aggrieved by the action of the said board, under the eighth, ninth and tenth sections of this act, may, within forty days from the first publication of the notice required to be given by said sections, appeal to the court of common pleas of the county of Bergen, by serving a notice, in writing, upon any member of said board; and the said court shall have full power to hear, determine and review the proceedings of the board in the premises, and the same or any

award, assessment, or other action, to confirm, alter, modify, set aside, or reverse, in whole or in part, for errors either of fact or in law; and the said court shall have power to hear and try the same in a summary way, and may summon a special jury to determine any question of fact; and the said court may proceed in due course, according to the power of the court in other cases, and the determination of the said court shall be final and conclusive in the premises, and not subject to appeal or review; and the said court, or any judge thereof, may, until such determination, stay all proceedings in the matter in reference to which the appeal may be taken, until such final determination; and like fees and costs shall be paid to the judges, jury, officers of the court and parties, as are allowed in other causes of which said court has, or may have, jurisdiction; and the said court shall have power to make and prescribe all necessary forms, rules and regulations, in the conduct of any proceedings to be taken under this act.

12. *And be it enacted*, That if no appeal shall be taken within the time and in the manner prescribed herein, the action of the said board shall take effect, and the said board may proceed to carry out the same under this act; and any assessment laid by virtue hereof, shall be a lien on the lands on which it is laid; and the said commissioners shall procure a certified copy of their award, and the judgment of the said court of common pleas, if any appeal shall have been taken, to be placed in the hands of the collector of taxes for the time being of the township of Hackensack, and thereupon it shall be the duty of the collector to directly collect the said assessment in sixty days from the time of placing such copy in his hands, and to pay the same over to the president of the said board; and the said collector shall, in the collection of the said assessment, be liable to the same pains and penalties, and entitled to the same fees, as in the collection of the annual township taxes, the said fees being reserved by him out of the amount so collected; *provided*,^{Proviso.} that the said collector in each and every year before proceeding under this act, shall enter into bonds to the said board, with such sureties and in such sum as the said board shall approve, conditioned for the faithful performance of his duties under this act; and the said president, before receiving any moneys from said collector, shall enter into bond to the inhabitants of the township of Hackensack, in their

If appeal be
not taken the
action of the
board takes
effect.

corporate name, with such sureties and in such sum as the said board shall approve, conditioned for the faithful performance of his duties as such president.

Lands may be
sold for assess-
ment.

13. *And be it enacted*, That in case any owner or owners of lands so assessed as aforesaid, shall fail to pay the assessment laid thereon within one year from the time of placing the certified copy of the award in the hands of the collector, then the land upon which the said assessment is a lien shall be sold in the same manner that land is now authorized by law to be sold for unpaid taxes in said township of Hackensack, so to raise a sufficient sum to pay the said assessment and the interest, at the rate of twelve per centum per annum, from the expiration of sixty days from the time of placing such copy in the hands of the collector, and the lawful costs and fees of collection and sale.

Compensation
of commis-
sioners, &c.

14. *And be it enacted*, That the said commissioners shall receive two dollars a day for each and every days' attendance upon and about the duties imposed upon them by this act, which shall be paid to them by the township collector, upon the order of the president of the board, and there shall be levied and collected in each and every year, at the time and in the manner provided for the levying and collection of taxes, a sum sufficient to defray such fees, advertising expenses and such other general expenses, costs and charges which the said board may become liable for, as are not hereinafter provided for; and that wherever the word board is used in this act, it shall be considered as meaning a majority thereof; and the said board shall, once in each year, publish in a newspaper printed and published in the county of Bergen, a full and accurate account of its receipts and expenditures, stating when and for what purposes the same has been made.

Repealer.

15. *And be it enacted*, That all laws and parts of laws inconsistent herewith shall be inoperative in the said township of Hackensack; *provided, however*, that nothing in this act contained shall have the effect to repeal or modify the act entitled "An Act to improve certain roads or avenues in the township of Hackensack, in the county of Bergen."

16. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 10, 1870.

CHAPTER CCXI.

A Further Supplement to an act entitled "An Act to incorporate the Morris and Essex Railroad Company," passed January twenty-ninth, eighteen hundred and thirty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Morris and Essex Railroad Company to increase its capital stock to such extent as the board of directors of said company shall deem necessary; *provided*, that the capital stock of said company shall not, at any time, exceed the sum of fifteen million dollars. May increase capital stock.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXII.

An Act for the relief of the Newton Academy.

WHEREAS, the trustees of Newton Academy, by their petition Preamble. have set forth that they are a private corporation, that they own a lot of land in the town of Newton, Sussex county, of about one-half acre, on which there is an academy; that the said building is no longer used or needed for educational purposes; that the same is of wood, and is in a dilapidated condition; that said town has recently been provided with abundant educational facilities, and asking for authority to sell the said property and appropriate the proceeds for educational purposes in said town; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said trustees of the New- Power to sell land and make title.

ton Academy may sell at public sale their lot of land and academy building, and make title to the purchaser thereof; first giving one month's notice of said sale in the newspapers of said town, and that they may apply the proceeds therefrom to the cause of education in the said town of Newton.

Approved March 14, 1870.

CHAPTER CCXIII.

A Further Supplement to the act entitled "An Act to incorporate the Cedar Cliff Cemetery Company," approved March twenty-eighth, eighteen hundred and sixty-five.

- Increase of
capital stock. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The Cedar Lawn Cemetery Company," formerly named "The Cedar Cliff Cemetery Company," are hereby authorized to increase the capital stock of said company, at such time or times as the directors thereof shall deem proper, to an amount not to exceed, in the whole, one hundred and fifty thousand dollars.
- May purchase
and hold addi-
tional land. 2. *And be it enacted*, That the said company are hereby authorized to purchase, hold and possess, for the purposes and objects mentioned in the act to which this is a supplement, and pursuant to the provisions thereof, such additional land in the county of Passaic, adjoining the cemetery of said company, as the directors thereof shall deem proper; *provided*, the lands of said company shall not exceed, in the whole, one hundred and fifty acres.
- Proviso. 3. *And be it enacted*, That all acts and parts of acts, general, special or municipal, inconsistent with the provisions of this act, are hereby repealed.
- Repealer. 4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXIV.

An Act to incorporate the Union Mercantile Association of Mullica Hill, Gloucester county, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of cor-
porators.</sup> *the State of New Jersey,* That John Duell, Jonathan Colson, Israel Pancoast, John Gaunt, senior, William W. Dunn, Samuel Ashcraft and James Chattin, and such other persons as are now or shall hereafter become stockholders, be and are hereby created a body politic and corporate, in fact and in law, by the name and style of the "Union Mercantile As- <sup>Corporate
name.</sup> sociation of Mullica Hill, Gloucester County, New Jersey," for the purpose of buying, selling and dealing in general merchandise and for such purpose the said company shall or may raise by subscription, by opening books therefor or otherwise, a capital stock of fifteen thousand dollars, to be divided <sup>Amount of
capital stock.</sup> into shares of fifty dollars each, with privilege of increasing the same from time to time, with the consent of a majority of the stockholders, to any amount not exceeding fifty thousand dollars, and it shall be lawful for said company to issue certificates of stock in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid.

2. *And be it enacted,* That the said company may pur- <sup>May hold real
and personal
estate.</sup> chase, use, hold, possess and enjoy, such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease or otherwise dispose of the same at pleasure, and may sue and be sued in all courts of law or equity, and may have and use a common seal, and may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper; *provided,* the same are not inconsistent with the ^{Proviso.} constitution or laws of the United States or of this state.

3. *And be it enacted,* That the affairs and business of the said corporation shall be managed by not less than three nor <sup>Annual elec-
tion of direc-
tors.</sup> more than five directors, and said directors shall be stockholders in said corporation, and shall be elected at the annual meeting of the stockholders, to be held on such day and

hour and place, as the by-laws of said corporation shall direct; a majority of directors shall on all occasions, when assembled as directed by the by-laws, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes, and in case a vacancy may occur by death or otherwise, the remaining directors may appoint any stockholder to fill such vacancy.

Not dissolved
on failure to
elect directors

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be dissolved, but the stockholders may proceed to hold an election for directors on any other day, by giving ten days notice of such election.

Annual state-
ment.

5. *And be it enacted*, That the said directors shall submit to the stockholders at their annual meeting a written statement of the affairs of said corporation, setting forth a full and complete list of assets and liabilities, money due to, and owing by said corporation as near as the same can be ascertained.

Office, where
located.

6. *And be it enacted*, That the store and office of the said company shall be in Mullica Hill, Gloucester county, New Jersey; and that regular books of account shall be kept in said office, also books of evidence of ownership of stock and transfer of the same, and such stock books shall be evidence of ownership of said stock in all elections and other matters decided by the stockholders of said corporation.

How dissolved

7. *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stockholders of the same specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein, and upon such dissolution the directors or their survivors, or such persons as the stockholders may appoint, shall be trustees for the settling of all affairs of the company, disposing and collecting of all its property and assets, paying its debts and dividing its surplus among stockholders in proportion to their respective interests in said stock.

Proviso.

General pow-
ers.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same may be applicable.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXV.

A further Supplement to an Act entitled "An Act to incorporate the Barnegat Railroad Company," approved March twenty-second, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it may and shall be lawful for the president and directors of the company authorized by the act entitled "An Act to incorporate the Barnegat Railroad Company," approved March twenty-second, anno domini eighteen hundred and sixty-six, to borrow from time to time such sum or sums of money as may be required and necessary, in addition to the amount of stock which may be subscribed, to be used for the purposes of building, constructing and repairing the railroad authorized to be constructed by the act aforesaid, and for furnishing the necessary engines, cars, machinery and buildings for the uses and objects of said corporation, and to secure the repayment thereof, with interest, by executing bonds and mortgages, or otherwise, on the said road and its appurtenances, and upon the lands, personal property, property privileges, franchises and other assets of or belonging to the said corporation at an interest not exceeding seven per centum per annum.

May borrow money and secure the same by bond and mortgage.

2. *And be it enacted*, That it shall be lawful for the said company, by its president and directors, to lay out, survey and construct the said railroad from some suitable point in Ocean county, on the line of the New Jersey Southern railroad (late known as the Raritan and Delaware Bay railroad) as they may select, passing through or near to the village of Barnegat and Manahawken, in Ocean county, to the village of Tuckerton, in Burlington county; and that they are

Route of railroad.

hereby invested with, and may exercise the same rights, powers, privileges and franchises for and in the construction, use and enjoyment of the same, and shall be subject to the same conditions, provisions, limitations and restrictions as are contained in the act to which this is a supplement, and in all supplements hitherto made thereunto, except where such conditions, provisions or limitations shall conflict with this supplement.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXVI.

A Supplement to an act entitled "An Act to incorporate Washington, in the county of Warren, into a borough or town corporate.

Power to lay
out and open
public street.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of said town to open and establish a public street running from the Morris turnpike to the Morris and Essex railroad, in said corporate limits, and for that purpose may take and appropriate any lands and real estate for the purpose of laying out said street upon making compensation to the owner or owners thereof.

Proceedings
when parties
cannot agree.

2. *And be it enacted*, That in case no agreement can be made for such lands, or where minors are interested or parties are incapacitated from loss of mind or otherwise, it shall be lawful for the common council to appoint three disinterested freeholders, one of whom shall be a resident of said town, and two shall be residents of the township of Washington, in the county of Warren, commissioners to make an estimate and assessment of damages that any such owner or owners may sustain by taking and appropriating in the manner aforesaid such lands and real estate.

3. *And be it enacted*, That said commissioners before en-

tering upon the duties required of them, shall severally take ^{Commissioners shall take} and subscribe an oath or affirmation before the mayor or ^{oath.} clerk of said town, to make the said assessment and estimate fairly and impartially, according to the best of their skill and judgment.

4. *And be it enacted.* That said commissioners shall give ^{Public notice to be made of} public notice of the time and place of their meeting, by ad- ^{meetings.} vertisements, signed by themselves and put up in at least seven public places of said town at least five days before such time of meeting, and they shall have power when met, or a majority of them, to examine witnesses, under oath or affirmation, to be administered by one of them, to enter upon and view the premises and to adjourn from time to time, and shall make a just and true estimate and assessment as aforesaid.

5. *And be it enacted,* That this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXVII.

An Act to incorporate the West Jersey Insurance Company of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of corporators.} *the State of New Jersey.* That John Woolverton, Bennington F. Randolph, Jonathan Edwards, John L. N. Stratton, Benjamin Williamson and others, their associates, successors and assigns, shall be and are hereby constituted and declared to be a body politic and corporate, for the purpose of life insurance, by the name of "The West Jersey Insurance Com- ^{Corporate name.} pany," to locate it in Trenton, county of Mercer, in this state, with power to establish and maintain branch offices and agencies, at such places and for such periods of time as may seem advantageous or convenient to said corporation, and by that name to sued and be sued, to plead and be impleaded, and to have and to use a common seal, and to alter and change the same at pleasure, and also by that name shall be and

May hold real
estate.

hereby are empowered to purchase, hold and possess and enjoy, for themselves and their successors, any estate, real or personal, for the use of said corporation; *provided*, the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold be only such as shall be requisite for its purposes in the transaction of its business, or such as shall have been mortgaged or conveyed in good faith by way of security for loans, or such as shall have been conveyed in satisfaction of debts previously contracted in the course of its business, or such as shall have been purchased at sales upon judgments or decrees obtained for such debts, and all such real estate as shall not be necessary for the purposes of said corporation in the transaction of its business, except lands mortgaged or conveyed as aforesaid, shall be sold and disposed of within five years after the said corporation shall have acquired title to the same; and it shall not be lawful for the said corporation to hold such real estate for a longer period unless the said company shall procure a certificate from the comptroller, or other principal financial officer of the state in which said lands may be, that the interests of the company will suffer by a forced sale of real estate, in which event the time of the sale may be extended to such time as the said financial officer shall direct in such certificate.

Objects.

2. *And be it enacted*, That the business of the company shall be to make insurance upon the lives of individuals, and every insurance or contract appertaining to or connected with like risks on such terms and conditions as from time to time may be provided for by the by-laws of said company, to purchase or loan upon any policy of insurance, dividends or obligations of said company for its benefit, to receive from any insured person such sum or sums of money or property or securities, and upon such conditions as may be agreed upon, for the purpose of securing the payment of the accruing premiums upon his or her policy of insurance or other obligations, and to grant, purchase and dispose of annuities.

Amount of
capital stock.

3. *And be it enacted*, That the capital of said company shall be one hundred thousand dollars in cash; that the said capital stock of one hundred thousand dollars shall be paid in before it shall be lawful for said company to commence the business of insurance, to be divided into one thousand shares of one hundred dollars each, which shall be personal property, transferable only on the books of the company, in conformity with the by-laws; the holders of the said capital

stock may receive a semi-annual dividend upon the stock not to exceed three and one-half per centum, such dividends to be paid at the times and in the manner designated by the directors; the earnings or receipts of said company, over and above the dividends, losses and expenses, shall be accumulated and disposed of as hereinafter directed.

4. *And be it enacted*, That the corporate powers of said company shall be vested in a board of directors and shall be exercised by them and by such officers as they may from time to time empower to act; the board of directors shall consist of the persons named in this act, and such other persons as they may elect to the number of fifty-two persons, one-fourth of whom shall be citizens of the state of New Jersey, each of whom shall be the owner of at least five shares of the said capital stock; the board of directors may previous to any annual election, and after giving notice at the previous meeting of the board provide for diminishing the board of directors to not less than thirty-two, in which case one quarter of the total board as thus diminished shall be elected annually in the same manner as hereinafter provided in regard to the fifty-two directors above mentioned and the same powers and authority shall vest in the said board of directors thus diminished as were previously exercised by the former board of directors; the persons named in this act shall after the organization of the company proceed to complete the number of the board of directors by election, and the said board of directors shall as soon as may be thereafter divide themselves into four classes of thirteen each; the term of the first-class shall expire at the end of one year from the date of the annual election in December, that of the second at the end of two years from that time, that of the third at the end of three years from that time, and that of the fourth class at the end of four years from that time, and so on successively, and in each and every subsequent year; one quarter of the board of directors shall hereafter be elected annually as provided in the following section, and shall hold office for four years or until their successors are chosen, but any director shall be eligible for re-election, vacancies occurring in the intervals of elections by death or resignation may be filled by the board in the manner set forth in the by-laws; the annual election of directors shall be held on the first Wednesday, in the month of December, at such place as the directors shall designate, of which fourteen days previous

Directors,
when and how
chosen.

Directors to
be divided
into classes.

notice shall be given in two of the daily or weekly papers of the said city of Trenton, the directors shall be chosen by ballot, and a plurality of votes shall elect; the board of directors shall appoint three inspectors of election who shall be policy holders in the company; and the president may supply any vacancy occasioned by the omission of any inspector to serve; in case of failure to elect directors on that day the remaining directors whose terms of office do not then expire shall have power to fill the said vacancies; in the election of directors every stockholder in the company shall be entitled to one vote for every share of stock held by him, and such vote may be given in person or by proxy; at any time hereafter the board of directors after giving notice at two previous stated meetings may by a vote of three fourths of all the directors provide that each policy holder who shall be insured in not less than five thousand dollars shall be entitled to one vote at the annual election of directors, but such vote shall be given personally and not by proxy; the board of directors shall have power to declare by a by-law what number of directors, not less than seven, shall constitute a quorum in the transaction of business.

Powers of
directors.

5. *And be it enacted*, That after each annual election the board of directors shall elect annually from among their number a president, and may at their option also elect a vice president or vice presidents; the board of directors may also appoint at any time, a president and vice president to act temporarily when said officers are absent, interested or unable to act; the board shall also appoint a secretary and such other officers as they may deem requisite, and who shall hold office during the pleasure of the board of directors; the directors shall have power to enact by-laws, rules and regulations for the government of the officers and agents, and for the management of the affairs of the company not inconsistent with this charter or with the constitution and laws of this state, and such by laws, rules and regulations may be amended or repealed by them at pleasure; the directors may determine the rates of premium and the amounts to be insured on any one life and the terms of such insurance, and shall have power to purchase for the benefit of the company any policies of insurance dividends or other obligations issued by the company.

Plan of con-
ducting the
business.

6. *And be it enacted*, That the insurance business of the company may be conducted upon the mutual plan; all

premiums shall be payable in cash ; in case any policy holder shall omit to pay any premium due to the company from him, or violate any other condition of the policy of insurance, the board of directors may forfeit the policy ; the officers of the company within sixty days after the first day of February in every year, shall cause a balance to be struck of the affairs of the company which shall exhibit its assets and liabilities both present and contingent, and also the net surplus after deducting a sufficient amount to cover all outstanding risks and obligations, and which shall be verified by the oath of the president and secretary of the company and filed in the office of the treasurer of the state ; each policy holder shall be credited with an equitable share of the surplus, which share may be paid in cash or applied in reversionary insurance, or in reducing the annual premiums, or may be applied in such manner as the directors may decide, or in the purchase of an annuity at such rate of interest as the directors shall designate.

7. *And be it enacted*, That any married woman may in her own name, or in the name of a third person as her trustee, cause to be insured the life of her husband for her sole benefit, on such terms and conditions as may be agreed upon with said corporation, the proceeds of which shall enure to her on the death of her husband, free from all claims of others whatsoever, which said policy she may sell, assign, or demise, and enter into any contract respecting, in all respects as if she were unmarried. Married woman may insure life of husband.

8. *And be it enacted*, That this corporation may invest its funds, assets, or accumulations in, or loan the same upon, bonds and mortgage on real estate, in such states as the directors may designate, or wherever the laws may require investments to be made, said real estate to be worth fifty per centum more than the sum loaned thereon, or in stocks of the United States, stocks of this or other states, or the stocks of any incorporated city or township in this or other states, if the same shall be at or above par, and in stocks created under the laws of this or other states, that shall be at the time of such investment, at a market value in this state, or in the state where the same shall be located, at or above par, and in such securities as shall be required by laws other than the laws of this state where the company may be doing business, charging such interest and commission for the same How money may be invested.

- Proviso. as may be agreed upon ; *provided*, the rate of interest shall in no case exceed seven per centum per annum.
- Investment of capital. 9. *And be it enacted*, That before said company shall proceed to do any business, the whole capital of said company shall be invested in the stocks of this state, or of the United States, or in bond and mortgage upon real estate in this state, worth fifty per centum more than the sum invested, which said stocks or bonds and mortgages shall be deposited with the treasurer of the state, to be held by him as security for the policy holders in said corporation ; and the treasurer is authorized and directed to collect the interest falling due upon said investment, and pay over the same to the said company or its authorized agent appointed to receive the same.
- Fiscal year. 10. *And be it enacted*, That the fiscal year of the company shall commence on the first day of January, and terminate on the thirty-first day of December in each year, and that the directors may meet at such place as the board may designate.
- Principal office. 11. *And be it enacted*, That it shall be lawful for this corporation at any time to change its corporate name, and to adopt another at its pleasure, upon due notice of such change in writing, filed with the secretary of state, and published in a newspaper of the county of Mercer, and the principal office of said company shall be located in the county of Mercer.
12. *And be it enacted*, That this act shall take effect immediately.
- Approved March 14, 1870.

CHAPTER CCXIX.

An Act to incorporate the West Jersey Park Association.

- Names of incorporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin Acton, Edward Vanmeter, William A. Casper, Richard Grier, James K. Patterson, John Holmes, Morris R. Elwell, Joshua Reeve,

junior, John Garwood, John S. Newell, their associates and successors, be and they are hereby created a body politic and corporate, in fact and in law, by the name, style and title of "The West Jersey Park Association," and by that name shall sue and be sued, and shall generally possess the powers and privileges of a corporation. Corporate name.

2. *And be it enacted*, That the capital stock of said corporation shall be twenty thousand dollars, divided into shares of fifty dollars each, and paid in by the stockholders in such time, manner and installments as the directors of said corporation may direct, and such shares shall be deemed personal property and shall be transferable, but only on the books of said corporation, in such manner as the said association may prescribe; and the said corporation may hereafter increase their capital stock, if they choose, to an amount not to exceed forty thousand dollars. Amount of capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be, and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of said association at such times and places, and in such manner and amount as they or a majority of them shall think proper, giving public notice for at least two weeks in both of the Salem newspapers, and in other newspapers printed and published in West Jersey, at their discretion, and as soon as one hundred shares are subscribed, the said commissioners, or a majority of them, are hereby authorized to hold their first meeting as directors of said association, at such time and place as they may agree upon, and to choose and elect a board of directors of nine in number, and such other officers and committees as they may deem necessary, which said directors and officers shall hold their said offices for one year and until others are elected to fill their places. Subscription books to be opened.

4. *And be it enacted*, That the members of said association shall have the right, at their first or any subsequent meeting, to establish such by-laws for the government of the association as they may deem expedient, which by-law shall not be inconsistent with the constitution of this state or the provisions of this act. May adopt by-laws.

5. *And be it enacted*, That the object of said association shall be to provide, keep and maintain, within two miles of the city of Salem, in Salem county, in this state, grounds and other real and personal estate of a net yearly value not exceeding three thousand dollars, suitable for healthful and Object.

driving exercises and purposes, and for agricultural, floral, mechanical and other like exhibitions, and shall have authority and power to adopt a corporate seal, and to receive by donation or devise, to acquire, purchase or lease, and use, hold, possess and enjoy such real estate not exceeding in all one hundred acres, and such personal estate as they shall deem necessary for the purpose of said association, and the same, or any part of such real or personal estate to sell, mortgage, lease or otherwise dispose of at pleasure, and also to make, build and construct on the real estate so held by them, such buildings, roads, tracks, walks for visitors, and other improvements as they may deem proper and necessary for the better carrying into effect the objects and purposes contemplated by the provisions of this act.

Dividends.

6. *And be it enacted*, That so much of the profits of said association as shall be deemed expedient by the directors, shall from time to time be divided amongst the stockholders, but no dividends shall be declared which will impair the capital of the association.

May hold
fairs and ex-
hibitions.

7. *And be it enacted*, That for the purpose of carrying into effect the objects and purposes of the said association, it shall be lawful for said association to hold upon their said grounds, from time to time, and as often as they shall deem proper, fairs and exhibitions for the development of speed or other desired qualities, and to encourage competition, may offer and pay such premiums for stock exhibited, and for superiority in the objects sought for in the manner usually exercised by the state and county agricultural societies for the improvement of the breed of horses, as the said directors, or a majority of them, may agree upon, and to ask, demand and receive for the said association's own use such reasonable fees for admittance of exhibitors and visitors to the said grounds and exhibitions as the said directors shall deem proper, and shall also have power to let, rent out or lease unto any agricultural or other society, any or all of the said grounds and improvements belonging to the said association.

General pow-
ers.

8. *And be it enacted*, That for the purpose of maintaining order and preserving the peace and decorum upon and about all the exhibition or meeting grounds of said association, the said directors, or a majority of them, shall have police jurisdiction within one mile of the boundaries of any of their said exhibition or meeting grounds; and it shall be their duty, and shall have the power to suppress the sale of ardent

spirits and other intoxicating beverages by parties not regularly licensed by the public authorities of any town or city, and to prohibit every species of gambling, breach of the peace or laws of this state within said limits; and it shall also be lawful for the said directors, or a majority of them, to appoint, from time to time, one or more fit, proper and discreet person or persons, who shall take and subscribe before one of the justices of the peace of said county an oath or affirmation, which said oath or affirmation shall be filed in the office of the clerk of said county where said exhibition or meeting is to be held, and shall be of like form and effect as is now required by law for constables to take and subscribe, and the date of said filing shall be endorsed by said clerk, and who shall be paid the fee usual for filing papers of that description, and which person or persons so appointed and sworn shall possess the same powers and authority on the premises of the said association, and on the lands and premises adjacent thereto within the limits above named, which constables now possess in criminal cases in this state; and they shall have power and authority without process to arrest all persons who shall be there found violating any of the laws of this state, or who shall conduct themselves in a disorderly or immoral manner, or disturb or wrongfully interfere with the meetings or exhibitions, or visitors thereto, or rules or regulations of said association; and the said parties so arrested shall be taken as soon as conveniently may be, before some justice of the peace of said county, or the mayor of the city nearest their said grounds, there to be dealt with according to law.

9. *And be it enacted*, That all acts and parts of acts of this state that are inconsistent with the foregoing act, so far as they relate to or interfere with this act, be and the same are hereby repealed.

10. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXX.

A Further Supplement to an act entitled "An Act to authorize the mayor and common council of the city of Newark to purchase the property of the Newark Aqueduct Company, and creating the Newark Aqueduct Board."

May issue
bonds for the
purpose of
building an
additional
reservoir.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of building an additional reservoir in the western portion of the city of Newark, and of extending the works now in progress for supplying said city with water, it shall be lawful for "The Newark Aqueduct Board" to issue bonds in the name and under the seal of the mayor and common council of the city of Newark, to be denominated on their face, "Newark City Water Bonds," in addition to those now authorized by law, to an amount not exceeding five hundred thousand dollars; such bonds shall bear a rate of interest not exceeding seven per centum per annum, and shall be redeemable at any time not exceeding fifty years from their date, in the discretion of the board, which may be sold at public or private sale for the best price they can obtain for the same; they shall be issued in the same manner and under the same rules and regulations, and with the same liability for the payment thereof on the part of the city of Newark, as are prescribed in the act to which this is a supplement and the various supplements thereto.

Sections of
city charter
that shall not
affect this act.

2. *And be it enacted*, That none of the limitations, restrictions or conditions in the thirty-fifth or sixty-eighth sections of the act entitled "An Act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven, shall be held to be applicable to or in any wise to affect this act.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXXI.

A Supplement to "An Act to incorporate the Paterson and Little Falls Horse and Steam Railroad Company," approved April ninth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Paterson and Little Falls Horse and Steam Railroad Company be, and they are hereby authorized and invested with all the rights and powers necessary and requisite to survey, lay out and construct a single track railway with the necessary turnouts in the city of Paterson, along Broadway, and from Broadway northerly along Main street; the said company are hereby also empowered to lay out and construct a single track railway, with the necessary turnouts, along Water street, North Main street, Haledon avenue, and to cross the Passaic river to the Erie railway; and the said company are also empowered to lay out and construct a single track railway, with the necessary turnouts, along Madison avenue and through and along any other streets and avenues in the city of Paterson, now laid out, or that may hereafter be laid north of Market and Congress streets, and northwest of the Passaic river in said city of Paterson; *provided*, that the consent in writing of a majority of the owners of the land (reckoning by the number of lineal feet), fronting on both sides of said streets or avenues, being first had and obtained, and filed in the office of the clerk of the county of Passaic; and further, that the said railway shall not be constructed in any parts of said streets or avenues without the consent of the mayor and board of aldermen of said city for that purpose being first duly granted at a meeting of the board.

Power to lay out and construct a single track railway.

Proviso.

2. *And be it enacted*, That in the construction, equipment, management, running and operation of said railroad, the said company shall have and possess all the powers, authority and privileges granted to and conferred upon them by the act to which this is a supplement.

Powers.

3. *And be it enacted*, That all parts of the act to which this is a supplement, inconsistent with the provisions of this

Repealer.

act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXXII.

A Further Supplement to the act entitled "An Act to incorporate the Chingarora Dock Company of Keyport," approved February twenty-first, anno domini eighteen hundred and fifty-one.

Rates of Dock-
age.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said corporation shall be entitled to demand and receive the following rates of dockage in addition to the dockage prescribed by the act to which this is a further supplement, to wit :

For unloading manure upon the dock of said company for each New York cart load, one and one-half cents per load ;

For loading or unloading each load of ballast, three cents per load ;

For loading or unloading each load of furniture, per load, twenty cents ;

For loading or unloading each load of hay, grain or produce of any kind, six cents per load ;

For loading or unloading each thousand feet of lumber, five cents per thousand feet ;

For loading or unloading each ton of coal, two and a half cents per ton ;

For loading or unloading each cord of wood, two and a half cents per cord ;

For loading or unloading each bushel of lime, one-eighth of one cent per bushel ;

For loading or unloading each thousand of shingles, four cents per thousand ;

For hoisting with a horse upon dock, seventy-five cents a day, and at that rate for any portion of a day.

2. *And be it enacted*, That the said corporation, by their dock-master, may have a lien and may hold the property loaded or unloaded upon said dock or upon the vessel loaded or unloaded from said dock, for the wharfage or charges due under this act and the act to which this is a further supplement, and may proceed by distress warrant to enforce the collection and payment thereof, in addition to the means provided by the original act for the collection of dockage, whether the vessel belongs in or out of the state of New Jersey. Charges for dockage may be a lien.

3. *And be it enacted*, That the manure and lime shall only be unloaded upon carts and wagons, and that no manure or lime shall be laid upon said dock under a penalty of ten dollars for each load, to be recovered by an action of debt in any court of competent jurisdiction for the use of said corporation, to be recovered by an action in the name of said corporation. Manure and lime, how unloaded.

4. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, be, and the same are hereby repealed, and that this act shall take effect immediately. Repealed.

Approved March 14, 1870.

CHAPTER CCXXIII.

A Supplement to an act entitled "An Act to incorporate the Franklin Horse Car Railway Company," approved March second, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "The Franklin Horse Car Railway Company" be and they are hereby authorized to increase their capital stock to any amount not exceeding one hundred thousand dollars above that now authorized by law. which increase of stock hereby authorized shall be subscribed for and issued in such manner and at such time or times, and at such place or places and in such amounts Increase of capital stock.

and upon such terms as the board of directors of said company may deem expedient and proper.

Number of directors may be increased.

2. *And be it enacted*, That the number of directors of said company may at any time be increased in manner following, that is to say, the directors for the time being may by a majority vote elect and appoint one or more persons being stockholders of said company, to be additional directors, and said persons so appointed shall be in all respects qualified to act as directors of said company until the next ensuing annual election and at such next ensuing annual election the stockholders shall elect in the manner provided by the act to which this is a supplement, in addition to the number theretofore elected, as many persons to be directors as shall have been appointed by virtue of this section during the preceding year; *provided*, that at no time shall the board of directors of said company consist of more than thirteen persons.

Proviso.

Proceedings when contracts are changed.

3. *And be it enacted*, That the township committee or common council of any township, town or city in which any railway of said company may run, or be intended to run, shall have full power to make, alter and change any contract with said company in relation to the location and construction of such railway in such township, town or city, which contract or alteration or change of the same, upon being filed in the office of the clerk of the county of Essex, shall be binding on such township, town or city and on said company.

May construct a railway in the city of Newark.

4. *And be it enacted*, That it shall be lawful for the said "The Franklin Horse Car Railway Company," and the said company is hereby authorized and empowered to build, construct, maintain and operate a railway or railways in any of the streets of the city of Newark, in the county of Essex, whenever the common council of said city by ordinance shall consent to the same; and that for the purpose of carrying into effect the objects of this act, the said company shall be and they are hereby invested with all the rights, powers, authority and privileges given and granted by their original act of incorporation, and they are hereby also subjected to all the duties, restrictions and liabilities contained in said act, except so far as the same may be inconsistent herewith.

Completion of railway.

5. *And be it enacted*, That the condition contained in the nineteenth section of the act to which this is a supplement shall be deemed to be fulfilled upon the completion for use of any two miles of railway authorized by this act.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXXIV.

An Act to incorporate the Raritania Club of Perth Amboy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James M. Chapman, John Parker, James T. Watson, Joseph E. Chapman, James L. Kearney, Henry Farmer, Joseph M. Stanford, Louis A. Golding, A. F. Higgins, Eber H. Hall, William King, Joseph Marsh, and such others as may become associated with them, are hereby constituted and declared to be a body corporate and politic, by the name of "The Raritania Club," and shall by such name possess and enjoy, and be subject to all the provisions of the act entitled "An Act concerning corporations." Names of corporators.

2. *And be it enacted*, That the capital stock of said corporation shall be twenty-five thousand dollars, divided into shares of one hundred dollars each, and shall be payable and transferable in such manner as may be provided for in the by-laws of said corporation, and whenever five thousand dollars of said stock shall be subscribed for and one dollar per share paid in, said corporation may be organized. Amount of capital stock.

3. *And be it enacted*, That the affairs of said corporation shall be conducted by a board of seven managers, to be elected by and from the shareholders on the organization of the corporation, and annually thereafter, on such day as may be fixed by the by-laws, who shall hold office till others are elected in their stead, and who shall elect a president, vice president and such other officers as may be provided in the by-laws. Election of managers.

4. *And be it enacted*, That the object of said corporation shall be the promoting of social enjoyment and local improvement, and the mental and physical development and advance- Objects.

ment of the members and others, and may acquire and hold, lease, let, hire, mortgage, pledge, sell and convey such real and personal estate, and erect such buildings as may be suitable for the purposes of this incorporation, not exceeding the annual value of three thousand dollars.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXXV.

A Supplement to "An Act to facilitate Judicial Proceedings in the County of Camden," approved March ninth, eighteen hundred and fifty-nine.

Payment of
taxed costs,
how made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the costs heretofore taxed, or hereafter to be taxed, in each case of conviction and sentence for crime, by the court constituted by the act entitled "An Act to facilitate judicial proceedings in the county of Camden," approved March ninth, eighteen hundred and sixty-nine, shall be paid in the same manner as in cases of conviction and sentence for like crimes under indictment in the court of oyer and terminer and general jail delivery.

Power to let
to bail or
mainprise.

2. *And be it enacted*, That the court of general quarter sessions of the peace in the county of Camden shall have power, at any session of said court, to let to bail or mainprise for such time as in their discretion may seem just, all persons who may be arrested or imprisoned for any crime by law triable before said court; and such proceedings shall be taken in all cases in which bail should be forfeited in said court as are now provided by law for forfeited recognizances in said court.

Repealer.

3. *And be it enacted*, That the provisions of any act inconsistent with this act are hereby repealed, and that this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXXVI.

An Act to incorporate the German Turn Verein of Hudson City.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of corporators.} *the State of New Jersey,* That Henry Buchlein junior, Nicholas Link, John Reisenweber, August Bodler, John Eller, Andrew Link, Otto Niehaus, and such other persons as now are or hereafter shall become members of "The German Turn Verein of the city of Hudson," ^{Corporate name.} are hereby constituted a body corporate by the name aforesaid.

2. *And be it enacted,* That the object of this society shall ^{Object.} be the improvement of mental, physical and corporal education.

3. *And be it enacted,* That said corporation shall have ^{Admission of members.} power to prescribe admission and expulsion of its members, and for the election, time of service, and duties of its officers.

4. *And be it enacted,* That said corporation may purchase ^{May purchase and hold real and personal estate.} and hold real and personal estate for their use and benefit, the annual income of which shall not at any time exceed five thousand dollars.

5. *And be it enacted,* That the said corporation shall ^{Restrictions and liabilities.} possess all the powers and privileges, and be subject to all the restrictions and liabilities contained in the act entitled "An Act concerning corporations," passed and approved February the fourteenth, one thousand eight hundred and forty-six, and the various supplements thereto.

Approved March 14, 1870.

CHAPTER CCXXVII.

A Supplement to "An Act to incorporate the Children's Friends' Society of Jersey City," approved March twenty-second, eighteen hundred and sixty-four.

Quorum.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a quorum of the board of trustees of the corporation created by the act to which this is a supplement shall be such number of trustees as shall be determined by the by-laws of said corporation, but not less than seven trustees, which quorum of said board of trustees shall be authorized to transact all or any of the business of said corporation.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXXVIII.

A Supplement to "An Act to incorporate the South Amboy Co-operative Association."

Trade dividends may be declared.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the directors of said association to declare a trade dividend to all purchasers of dry goods, clothing, groceries, provisions and all other articles classed under the head of the necessities of life, from said corporation, at such times and for such amounts as the said board of directors shall deem proper, and under such rules and regulations as said directors may by their by-laws direct.

2. *And be it enacted*, That said board of directors shall

hereafter be empowered to appoint a superintendent, whose Appointment and duties of duties shall be prescribed by the by-laws of said company, superintendent shall and his compensation fixed, and said superintendent shall give such securities for the faithful performance of his duties as such officer as the said board of directors may direct.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXXIX.

An Act to enable the Trustees of School District Number Five, of the township of Mansfield, in the county of Warren, to raise money by taxation for school purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number five, of the township of Mansfield, in the county of Warren, are hereby authorized and empowered to raise by taxation upon the taxable property in said district, such sums of money, not exceeding twenty five hundred dollars, as may be necessary to pay for finishing and furnishing the public school house in said district, and to discharge the indebtedness of the said district upon or account of said house. Money for finishing and furnishing school house may be raised by taxation.

2. *And be it enacted*, That the same shall be assessed in the same manner as all other taxes are, and at the same time and in such sums as the trustees may direct. Manner of assessment.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXXX.

An Act to prevent cattle running at large in the township of Marlboro', county of Monmouth.

Lawful to impound horses, cattle, sheep and swine.

Charges of poundkeeper.

Poundkeeper may sell the same if not reclaimed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any person who may reside within the limits of the township of Marlboro', in the county of Monmouth, to drive or convey to any public pound which may be in said township, any horses, mules, sheep or swine found running at large in the public highways or elsewhere within the bounds aforesaid, and impound the same; and the keeper or keepers of any public pound in said township is, and are hereby authorized and required to receive such horses, mules, cattle, sheep or swine, and the party (or the pound-keeper, if the duty be performed by him) shall have twenty-five cents per head for driving or conveying to the pound each mule, every head of cattle or swine, and ten cents for every sheep for letting in the pound, and shall have the same fees per head on horses, mules, cattle, sheep and swine for letting out of the pound, and for feeding and attending, forty cents per head for horses, mules, cattle and swine, and thirteen cents per head for sheep, for every twenty four hours or fractional part thereof they shall continue in said pound; and if the owner or owners of said horses, mules, cattle, sheep or swine so impounded shall not pay the charges of keeping and impounding within four days after such beasts shall be impounded, and take the same away, it shall be the duty of the pound keeper to set up advertisements in five of the most public places in said township, describing such horses, mules, cattle, sheep or swine, and giving at least ten days notice of an intended day and place of sale; and if the owner or owners of such horses, mules, cattle, sheep or swine do not appear and redeem the said beasts before the time so notified, the said poundkeeper shall sell the same accordingly to the highest bidder, and out of the money arising from such sale shall pay the charges arising from conveying to the pound and retain his fees for impounding, keeping and feeding and letting

out of the pound said horses, mules, cattle, sheep and swine, and twenty-five cents for advertising sale and collecting the money for each horse, mule, cattle, sheep or swine, and return the overplus to the owner or owners of the said beasts, if they shall appear and claim the same; and if no owner or owners shall appear and claim such overplus within six months after such sale, the same shall be paid to the collector of taxes of said township, by him, to be held and accounted for as a part of the funds of said township.

2. *And be it enacted*, That it shall be lawful for the inhabitants of said township of Marlboro', at their annual town meeting, to elect annually any number of pound keepers, not less than three, and authorize the erection of an equal number of pounds, to be situated at such places as shall be most convenient for purposes of impounding in said township. ^{Election of poundkeepers.}

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, so far as the same may be applied to the said township of Marlboro', be and the same are hereby repealed. ^{Repealer.}

Approved March 14, 1870.

CHAPTER CCXXXI.

A Further Supplement to "An Act to incorporate the Camden Water Works Company," approved April second, eighteen hundred and forty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much and such parts of the fourth section of the supplement to said act, entitled "A Supplement to the act entitled 'An Act to incorporate the Camden Water Works Company,' approved April fourteenth, eighteen hundred and sixty-four," as limits the purchase of the stock of the Camden Water Works Company to a price or prices not exceeding the par value thereof, in ^{Repealer.}

case the city of Camden should purchase the same, be and the same is hereby repealed.

May sell and convey property to the city of Camden.

2. *And be it enacted*, That it shall be lawful for the said company to sell and convey their water works and all their property, real and personal, with its appurtenances to the said city of Camden, at such price as may be agreed on between said company and said city, not exceeding two hundred thousand dollars, and that in case of such sale and conveyance the said city may pay for the same, as in the said supplement to said act is appointed for the payment of the stock thereof, except that the interest on the coupon bonds to be issued, may be seven per centum per annum; said bonds to be designated "Water Bonds," and secured by mortgage on the real and personal estate of said company so conveyed to the said "the city of Camden."

Purchase money may be held in trust.

3. *And be it enacted*, That in case of a sale and conveyance of the said water works and the property appertaining thereto, as authorized by the next preceding section of this act, the board of directors shall take and hold the purchase money or consideration thereof, not required in the payment of the debts of said company, and expenses of said sale, in trust for the stockholders of said company, in the ratio of the stock held by them respectively, and shall distribute the same to them in that ratio.

Approved March 14, 1870.

CHAPTER CCXXXII.

An Act to repeal the act incorporating "The Camden and Gloucester City Turnpike Company," (and the several supplements thereto), which was incorporated under the name of "The Woodbury and Camden Turnpike Company," February twenty-eighth, eighteen hundred and forty-nine.

Preamble.

WHEREAS, the said turnpike company, for near two years last past, have to all intents and purposes, abandoned their road, have thrown open their toll gates and ceased to

collect toll from travelers over said road, and have made no repairs on the same, and suffered the said road to become so out of repair that it is, not only almost impossible, but dangerous to travel over; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Repealer.} *the State of New Jersey*, That the act entitled "An Act to incorporate the Woodbury and Camden Turnpike Company," approved February twenty-eighth, eighteen hundred and forty-nine; the act entitled "An Act to authorize the stockholders of the Mullica Hill and Woodbury and the Woodbury and Camden Turnpike Companies to unite said companies into one company, to be called the Mullica Hill and Camden Turnpike Company, approved March first, eighteen hundred and forty-nine; the supplement entitled "A supplement to an act entitled 'An Act to incorporate the Woodbury and Camden Turnpike Company, approved February twenty-eighth, eighteen hundred and forty-nine,'" which said supplement was approved March twenty-sixth, eighteen hundred and fifty-two; and the further supplement entitled "A further supplement to the act entitled "An Act to incorporate the Woodbury and Camden Turnpike Company, approved February twenty-eighth, eighteen hundred and forty-nine," which said further supplement was approved March third, eighteen hundred and fifty-three, be and the same are hereby repealed, each and every one of them, the said acts and supplements.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXXXIII.

A Supplement to "An Act to authorize the United States Watch Company to establish works in this State, and to incorporate the same," approved March ninth, eighteen hundred and sixty-six.

May declare
stock divi-
dends of for-
feited stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of directors of the corporation created by the act to which this is a supplement, may from time to time divide among the stockholders of said corporation all such stock of said corporation as may not have been subscribed for, or that shall be forfeited or in any way belong to said corporation, and for that purpose may declare stock dividends.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXXXIV.

An Act to repeal "An Act for the improvement of Metuchen and for other purposes."

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "An Act for the improvement of Metuchen, and for other purposes," approved April first, eighteen hundred and sixty-nine, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXXXV.

An act entitled "An Act to change the names of Gustavus Augustus Stout and Lavenia Stout, of the City and County of Camden."

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Change of}
the State of New Jersey, That the names of Gustavus Augus-^{name.}
tus Stout and Lavenia Stout, both of the city and county of
Camden, be and the same are hereby changed to Gustavus
Augustus Cullen and Lavenia Cullen; and by that name
they shall possess and enjoy all the rights, powers and privi-
leges which they would have possessed and enjoyed had they
retained their original names of Gustavus Augustus Stout
and Lavenia Stout.

2. *And be it enacted,* That this act shall take effect im-
mediately.

Approved March 14, 1870.

CHAPTER CCXXXVI.

A Supplement to the "Act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Election of}
the State of New Jersey, That hereafter the overseer of the ^{overseer of}
highways for any road district in the township of Chester-^{highways.}
field, in the county of Burlington, shall be nominated and
elected by a majority of the inhabitants being legal voters
assembled for that purpose in and for said road district, and
that the boundaries of any road district in said township

shall be designated and fixed by the township committee of said township, or a majority of the same.

Time of holding election.

2. *And be it enacted*, That such election shall be held in each of the road districts in said township on the Saturday following the annual town meeting annually, between the hours of two and five o'clock in the afternoon, and at such places in said township as the township committee of said township, or a majority of them, shall designate by giving five days notice thereof in writing, to be put up at two of the most public places in each of said road districts.

Repealer.

3. *And be it enacted*, That all acts and parts of acts repugnant to, inconsistent or conflicting with the provisions of this supplement be, and the same are hereby repealed, and this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXXXVII.

A Further Supplement to "An Act to charter the Passaic Valley and Peapack Railroad Company," approved March twenty-ninth, eighteen hundred and sixty-five.

Proceedings in case of appeal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of an appeal heretofore or hereafter taken to the inferior court of common pleas of the county in which land taken for the said company's railroad lies, from the decision and award of the commissioners appointed by virtue of the seventh section of the act to which this is a supplement, to assess the price or value of land taken or to be taken by said railroad company, which company is now known by the name of "The Jersey West Line Railroad Company," or in case any owner or owners of such land shall before an appeal is taken be unwilling or refuse to receive the amount of the award, and decision of said commissioners or of a majority of them it shall and may be lawful for the said railroad company to pay into the said inferior court of common pleas or to the clerk thereof the

amount of the award of said commissioners or of a majority of them, and after the said payment into said court or to the said clerk, it shall be lawful for said railroad company immediately to enter into possession of the said land, the price or value of which has been or shall be assessed by the commissioners, and construct thereon their railroad and whatever may appertain thereto.

2. *And be it enacted*, That the sum so paid into the said inferior court of common pleas or to the clerk thereof, shall in case of an appeal heretofore or hereafter taken, to be held until final judgment rendered on said appeal, or in case no appeal is taken until the time limited by law for taking an appeal expires, when as the case may be, the said amount or so much thereof as shall be necessary should the jury on appeal find a less sum, shall be paid by the order of the court to the owner or owners of said land entitled thereto.

Moneys paid
into court
how to be held
and disposed
of.

3. *And be it enacted*, That upon the payment of said money into the said inferior court of common pleas or to the clerk thereof, if the jury on appeal should not find a greater sum than said commissioners, or in case they do find a greater sum, upon the payment of the excess, including costs, over what has been paid into said court or to said clerk, to the person or persons entitled thereto, or into said court or to the clerk thereof, or in case of the payment of the amount of any award into the court of chancery or to the clerk thereof, pursuant to the eighth section of the act to which this is a supplement, the said corporation shall thereupon be deemed to be seized and possessed in fee simple of all such lands and real estate appraised.

Possession,
how obtained.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXL.

An Act for the improvement of Flemington.

Boundaries.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the limits of the town of Flemington, for the purposes of this act, shall be as follows: Beginning at the Arch bridge near Richard Emman's, thence running a due south course to the public road leading from Flemington to John C. Merrill's, thence in a straight line to the southeast corner of George Hanson's lot near Thomas Hartpence's, thence due west to Thomas Edmonson's line, thence north along said Edmonson's line to Charles Bartle's line, thence along said Bartle's line north to the public road leading from Flemington to Sergeantsville, thence in a straight line to the west end of Bonnell street, thence in a straight line to the southwest corner of Mrs. Ree's land, thence along said Ree's land to the northwest corner thereof, thence in a straight line to the creek north of Samuel Johnson's house, thence down the said creek, the several courses thereof to the place of beginning.

Time of holding election for commissioners.

2. *And be it enacted*, That the legal voters of the said town as above bounded and limited, shall make and hold an election in said town on the first Monday of May hereafter, at which election there shall be chosen, by a plurality of the votes cast, seven of the legal voters of the said town, who shall be denominated "The Board of Commissioners of Flemington," and by that name, they and their successors in office may sue and be sued, make contracts and agreements, make regulations and ordinances, and impose penalties, not exceeding fifty dollars in amount, for the purpose of carrying out and effecting the objects and purposes of this act.

Place of holding the first election.

3. *And be it enacted*, That the first election of said commissioners shall be held at the court house in said town, and subsequent elections shall be held at such place in said town as by resolution of the board of commissioners for the time being shall be appointed, of which subsequent elections such board shall give two weeks notice, by advertisement in the

newspapers of said town, that said election shall be by ballot, and shall be opened at four o'clock in the afternoon, and closed at seven o'clock in the evening of the same day; that of the legal voters present at the opening of the polls there shall be chosen by the electors then present, a judge and clerk of election, who shall conduct the same in the manner that township elections are conducted by ballot, which officers of election shall possess the same powers and be subject to the same duties and restrictions as the officers of township elections are subject to, and that at the close of said polls the said judge and clerk of election shall canvass the votes cast, and publicly declare who have been chosen, and shall make out under their hands and deliver to the commissioners so chosen, a certificate of their election, which certificate shall be recorded in the minutes of the proceedings of said board.

4. *And be it enacted*, That the commissioners so chosen shall at one of the meetings of said board as soon after their election as may be practicable elect from their number a president, secretary and treasurer; that meetings of said board may be called by the president, or in his absence or disability by the treasurer, upon two weeks notice published in any newspaper of said town, which meetings so called may be publicly adjourned to another time and place without further advertisement; that the treasurer shall give his bond to said board with satisfactory sureties in such amount as they may require, for the faithful performance of his office, and shall render annually and as often as required by resolution of the board, an account of all moneys received and disbursed by him, and shall pay out no moneys except upon resolution of the board, upon bills countersigned by the president; that the secretary shall keep a minute of the proceedings of said board, and record the same in a book provided for that purpose.

Election of
president and
other officers.

5. *And be it enacted*, That it shall and may be lawful for the said board of commissioners to have the general supervision, management and control of the public streets, sidewalks and roads of said town, and of all public commons therein or adjoining thereto, and of the fire engines and all apparatus for the suppression of fires belonging to said town, and for this purpose may by resolutions or ordinances make all needful rules and regulations for the promotion and advancement of the interests of said town, touching and con-

General powers and duties
of the commissioners.

cerning the matters above mentioned, and more particularly that they may by such resolutions or ordinances cause the streets and roads of said town, or such parts thereof as they may deem advisable, to be graded, graveled or otherwise to be improved and repaired, and to prevent and cause to be removed all obstructions thereon, so that they may be kept open to the width at which they were laid out by the surveyors of the highways, or by any deed, donation or dedication thereof by the original owner or owners thereof, and also that they may fix and determine the width, grade and construction of the sidewalks of the said town, and cause the same, or such part thereof as they may deem necessary, to be paved, flagged, gravelled and curbed, or either of them, at the expense of the several owner or owners of the improved property of said town adjoining said sidewalks; and in case any owner or owners shall neglect or refuse to comply with and carry out any such regulations or ordinances touching the sidewalks, in front of and opposite their improved lots of land, then that said commissioners may cause the same to be done and carried out by their workmen, laborers or agents, keeping a particular account of the expenses attending the same, to and with reference to the several owners of such improved lots respectively; and in default of payment of such expenses by any such owner or owners, then the said board of commissioners, by their above mentioned title of office, may sue for and recover the same in any court of competent jurisdiction, which moneys when recovered shall be by them applied to carry out the purposes of this act; and the said commissioners shall have power to cause to be constructed, enlarged, repaired and extended any culverts, sewers, drains or ditches, in or along any of said streets or roads, and therein or thereby to divert, receive and discharge the drainage of said streets and roads, with reference to the greatest public convenience and doing the least private injury possible.

Commission-
ers not to re-
ceive compen-
sation for
services.

6. *And be it enacted*, That no compensation shall be paid to any of said commissioners for their services, that they shall not have power to levy any tax or make any assessment upon the owners of real estate or other inhabitants of said town, excepting only for the construction and repairs of sidewalks against the several owners of improved property for the amount of the construction and repairs of such parts thereof as may lay in front of and adjoining to the improved property of such respective owner or owners; that the taxes

which shall hereafter be assessed, levied and collected upon and from the taxable inhabitants of the said town, and upon the real estate therein for roads, or for the improvement or repairs of roads by the officers of the township of Raritan, in the county of Hunterdon, shall not be applied to the roads without the boundaries of said town, but that the assessor and collector of the said township shall hereafter assess and collect upon and from the taxable inhabitants of said town, and on all lands liable to be taxed therein, the road tax which shall have been ordered to be raised at the previous annual township election, in the same manner as the same have been heretofore assessed, levied and collected, and it shall be the duty of the collector or collectors of said township, to pay over the amount of the road tax by him or them received, which shall have been assessed and collected upon the taxable inhabitants of said town, and upon all lands liable to be taxed therein, to the treasurer of the said commissioners, to be expended and applied by them in carrying out the purposes of this act, and for this purpose the said assessor of said township shall, by some convenient mark in his duplicate, designate the road taxes of the taxable inhabitants of said town; and in case of any dispute respecting such designation or of the apportionment of said road taxes, the same shall be determined by the commissioners of appeal in cases of taxation of said township.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1870.

CHAPTER CCXLI.

An Act to incorporate the H. M. A. Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Jackson, T. Campbell Oakman, Henry V. Butler, junior, William G. Scott, and E. Boudinot Atterbury, junior, and such other persons as now

Assessment
and collection
of road and
improvement
taxes.

Names of cor-
porators.

are or hereafter may be associated with them, and their successors shall be, and are hereby constituted a body corporate by the name of "The H. M. A. Association," in the county of Passaic, for the purpose of engaging in and promoting, rowing and other athletic exercises, the principal office of said corporation to be located in Paterson, in said county.

Corporate
name.

May have and
hold real es-
tate.

2 *And be it enacted*, That the said corporation is hereby authorized to receive by donation, purchase or otherwise, and to hold and possess such real and personal estate as it shall deem necessary for the purposes of said corporation, and the same or any part thereof to sell, mortgage, lease or otherwise dispose of at pleasure.

General pow-
ers.

3. *And be it enacted*, That the said corporation shall have power to make and adopt a constitution and by-laws, and regulations, for the admission, suspension and expulsion of its members, the election of its officers, and to define their duties and powers, and for the general management of its affairs, and from time to time may alter or repeal the same, to adopt a corporate seal, and to change the same at pleasure, and in its corporate name may be sued, and may institute suits both in law and equity for the recovery of all fines, debts, fees, dues, and arrearages due the said corporation and for all other causes of action.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1870.

CHAPTER CCXLII.

A Further Supplement to "An Act to incorporate the Godwinville and Paterson McAdamized Road Company," approved April fourth, eighteen hundred and sixty-seven.

May issue
bonds and se-
cure the same
by mortgage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "Godwinville and Paterson McAdamized Road Company" shall have power to issue bonds for such sums of money, from time to time, as

shall be necessary to build, construct or repair said road, and furnish said company with all necessary buildings, machinery and materials for the use and object of the said company, and to secure the repayment thereof by mortgage or otherwise on the said road, lands, franchises and appurtenances of or belonging to the said company, at a rate of interest not exceeding seven per centum per annum.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1870.

CHAPTER CCXLIII.

An Act to authorize the Crossman Clay and Manufacturing Company of the township of Woodbridge, in the county of Middlesex, to purchase, lease, hold and convey real estate in the State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the "Crossman Clay and Manufacturing Company," a corporation duly organized, under the laws of the state of New York, and now in operation as manufacturers of brick, fire brick, drain tile, and as miners and venders of clay, sand and kaolin, in the township of Woodbridge, in the said county of Middlesex, be and the same are hereby authorized to purchase, lease, hold and convey real estate within the state of New Jersey.

May hold land
and real es-
tate in this
state and con-
vey the same.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1870.

CHAPTER CCXLIV.

An Act to appoint Sergeants-at-Arms for the Monmouth County Courts.

May appoint
sergeants-at-
arms.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful, and the judges of the court of common pleas of the county of Monmouth are hereby empowered and authorized to appoint two suitable persons as sergeants-at-arms of the circuit court, court of oyer and terminer and general jail delivery, court of common pleas, orphans' court, and court of general quarter sessions of the peace of said county, by a certificate of appointment under the hands of said judges, and the hand and seal of the clerk of said county; also, a rule shall be entered by the clerk in the minutes of the court of common pleas of such appointment; that such appointment shall continue, and said persons hold their office until revoked by said judges in open court and a rule to that effect is entered in the minutes.

Certificate of
appointment.

2. *And be it enacted*, That said certificate of appointment shall be on parchment made out by the clerk of the county, and in addition to the usual and necessary matter therein contained, shall also enumerate briefly and plainly the powers and duties of such officer; and on the back thereof shall be endorsed a schedule of such fees as he may be entitled to by law; for making out and preparing this certificate the clerk shall receive the sum of five dollars, to be paid by such officer.

Manner of
appointment.

3. *And be it enacted*, That these appointments shall be made in open court, and said officer, on accepting such appointment, shall take and subscribe a written oath, to be administered by the presiding judge, well, faithfully and truly to do and fulfill the duties of such office, to the best of his knowledge, skill and ability, which oath shall be filed with the clerk of the county.

Bond.

4. *And be it enacted*, That after taking such oath, said officer shall tender to the court a bond executed by himself, with three or more freeholders of said county, to the board of

chosen freeholders of said county, in the sum of three thousand dollars, conditioned for the just and faithful performance of the duties of such office, which bond, after approved by the court, shall be filed with the clerk of the county, and said officer shall receive his certificate of appointment and enter upon the discharge of his duties.

5. *And be it enacted*, That if any person sustain loss by the neglect, default or malfeasance of such officer in the performance of his official duties, such person, his agent, attorney or other legal representative may make written application to the court for a copy of said bond, and the court in their discretion, if it is a proper case, shall direct the clerk to furnish such person with a certified copy of said bond, which may be prosecuted on in same way and manner as is now prescribed for by law in case of constables' bonds. Bond may be prosecuted.

6. *And be it enacted*, That the persons thus appointed sergeants-at-arms are hereby authorized and empowered to do and perform all the duties and exercise all the power of a constable in the several courts for the trial of small causes in the county of Monmouth; also, that he or they shall have the same power, perform the same duties, have and receive the same fees, and in every respect occupy the same position as though he or they had been legally elected constables in any township of said county and fulfilled the requirements of the law before entering upon the discharge of the duties of a constable. Powers and duties.

7. *And be it enacted*, That said officer, immediately after receiving his certificate of appointment, shall provide himself, at his own expense, with a suitable badge of office, to be worn on some conspicuous part of his person while he is in discharge of his duties, which badge shall be of some metal, round in form, two inches in diameter, edge indented like the teeth of a saw, with the inscription thereon: "Sergeant at-arms of the Monmouth Courts," and in the centre the date of his appointment. Badge.

8. *And be it enacted*, That said sergeants-at-arms shall receive the sum of two dollars per day each while retained and in actual attendance on said Monmouth county courts, or any of them, to be paid by the county collector of Monmouth on presentation of an order of the clerk, stating the number of days said officer has been in attendance and the amount due him, which order shall be approved by the law judge of the Monmouth pleas. Compensation

Fees to be
paid to the
court.

9. *And be it enacted*, That the judges of the court of common pleas shall be entitled to the sum of one dollar each, except the law judge, for signing said appointment and inspecting and approving bond given by said officer, which fees shall be paid by said sergeants-at-arms.

10. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1870.

CHAPTER CCXLV.

Supplement to an act entitled "An Act to incorporate the Pavonia Horse Railroad Company," approved April fourth, eighteen hundred and sixty-eight.

May build a
branch rail-
road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company shall be and are hereby authorized and empowered to construct and build a branch railroad from some point in their present route through the city of Hudson, in the county of Hudson, and that the line of said branch railroad shall be west of the easterly line of Summit avenue, in the city of Hudson, in the county of Hudson, and state of New Jersey.

Approved March 15, 1870.

CHAPTER CCXLVI.

An Act to incorporate the Union County Dime Savings Bank

1. BE IT ENACTED *by the Senate and General Assembly of* Names of corporations. *the State of New Jersey,* That Francis E. Morse, James Ritchie, John Prentiss, Francis T. Baker, John M. C. Marsh, William T. Peek and Albert A. Drake, and their successors, are constituted and created a body corporate and politic by the name of "The Union County Dime Savings Bank," and Corporate name. by that name shall have perpetual succession, and may sue and be sued in any court whatsoever, and to be located at Westfield, Union county, New Jersey.

2. *And be it enacted,* That it shall be lawful for said corporation to purchase, hold and convey real estate: first, such May purchase, hold and sell real and personal estate. as shall be requisite for its accommodation in the convenient transaction of its business; second, such as shall have been mortgaged to it in good faith for money loaned in pursuance of the provisions of this act; third, such as shall have been purchased at sales upon judgments or decrees obtained or rendered for money so loaned; and the said corporation shall not purchase, hold or convey real estate in any other case or for any other purpose.

3. *And be it enacted,* That the said corporation shall not Restrictions. directly or indirectly deal or trade in buying or selling any goods, wares or commodities whatever, except in the cases where it is authorized to do so by the terms of this act, and except such personal property as may be requisite for its proper accommodation in the transaction of its business.

4. *And be it enacted* That the business of the said corporation shall be managed and directed by a board of trustees, Election of trustees and officers. who shall elect from their number a president, two vice presidents, secretary, treasurer and such other officers as they may see fit; five of the said trustees, of whom the president or one of the vice presidents shall be one, shall form a quorum for the transaction of business, and the affirmative vote of at least five members of the board shall be requisite in making any order for, or authorizing the investment of any moneys or the sale or transfer of any stock or securities be-

longing to the corporation, or the appointment of any officer receiving any salary therefrom.

Vacancies,
how filled.

5. *And be it enacted*, That the persons named in the first section of this act shall be the first trustees of the said corporation; and all vacancies by death, resignation or otherwise, shall be filled by the board, by ballot, without unnecessary delay, and at least five votes shall be necessary for the election of any trustee; the said trustees shall hold a regular meeting at least once a month, to receive the reports of their officers as to the business and affairs of the corporation, and to transact such business as may be necessary; and any trustee omitting to attend the regular meetings of the board for six months in succession, may thereupon be considered as having vacated his place, and a successor may be elected to fill his place, unless a majority of the board, for a sufficient and valid reason, shall excuse such absence; the president, or in his absence, one of the vice presidents shall have the power to call a meeting upon three days notice.

Object.

6. *And be it enacted*, That the general business and object of the corporation hereby created shall be to receive on deposit such sums of money as may be, from time to time, offered therefor, not exceeding the sum of three thousand dollars from any one individual, and investing the same in the stocks and bonds and treasury notes of the United States, or in the stocks and bonds of this state, or of any city of this state, of the county of Union, or of the town of Westfield in the county of Union, or loaning the same upon bonds secured by mortgage upon unincumbered real estate situated within the county of Union, or the counties adjoining or adjacent thereto, worth at least double the amount loaned thereon; and it shall be the duty of the said trustees to invest, as soon as practicable in the securities above named, all sums received by them beyond an available fund not exceeding one-third of the total amount of deposits with said institution, at the discretion of said trustees, which said available fund the said trustees may keep to meet current payments of said corporation, and which, by them, may be kept on deposit on interest or otherwise, or in such available form as the trustees may direct, and all sums received on deposit shall be paid to such depositor when required, at such times, with such interest, and under such regulations as the board of trustees shall, from time to time prescribe, which regulations shall be posted up in some public and conspic-

uous place in the room where the business of said corporation shall be transacted, but shall not be altered so as to affect any deposit previously made.

7. *And be it enacted*, That all certificates or other evidences of deposit made by the proper officer of such corporation, shall be as binding on the corporation as if they were made under their common seal; it shall be the duty of the trustees of said corporation to regulate the rate of interest to be allowed to the depositors, so that they shall receive as nearly as may be, a ratable proportion of the profits of said corporation, after deducting all expenses; *provided, however*, that said trustees may allow to depositors to the amount of five hundred dollars or upwards, one per centum less than the amount allowed others.

Certificates of deposit.

Regulation of interest.

Proviso.

8. *And be it enacted*, That the board of trustees of the said corporation shall have power from time to time, to make, constitute, ordain, and establish such by-laws, rules and regulations as they shall judge proper, for the election of their officers, for prescribing their respective functions and the mode of discharging the same, for the regulations of the times of the meetings of the officers and trustees, and generally for transacting, managing and directing the affairs of the corporation; *provided*, such by-laws, rules and regulations are not repugnant to this act, or to the constitution or laws of this state.

May make by-laws.

Proviso.

9. *And be it enacted*, That the subordinate officers and agents of the said corporation shall respectively give such security for their fidelity and good conduct as the board or trustees may from time to time require, and said board shall fix the salaries of such officers and agents.

Security may be required.

10. *And be it enacted*, That the books of said corporation shall at all times during the hours of business, be open for inspection and examination by the proper officer authorized by the laws of this state

Books shall be open to inspection.

11. *And be it enacted*, That whenever any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed by or for such minor, or the guardian of such minor shall not have authorized the drawing of the same, and the check, receipt or acquittance of such minor, shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made per-

Deposits by minors and married women.

sonally by said minor; and whenever any deposits shall have been made by married women, may repay the same on their own receipts.

12. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1870.

CHAPTER CCXLVII.

An Act to incorporate the Fireman's Fire Insurance Company of New Brunswick.

- | | |
|-----------------------------|---|
| Corporate
name. | 1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That all such persons as shall become stockholders of the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and declared to be a body corporate, by the name and style of "The Fireman's Fire Insurance Company of New Brunswick," to be located in the city of New Brunswick, in the county of Middlesex, and state of New Jersey. |
| Amount of
capital stock. | 2. <i>And be it enacted</i> , That the capital stock of said company shall be fifty thousand dollars, to be divided into shares of twenty-five dollars each, with the privilege of increasing the said capital stock to three hundred thousand dollars, at any time during the continuance of this charter; and when the said capital stock of fifty thousand dollars shall be subscribed and paid in in cash, that then the subscribers to said capital stock, upon ten days notice in two of the newspapers published in the said city of New Brunswick, given by the |
| Directors, how
elected. | commissioners hereinafter named, shall proceed to the election of a board of directors as hereinafter provided, which said board of directors shall then proceed to the election of a president, a vice president, a treasurer and secretary, and the appointment of such officers as may be necessary to manage the business of the company, and the office of secretary and treasurer may be filled by the same person; and the remainder of said capital stock so subscribed for, shall be paid |

in such installments, at such time, and upon such notice as the board of directors of said corporation may determine.

3. *And be it enacted*, That Isaac L. Fisher, Lewis H. Hoagland, Ryke R. Sedam, Robert H. Helm, Peter J. Stults, Frederick Staats, Charles Dey, John Waldron and Alexander O'Neil, shall be commissioners to receive subscriptions to the capital stock of said company, and ten days previous notice of the time and place of the opening of said books, shall be given by the said commissioners, or a majority of them, the said notice to be published in two of the newspapers in the county of Middlesex, and that said books of subscription shall be kept open as long as it shall seem best by the said commissioners, or a majority of them, so to do; and the said commissioners shall appoint two inspectors of the election, by the stockholders, of the first directors, and said election shall be by ballot.

4. *And be it enacted*, That in case any stockholder in said company shall fail or refuse to pay any installments on his or her stock when called in by the directors and required to be paid as herein provided for, it shall be lawful for the directors of said company, and they are hereby authorized, to forfeit the share or shares of each and every person so failing to pay such installments or any of them, to and for the use of the company, or at their option to sue for and recover the installment or installments so remaining unpaid of the person or persons in whose name such stock shall stand on the books of the company at the time of calling in the said installments respectively.

5. *And be it enacted*, That the capital stock may be increased at any time by the directors to such an amount as they may determine, not exceeding the amount provided for in the second section, and they shall open books of subscription for said increased capital stock after giving ten days notice in two of the newspapers published in the county of Middlesex, and the terms of said subscription shall be fixed and determined by said directors.

6. *And be it enacted*, That the stock, property and affairs of said corporation shall be managed and conducted by fifteen directors, all of whom shall be stockholders and residents of this state; they shall continue in office for the term of one year, or until others shall be chosen in their place; they shall choose out of their body a president, vice-president, treasurer and secretary; all vacancies may be filled for the

remainder of the year by such person or persons as a majority of the board of directors for the time being may appoint, a majority of whom shall form a quorum for the transaction of business.

Annual election of directors.

7. *And be it enacted*, That the annual election for directors shall be held on the first Monday in April, in every year, at the office of the company, or such other place as a majority of the directors may previously designate, of which said election a public notice shall be given by the secretary, in the newspapers printed in said city of New Brunswick, at least two weeks previously to the time of holding the election, such election to be held in such manner as may be prescribed by the rules and regulations of said company; and in case it should happen that an election for directors should not be held on the day when pursuant to this act it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful on any other day to hold such election.

Not dissolved by failure to elect directors

May make by-laws, &c.

8. *And be it enacted*, That the said board of directors shall have power to establish and ordain such by-laws and regulations as they or a majority of them shall deem proper, and to alter and change the same at pleasure; to fix the compensation of officers and agents; to adopt a common seal for the corporation, and all other acts necessary for the transacting, managing and conducting of the affairs of the said corporation and carrying out its object; *provided*, such rules and by-laws be not contrary to the constitution or laws of this state or of the United States.

Proviso.

Acts of pro tempore officers valid and binding.

9. *And be it enacted*, That in the case of the absence, death or inability to act of the president or secretary of said company, all policies of insurance, and other contracts made by the company, and signed, executed and attested by the vice-president or secretary, pro tempore, shall be valid and as binding upon the company as if signed and attested by the president and secretary.

May insure against loss by fire, &c.

10. *And be it enacted*, That the said company shall have power, first, to make insurance upon dwelling houses, stores and all kinds of buildings, and upon household furniture, merchandise, and all personal and other property, against loss or damage by fire, and generally to insure against all losses pertaining to fire risks; second, to cause themselves to be reinsured when deemed expedient.

11. *And be it enacted*, That all policies of insurance, or other contracts authorized by this act, may be made with or without the seal of said company, and shall be subscribed by the president and attested by the secretary, and, being so signed, executed and attested, shall be binding upon the said corporation, and all such policies and contracts may be so made, signed, executed and attested, without the presence of the board of directors.

Contracts
may be made
without the
presence of
the directors.

12. *And be it enacted*, That it shall and may be lawful for the said company to purchase, hold and convey any estate, real and personal, for the use of said corporation; *provided*, that such estate be only such as is necessary for the corporation in the transaction of the business thereof, or such as shall be taken as security for, or in payment of debts, and also that on purchase on sales made under judgements at law or done in equity, or on any other legal proceedings or otherwise, and that received and taken, being personal estate, in payment or towards satisfaction of any debt previously contracted and due to said company; which said real estate the said company is hereby authorized to hold until they can conveniently sell, or convert the same into money or other personal estate; and the said company are hereby authorized and empowered to invest the capital stock, or so much of the surplus profits of the said company as they deem fit, in such manner as the said directors may decide, but no money shall be loaned on real estate unless the same shall be in this state.

May hold real
and personal
estate.

Proviso.

13. *And be it enacted*, That if any person insured by the said corporation shall convey or assign the property insured, it shall be lawful for such person to assign to the purchaser the policy of insurance; but this corporation shall not be bound by any policy after assignment, unless the assignment shall have been recorded in the books of the corporation, and the same certified on such policy by the secretary or by authorized agents of the company.

Policy may be
assigned.

14. *And be it enacted*, That any person or persons insured by said corporation, may maintain an action at law against the same for losses or damages due him, her or them from said corporation, if payment is withheld more than ninety days after the amount and due proofs of such losses shall have been ascertained and made, and the same notified thereof; *provided*, that if the directors agree to rebuild or replace

Proceedings
in case pay-
ment for loss
is withheld.

Proviso.

the property lost or damaged, in such case a reasonable time shall be allowed them.

Limitation

15. *And be it enacted*, That this act shall continue in force until it shall be altered, amended, modified or repealed by the legislature at any time hereafter, when in their opinion the public good may require it.

16. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1870.

CHAPTER CCXLVIII.

An Act to incorporate the Princeton Silver Mining Company, of Colorado.

Names of cor-
porators.

Corporate
name and ob-
ject.

May prescribe
rules, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John W. Fielder, Crowell Marsh, Henry B. Duryee, Willian Y. Johnson, James Van-Deventer, John R. Slayback, Charles O. Hudnut and Daniel Peters, and their associates and successors, be and they are hereby created a body politic and corporate, by the name, style and title of "The Princeton Silver Mining Company, of Colorado," and by that name shall be capable of suing and being sued, impleading and being impleaded, in any court of record or elsewhere, and of granting, and of receiving in its corporate name, property, real, personal and mixed, and of holding and improving lands and working mines, in the territory of Colorado and elsewhere, and leasing or disposing of privileges to work such lands or mines, or any part thereof, and shall have the right to mine gold, silver and other minerals, and transport the same to market, and do such other acts and things as may belong to the mining business, as they may deem proper.

2. *And be it enacted*, That the said company shall have power to make such by-laws as they may deem proper to enable them to carry out the objects of the corporation, and the same to alter, amend, add to, or repeal, at their pleasure,

and to adopt a common seal, and to alter the same; *provided*, Proviso. that the said by-laws shall not be contrary to the constitution and laws of the United States, and of the state of New Jersey.

3. *And be it enacted*, That the capital stock of said com- Amount of
pany shall be fifty thousand dollars, with the privilege of capital stock. increasing it to two hundred thousand dollars, divided into shares of not less than ten dollars each; and the business of the company shall be managed by nine directors, to be elected annually by the stockholders, at such times, and in such manner as the by-laws shall provide; but they shall hold office until their successors shall be elected; and the said John W. Fielder, Crowell Marsh, Henry B. First directors
Duryee, William Y. Johnson, James VanDeventer, John R. Slayback, Charles O. Hudnut, and Daniel Peters, shall be the first directors, and hold their offices until the first annual election, and in case a vacancy shall occur in such board of directors, by death, resignation or otherwise, the remaining directors shall have power to fill such vacancy by the appointment of any stockholder.

4. *And be it enacted*, That the said company may carry Principal of-
on its business and establish necessary offices, under the fice. direction of its officers, in such places as they may deem expedient, but the principal office shall be located in the borough of Princeton, in this state.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1870.

CHAPTER CCXLIX.

An Act to incorporate the Merchantville Hall Association, of Merchantville, New Jersey.

WHEREAS, certain citizens of the village of Merchantville, Preamble.
township of Stockton, county of Camden, and state of New Jersey, to wit: D. S. Stetson, D. T. Gage, A. G. Cattell,

E. G. Cattell, M. Horner, W. B. Kempton, S. B. Garrison, H. Spangler, C. Demmey, Thomas Sinex, Joseph Hinchman, W. C. Fox, George Crump, Joseph Hollinshead, John Horner, T. L. DeBow, Thomas W. Cattell, Francis Haviland, David Stetson, junior, John Hanna and E. S. Hall have associated themselves together as an association known as "The Merchantville Hall Association, of Merchantville, New Jersey," and did organize on Wednesday, June thirtieth, eighteen hundred and sixty-nine, for the purpose of erecting, establishing and maintaining a building or buildings on any site that may hereafter be selected by the board of directors of said association, on the Camden and Moorestown turnpike, in the village of Merchantville, in said township of Stockton, whereby to provide suitable accommodations for exhibitions, lectures, concerts, meetings, lodge rooms, library rooms, stores, and purposes of like nature; now, therefore, that the said association may be better enabled to carry out the aforesaid objects and purposes,

Corporate
name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several persons hereinbefore named, and such other persons as may become stockholders with them agreeably to the provisions of this act, be and they are hereby incorporated into an association by the name, style and title of "The Merchantville Hall Association of Merchantville, New Jersey," and by that name shall have perpetual succession, with all the powers, rights, privileges, immunities and incidents of a corporate body under the constitution and laws of the state of New Jersey, for the uses and purposes hereinafter mentioned.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said association shall be ten thousand dollars, to be divided into one thousand shares of ten dollars each, and the said association shall not commence operations until at least one-half of said capital stock shall be subscribed and the first installment paid in; the said association may from time to time, as its interests may require, increase the capital stock to any amount not exceeding twenty-five thousand dollars, and the by-laws shall direct the manner of the payment of all the capital stock.

Objects.

3. *And be it enacted*, That the said association shall erect, establish and maintain, in the village of Merchantville aforesaid, on a lot or piece of ground hereafter to be selected, on

the Camden and Moorestown turnpike road as aforesaid, the necessary building or buildings whereby to provide suitable accommodations for exhibitions, lectures, concerts, meetings, lodge rooms, library rooms, stores, and purposes of like nature; *provided, however*, that nothing herein shall be construed to permit the use or sale of spirituous or malt liquors in or on the premises of said association. Proviso.

4. *And be it enacted*, That the affairs of said association shall be conducted by a board of directors, consisting of a president, secretary, treasurer and four members, who shall be elected annually on the first Monday in March, by the stockholders; each share of stock shall be entitled to one vote; *provided however*, that a failure to elect a board of directors on the day hereinbefore named shall not dissolve this corporation; but the election may be held on a subsequent day, to be provided for by the by laws of said corporation, and the officers and directors then in place shall continue in office until their successors are elected; *and provided* Proviso. *further*, that no person who is not a stockholder shall be eligible as a director; at least ten days' previous notice shall be given to each stockholder of every election; in case of a vacancy in the board of directors by death, resignation or otherwise, the vacancy shall be filled in such manner as the by-laws may direct.

5. *And be it enacted*, That the said association may and shall by its board of directors be capable of receiving and holding any devise, bequest or donation which may be made to it for promoting the objects of this act, and may borrow money on the mortgage of the property of the association, or any part thereof, for like purposes, to an amount not exceeding the amount of capital stock actually paid in. May borrow money and secure the same by bond and mortgage.

6. *And be it enacted*, That the said board of directors shall have power to make such by-laws, rules and regulations, not inconsistent with the laws of the United States or of this state as may be deemed necessary for the management of its affairs, and the same to change or alter from time to time; *provided however*, that all such by-laws, changes and alterations thereof shall be subject to the approval of the stockholders. May make by-laws. Proviso.

Approved March 15, 1870.

CHAPTER CCL.

An Act to facilitate the improvement of Newark Avenue in the City of Hudson, from the Five Corners to the Hackensack River.

Preamble.

WHEREAS, Newark avenue, in the city of Hudson, from the Five Corners to the Hackensack river, is being regulated, graded, flagged, paved, sewerred, and otherwise improved, in accordance with certain ordinances of the mayor and common council of the city of Hudson, duly approved; and, whereas, the costs and expenses of making said improvements in consequence of the location of said avenue, will necessarily be burthensome and oppressive to the property owners liable to be assessed therefor, if required to be paid in full upon the confirmation of the assessment; therefore, in order to enable the property owners, liable to be assessed for said costs and expenses, to pay the same;

Payment of
assessment to
be made by
installments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of the city of Hudson, by their ordinance duly approved, to provide for the payment of the assessment for said improvements, by equal installments, not exceeding five in number, nor more than one installment in any one year.

Improvement
bonds to be
issued.

2. *And be it enacted*, That in order to meet the expenses of said improvements, it shall be lawful for the said mayor and common council to issue, under their corporate seal and the signature of the mayor, bonds, each for a principal sum not exceeding five hundred dollars, the principal sums whereof in the whole shall not exceed the total expense of completing the said improvements; the said bonds shall be called "Newark Avenue Improvement Bonds of the City of Hudson," shall be payable on or before the expiration of five years from the date thereof, at the option of said mayor and common council, and shall bear interest at the rate of seven per cent per annum, payable annually; the whole of the bonds so issued by the mayor and common council, and all interest thereon, shall be paid and discharged out of the

assessment moneys, which said moneys are pledged for the payment of said bonds, as well as the real and personal estate of said city of Hudson.

3. *And be it enacted*, That interest shall be paid upon all assessments, which shall be paid by installments, at and after the rate of seven per cent per annum upon the first installment, and nine per cent per annum upon each subsequent installment, from the date of the confirmation of the assessment by the common council until paid. Rate of interest.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1870.

CHAPTER CCLI.

An Act to incorporate the Penn Fruit Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Barclay White, William Parry, Joseph J. White, Ellsworth Holeman and George F. White, Names of incorporators. all of the county of Burlington, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate in fact and in law, by the name of the "Penn Fruit Company," for the purpose of buying, holding, cultivating Corporate name. and improving lands in the county of Burlington, and for raising and selling cranberries and other fruit, and other produce of said lands, and carrying on the business connected therewith and erecting such buildings, and holding such personal property as may be necessary therefor, and that they and their successors, by the same name may sell, grant, alien, mortgage, and dispose of the said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels, or any part thereof.

2. *And be it enacted*, That the capital stock of said company shall be five thousand dollars with the privilege of increasing the same as a majority of the directors may direct, Amount of capital stock.

which shall be divided into shares of fifty dollars each, and the said corporation may issue stock in payment therefor, and subscriptions for stock shall be opened in the town of Mount Holly, Burlington county, at such time as the directors may designate, under their direction or that of such persons as a majority of them may select.

Managed by
directors.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, one of whom shall be president and a majority of whom shall have all the powers of the board, and they shall hold their office for one year, and until others are elected in their stead, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such times and places in this state or elsewhere, as the by-laws may provide; and that until an election for directors shall be held the persons named in the first section of this act shall be directors.

Stock trans-
ferable.

4. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable in such manner as the by-laws may prescribe.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1870.

CHAPTER CCLII.

An Act to incorporate the Kearney Hall and Lyceum Association, of Perth Amboy.

Names of cor-
porators.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James M. Chapman, J. L. Kearney, Henry Farmer, Joseph E. Chapman, U. Burdge Watson, John Parker, Thomas Langan, William Bell, Marcus Spring, Ezra W. Arnold, Moritz Pinner, Charles McK. Smith, Moses Martin, and all such persons as may hereafter be associated with them, their successors and assigns, shall

be and they are hereby constituted a body corporate and politic, in fact and in name, by the name of the "Kearney Hall and Lyceum Association, of Perth Amboy," and by that name shall have power to lease or purchase and hold real estate in Perth Amboy, in the county of Middlesex, and erect thereon a hall and other improvements, for the use of societies, lyceums, public meetings, concerts, exhibitions and for other public uses, subject to the by-laws and regulations of such corporation.

2. *And be it enacted.* That the said corporation shall have power to raise, by subscription, a capital stock of ten thousand dollars, with power to increase the same whenever a majority of the directors of said corporation shall so determine, to any sum not exceeding twenty-five thousand dollars.

3. *And be it enacted,* That the capital stock of said corporation shall be divided into shares of twenty-five dollars each, and shall be transferred in such manner as the by-laws of said corporation shall direct, and each share of the capital stock shall entitle the bona fide owner thereof to one vote at all the meetings of the stockholders.

4. *And be it enacted,* That the said James M. Chapman, J. L. Kearney, Henry Farmer, Joseph E. Chapman, U. Burdge Watson, John Parker, Thomas Langan, William Bell, Marcus Spring, Ezra W. Arnold, Moritz Pinner, Moses Martin and Charles McK. Smith, shall be and are hereby appointed commissioners to open the books and receive subscriptions of stock in said corporation, and shall meet for that purpose in the city of Perth Amboy, after giving due notice of the time and place of such meeting; and the said commissioners shall be the first board of directors for said corporation, and shall hold their office for one year from the time of organizing the same, and until others shall be elected by the stockholders to fill their places.

5. *And be it enacted,* That the directors shall be elected from among the stockholders in such manner as the by-laws of said corporation shall direct, and shall not be less than five in number, and shall, with all other officers of the said corporation hold their offices until others are elected and duly qualified in their stead.

6. *And be it enacted,* That no part of said capital stock, at any time or in any manner, or under any pretence whatever, shall be withdrawn from the legitimate business of said

Corporate
name.

Amount of
capital sto

Stock trans-
ferable.

Commission-
ers to receive
subscriptions

Directors to
be stockhold-
ers.

Capital stock
not to be
withdrawn.

corporation, or refunded to the stockholders until all debts and liabilities of said corporation are duly paid.

Limitation of
debts that
may be in-
curred.

7. *And be it enacted*, That the whole amounts of debts which the said corporation shall owe at any one time shall not exceed the amount of capital stock subscribed for and paid in.

Payment of
installments

8. *And be it enacted*, That as soon as two hundred shares of the capital stock shall have been subscribed, and the sum of ten dollars on each share so subscribed shall have been paid, or secured to be paid, it shall and may be lawful for said corporation to proceed to carry into effect the objects of said corporation; and after the first installment paid, each shareholder shall pay one dollar per month on each share held by him or her until the sum of twenty-five dollars for each share is fully paid; and upon the failure of any stockholder to pay three of said installments, the board of directors may forfeit all sums of money theretofore paid by said stockholders, and no stock shall be issued to such defaulting stockholders.

Annual state-
ment.

9. *And be it enacted*, That annually in the month of January, the directors shall submit to the stockholders of said corporation a written statement of the capital stock paid in, the amount of all debts existing against such corporation, specifying to whom such debts are due, and the receipts and credits of said corporation, which, with said statement, shall be verified by the affidavit of the directors, and no dividend shall be paid to the stockholders except only from and out of the surplus profit arising from the business of the corporation.

10. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1870.

CHAPTER CCLIII.

A further Supplement to the Charter of the City of New Brunswick, authorizing the issue of Bonds for security and payment of existing debts.

WHEREAS, the "Mayor and Common Council of the City of New Brunswick," have incurred a debt of about seventy-five thousand dollars, which it is desirable should be secured or paid, and have applied to the legislature of this state for a special act authorizing the issue of city bonds in payment thereof; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of said city may provide for the payment of said debt, by issuing their bonds bearing interest at seven per centum per annum, payable semi-annually, on the faith, credit, and property of said city, to an amount not exceeding seventy-five thousand dollars, to be signed by the mayor of said city, and attested and countersigned in such form either coupon or registered, or both, in such denomination as said corporation shall direct, and payable at or before the expiration of ten years from the date thereof, and therein and thereby pledge and bind the credit and property of such city for the due payment thereof.

May issue bonds.

2. *And be it enacted*, That the issuing of said bonds shall be intrusted to an auditing committee of three citizens, not otherwise incumbents of any office of said city, who shall be nominated by the mayor and confirmed by the board of aldermen of said city, with power to sell, assign, and dispose of the same at not less than par, and only for the purpose aforesaid, of which committee the treasurer of the city for the time being shall be a member, ex officio.

Auditing committee shall be appointed.

3. *And be it enacted*, That an additional tax in the mode prescribed by the charter of said city, shall be levied and assessed in each and every year for ten years from the passage of this act, for a proportionate part of the said debt, with interest, and in sufficient amount to pay said bonds within said period of ten years.

Additional tax to be levied.

- Limitation of debt that may be incurred. 4. *And be it enacted*, That from and after the enactment of this law, it shall not be lawful for the corporate authorities of said city to make or incur any manner of indebtedness beyond the sum of ten thousand dollars, without the sanction of a public meeting of the citizens of said city first had and obtained, and agreeably to the provisions of the said charter; *provided*, that this prohibition shall not be construed so as to prevent the borrowing of money in anticipation of the annual receipt of assessed taxes.
- Proviso.
- Repealer. 5. *And be it enacted*, That the provisions in said charter inconsistent with this act, are hereby repealed.
6. *And be it enacted*, That this act shall take effect immediately.
- Approved March 15, 1870.

CHAPTER CCLIV.

An Act to incorporate the Gloucester County Mutual Fire Insurance Company.

- Names of corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John M. Moore, George C. Hewitt, Samuel F. Fisler, Thomas H. Whitney, Gabriel Abbott, Leonard F. Harding and Woodward Warrick, and all other persons who may hereafter associate with them in the manner hereafter prescribed, shall be a corporation by the name of the "Gloucester County Mutual Fire Insurance Company," for the purpose of insuring their respective buildings, household furniture, merchandise and other property against loss or damage by fire, and by that name they and their successors may have perpetual succession, and shall have power to sue and be sued, and to defend and be defended in all courts, whether in law or equity, and by that name may have, purchase, possess, and enjoy to them and to their successors lands, tenements, hereditaments, goods, chattels and effects of what nature and kind soever necessary for the purpose of said corporation, and the same may
- Corporate name.
- May purchase and hold real estate.

grant, demise, alien and dispose of at pleasure, for the benefit of said company, and may also have a common seal, and alter and renew the same at pleasure, also may make and establish such by-laws and regulations, as to them shall seem necessary and expedient for the well ordering and government of the said company, and put the same into execution; *provided*, that they be not contrary to the constitution or Proviso. laws of this state, or of the United States.

2. *And be it enacted*, That all persons who shall insure All persons insured members of corporation. with said corporation, and also their heirs, executors, administrators and assigns, continuing to be insured in the same as hereinafter provided for, shall thereby become members thereof during the period they remain insured by said corporation, and no longer.

3. *And be it enacted*, That all the affairs, property and Directors. concerns of said corporation shall be managed and conducted by seven directors, who shall continue in office one year, and until others shall be chosen in their place, all of whom shall be members of the said corporation, and shall take an oath or affirmation of office, and choose out of their body a president; all vacancies may be filled for the remainder of the year by such person or persons, as a majority of the board of directors for the time being may appoint, and a majority of the whole shall constitute a quorum for the transaction of business.

4. *And be it enacted*, That the persons named in the first Election of directors, &c. section of this act, shall be the first directors of said corporation, and that annually hereafter a board of directors may be elected at such time and place in the town of Clayton, county of Gloucester, and state of New Jersey, as the said corporation in their by-laws shall appoint; of each election due notice shall be given in at least one of the public newspapers printed in said county for two weeks immediately preceding such election, and it shall be the duty of the board of directors to appoint three discreet persons, not members of said board, to be inspectors of such election, and to count the votes that may be given in, and to declare the result of such election, which shall be by a plurality of the votes of the members or their proxies then present, allowing one vote to each member for every one hundred dollars insured in said company at the time of such election, and it shall be the duty of such inspectors or a majority of them to make and sign a certificate of the result of such election, stating who

are elected by the greatest number of votes and deliver such certificate to the secretary of the company, for the time being, which certificate shall be filed and recorded by the secretary, and be conclusive evidence of the result of such election until set aside by some court having competent authority to do so.

Officers.

5. *And be it enacted*, That the board of directors may appoint a secretary, and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as may be agreed upon, and also determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance.

Policies of insurance.

6. *And be it enacted*, That all policies, or contracts founded thereon, which shall be made or entered into by the said company, may be made under the seal thereof, and shall be subscribed by the president and attested by the secretary, and, being so subscribed and attested by the secretary, shall be binding and obligatory upon said company, and the company shall be liable for all loss or damage sustained, agreeable to and on such terms and conditions as shall be contained in the policy.

Policy holders to deposit promissory notes.

7. *And be it enacted*, That every person who shall become insured in said company shall, before he or she receives his or her policy, pay such sum of money and deposit their promissory note or notes for such sum or sums of money as shall be determined upon by the directors, such note or notes to be paid at such time and in such manner as the by-laws may determine, and it shall be lawful for said company to loan or put out on interest their moneys or any part thereof, not immediately wanted for the purposes of said corporation on bonds and mortgage, on real estate, government or other stocks, and may, from time to time, call in such money or change such investments.

Surrender of insurance policy.

8. *And be it enacted*, That when any property insured by the said corporation shall be alienated by sale or otherwise, the policy of such insurance may be surrendered to the directors of said company to be cancelled, and upon such surrender the assured shall be entitled to receive his note or notes upon the payment of his proportion of all losses, risks and expenses that have accrued prior to such surrender, but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him for his own proper use and benefit, on application to the directors and with their

consent within thirty days next after such alienation on giving proper security to the satisfaction of said directors, and by such ratification and confirmation, such grantees or alienees shall be entitled to all the rights and privileges and be subject to all the liabilities to which the original party to whom the policy insured was entitled and subjected.

9. *And be it enacted*, That all buildings insured by said company, together with the right, title and interest of the assured to the lands on which they stand shall be and hereby are pledged to said company, and the said company shall have a lien thereon in the nature of a mortgage to the amount of the deposit note or notes given for such insurance.

Corporation to have a lien on buildings insured.

10. *And be it enacted*, That the officers of said company, at the expiration of one year from the time the first policy shall have been issued or within one month thereafter, and within one month of every subsequent year, shall cause an estimate to be made of the profits or losses and true state of the affairs of said company, to be made as near as may be for the preceding year, and so on for each successive year, which estimate shall be conclusive upon all persons entitled to receive certificates of profit as hereinafter provided for.

Estimate of profits and losses to be made yearly.

11. *And be it enacted*, That each member entitled shall receive a certificate for his proportion of the profits, if any, of each year's business, in proportion to the amount of premiums paid by him or her, but no person shall be entitled to a certificate for premiums paid on a policy that occasions loss, nor no certificate shall be issued for the fractional parts or sums between even tens of dollars, nor for any sum less than ten dollars, but all such fractional parts of sums or sums less than ten dollars shall be passed to the contingent account of said company, and applied to the payment of expenses and other charges of said company.

Certificates for proportion of profits

12. *And be it enacted*, That when the cash means on hand shall exceed twenty-five per centum of the amount of risks the company is liable for at any annual meeting, the excess may be applied to the payment of the certificates in such manner as the directors may determine.

Surplus cash, how applied.

13. *And be it enacted*, That suits at law or in equity may be maintained by said corporation against any of its members for the collection of their deposit notes or any part thereof, or for any other cause relating to the business of said company, also suits at law or in equity may be prosecuted and maintained by any member against said corpora-

Suits at law and in equity may be maintained.

tion for losses, if payment be withheld more than four months after the company are duly notified of such loss or damage, and no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness in any case on account of his being a member of said corporation.

Special insur-
ances.

14. *And be it enacted*, That especial insurances may be taken without the parties thereto becoming members of said corporation, if desired by the insured.

When policies
may be issued.

15. *And be it enacted*, That no policy shall be issued by said company until application shall be made for insurance to the amount of twenty-five thousand dollars at least.

Place of busi-
ness.

16. *And be it enacted*, That the operations and business of the corporation shall be carried on and conducted at such place in the village of Clayton, in the county of Gloucester, as shall be designated by a majority of the directors, at their first regular meeting in every year.

17. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1870.

CHAPTER CCLV.

A Supplement to the act entitled "An Act for the preservation of order in a portion of the township of Monroe, in the county of Camden."

Provisions of
act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An Act for the preservation of order in a portion of the township of Monroe, in the county of Camden," approved April first, eighteen hundred and sixty-nine, and all the benefits and provisions of said act are hereby extended to the Fislerville school district, in the township of Clayton, county of Gloucester.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1870.

CHAPTER CCLVI.

An Act to incorporate the Vineland Gas Light Company,

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporations. of the State of New Jersey, That Henry E. Thayer, John B. Allender, Edwin M. Turner, Andrew J. Perry and William A. House, and such other persons as may be hereafter associated with them, be and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name of "The Vineland Gas Light Company," Corporate name, and powers. and by that name they and their successors may have perpetual succession, and shall in law be capable of suing and being sued in any courts and places whatsoever, and may have a common seal with power to alter or change the same at pleasure; and by the said name the said corporation shall have power and authority to manufacture, make and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories and other places situated in the township of Landis, in the county of Cumberland, and to enter into and execute contracts, agreements or covenants in relation to the objects of this corporation and of enforcing the same, and be capable of purchasing, holding, leasing, mortgaging and conveying any estate, real and personal, necessary to give effect to the purposes of this corporation for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts which have become due to them in the regular business of the said corporation.

2. *And be it enacted*, That the said corporation shall be Authorized to lay down pipes, &c. and they are hereby empowered to lay down their gas pipes, and to erect gas posts, burners and reflectors, in the streets,

alleys, lanes, avenues and public grounds of the said township of Landis, and to do all things necessary to light the said township, or any part thereof, as now existing, or under whatever corporate name or names the same may hereafter exist, and the dwellings, stores and other places situated therein; *provided*, that the public travel shall at no time be affected or impeded by the laying of the said pipes or the erection of the said posts, and the streets, side and cross-walks, public grounds, lanes and avenues, shall not be injured, but all be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts.

Proviso.

Amount of
capital stock.

3. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with power to increase the same, by a vote of the board of directors, to two hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be deemed personal property, and the said company may organize and commence business whenever ten thousand dollars shall have been subscribed and ten per centum thereof paid in; all stock subscribed shall be paid in at such times and upon such notice as the board of directors of said company may direct.

Election of
directors.

4. *And be it enacted*, That the business of said corporation shall be managed and conducted by a board of five directors, who shall be stockholders in said company, one of whom shall be the president thereof, and three members, at least, of said board of directors shall be residents of the state of New Jersey; said board of directors shall have power to appoint such other officers and agents as they shall deem necessary; said board of directors shall hold their office for one year, and until others are chosen to fill their places; and that the annual election of said corporation shall be held at such time and place as the by-laws of said corporation shall prescribe, ten days' previous notice thereof to be given, in some newspaper published in Cumberland county; and until such annual election shall be held, the persons named in this act shall be the directors of said corporation, a majority of whom shall be competent to transact business, and that the principal office of said company shall be in the village of Vineland, Cumberland county.

Not dissolved
by failure to
elect directors

5. *And be it enacted*, That in case an election of directors should not be held upon the day when pursuant to the by-laws of said company it ought to have been held, the corpor-

ation shall not be deemed dissolved, but the stockholders may proceed to hold an election on any other day, ten days previous notice of the time and place of said election having been given in some newspaper published in said county of Cumberland, at which election, and at all meetings of the company, each stockholder shall be entitled to one vote in person or by proxy for each share of stock held.

6. *And be it enacted*, That the township committee of the township of Landis, are hereby authorized and empowered to purchase, lay down or erect such gas-pipes, gas-posts, lamps and burners, as they may deem necessary for lighting the streets and public grounds of said township, or to make such contracts with said company for the lighting of said streets and public grounds as they may deem fit and proper for the interests of said township. May make contracts.

7. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatsoever, with intent thereby to injure any conduit, pipe, cock, machine or structure whatsoever, or anything appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted shall be punished by a fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both; *provided*, such criminal prosecutions shall not in any wise impair the rights of action for damages by a civil suit hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said incorporation, in any court of this state having cognizance of the same. Penalty for injuring works

8. *And be it enacted*, That the stock of the corporation shall be considered personal property and shall be transferred according to its by-laws and regulations; and the company shall keep proper books of account, in which shall be fairly entered all the transactions of the company, and shall be opened at all reasonable times to the inspection of the stockholders. Books of account to be kept.

9. *And be it enacted*, That the said company shall have power to borrow from time to time such sum or sums of money as to them may seem advisable for the carrying out of any of the objects or plans of said corporation [and to secure the same by bond and mortgage, or otherwise, with interest] not exceeding seven per centum per annum on their May borrow money and issue bonds

lands, works, property and franchises, and may receive property suitable for its purposes, at a valuation to be agreed upon, in lieu of cash.

Failure to pay
works a for-
feiture.

10. *And be it enacted*, That the directors of said company shall have power to declare stock forfeited, and all previous payments made thereon, in case of non-payment, when duly called for, if they deem it expedient, and to make such dividends as the profits, plans and rules of the company will allow.

11. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1870.

CHAPTER CCLVII.

A Further Supplement to the act entitled "An Act to incorporate the New Jersey Western Railroad Company," approved March twenty-first, eighteen hundred and sixty-seven.

Power to ex-
tend railroad
and connect
with other
railroads.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the New Jersey Western Railroad Company are hereby authorized and invested with all the rights, powers, privileges and franchises necessary to extend their railroad to a point on the Hudson river at or near Hoboken or Weehawken, and may connect said railroad with any other railroad or railroads in the county of Hudson, and they may acquire, hold, use and possess all lands, rights and property required for such extension in the manner provided in the act to which this is a further supplement; subject, however, to the same rights, powers, privileges and provisions for, and in the construction, use and enjoyment of the same as are contained in the act to which this is a further supplement.

Rights and
privileges.

2. *And be it enacted*, That the said "The New Jersey Western Railroad Company" shall be invested with all the rights, powers, privileges and franchises heretofore granted to the "Hackensack and New York Railroad Company" by

their act of incorporation, approved March fourteenth, eighteen hundred and fifty-six, in respect to locating, laying out and construction of the extension of the said "The New Jersey Western Railroad," and all the necessary lands and materials to be taken and used by the said "The New Jersey Western Railroad Company," in the extension hereby authorized, may be taken in the same manner and by the same proceedings as are specifically set forth in the said charter of the "Hackensack and New York Railroad Company," excepting so much of the lands which passed under the will of James G. King, deceased, and the lands of James Brown, as lie easterly of the New York and Fort Lee railroad track, in the township of Weehawken, and the county of Hudson, lying between Deas Point and the Delaware and Hudson Canal Company's land, which said lands shall be taken only by agreement with the owners, and further, that the said "New Jersey Western Railroad Company" shall be required to build suitable bridges across the Hackensack river and English creek for the use of said extension, with draws therein of sufficient width for the ordinary purposes of navigation, and not less than forty feet, as prescribed in the act heretofore referred to entitled "An Act to incorporate the Hackensack and New York Railroad Company." approved March fourteenth, eighteen hundred and fifty-six.

3. *And be it enacted*, That the said "The New Jersey Western Railroad Company" shall establish and maintain a depot at Ridgfield Park, in the county of Bergen, for the accommodation of passengers and freight, and shall stop four daily passenger trains each way at said station; *provided*, such number of trains shall be run upon said road.

Depot to be
maintained at
Ridgfield
Park.

Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLVIII.

An Act to incorporate the Claremont Rubber Company.

Names of corporators.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That George M. Leventritt, Daniel S. Sinclair, George M. Law, Andrew G. Dickinson and Aras G. Williams, and such other persons as may be hereafter associated with them, shall be and they are hereby made, constituted and declared a corporation and body politic, in fact and in law, by the name of "The Claremont Rubber Company," for the purpose of manufacturing, selling and disposing of all kinds of india rubber and gutta percha goods, and for the transaction of any other business properly connected therewith, and by such name may purchase, hold and enjoy all such lands, tenements and hereditaments and all such engines, machinery and personal property as may be necessary or proper for conducting said business, and the same to sell, convey, mortgage, lease or otherwise dispose of at pleasure.
Corporate name.	
Amount of capital stock.	2. <i>And be it enacted</i> , That the capital stock of said company shall be sixty thousand dollars, with power to increase the same to three hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each; said capital stock shall be deemed personal property and transferable on the books of the company in accordance with the by laws of said company; the company may also issue its bonds for an amount not exceeding two-thirds of its capital stock paid in, and may sell the same for such price as they may command, not less, however, than ninety cents upon the dollar.
Commissioners to receive subscriptions.	3. <i>And be it enacted</i> , That the above named corporators, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said company at such time and place or places and upon such notice as they shall direct; and at the time of subscribing for said stock such amount of each share shall be paid, satisfied or satisfactorily secured to said commissioners as they, or a majority of them, shall determine, and the residue of the subscription shall be paid, satisfied or secured as the directors may determine, in

such installments at such times and places, in such manner and to such person or persons as said directors shall from time to time direct, giving notice of such time and place and person or persons, in a newspaper printed and circulated in the county of Hudson for two weeks at least once in each week; and upon the failure of any person to pay, satisfy or secure the payment of the installments, or any of them, as aforesaid, the said directors shall have the power to forfeit the shares of each and every person so failing, or any or either of them, to and for the use and benefit of the said company, and any shares of stock so forfeited as aforesaid may be held by the said company or any person or persons for its benefit, and may at any time be sold or disposed of for the benefit of the company as the directors may direct, or divided proportionately among the remaining stockholders, to be by them held and enjoyed or sold and transferred with all the rights and benefits incident thereto the same in all respects as if they were original shares by them subscribed.

Failure to pay
installments
to work for-
feiture.

4. *And be it enacted*, That whenever the capital stock aforesaid shall have been subscribed, the commissioners, or a majority of them shall, as soon as they deem expedient, give notice in such a manner as they may determine, of a meeting of the stockholders at such time and place as they may designate, to choose five directors, who shall hold their office for one year, and until others are duly elected, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy.

Directors,
how chosen,
&c.

5. *And be it enacted*, That the business of the said company shall be managed by not less than five nor more than seven directors, all of whom shall be stockholders, and one of whom shall be president, and the persons named in the first section of this act shall be the first directors, and shall hold their offices for one year and until others are elected in their stead; and every year thereafter, at such time and place and upon such notice as the by laws may appoint, an election for directors shall be held, at which election every stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock he may own, and if a vacancy shall occur in said board of directors, by death, resignation, or otherwise, the remaining directors may fill such vacancy by the appointment of any stockholder.

Directors and
officers.

6. *And be it enacted*, That the directors of said company

Principal office. shall have power to make by-laws for its government not inconsistent with the laws of this state or of the United States, and may appoint such subordinate officers as the business of the company may require, and their principal office shall be in the county of Hudson.

Failure to elect directors not to dissolve. 7. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of the said corporation shall direct.

How dissolved. 8. *And be it enacted*, That the said company may be dissolved by a general meeting of the stockholders especially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein, and upon such dissolution the directors for the time being, and the survivor or survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for the settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts and dividing the surplus among the stockholders in proportion to their respective interests in the stock.

Proviso. 9. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLX.

Supplement to an act entitled, "An Act to incorporate the Lambertville Water Company," approved March fifteenth, eighteen hundred and fifty-five.

May take and use the water of Swan's creek. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Lambertville Water Company shall have power to take, divert and use the water of Swan's creek and its tributaries, and to take and hold any

lands or other real estate necessary for the construction of any basin, canal, aqueduct, reservoirs or other works, for raising, conveying or containing water, or for the erection of any buildings or machinery, or for laying any pipes or conduits for conveying the water into or through the said places, or to secure and maintain any portion of the works, or in general to do any other act necessary or convenient for accomplishing the purposes contemplated by this act, or the act to which this act is a supplement.

2. *And be it enacted*, That in case of any disagreement between the company and the owner of any lands or water rights which may be required for the said purposes, or affected by any operation connected therewith as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, or a married woman, or insane, or shall be absent from the state the circuit court of the county of Hunterdon shall, on the application of either party, nominate and appoint three disinterested persons to examine such property, and estimate the value thereof, or damages sustained thereby, and who shall after reasonable notice to the parties of the time and place where they will be heard in relation to the matter, proceed without delay to make their report thereon, and deliver the same to the court at the next session thereof, which shall be held in the said county; *provided*, that in case of the absence, infancy or insanity of any such owner, a publication of such notice for two weeks successively in a newspaper published at the town of Lambertville, shall be deemed a good notice and sufficient service thereof.

3. *And be it enacted*, That whenever such report shall be confirmed by the court aforesaid, the said company shall, within two months thereafter, pay to the said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damage sustained, as the case may be, and thereupon the said company shall become seized in fee of such property so required and taken, and shall be discharged from all claim by reason of such damage; but no claim shall be made or allowed, unless application for the appointment of commissioners shall be made before the expiration of two years from the time the land or other property is taken or the damage suffered.

4. *And be it enacted*, That the common council of the town

Proceedings
in case no
agreement can
be made with
owners of prop-
erty.

Proviso.

Proceedings
upon confir-
mation of re-
port.

Town of Lambertville shall have power to purchase the water works.

of Lambertville shall have power to subscribe for any portion of the capital stock of said company, and shall have power at any time to purchase the said water works, fixtures and appurtenances upon a fair valuation, to be agreed upon between the said common council and the said company, in which case all the franchises, rights, powers and privileges granted by this act, or the act to which this act is a supplement, shall be vested in said common council.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLXI.

An Act to change the Name and the Organization of the Hudson County Mutual Insurance Company, and to Incorporate the Hudson Insurance Company, and to devolve upon the last named Company the obligations, and to vest it with the assets of the first named Company.

Names of
commission-
ers to take
vote.

Public notice
to be given.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William M. Beach, William P. Douglas and Thomas Potter, all of Hudson county, be and they are hereby appointed commissioners to take a vote of the members of the Hudson County Mutual Insurance Company, a corporation incorporated under an act approved February eleventh, eighteen hundred and forty two, on the question of a change in the organization of said company as proposed by this act; that the said commissioners shall give public notice of the time and place of taking said vote, by the publication thereof in a newspaper published in the county of Hudson, for at least one week, and that at the time and place specified in such notice they shall proceed to take the vote of the members of the Hudson County Mutual Insurance Company, in the same manner as is provided for the election of directors in the third section of the said act

incorporating the Hudson County Mutual Insurance Company; that the question to be submitted to said members shall be whether or not they will accept the provisions of this act, and the members of said Hudson County Mutual Insurance Company then present, individually, or by their several proxies, may vote yea or nay on that question, and if upon canvassing the votes then and there to be given, it shall appear that a majority of said votes shall be yea, it shall be deemed that the members of the Hudson County Mutual Insurance Company have accepted of the provisions of this act, and if the provisions of this act shall have been accepted as aforesaid, then the board of directors of said Hudson County Mutual Insurance Company shall be immediately assembled by the president or secretary of said company, and the question shall be submitted to said board of directors as to whether said board of directors shall accept of the provisions of this act; and if a majority of the board of directors then present shall be in favor of the provisions of this act, said board of directors shall be deemed to have accepted of the same; if the members of said company and the board of directors thereof shall, in manner aforesaid, have accepted of the provisions of this act, the said commissioners shall make a certificate of the proceedings of said members of said company, and the secretary of said company shall make a certificate of the proceedings of said board of directors, both of which certificates shall be filed in the office of the clerk of the county of Hudson, and the said certificates or certified copies thereof shall be legal evidence in all courts and places of the facts contained therein.

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

2. *And be it enacted*, That if the provisions of this act shall be accepted in manner aforesaid, then the persons who shall become subscribers to the capital stock of the Hudson Insurance Company as hereinafter provided for, shall be and are hereby incorporated a body politic and corporate in fact and in law by the name of "The Hudson Insurance Company;" that the capital stock of said corporation shall be two hundred thousand dollars divided into shares of one hundred dollars each, and shall be subscribed and paid in at such times and upon such notice, and in such manner and installments as the board of directors by their by-laws or otherwise may direct, and in case of any stockholder failing to pay any installment on his or her stock at a place within thirty days appointed by the stockholders of said corporation

Corporate name.

Amount of capital stock.

for the payment thereof, such stockholders shall incur a forfeiture of his and her share of stock, and all previous payments thereon, for the uses of the said corporation.

Stock transferable.

3. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and the shares of stock shall be transferable in such manner as the board of directors by their by-laws may direct, and every share of stock shall entitle the holder thereof to one vote in person or by proxy.

Commissioners to open books of subscription.

4. *And be it enacted*, That said William M. Beach, William P. Douglas and Thomas Potter shall be commissioners to open books for the subscription to the capital stock of said corporation, and shall keep said subscription books open until the full amount of the capital stock shall be subscribed for, and said corporation may commence its business as a joint stock company when the whole capital stock shall be subscribed for and fifty thousand dollars thereof shall be paid into said corporation, and when any part of its capital stock shall be unpaid for, each subscriber therefor shall be individually liable for the payment of all the debts and liabilities of the said corporation incorporated by this act to an amount equal to his or her subscriptions to the capital stock thereof.

Property that may be insured.

5. *And be it enacted*, That the said corporation be and the same hereby is empowered to make insurance upon vessels, freights, goods, wares and merchandise, and to make all and every insurance connected with marine risks and the risks of transportation and inland navigation, to make insurance upon dwelling houses, stores and all kinds of buildings, and upon household furniture, merchandise and other property against loss or damage by fire; to cause themselves to be insured whenever and to whatever extent they may deem it expedient; and it shall be lawful for the said company to invest their capital stock and funds in bonds and mortgages on real estate in New Jersey, in stocks of the state of New Jersey and the United States, in the stocks of any other incorporated companies, or upon such other security as the board of directors may determine.

Election of directors.

6. *And be it enacted*, That the present board of directors of the Hudson County Mutual Insurance Company shall be and act as directors of the Hudson Insurance Company, the corporation created by this act, until a new board of directors shall be elected as hereinafter provided for, when the whole of said capital stock shall be subscribed for and the sum of

fifty thousand dollars paid in as hereinbefore provided, the said commissioners shall call a meeting of the stockholders, by public advertisement or otherwise, stating the time and place at which such meeting of the stockholders will be held, and the stockholders there present shall, by ballot, elect a board of directors, consisting of not less than seven nor more than twenty-one directors, as shall be first determined by the stockholders present in person or by proxy, a majority of whom shall be citizens of and residents in this state, who shall be the first directors of said corporation, and said commissioners shall act as the inspectors of said election; the board of directors so elected shall hold their offices for one year, or until their successors shall be elected, and an election shall be held annually for directors of said corporation, of which elections notice shall be given in some daily newspaper printed and circulating in Hudson county, at least ten days previous thereto, which elections shall be held under the direction of three stockholders, to be appointed by the directors, and such elections shall be by ballot, and the persons, being stockholders, who shall receive the greatest number of the votes cast at such elections shall be directors of said company for the ensuing year, or until others are elected in their places.

7. *And be it enacted*, That the said directors of the said corporation may, from time to time, make, alter and repeal by laws for the government of said corporation, its officers and agents, and the conduct and management of its business, and may by such by-laws determine the time, mode and manner of elections of its board of directors; *provided*, that such by laws shall not conflict with any laws of this state.

8. *And be it enacted*, That the said "Hudson Insurance Company," the corporation created by this act, by accepting the provisions of this act and organizing under it, shall be deemed to have assumed and are hereby made liable for all the legal liabilities and contracts of the Hudson County Mutual Insurance Company, and to have undertaken to reinsure all the outstanding risks of the said "Hudson County Mutual Insurance Company," and shall be entitled to receive, possess and hold as its own property all the assets of said last named company, except that the said "Hudson Insurance Company" shall be required to cancel all the premium notes held by the "Hudson County Mutual Insurance Company" as fast as the outstanding risks of the said original company, for which said notes may be liable, shall expire

or be cancelled; it being expressly provided that their liabilities as re-insurers shall be secondary to said premium notes, and that their title to said premium notes and their right to enforce payment of the same at law shall be as complete as if such notes had been originally made to said "Hudson Insurance Company" instead of the said "Hudson County Insurance Company."

Vacancies how
filled.

9. *And be it enacted*, That if any of said commissioners named in this act shall, before he shall have fully performed the duties imposed upon such commissioners by this act, depart this life, resign or refuse to act as such commissioner, the remaining commissioners shall fill the vacancy occasioned and thereupon the appointee or appointees shall have all the powers conferred upon, and perform all the duties imposed upon the commissioners so dying, resigning or refusing so to act.

Repealer.

10. *And be it enacted*, That the act entitled "An act to incorporate the Hudson County Mutual Insurance Company," approved February eleventh, eighteen hundred and forty-two, and the supplements thereto shall be, and the same are hereby declared to be repealed upon the election of the first board of directors of the said Hudson Insurance Company under this act, except so far as may be necessary and requisite to uphold any of the provisions of this act, but nothing herein contained shall be construed to impair or affect any contract or obligation of said Hudson County Mutual Insurance Company, and said Hudson County Mutual Insurance Company shall discontinue making contracts of insurance as soon as said Hudson Insurance Company shall commence business by virtue of this act, and the present board of directors of the Hudson County Mutual Insurance Company, shall thereupon duly transfer to the Hudson Insurance Company the property and assets of said Hudson County Mutual Insurance Company.

11. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLXII.

A Further Supplement to "An Act for the preservation of Clams and Oysters," approved April fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person to erect stakes or any other artificial means for the purpose of using wares or fike nets for the taking of fish upon the bottom of North Shrewsbury river, where oysters are planted by any person or persons, without first obtaining permission in writing of the person or persons so occupying the same. ^{Fishing with fike nets prohibited.}

2. *And be it enacted*, That if any person or persons shall so do, he or they shall for every offence forfeit and pay fifty dollars, to be recovered with costs by action of debt, by any person who shall prosecute for the same, in any court of record in this state having cognizance of that sum, one moiety thereof to the use of the prosecutor, and the other moiety to the overseer of the poor of the township in which the offence was committed, for the use of said township. ^{Penalty.}

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLXIII.

An Act to authorize the Rector, Wardens and Vestrymen of Saint Peter's Church, in the town of Freehold, to mortgage or sell and convey certain lands and real estate belonging to said church.

Preamble. WHEREAS, James Robinson, of Freehold, in the county of Monmouth, and state of New Jersey, did, on the twenty-eighth day of March, in the year one thousand seven hundred and thirty-eight, by a certain deed under his hand and seal, remise, release and forever quit claim unto the corporation of Saint Peter's church, in the town of Freehold, by the name of the minister, church wardens and vestrymen of Saint Peter's Church, in Freehold, a certain lot of land situate on the corner of Main and Throckmorton streets, in the town of Freehold, and county of Monmouth aforesaid, to have and to hold the same with the appurtenances unto the said minister, church wardens and vestrymen and their successors forever, to the use, intent and purposes therein expressed and declared, that is to say, for the service and worship of Almighty God according to the way and manner of the church of England, as it was then by law established; and whereas, some doubts have been suggested whether under the grant thus made, the rector, wardens and vestrymen of said church, who are the successors of the original grantees, can mortgage or sell the said property and make a perfect title therefor, by reason whereof the value of said property is greatly impaired, and the said corporation subjected to inconvenience and loss; now, therefore,

May sell and convey land. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the rector, wardens and vestrymen of Saint Peter's Church, in Freehold, and their successors to mortgage or make sale and conveyance of the said property so granted as aforesaid, or of any portion of said property, and to make and execute such mortgages, deeds or other instruments

therefor as they shall deem necessary or advisable for the benefit of said church.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLXV.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the City of New Brunswick," approved March eighteenth, eighteen hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That exempt firemen, who have received or shall hereafter receive certificates, under the common seal that they have served as firemen in the city of New Brunswick for the term of seven years, shall be exempt from further duty as firemen, and shall be and remain thereafter exempt from serving as jurors, or in the militia in time of peace. Firemen to be exempt from jury duty.

Approved March 16, 1870.

CHAPTER CCLXVI.

An Act to incorporate the Vineland Cranberry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Marcius Willson, Lewis W. Brown, Henry E. Thayer, Edwin M. Turner, Willis T. Virgil, C. Chester Gifford, J. B. Allender, D. H. Haines and William A. House, and such other persons as may be hereafter asso- Names of incorporators.

Corporate
name and ob-
jects.

ciated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Vineland Cranberry Company," and by that name they and their successors may have perpetual succession, and in law be capable of suing and being sued in any courts and places whatsoever, and may have a common seal, with the power to alter the same for the purpose of buying, holding, cultivating and improving lands in the counties of Cumberland and Atlantic, or elsewhere, and for raising and selling cranberries and other fruit and produce of said land, and carrying on the business connected therewith, and erecting such buildings and holding such personal property as may be necessary therefor; and that they and their successors, by the same name, may sell and dispose of the said lands, tenements and hereditaments, cranberries, produce, fruit, goods and chattels, or any part thereof, and may lay, open, make and maintain ditches, drains and embankments through their own and adjoining and contiguous lands, as they may deem for the benefit of said lands; the consent of the owners of the lands adjoining and contiguous being first obtained.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be thirty thousand dollars, with power to increase the same, by a vote of the board of directors, to five hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable in such manner as the by-laws may prescribe; and the said company may organize and commence business whenever the sum of ten thousand dollars shall have been subscribed; all stock subscribed shall be paid in at such times and upon such notice as the board of directors of said company may direct.

Directors and
officers.

3. *And be it enacted*, That the business of said corporation shall be managed and conducted by a board of nine directors, who shall be stockholders in said company, one of whom shall be the president thereof; said board of directors shall have power to appoint such other officers and agents as they shall deem necessary; said board of directors shall hold their office for one year and until others are chosen to fill their places, and until an election for directors shall be held, the persons named in the first section of this act shall be directors.

4. *And be it enacted*, That in case an election of directors

should not be held upon the day when pursuant to the by-laws of said company it ought to have been held, the corporation shall not be deemed dissolved, but the stockholders may proceed to hold an election on any other day, ten days previous notice of the time and place of said election having been given in some newspaper published in the county of Cumberland or elsewhere; at which election and at all meetings of the company each stockholder shall be entitled to one vote, in person or by proxy, for each share of stock held; and in case a vacancy shall occur in the board of directors, the remaining directors shall have power to fill the vacancy in said board by the appointment of any person who is a stockholder in said company.

5. *And be it enacted*, That it shall be lawful for the directors of said company, from time to time, to borrow such sum or sums of money as may, to them, seem advisable for the purpose of their said business, and to secure the same by mortgage or mortgages on the lands or other property of said corporation.

6. *And be it enacted*, That the directors of said company shall have power to declare stock forfeited, and all previous payments made thereon, in case of non-payment, when duly called for, if they deem it expedient, and to make such dividends as the profits, plans and rules of the company will allow, and that the principal office of said company shall be at Vineland, Cumberland county, New Jersey.

7. *And be it enacted*, That the directors shall, at the annual meeting of the stockholders for the election of officers, exhibit a full and complete statement of the affairs of the company during the preceding year, and regular books of account of the corporation shall be kept, to which every stockholder shall have free access at all reasonable times for the purpose of inspection.

8. *And be it enacted*, That said company may be dissolved by a general meeting of the stockholders, specially called for that purpose; *provided*, that stockholders representing at least two-thirds of the stock shall concur therein; and upon such dissolution the directors for the time being, and the survivor or survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for the settling of all the affairs of the company, collecting and disposing of its property and assets, paying its debts, and dividing the sur-

Not dissolved
by failure to
elect directors

May borrow
money and
secure the
same by bond
and mortgage.

Dividends.

Annual report

How dissolve

Proviso.

plus among the stockholders in proportion to their respective interests in the stock.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLXVII.

Supplement to "An Act to incorporate Seton Hall College," approved March eighth, eighteen hundred and sixty-one.

Property free
from tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the fifth section of an act entitled "An Act to incorporate the Drew Theological Seminary of the Methodist Episcopal Church," approved February twelfth, eighteen hundred and sixty-eight, in relation to the exemption of the real and personal property, of said corporation from assessment and from taxation, be, and the same are hereby extended to the corporation created by the act to which this is a supplement.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLXVIII.

An Act to facilitate the Collection of Taxes in the Township of Cinnaminson, in the county of Burlington.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Cinnaminson, in the county of Burlington, shall have power to enforce the collection of all delinquent taxes assessed on any real estate in said township during the years of our Lord one thousand eight hundred and sixty-seven, eight and nine, and thereafter, by exposing the same for sale, or so much thereof as may be sufficient to pay said tax and the costs thereon, at public vendue, to the person or persons who will take the least quantity of said land, to be laid out in one body, and to commence at some designated corner of the premises on which said delinquent taxes are claimed to be due, and in case where the said committee may deem it for the interest of the township, they may authorize the treasurer of the township to appear at and bid on such lands as are offered for sale as aforesaid in the name of the township, the lands so sold to him, if any, to be the property of said township.

2. *And be it enacted*, That no land shall be sold by virtue of this act until the township collector shall have made a return to the township committee that the taxes assessed on said lands are unpaid, and have by him been returned as delinquents, and shall verify the same by his affidavit attached thereto, and the collector neglecting or refusing to make such return and affidavit on or before the annual township meeting for the election of officers, shall be liable to the township all of said unpaid and delinquent taxes not so returned.

3. *And be it enacted*, That within ten days after the said return, by the collector of the township, the township committee shall cause a copy of said return to be recorded in the clerk's office of said township, and a copy thereof to be posted in at least three public places in said township, one of said places to be at the place where the last election of said town-

ship was held, the same to be certified to and signed by the committee of the township.

Certified copy
to be pub-
lished.

4. *And be it enacted*, That after the expiration of twenty days, the township committee shall cause a certified copy of the said return and affidavit of the collector to be published in one or more newspapers published in said county, at least six weeks, specifying the time and place where the same will be sold at public vendue, as aforesaid, for the collection of said returned and delinquent taxes.

Land to be
sold at public
vendue.

5. *And be it enacted*, That on the day mentioned in said notice, or on some adjourned day thereof, the chairman of the said committee shall, at the hour named in said notice, proceed to sell the several tracts or parcels of land returned and unpaid, and in the order so returned, at public vendue, as aforesaid, to the person or persons who will take the least quantity of said premises so offered and pay the amount of said delinquent taxes with the cost of advertising and sale.

Certificates of
sale to be
made.

6. *And be it enacted*, That immediately after such sale the township committee shall execute and deliver to such person or persons who may become the purchasers of said lands, a certificate of such sale, describing the piece, or several pieces sold, as the case may be, together with the amount paid for the same, entitling the holder thereof to a deed of the premises so sold; *provided*, that the owner or owners of the said land or lands, do not within two years from the date of said certificate, appear before the said committee and deposit with them, for the purchase of said land, the amount so paid by him, together with fifteen per centum interest, in which case the said certificate shall be deemed to be canceled, and the amount so received shall on demand be paid to the party holding and owning such certificate.

When deed of
premises may
be executed.

7. *And be it enacted*, That if at the expiration of two years from the time of said sale, the owner or owners of any land so sold does not appear to redeem said land as aforesaid, then the said township committee shall execute to the holders or owners of said certificate a deed of the premises, described therein in their corporate name, the party receiving said deed to bear the expense of the revenue stamps and the acknowledging of the same, and on the delivery of said deed, the sale shall be final, and the title of such lands pass irrecoverably to the holders thereof.

Quorum.

8. *And be it enacted*, That a majority of the said committee shall constitute a quorum for the purposes of this act,

and may adjourn from time to time as they shall judge proper.

9. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLXIX.

An Act to incorporate the Union and Essex Land Company.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of cor-
rators.</sup> *the State of New Jersey*, That John A. Wilson, Aaron D. Mulford, Charles E. Hunter, David McCandless and James H. Clark, and all such persons as may be hereafter associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in name, by the name of "The Union and Essex Land Com-<sup>Corporate
name.</sup>pany," and by that name shall be capable in law of purchasing, using, holding, letting, improving and disposing of such real and personal estate in the counties of Union and Essex as may be necessary or expedient to the objects of this incorporation, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever necessary or useful for said purposes.

2. *And be it enacted*, That the stock, property and con-^{Directors.}cerns of the said corporation shall be managed and conducted by five directors (with privilege of increasing the number to eight), a majority of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices respectively for one year and until others are elected, and that the said directors shall be chosen on the first Monday in May in every year, and at such time and place as shall be provided for by the by laws of said corporation by such of the stockholders as shall attend for that purpose, either in person or by proxy; and notice of the time and place of such election shall be published not less than two weeks previous thereto in a newspaper published in

each of the counties of Union and Essex; and each stockholder shall be entitled to one vote for each share he or she may hold in said corporation; and the persons having the greatest number of votes shall be directors, and the said directors may appoint such agents, officers and superintendents, and make such compensation and assign such duties to the said agents, officers and superintendents as they shall think fit; and if at any time it shall happen that any vacancy or vacancies occur from any cause whatever among the directors of said company, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; and until other directors are chosen by the stockholders, the first directors shall be John A. Wilson, Aaron D. Mulford, Charles E. Hunter, David McCandless and James H. Clark, who shall hold their offices until the first Monday of May next, or until others are legally chosen.

First directors

Amount of
capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing it to three hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and as soon as five hundred shares of the capital stock shall have been subscribed and the sum of fifty dollars on each share so subscribed paid, or secured to be paid, it shall and may be lawful for said corporation to proceed to carry into effect the object of said corporation; and it shall be lawful for the directors of said corporation to call and demand from the stockholders thereof respectively such installments, and at such times and in such proportion as they shall deem proper, not exceeding ten dollars on each share at any one time, notice of which shall be published for at least three weeks in a newspaper in each of the counties of Union and Essex, or be given in writing to the stockholders for the like space of time before such instaliments are required to be paid; and in case of the failure of any stockholder to pay his or her installment at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and all previous payments thereon, for the use of the company, and the books of subscription for the stock of the said corporation shall be opened at such time and place and remain open such time in the said county of Union or Essex as the directors shall appoint, notice being given previous thereto for two

Power to de-
mand capital
stock on paid
of forfeiture.

weeks in a newspaper printed in each of said counties, and the shares of the said capital stock shall be deemed personal property, and be transferable in such manner as the corporation by their by-laws shall direct; and the principal office of said company shall be located in the county of Union. ^{Principal office.}

4. *And be it enacted*, That the said company are hereby authorized to let, rent, lease, mortgage and sell, all such land and real estate as they may hold, and to improve the same by building thereon, or by laying off the same in lots, to open, lay out, grade or vacate streets and alleys, and to use the same for agricultural purposes, or in any other lawful way that the said corporation may deem necessary and advisable. ^{Improvements}

5. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of the said corporation, and shall have full power to make such by-laws, ordinances and regulations as shall seem necessary and convenient for the management or disposition of the stock, effects and concerns of the said corporation; ^{Powers of directors.} *provided*, that the same are not contrary to the laws or constitution of the United States or of this state.

6. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of the said corporation shall direct. ^{Failure to elect not to dissolve.}

7. *And be it enacted*, That the legislature may at any time amend, alter or repeal this act. ^{Act may be repealed.}

8. *And be it enacted*, That this act shall continue in force thirty years, and that the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as applicable, and that this act shall take effect immediately. ^{General powers.}

Approved March 16, 1870.

CHAPTER CCLXX.

Supplement to an act entitled "An Act to enable the owners of the swamps and marshy lands lying on the Upper Passaic and its tributaries in the counties of Morris and Somerset, to drain the same," approved April twenty-first, eighteen hundred and sixty-eight.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said act be and the same is hereby repealed, excepting and reserving, however, all property, rights, privileges, matters and things, liabilities, agreements or responsibilities, legally acquired, incurred, assumed, performed or made under or by virtue of the said act hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLXXI.

An Act to incorporate the city of Woodbury.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Deptford, known as the borough of Woodbury, lying and being in the county of Gloucester, beginning in the middle of Woodbury creek, at a station twenty-five feet westerly (at right angles) of the course produced of the westerly line of Sydney Dyer's lot, on the Red Bank turnpike road, and from thence northeasterly, the same course of and parallel with said line, running twenty-five feet westerly thereof, through lands of William R. Tatum, until it strikes land

late Anna Howell's; thence easterly along the southerly line of said Howell's land and E. Mann's lot to the line of Samuel H. Ladd's land; thence southerly along the line between the lands of said Ladd and late E. Burson's to a corner between said Ladd, Burson and John W. Cloud; thence southwesterly along the line between said Burson, John W. Cloud and Samuel P. Watkins, to the line of other land of Samuel P. Watkins; thence southerly along the line between said Watkins and L. Cloud, to a corner between them at the head of a branch; thence down the main water course of said branch to the middle of Woodbury creek aforesaid; thence up the middle of said creek, crossing the Good Intent turnpike to the corner of Lewis Lardner's and late Joseph Iszard's land; thence southwesterly along the line between said Lardner and others, and continuing on the same course thereof, through lands of William Griscom and late William Dickerson, crossing the Egg Harbor road, Kester's branch and the Glassboro' road to the line between said Dickerson and lands of Joseph W. Reeves; thence westerly along said line to the corner between Susan W. Garrigues and late D. B. Cooper; thence southerly along the line between said Garrigues and Cooper, and continuing the same course through said Cooper's land to a point in the old northerly line of formerly Paul Cooper's land; thence westerly along on said old line to a corner of William Knight's land, standing a little westerly or southwesterly of William Atkinson's house; thence northerly and westerly along the easterly and northerly lines of said Knight's land, and along the old line between said Knight and late A. Woodward's lands till it comes in range of a certain line between the lands of Joseph Tatum, Jephtha Abbott, John H. Bradway, and lands now or late J. M. White's on the one side, and the said Joseph Tatum, Thomas Glover and Robert K. Neff on the other side; thence on the course of and along said line northeasterly to Delaware street, and continuing on the same course, crossing said street and through lands of John S. Twells to the middle of Woodbury creek aforesaid; thence up the middle of said creek to the place of beginning; shall be and is hereby erected into a city, which shall be called and known by the name of "The City of Woodbury," and the inhabitants thereof shall be and are hereby incorporated by the name of "The Mayor and Council of the City of Woodbury," and by that name they and their successors forever

Corporate
name.

shall and may have perpetual succession; 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 manner of actions, suits, complaints, matters and causes whatever; may have a corporate seal, and alter the same at their pleasure, and may by their corporate name aforesaid, purchase, receive, hold and convey any estate, real or personal, for the use of said corporation.

City officers. 2. *And be it enacted*, That the officers of said city shall consist of a mayor, who shall be the keeper of the city seal, nine members of council, two chosen freeholders, one assessor, one collector, who shall be city treasurer, a city clerk, a city surveyor, a city solicitor, three judges of election, three commissioners of appeal in cases of taxation, one marshal, two overseers of the poor, one pound keeper, and as many justices of the peace as said city may be entitled to; the said officers to be elected as is hereinafter directed, except the city surveyor and city solicitor, who together with such and so many policemen and other officers as may be deemed necessary for the government of said city, shall be appointed by the council.

Time of holding charter election. 3. *And be it enacted*, That the charter election shall be held on the Tuesday preceding the second Wednesday in March in each year, at the place appointed and designated for that purpose by the council, between the hours, in the same manner and under the same regulations in all things as prescribed by law for state elections for members of the legislature; *provided*, that the first charter election held after the passage of this act, shall be held at the same time and place, under the same regulations, and in the same manner as is now provided by law for holding borough elections in the borough of Woodbury.

Officers of election. 4. *And be it enacted*, That all future elections to be held in said city for members of the senate and general assembly of this state, for sheriff, county clerk, surrogate, and coroners of the county of Gloucester, and for members of congress and electors of president and vice president of the United States, or for any other office of the general or state governments, or officers of the county of Gloucester, shall be held by the judges of election and city clerk of said city, at the place therein designated for holding the charter elections, on the day or days which now are or hereafter may be

fixed by law for holding such elections, and such elections shall be conducted by said officers, in all things pursuant to the laws of this state applicable to such elections in this state, and they shall be liable to the same obligations, duties and penalties imposed upon the like officers of elections in the townships of this state; and they shall be entitled to the same compensation for their services at all elections, as the like township officers are entitled to receive; and in case of absence, disqualification or inability of any of them, the vacancy shall be supplied in the manner prescribed by the laws of this state in such cases.

5. *And be it enacted*, That at the first election held under this act, and annually thereafter, there shall be chosen by ballot, by the legal voters thereof, from among the citizens of the same, a mayor, two chosen freeholders, one assessor, one collector, a city clerk, three judges of election, three commissioners of appeal in cases of taxation, one marshal, two overseers of the poor, and one pound keeper, to serve for one year and as many justices of the peace as the said city may be entitled to, and at the said first election there shall be elected nine members of council, who shall on the Monday following their election, meet and divide themselves by lot into three classes; the seats of the councilmen of the first class shall be vacated at the expiration of the first year; of the second class, at the expiration of the second year; and of the third class, at the expiration of the third year, so that three members of said council shall be elected in each and every year thereafter, to hold their office for the term of three years, and if vacancies happen, by resignation or otherwise, the persons elected to supply such vacancies shall be elected for the unexpired terms only.

6. *And be it enacted*, That the judges of election and the city clerk shall constitute a board of election, and in case of absence, disqualification or inability of any of them, the vacancy shall be supplied in the manner prescribed by the laws of this state, in such cases; the name of each voter at such election shall be written in a poll book by the city clerk, and after the poll shall be closed, the said judges of election shall immediately count the votes given for the several candidates and certify the result under their hands, and deliver such certificate to the city clerk, who shall file and preserve the same in his office, and shall also within five days thereafter, file a true copy of such certificate in the office of the

clerk of the county of Gloucester; the person or persons receiving the greatest number of votes given for any city office in said city shall be deemed to be elected to that office, and the city clerk shall, within five days after such election, give notice of the result of such election, in the same manner that clerks of townships in this state are required to give notice of the results of elections in said townships.

Voters.

7. *And be it enacted*, That all persons residing in said city, qualified by the laws of this state, or of the United States, to vote at elections in this state, shall be entitled to vote at all elections held under this act; and the said citizens so entitled to vote, shall be capable of holding any office created by this act of incorporation; *provided*, that no person shall be elected or serve as mayor, or a member of council, unless he shall have resided in said city at least one year immediately preceding such election.

Proviso.

Vacancies,
how filled

8. *And be it enacted*, That in case any vacancy shall occur in any of the city offices, by resignation, disqualification, or death of the incumbent of said office, or in any manner whatsoever, the council shall fill by appointment such office for the unexpired portion of the year in which said vacancy shall occur

Duties of the
mayor.

9. *And be it enacted*, That it shall be the duty of the mayor of said city to see that the laws of the State and the ordinances of the city are faithfully executed therein, and to recommend to the council such measures as he may deem necessary or expedient for the welfare of the city; he shall maintain peace and good order in said city, and shall have power to suppress all riots and tumultuous assemblies, and cause to be arrested, on his own view, without process or warrant, and to commit for trial, all persons violating, or whom he has reason to believe have violated the laws of this state, or the ordinances of the city; he shall possess the same powers and authority in all cases with which justices of the peace are now invested; and shall have power and authority to try all causes and complaints arising from the violation of any of the ordinances of said city, and all persons who shall be arrested for drunkenness and disorderly conduct; and he is hereby authorized to commit any person so offending to the jail of the county of Gloucester, for any period not exceeding thirty days, or impose a fine not exceeding twenty dollars, or both.

10. *And be it enacted*, That it shall be the duty of the

collector, who shall be city treasurer, to receive and collect all moneys due to said city, whether for taxes, assessments, arrears of taxes, or otherwise, and safely keep and disburse the same, under the direction of the council, and shall pay out the same only upon the warrant of said council, signed by the president and countersigned by the clerk, and no warrants on the city treasurer shall be authorized, except in pursuance of an order of said council, passed at a stated meeting and entered on their minutes; and such warrants shall be made and numbered, payable to the order of the person or persons to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid; the said treasurer shall keep a record of his proceedings, affecting the revenue of the city, and shall annually, on the first Wednesday in March, or oftener, if required by the council, make out and publish a true statement in detail of all moneys received and disbursed by him, and file a copy of said statement with the city clerk; and the said treasurer shall pay over to the county collector of Gloucester county, the full quota of taxes required by law to be raised in said city, for state and county purposes.

Duties of the collector and treasurer.

11. *And be it enacted*, That all taxes raised within said city shall be assessed by the assessor upon the persons and property within the said city, in the manner and within the time directed by the laws of this state for assessing township, county, and state taxes in the township of Deptford; *provided*, that all lands within the limits of said city held as farm lands, and not for building purposes, shall be valued and taxed as they are now taxed for township purposes.

Assessment of taxes.

12. *And be it enacted*, That the city clerk shall be clerk of council, and have charge of all the records, books and documents of the city, except when the council shall otherwise direct by ordinance; he shall keep a record of the proceedings of council; he shall engross all ordinances in a book to be provided for that purpose, and shall perform all such other duties as may be, from time to time, prescribed by the said council, and shall possess the powers generally incident to clerks of townships, so far as the same be not inconsistent with this act; *provided*, that said city clerk shall not be disqualified from sitting as clerk of any election, by reason of his being a candidate for said office at said election.

Proviso.

Duties of the city clerk.

Proviso.

13. *And be it enacted*, That the chosen freeholders, the overseers of the poor, the commissioners of appeal in case

Chosen freeholders to be overseers of the poor.

of taxation, surveyor, pound keeper, and assessor, shall perform the duties required of such officers by law in the township of Deptford, of this state, and the ordinances of said city.

Duties of the
marshal.

14. *And be it enacted*, That the marshal of said city shall possess the same powers, take the same obligation, perform the same duties, be subject to the same penalties, and receive the same fees as any constable of any township in this state; and the said marshal and policemen appointed for said city, shall have power to arrest and take into custody, on his or their own view, without warrant, any person offending against any ordinance of said city, and take any person so offending, forthwith before the mayor, or any justice of the peace of said city, for a hearing; and in case such hearing cannot immediately be had, to confine any person so offending in the county jail of the county of Gloucester until a hearing can be had; *provided*, that such hearing shall be given within twenty-four hours after such arrest, or the offender discharged.

Proviso.

All persons
elected to of-
fice shall sub-
scribe an oath
or affirmation.

15. *And be it enacted*, That no person elected or appointed to any office in pursuance of this act, or any law or ordinance of the council, shall enter upon the discharge of his duties, unless within ten days after his election or appointment, he shall take and subscribe before the mayor or city clerk, or some person authorized to administer oaths and affirmations, an oath or affirmation, faithfully, fairly and impartially to execute the duties of his office, according to the best of his knowledge, skill, and ability, and shall file said oath or affirmation with the city clerk, who shall keep all such oaths and affirmations on file in his office, and the oath of the city clerk filed by the mayor; and if any such person shall neglect to take such oath or affirmation within the time herein specified, or shall neglect, within said time, to give such security as may be required of him, he shall be considered as having declined such office, and the same shall be deemed vacant.

Officers to
give bonds.

16. *And be it enacted*, That the city clerk, treasurer and such other officers as the council may require, shall, before they enter on the duties of their office, give bonds to the city in its corporate name, in such sums and with such sureties as the said council may approve, for the faithful performance of their duties; and the marshal shall give the same bond that

constables of the several townships are required to give, with sureties to be approved by said council.

17. *And be it enacted*, That all fines inflicted by ordinances shall, when received, be paid into the city treasury. Fines to be paid into city treasury.

18. *And be it enacted*, That the legislative power of said city shall be vested in the council; they shall annually elect one of their number to be president of said board, and in his absence, shall elect one of their number to preside for the time being, appoint the times and places of meeting, determine and establish the rules for their own government, be the sole judges of the qualifications of their own members, keep a journal of their own proceedings, pass ordinances, by-laws and resolutions pertaining to the purposes and objects of said corporation, and necessary and proper for carrying out the provisions of this act, and may expel a member for disorderly conduct or a violation of their rules; but no expulsion shall take place except by a vote of two-thirds of all the members, nor until the delinquent member shall have had an opportunity to be heard in his defence. Powers and duties of council.

19. *And be it enacted* That every ordinance and every resolution of the council affecting the interests of the city, shall before it takes effect, be presented duly certified to the mayor; and the report of the clerk shall be conclusive evidence that the said ordinance or resolution has been so presented to the mayor; if he approves it, he shall sign it; if not, he shall return it with his objections, and file the same with the clerk within five days after he shall have received it, and the said board shall at its first regular meeting thereafter, order the objections to be entered at large on its journal, and shall proceed to reconsider the same; and if a majority of all the members shall pass the same, it shall take effect as a law; but in every such case the vote shall be taken by ayes and noes, and entered on the journal; and if such ordinance or resolution shall not be so returned by the mayor within the time above specified, it shall become a law in like manner as if he had signed it; *provided*, that each and every ordinance and resolution so passed as aforesaid, shall be published for the space of two weeks at least, once in each week, in a newspaper printed and published in said city, before said ordinance or resolution shall go into effect; *provided also*, that no ordinance or by-law shall be enacted or passed by the said council, unless the same shall have been introduced before the said council at a previous meeting, and shall have been agreed Proceedings before ordinances shall take effect. Proviso. Proviso.

to by a majority of said council; but said council may by a two-third vote put any such ordinance or by-law on its final passage on the same day on which the same shall be introduced.

Council meetings

20. *And be it enacted*, That a majority of the council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and compel the attendance of absent members; the said council shall hold the annual meeting on the Tuesday next after the annual election, and such other stated meetings during the year as they by ordinance or resolution may appoint; but the mayor or president of council, or any two members thereof, may call special meetings by a notice in writing to each of the members, served personally or left at his usual place of abode, at least twenty four hours previous to the time appointed for such meeting.

Resignations and removals.

Proviso.

21. *And be it enacted*, That resignations of any office held under the provisions of this act may be made to the council, and said council may fill vacancies as provided in this act; that any officer except the mayor may be removed from office for cause, by resolution of said council; *provided*, that no such removal shall take place until the party sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members vote therefor; and in case of any such removal the ayes and nays shall be entered upon the minutes.

Compensation of officers to be fixed by council.

Proviso.

22. *And be it enacted*, That the council shall have power to fix the pay, salary or compensation of the city clerk, assessor, collector, who shall be the treasurer, marshal, overseer of the poor, and all other officers elected or appointed under and by virtue of this act, except as it is otherwise herein provided; *provided*, that no member of council shall receive, either directly or indirectly, any compensation for the performance of his official duties.

Council shall provide by ordinances for the government of all officers.

23. *And be it enacted*, That it shall be the duty of said council by ordinance or ordinances, to prescribe and define the duties, and establish all needful regulations for the government of all officers in the different departments of said city, and to require any of them to make returns and reports at stated periods during the year, and the payment into the city treasury of all money received for fines, penalties, or from any other source not herein otherwise provided for.

24. *And be it enacted*, That the said council shall, by their title, "The Mayor and Council of the City of Woodbury," have power to pass, enforce, alter and repeal ordinances to take effect within said city for the following purposes, to wit:

I. To lay out, open, widen, vacate, alter, grade, fill up, refill, establish, alter and regulate the grade and grading of all streets, avenues and roads, side and cross walks; *provided*, that nothing herein contained shall be construed to interfere with the grade of any railroad within the limits of said city, nor with the rights of any turnpike company to forty feet of the centre of any turnpike road within the limits of said city; but said city shall have the right to make suitable crosswalks for footpaths over and across any such turnpike road; to ascertain and establish the boundaries of all streets, public alleys and roads in said city; and to authenticate any and all of said improvements by maps or otherwise.

II. To pave, macadamize, gravel, curb and gutter the streets, avenues and roads; to construct and build and repair sewers and drains in and from any, or in and from any parts of the public streets, roads, alleys, places, and public or private grounds in said city.

III. To lay sidewalks of brick or other material; to lay out cross-walks of stone or other material; to re-set the curbs and gutters in the streets and roads or any part thereof; and to keep the side-walks and gutters free from snow and ice and other impediments.

IV. To lay and regulate, or prohibit the laying of water or gas pipes in or under the streets or roads, or any part thereof in said city;

V. To declare what shall be considered nuisances in streets, roads, lots and places in said city; to prevent and remove all encroachments, incumbrances and nuisances in and upon any street, road, sidewalk, lot or enclosure, place or places in said city;

VI. To secure in every respect to the public and adjoining owners, the safe and convenient use of all streets, sidewalks and public places for the purposes for which they are or may be laid out or dedicated in said city;

VII. To regulate and control the driving of cattle, mules and other animals in droves through the streets of said city;

- To make assessment map VIII. To make and adopt an assessment map, whereby to describe lands assessed for taxes and improvements ;
- Sewerage. IX. To make and adopt a general plan of sewerage and drainage for said city, or any part thereof, conformably to which all sewers, drains and all other appurtenances of public drainage shall be constructed, and to alter and vary the same ;
- To prevent cattle and other animals from running at large. X. To prevent horses, cattle, sheep, swine, dogs, goats and all other animals from running at large, and to provide for the impounding and sale of the same ; to impose a tax upon dogs to be assessed and collected in the same manner as the like tax is assessed and collected in the several townships in this state ; the city of Woodbury shall pay its share of the damage done to sheep in the township of Deptford, in proportion to the number of dogs in said city as shown by the last preceding assessment ; and to provide for the muzzling, restraining and destruction of dogs ;
- To prevent immoderate driving. XI. To prevent immoderate and fast driving in the streets or roads, driving over or upon sidewalks, and cruelty to animals, and to regulate the planting and protecting of shade trees ;
- To prevent riots, &c. XII. To prevent riots, disturbances and disorderly assemblages in the streets, or in any house or place in said city ; to prevent and suppress all gaming houses and houses of ill-fame, and to prohibit gaming ; to restrain and punish indecent and disorderly conduct and drunkenness, and to restrain and punish all mendicants, street beggars and common prostitutes ; to suppress vice and immorality ;
- To license and regulate restaurants, &c. XIII. To license and regulate, or prohibit restaurants, beer saloons, bowling alleys, billiard saloons, oyster houses and cellars, and to regulate or prohibit all traffic in or sale of intoxicating drinks in said city, except the inns and taverns licensed by the courts of the county of Gloucester ; to license, regulate or prohibit hawkers and hucksters, on such terms and under such regulations and penalties as the said council shall by ordinance impose ; and no license for any of the above purposes, within said city, granted by any other authority, shall be lawful, except licenses granted by the governor to hawkers and pedlers ;
- To fix compensation of officers. XIV. To prescribe the duties and compensation of all officers herein named, not already fixed by statute ;
- Finances. XV. To manage, regulate, control and protect the finances

and property, and all public buildings of the city, and the erecting and maintaining of said buildings ;

XVI. To establish, regulate and control a city police force ; Police.
to regulate and define the manner of their appointment and removal, their duties and compensation, and to provide for the safe keeping of criminals, offenders and persons under arrest in the jail of the county of Gloucester ;

XVII. To establish, regulate and control a fire depart- Fire depart-
ment, with power to exempt its members from serving as ment.
jurors in the courts for the trial of small causes, and from militia duty in time of peace ; to provide fire engines, hose and hook and ladder carriages, and all apparatus and houses needful therefor ; *provided*, that the members of said fire de- Proviso.
partment shall reside within the limits of said city ; and shall not exceed fifty men to each and every fire engine, and thirty men for each and every hose or hook and ladder company ;

XVIII. To regulate and sink wells, cisterns and pumps in the streets or enclosures of said city for the extinguishment To provide for
of fires ; to regulate the keeping of gunpowder and other extinguish-
dangerous or combustible materials ; to provide for the pre- ment of fires.
vention and suppression of fires ; to regulate the construction of chimneys or flues, and the cleaning of the same, and to regulate or prohibit the carrying on of any trade, business or manufacture likely to cause fires, or endanger the health or well being of the inhabitants of said city ;

XIX. To provide street lamps for, and to light the streets, Lighting
either by gas or other material ; streets.

XX. To provide health laws, and to establish a board of Board of
health ; health.

XXI. To prevent or regulate the firing of guns or pistols, To license
and prevent the trapping of birds in said city ; to license or shows, &c.
prohibit the exhibition of shows, circuses, or all other like matters ; to prohibit the throwing of stones, snow balls, playing balls or other like missiles in the streets ; to regulate or prohibit the selling or exposing to sale, or the firing of fire crackers, or other fire works in said city ;

XXII. To provide for assessing and collecting taxes, and To provide for
regulating and conducting city elections ; and said council assessment
may provide by ordinance that the city shall pay one-third of and collection
the cost of paving or macadamizing the streets of said city of taxes.
with such substantial material as the property owners on the line of the street may desire ;

XXIII. To provide for the purchase of the right and

To purchase the right to street or road. privilege which any turnpike company may have to any street or road within the limits of said city, and to extinguish the same when any such purchase shall be completed;

Punishment for violation of ordinances. XXIV. To punish by fine or imprisonment in the county jail, or both, all violations of any ordinance authorized by this act, and to provide all means which said council may deem necessary to carry into effect the objects and purposes of said corporation, and to pass such and so many other ordinances or by-laws for the peace, good government, order, well being and convenience of the said city as the said council may deem necessary, proper and expedient, not repugnant to this act, nor to the constitution of this State or the United States.

Enacting clause. 25. *And be it enacted*, That the ordinances of the council of said city shall begin in the following style, to wit: "Be it enacted by the Mayor and Council of the City of Woodbury."

Assessment and collection of taxes. 26. *And be it enacted*, That it shall be lawful for the council to raise by tax every year, so much money as they may deem necessary and expedient for the purpose of opening, widening, laying out, repairing and keeping in order streets and roads, maintaining the poor, supporting and maintaining public schools; for contingent expenses, for paying state and county taxes, and for paying so much of the indebtedness of said township of Deptford, assumed by said city, as may be provided for by the provisions of this act, and for all other purposes authorized by this act; and that the ordinances directing the raising of said tax shall set forth the amount required for each object; which tax shall not, in any one year, except as is hereinafter provided, exceed five mills on the dollar of the actual valuation of the property assessed; and every taxable inhabitant of said city shall be assessed the sum of one dollar as a poll tax, to be applied for the purpose of public schools; and the said council may, from time to time, borrow such sum or sums of money, in the corporate name of said city, for all purposes for which they are by this act authorized to raise money by tax, as they may deem necessary, and secure the payment thereof by bond or other instrument, under the common seal of said city and signature of the mayor, attested by the city clerk, and to provide by tax for the payment thereof; *provided*, that no loan shall be made without the concurrence of a majority of all the members of said council; *provided further*, that there shall not be a

Proviso.

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greater sum than one thousand dollars borrowed in any one year; and that the said city shall not, at any time, owe more than one thousand dollars, exclusive of the war debt due by said city.

27. *And be it enacted*, That whenever it shall, in the opinion of the said council, be necessary to raise in any one year, for the use of said city, a sum of money that will exceed five mills on the dollar of the actual valuation of the property assessed, then and in such case the said council shall, at a stated meeting thereof, determine the amount necessary to be raised, and state therein the use or uses to which it is to be applied, and shall and they are hereby authorized and required to give the inhabitants of said city notice of the same, by publishing said resolution in a newspaper printed in said city, for the space of two weeks, at least once in each week, or by printed handbills set up in five of the most public places therein, for the like space of time, before the annual election held in and for said city; and said resolution published or set up as aforesaid, shall be deemed sufficient notice to the people of said city that the sum therein named will be voted for at the ensuing election; and the legal voters of said city shall determine at said election for or against raising the sum of money proposed by said council in and by their said resolution, by having the word "money," if in favor of raising said sum, written or printed on their ballot, or the words "no money" written or printed thereon, if opposed thereto; and the judges of election shall count all such votes cast for or against the raising of such sum of money, and certify the number of each cast, and if it shall appear that the greater number of ballots contain the word "money," then the sum named in the resolution of the said council shall be authorized to be assessed and collected for the uses and purposes stated in said resolution; but if the greater number of ballots contain the words "no money," then and in that case no sum shall be raised greater than the limit fixed in the preceding section of this act.

Proceedings
when addi-
tional tax is
to be raised.

28. *And be it enacted*, That the city collector of said city in case of the non payment of taxes, on or before the twentieth day of October, in each year, shall make out a list of all delinquent tax payers, with the sum due from each respectively, and shall, on the twentieth day of October, in each year, except when said day shall fall on Sunday, and then on the next day following, deliver the same to a justice of the

Collection of
delinquent
taxes.

peace of said city, who shall proceed and issue a tax warrant thereon, as provided by law in cases of taxes in townships of this state, which shall be directed and delivered to the collector of said city, who shall have power to collect the same, in like manner, in all things, as the collectors in the townships are directed by law : but such collector shall, before he delivers such list to said justice of the peace, take and subscribe an oath or affirmation before him that the moneys in said list mentioned have been duly demanded, or due notice given at the usual places of residence of such delinquents who could be found, or may then reside in said city.

Interest to be collected on unpaid taxes.

29. *And be it enacted*, That whenever, within the said city, any tax shall remain unpaid after the twentieth day of October, in each year, it shall be lawful for and shall be the duty of the collector to charge, receive and collect, in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum from said twentieth day of October until the same is paid.

Taxes to be a lien.

30. *And be it enacted*, That all taxes and assessments which shall hereafter be levied, assessed or made upon any lands, tenements or real estate, situate in said city, shall be and remain a lien thereon until paid ; and the said council shall have the like powers and authority to authorize sales for the payment of taxes as the township committees of the several townships in this state now have and possess by law.

Expenses for paving, widening, &c., how paid.

31. *And be it enacted*, That it shall and may be lawful for the council of said city to make and establish ordinances and regulations for the laying out, opening, extending, altering, widening, grading, curbing, guttering or filling up of any street, road, highway or alley within said city, whenever, in their judgment, the public good requires it to be done, and for the paving or macadamizing of any of the said streets, roads, highways or alleys, whenever the person or persons owning two-thirds of the frontage of land, lying on the said street, road, highway or alley shall make application in writing to the said council for the same to be done ; *provided*, that said city shall pay one-third of the expense of said paving or macadamizing.

Proviso.

Lands may be purchased for improvements

32. *And be it enacted*, That whenever the council shall determine by ordinance to lay out and open any street, road, highway or alley within said city, or to alter, widen or straighten any street, road, highway or alley, or to make any sewer or drain in any part of said city, and to take and ap-

propriate for such purpose any lands and real estate, they are hereby authorized to treat with the owner or owners thereof for the same; they may purchase such lands and real estate, and make such compensation to the owners thereof as they shall judge reasonable and right; and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the said city.

33. *And be it enacted*, That when the said council cannot agree with the owner or owners of such required lands and real estate for the said purpose, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, it shall be lawful for said council, and they are hereby required to appoint, three disinterested and impartial freeholders of said city to make an estimate and assessment of the damages that any such owner or owners will sustain by the laying out, opening, altering, widening or straightening of any such street, road, highway or alley, or the making of any such sewer or drain; and in estimating and assessing such damages, the said commissioners shall have due regard as well to the value of the land and real estate, as to the injury or benefit of the owner or owners thereof, by the laying out, opening, altering, widening or straightening of any street, road, highway or alley, or the making of any such sewer or drain.

34. *And be it enacted*, That the said council, on making the appointment aforesaid, shall designate a time and place for the meeting of said commissioners, not less than twenty days from the date of said appointment, of which time and place the city clerk shall give notice by advertisement in a newspaper published in said city, at least ten days before the time of meeting; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, fairly and impartially to execute the duties imposed upon them by this act, to meet at the time and place appointed, and proceed to view the said land and real estate, and to make a just and true estimate and assessment as aforesaid: and for this purpose the said commissioners shall have power to swear and examine witnesses, and to adjourn from time to time, and shall report their proceedings to the said council, with the assessment and appraisement 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 thirty days after their first meeting as afore-

Proceedings in
case council
and owners
cannot agree.

Commission-
ers shall take
oath.

Duty of the
commission-
ers.

said, together with their appointment, with the clerk of the city, there to remain of record; and the said clerk shall lay said report before the council at their next meeting thereafter, which report, or a copy thereof, certified by said clerk, shall at all times be considered as plenary evidence of the power of said council to enter upon, take and use said land and real estate, the city treasurer first tendering to the owner or owners thereof, if resident in this state, the amount so awarded to said owner or owners; 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 said city, if they shall refuse or neglect to pay the same for thirty days after demand made of the treasurer of said city; but if any such owner is not a resident of said city, or upon due inquiry cannot be found therein, or is a lunatic, or idiot, or under age, or if from other lawful cause he is incapacitated to receive the same, or if such owner will not accept the same and sign a proper receipt therefor when tendered, then the said treasurer shall make an affidavit of such facts and file the same with the clerk; and the said council shall, after inquiry into the facts of the case, cause the amount to be kept in the city treasury, or invested on good security, for the use of the person to whom it may be due, and the said moneys shall be paid by the city to the person or persons entitled thereto; *provided always*, that should either or any of the parties feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they, may appeal to the next circuit court in the county of Gloucester.

Proviso.

Proceedings
in case of ap-
peal.

35. *And be it enacted*, That every appeal from the decision of the commissioners appointed as aforesaid, shall be made in writing and in the form of a petition to said court, and filed with the clerk of said court, and notice in writing of such appeal shall be given to the opposite party, within ten days after the filing thereof, which proceedings shall vest in said circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the issue to be tried at the next term of said court 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 and real estate and

the damages sustained; and if they shall find a greater sum than the commissioners have awarded in favor of said owner or owners, then judgment thereon, with costs, shall be entered against said city, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the said commissioners shall have awarded, then said costs to be paid by said applicant or applicants, and either deducted out of said sum found by the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the said city from taking said land and real estate upon the filing the report of said commissioners.

36. *And be it enacted*, That it shall and may be lawful for said council to make and establish ordinances and regulations for the paving, macadamizing, graveling and guttering the streets, avenues and roads of said city, by the owners of lots fronting on said streets, and to prescribe the manner in which the same shall be done; and in case any owner or owners of lot or lots fronting on any street which may be ordered by council to be paved, macadamized, graveled or guttered, shall fail to comply with the requirements of any ordinance or regulation of council for such purpose, and shall fail or neglect to pave, macadamize, gravel or gutter that portion of said street, avenue or road lying and being in front of his, her or their lot or lots, for the space of two months after the same shall be ordered to be done, then it shall be lawful for the said council to cause the same to be done and paid for out of any moneys in the hands of the treasurer of said city; and the amount so paid and expended for the paving, macadamizing, graveling or guttering in front of any such lot or lots, shall be and remain a lien on said lot or lots from the time of the completion of such work until paid or otherwise satisfied; and the said council may, in the name of the treasurer of said city, for the use of said city, sue for and recover the amount so paid and expended, together with interest and costs, from the owner or owners of such lot or lots, or his, her or their legal representatives, in an action of debt, in any court having jurisdiction; *provided*, that whenever any street, avenue or road shall be paved, macadamized, graveled or guttered, either in whole or in part, by the owner or owners of lots on said street, avenue or road, the same shall thereafter be maintained and kept in repair at the cost and expense of said city.

Proceedings
when owners
neglect to
pave streets.
&c.

Proviso.

Streets to be paved.

Proviso.

Proviso.

Expenses of grading and paving streets to be a lien.

Proviso.

City to be subject to its proportion of all debts and liabilities.

37. *And be it enacted*, That it shall and may be lawful for said council to make and establish ordinances and regulations for the grading, paving, curbing, flagging, graveling or planking of any sidewalk in any street or streets, or part of a street, in said city, by the owners or occupants of lots fronting on or adjoining such street or streets, or part of a street, and to prescribe the manner in which and the material with which the same shall be done; *provided*, that whenever there shall be in said city farm land and unimproved lots and enclosures, other than building lots, having a continuous frontage of four hundred feet or more on any such street or streets, or part of a street, the said council may, by ordinance, provide that one fourth of said sidewalk shall be graded, paved, curbed, flagged, graveled or planked at the expense of said city; *provided further*, that said sidewalk shall thereafter be kept in repair at the owner's expense.

38. *And be it enacted*, That if any owner or owners, or occupant of any lot or lots in front whereof the sidewalks shall by such ordinance be directed to be graded, paved, curbed, flagged, graveled or planked, shall refuse, neglect or fail to comply with the requirements of such ordinances or regulation within two months from the passage thereof, it shall be lawful for the said council to cause the same to be done and paid for out of any moneys in the hands of the treasurer of said city; and the amount so paid and expended as aforesaid for the grading, paving, curbing, flagging, graveling or planking of any sidewalk in front of lot or lots, shall be and remain a lien on said lot or lots from the time of the completion of such work, until paid or otherwise satisfied; and the said council may, in the name of the treasurer of the said city, for the use of said city, sue for and recover the amount so paid and expended, together with the interest and costs, from the owner or owners of such lot or lots, his or their legal representatives, in an action of debt, in any court of this state having jurisdiction; *provided however*, that no owner or owners or occupant of any lot or lots shall be compelled to grade, curb or pave more than forty consecutive feet of the said walk fronting on such lot in any one year.

39. *And be it enacted*, That the said city of Woodbury shall be subject to its just and equitable proportion of all debts and liabilities to which the inhabitants of the township of Deptford, in the county of Gloucester are subject, at the time this act shall take effect, and be entitled to its just and

equitable proportion of the money and other property belonging to the inhabitants of said township at the time aforesaid, which said debts and liabilities, and also said money and property shall be divided between the said city of Woodbury and the said township of Deptford in proportion to the taxable property and ratables, as taxed by the assessor of said township at the last assessment, made before this act takes effect, within the respective limits of said township, and said city as established by this act; and any money or property to which the said city may be so entitled, shall be applied by the council of said city to the use of said city.

40. *And be it enacted*, That three members of the township committee of said township of Deptford, and a committee of three of the council of said city of Woodbury, to be selected by said council, shall meet on the first Monday in April, in the year eighteen hundred and seventy-one, at the court house, in Woodbury, at ten o'clock in the forenoon of said day, and shall then and there or as soon thereafter as may be, proceed to allot and divide between the said township and said city the assets and liabilities of said township in the manner prescribed in the preceding section, and the said township of Deptford, and the said city of Woodbury shall be liable to pay their respective proportions of the debts due by the said township of Deptford at the time this act shall go into effect, as allotted and divided as aforesaid: and the said committee or a majority of each of them, shall make under their hands and seals, a full, true and complete report of their proceedings, and file the same forthwith in the office of the clerk of the county of Gloucester, which said report, or a certified copy thereof, shall be plenary evidence of the allotment and division aforesaid; and in case any of the members of said committees shall neglect or refuse to meet as aforesaid, those who do meet may proceed to make said allotment and division, and the decision and report of a majority of each committee present shall be final and conclusive; *provided*, that it shall be lawful for said joint committee to adjourn from time to time as a majority shall determine. Committee to be appointed to allot and divide city and township assets and liabilities.

41. *And be it enacted*, That the said city of Woodbury shall constitute the first election district of the township of Deptford, and that part of the township outside of the boundaries of said city shall constitute the second election district of said township of Deptford, but that it shall and may be lawful for the inhabitants of said second election district of said Election district.

Proviso.

township to hold their town meetings and elections at any place within the said city of Woodbury, as they shall from time to time order and direct; *provided*, that the part of the township of Deptford outside of the boundaries of said city shall pay no part of the expenses incurred by the city government, nor shall said city pay any part of the expenses of said township incurred after this act shall take effect, except the payment of damages to sheep, as provided for in article ten, section twenty-four of this act; *provided further*, that the inhabitants of the said city constituting the first election district shall not participate in the town meetings of the said township of Deptford.

Woodbury
Fire Association may
transfer property to city.

42. *And be it enacted*, That it shall and may be lawful for the said city to receive from the Woodbury Fire Association all the property of said association, whenever the said association, at a meeting called for the purpose, shall determine, by a majority of its members present, to transfer such property, and upon such transfer being made and acceptance by the council of said city, all the debts and liabilities of said association shall be assumed, and the same be paid and satisfied by said city.

Keeper of the
county jail to
receive and
keep offenders

43. *And be it enacted*, That the keeper of the jail of the county of Gloucester shall receive and safely keep all such offenders as shall be committed to the said jail by the mayor or any justice of the peace of the said city for the term of his, her or their imprisonment, as expressed in the warrant of commitment, or that may be brought to him by the mayor, marshal or policemen of said city, for safe keeping until a hearing can be had, said hearing to be had within twenty-four hours or said offender discharged; and all the expenses of keeping said offenders in said jail shall be borne and paid by the said county of Gloucester.

No person an
incompetent
witness by reason
of being
an inhabitant.

44. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact to which issue or investigation "The Mayor and Council of the City of Woodbury" are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror by reason of his or her being an inhabitant of said city; and that if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for said person to plead the general issue, and to give this act and the special matter in evidence at the trial.

45. *And be it enacted*, That all legacies, bequests, assets

and property of any kind belonging to or held in trust by the borough of Woodbury, shall from and after the passage of this act belong to the said city of Woodbury, and all debts and liabilities due and owing by said borough of Woodbury shall be assumed and paid and discharged by said city of Woodbury.

46. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

47. *And be it enacted*, That this act shall be and is hereby declared a public act, and shall take effect on the second day of January, eighteen hundred and seventy-one.

Approved March 16, 1870.

CHAPTER CCLXXII.

An Act to confirm the purchase and sale of certain real estate in the city of Camden by the Empire Sewing Machine Company, of the State of New York.

WHEREAS, the Empire Sewing Machine Company, of the city of New York, a corporation and body politic in the state of New York, by indenture bearing date the first day of February, one thousand eight hundred and seventy, duly executed and proved, did grant, bargain and sell unto Barbara Shloss (wife of Lazarus Shloss), of the city of Philadelphia, in fee, three certain town lots, situate in the city of Camden, in this state, particularly described in said deed of conveyance, being the same premises granted and conveyed to the said company by George W. Stake and wife, Thomas Reeve and wife, Sidney M. Tyler and wife and Thomas G. McArthur, by deed dated November sixteenth, eighteen hundred and sixty-six (recorded in Camden county clerk's office, in deed book number forty-nine, page three hundred and ninety-four, and so forth); and whereas, the said "The Empire Sewing Machine Company" being a foreign corporation, its power to grant and

convey an indefeasible title to the said lot to the said Barbara Shloss has been doubted; therefore,

Title confirm-
ed to pur-
chaser.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title to said lot so intended to be conveyed shall not be held invalid or liable to escheat or become forfeited to the state of New Jersey, by reason of its being derived through said foreign corporation; but all right or title of the state is hereby released and confirmed to the said Barbara Shloss, and the said corporation is hereby declared to have full power to sell and convey all the right, title and interest vested or intended to be conveyed to and vested in said corporation by the said deed of conveyance of the said George W. Stake and others.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLXXIII.

An Act for the relief of John J. Conkling, of the County of Morris.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and he is hereby authorized and required to pay John J. Conkling, of the county of Morris, who was a soldier in the war of eighteen hundred and twelve, or to his order, the sum of one hundred dollars per annum during the term of his natural life, in equal semi-annual payments; and the receipt of the said John J. Conkling, or his order, shall be a sufficient voucher to the treasurer for such sum or sums of money, as he may pay by virtue of this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLXXIV.

An Act to settle and confirm the title to and boundaries of certain lands in the town of Morristown, in the County of Morris, formerly known as the Morristown Green.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a certain deed of conveyance, executed by Alfred Mills, Augustus W. Bell, Ebenezer B. Woodruff, George T. Cobb and others, trustees of the Morristown Green, to the trustees of the First Presbyterian Church at Morristown; and a certain other deed of conveyance executed by said trustees of said Church, to said trustees of said green, both of which bear date, the first day of May, anno domini, eighteen hundred and sixty-eight, be and the same are hereby ratified and confirmed in all things, and the limits of said green, and of the lands of said church are established accordingly; and the title of the lands therein described, shall be held in accordance with the terms of said deeds, and subject to all the restrictions and limitations therein contained, and the rights and privileges of all and every person or persons whatever, claiming or to claim under a certain other deed of conveyance, from the then trustees of said First Presbyterian Church, to the then trustees of the Morristown Green, dated April first, anno domini, eighteen hundred and sixteen, are and shall be limited and defined in accordance with said deeds herein above first mentioned.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLXXV.

An Act to incorporate the New Jersey Pharmaceutical and Chemical Company.

Names of corporators.

Corporate name.

Amount of capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That A. Gibbs Campbell, Richard Shugg, James Jackson, Charles Keeler and John Byard, and the survivors of them and such other persons as may hereafter be associated with them, be and they are hereby created a body politic and corporate, in fact and in law, by and under the name of "The New Jersey Pharmaceutical and Chemical Company," for the purpose and with the power and authority of carrying on the business of manufacturing officinal and proprietary medicines, chemicals, perfumery and medicinal and other compounds, and of buying and selling the same, and all other goods and articles necessary and proper to be used in the business authorized by this act; and by the said name shall have continued succession, and be capable of holding, purchasing, leasing, mortgaging and conveying any lands, tenements, goods and chattels necessary or proper for the purposes of the corporation hereby created; and the principal office of said company shall be at Paterson, in the county of Passaic.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with liberty to the directors to increase the same to any amount not exceeding two hundred thousand dollars, to be divided into shares of one hundred dollars each; and the persons named in the first section of this act are hereby authorized to open books of subscription, and take and receive subscriptions to such capital stock at such time or times, and in such manner and to such extent not exceeding the amount herein authorized, as they shall deem proper; and whenever the same shall be paid or satisfactorily secured to be paid, to the extent called for, the said company may commence business; and the persons before named and the directors of said company may receive in payment for stock, any land, buildings, machinery or other property by them deemed necessary or proper for

the use of said company, and at such valuation as a majority of said directors shall approve.

3. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by not less than three nor more than five directors, being stockholders, one of whom shall be president, to be appointed by said directors, who, after the first directors hereinafter named, shall hold their office for one year and until others shall be elected in their stead; the number of directors may be fixed from time to time by the stockholders at their annual meeting; and the directors shall be annually chosen on the second Monday of January, or on such other day and at such place in the county of Passaic, as the directors shall by their by-laws or otherwise, from time to time appoint, public notice for at least ten days previous of the time and place being given in two of the newspapers published in the said county, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled, either in person or by proxy, to as many votes as he shall hold shares of the capital stock; and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors may appoint such officers, superintendents and agents, and assign such compensation as a majority of said directors shall think fit; and if any vacancy by death, resignation or otherwise shall occur among the directors named in this act, or those to be hereafter elected, such vacancy may be filled by the remaining directors, or a majority of them; and the said A. Gibbs Campbell, Richard Shugg, James Jackson, Charles Keeler and John Byard shall be the first directors of said company, and shall serve as such until the second Monday of January next, and until others are legally chosen.

Election of directors.

First directors

4. *And be it enacted*, That it shall be lawful for the directors of said company to call in and demand from the subscribers to said capital stock, the amount subscribed by them, at such times and in such proportions as they shall deem proper, under the penalty of forfeiting the shares by them respectively subscribed, and all previous payments made thereon, if such payments shall not be made in thirty days after demand thereof by service of notice upon them or publication thereof in one or more of the newspapers published in the city of Paterson.

May call in amount subscribed, under penalty of forfeiture.

Failure to
elect direc-
tors not to
dissolve.

5. *And be it enacted*, That in case an election for directors shall not be made on the day specified in this act, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on such other day as may be provided by the by-laws of said corporation, or by resolution of the board of directors.

May adopt
by-laws.

6. *And be it enacted*, That a majority of the board of directors shall constitute a quorum for the transaction of the business of said corporation, and shall have power to ordain, establish and put into execution such by-laws, ordinances and regulations as they shall deem necessary and proper for the government, management or disposition of the stock, effects, profits and concerns of the said corporation; *provided*, that the same be not contrary to the constitution and laws of this state or of the United States.

Proviso.

Stock trans-
ferable.

7. *And be it enacted*, That the stock and property of said corporation, of whatever name or kind, shall be deemed personal estate, and the said stock shall be transferable in such manner as the directors may prescribe, but no transfer of stock shall be valid or effectual until such transfer shall be entered and registered in the book to be provided and kept by the president and directors for that purpose; and no dividends shall be declared except out of the net profits of the company.

How dissolved

8. *And be it enacted*, That the said corporation may be dissolved at any general meeting of the stockholders thereof, specially convened for that purpose by the president, upon twenty days notice in writing served upon each stockholder, or by publication thereof for the same time in two newspapers of the county of Passaic; *provided*, at least three-fourths in value of the stock shall be present or represented thereat by the said stockholders; and upon such dissolution, the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders in proportion to their respective interests in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three nor more than five in number for such purpose, in which case the persons so appointed, and the survivor and survivors of them shall be trustees for the purposes aforesaid; and the said trustees may use the corporate name of the company in all proceedings necessary and proper

Proviso.

in the settlement and prosecution of any claims or business, and the transfer and sale of any property of the company.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLXXVI.

An Act to incorporate the Somerset County Farmers' and Manufacturers' Association.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of cor-}
the State of New Jersey, That Henry H. Garretson, Charles ^{porators.}
 M. Jameson, Abraham T. Huff, F. V. L. Disborough, Calvin
 Corle, Joseph Thompson, Andrew Fleming, Gilbert L. Ker-
 show, Rockhill Robeson, John N. Hoagland, Elbridge Van
 Syckle, Peter A. Voorhees, Abraham Garretson, Stephen
 Voorhees, Augustus Van Zandt, Peter D. Staats, Andrew J.
 Farrand, L. E. Rice, George W. Winsor, James M. Thomp-
 son, William P. Sutphen, Jacob Powelson, Andrew Rarick,
 Horace A. Vanderbeck, Samuel T. Voorhees, Henry Baird,
 William B. McMurty, John R. Lewis, Abraham Coriell,
 Thomas Simpson, James Verdon and David Palmer, of the
 county of Somerset, and their associates and successors, shall
 be and they are hereby constituted a body politic and cor-
 porate, by the name of "The Somerset County Farmers' and
 Manufacturers' Association," for the purpose of promoting ^{Corporate}
 the agricultural interests of said county, by public lectures, ^{name.}
 and by fairs and exhibitions of agricultural and mechanical
 products.

2. *And be it enacted*, That the capital stock of said com- ^{Amount of}
 pany shall be ten thousand dollars, with liberty for said com- ^{capital stock.}
 pany to increase the same to fifteen thousand dollars, and
 shall be divided into shares of ten dollars each; and that
 the above named corporators are hereby appointed commis-
 sioners to receive subscriptions to said stock, at such
 times and places as they, the said commissioners, may direct;

and that when five hundred shares shall be 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, by advertisements in two of the public newspapers of said county, and that said stockholders shall thereupon proceed to elect nine directors to manage the affairs of the said association for one year, at which election the said commissioners, or so many of them as may be present, shall be judges; and at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, said stockholders shall elect the same number of directors, and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder or holders thereof, either in person or by proxy; *provided, nevertheless*, that no stockholder shall have more than ten votes, although he or she may hold a greater number of shares.

Proviso.

Payment of
installments.

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

May make by-
laws, &c.

4. *And be it enacted*, That the said association shall from time to time have power to make, ordain and establish such constitution, by-laws and regulations as they shall deem proper for the designation of the officers of such association, the election of the same, for prescribing their respective functions, and the mode of discharging the same, and for the transacting, managing and directing the affairs of the association; *provided*, such constitution, by-laws and regulations shall not be repugnant to the laws of this state or of the United States.

Proviso.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLXXVIII.

An Act to incorporate the Lake View Academical Institute.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Crooks, Joseph Ban-<sup>Names of cor-
porators.</sup>vard, John J. Brown, Samuel J. Knapp, John Swinburne, Henry B. Crosley, John Hopper, John N. Terhune, Franklin C. Beckwith, Robert Hamil, John V. E. Fredericks, Alfred Stoutenborough, senior, Samuel B. Fields and Alpheus S. Allen, and their associates, shall be and are hereby created, declared and constituted a body corporate and politic, in fact and in name, by the name of "The Lake View Academical<sup>Corporate
name.</sup> Institute," and by that name they and their successors shall have continued succession, and may sue and be sued, plead and be impleaded, answer and be answered unto in all courts and places whatsoever, to make a common seal, and to purchase, take and have, hold, receive and enjoy any lands, tenements, hereditaments, in fee simple and otherwise, and any goods, chattels, legacies, donations, annuities or other personal property of what kind or quality soever, by gift, grant, devise, bequest or otherwise, and the same to grant, convey, mortgage, assign, sell or otherwise dispose of for the purpose of said corporation; and the said association hereby incorporated shall succeed to and is hereby vested with all the property, rights and privileges intended in this act, and that all property acquired by the said corporation shall be used expressly for the same.

2. *And be it enacted*, That the objects of this corporation^{Objects.} shall be for the promotion of education, and shall be located at Lake View, in the city of Paterson, and county of Passaic.

3. *And be it enacted*, That the capital stock of this cor-<sup>Amount of
capital stock.</sup>poration shall be fifty thousand dollars, with the privilege of increasing the same from time to time to any sum not exceeding one hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be considered personal property and transferable on the books of the corporation; and any person holding one or more shares of stock

shall be a member of the corporation, and shall be entitled at all meetings of the stockholders, or at any election or question at issue, to cast one vote, in person or by proxy, for each and every share of stock by him or her owned, and standing in his or her name on the books of said corporation.

Directors,
how elected,
&c.

4. *And be it enacted*, That the persons named in the first section of this act, or a majority of them, are hereby appointed commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and such place or places as they, or a majority of them, may think proper; and whenever five thousand dollars of the capital stock shall have been subscribed, and shall be paid or secured to be paid, it shall and may be lawful for said corporation to purchase lands, and proceed to erect thereon such buildings as they may deem needful and proper, and otherwise carry out the objects of the corporation, and the above named persons, or a majority of them, shall then give notice for a meeting of the stockholders, to choose not less than seven nor more than fifteen directors, who shall be stockholders in their own right and name, and the said commissioners, or a majority of them, shall be inspectors of the first election of directors of said corporation, and shall certify under their hands the names of those duly elected, and deliver over the subscription books to the said directors, and the time and place of holding the first meeting of directors shall be fixed by the said commissioners, or a majority of them.

Powers of
directors.

5. *And be it enacted*, That a majority of said directors shall constitute a quorum for the transaction of business, and that said directors shall be elected annually by a meeting of the stockholders, and by a majority of the votes legally cast by the stockholders and representatives of stock; and the directors thus elected shall have power to make by-laws for their own government and that of the institution and its officers, which by-laws shall not be repugnant to the laws of this state, nor of the United States; to fill vacancies occurring in their own body by means of death, removal, inability or refusal to serve of any person elected; and in the event of any failure or neglect of the stockholders to hold an election on the day annually appointed therefor, said directors shall continue in office until a new election shall be held, either at a special meeting of the stockholders, or at a subsequent annual meeting; the said directors shall at their first annual meeting, and

annually thereafter, elect a president, secretary and treasurer, and shall have power to appoint such other officers, professors and teachers, and fix compensation for the same, as they may, from time to time, deem necessary, and shall have power to establish, regulate and prescribe the course of studies to be taught and pursued in the said academy, and to fix the rates of tuition therefor, and to make all necessary rules and regulations for the maintenance and proper conduct of said academy.

6. *And be it enacted*, That the property and effects of the said corporation, held or used for the purposes contemplated by this act, to the amount or value of twenty-five thousand dollars shall be exempt from taxation under the laws of this state. Property exempt from tax

7. *And be it enacted*, That this corporation shall have the same powers (except as herein otherwise provided) as are provided in the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six. General powers.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLXXIX.

An Act to incorporate the Prospect Hill Cemetery Association, of Flemington.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Bartles, William P. Emery, John C. Hopewell, Judiah Higgins, and Abraham V. Van Fleet, and their associates, be and they are hereby constituted a body politic and corporate in law by the name of "The Prospect Hill Cemetery Association of Flemington," with the general powers and privileges of a corporation. Names of corporations. Corporate name.

May take and
hold lands for
the purposes
of a cemetery.

2. *And be it enacted*, That the said corporation shall be composed of such persons, who are or shall be owners of stock in the said association, and that the said corporation shall have power to purchase, to take and hold in fee, a tract of land situate in the vicinity of Flemington, Hunterdon county, known as the property of Mrs. Kee, consisting of about twenty acres or such part thereof as they may deem necessary, any such other tract or tracts of land as such corporation may hereafter add thereto, for the use and purposes of a cemetery, not to exceed thirty acres in the whole, and erect thereon such buildings and other accommodations as they may deem suitable and necessary, and may sell or otherwise dispose of the sub-lots or plats in the said cemetery to be used only as burial places for deceased persons, with the use and privilege of the several avenues, walks, passages and other accommodations therein and thereunto belonging, subject, however, to such regulations and restrictions as may be established in relation thereto by any by-law or ordinance of said corporation.

Annual elec-
tion of direc-
tors.

3. *And be it enacted*, That the business and concerns of the said corporation shall be conducted and managed by a board of directors, consisting of seven persons, who shall be elected by and from among the stockholders, annually, at such time and place, and upon such notice as the by-laws may direct, a majority of whom shall constitute a quorum for the transaction of business; at which election each share of stock shall entitle the holder thereof to one vote; and the said directors shall elect from their number a president and treasurer, and shall appoint such other officers and agents as they may deem expedient, and fix the compensation to be paid them; they shall have power to fill all vacancies in their own number until the annual meeting next ensuing; and the said board of directors shall have power to make and establish all needful rules, regulations, ordinances and by-laws, and affix from time to time to the several sub-lots and plats such price as they shall deem reasonable and proper, and shall have the sole charge, superintendence and control of the said cemetery; and until the first election of directors the persons named in the first section of this act shall be the directors, and may act as such until others are chosen in their stead; and in case it should happen that an election of directors should not be made during the day fixed by the by-laws, the said corporation shall not for that

cause be deemed to be dissolved, but such election may be held at any other time upon due notice given by order of the directors, and the directors, for the time being, shall continue to hold their office until others are chosen.

4. *And be it enacted*, That the rights of individual lot holders shall be created by deed under the corporate seal of said association, and signed by the president and treasurer thereof; and transfers of such rights may be made among individuals by assignment annexed to said deeds, but no such assignment shall be valid unless presented to the secretary and noted in the books of said association. Assignments to be noted in books of the association.

5. *And be it enacted*, That if any part of said lands conveyed to said corporation for the purpose aforesaid shall be unsuited or unnecessary for the purpose of a cemetery, then it shall be lawful for said corporation to sell and dispose of such parts thereof as are unsuited or unnecessary therefor. May sell such lands as are not needed.

6. *And be it enacted*, That the sum which the said corporation may agree to pay for the tract or tracts of land hereinbefore mentioned, and the sums which shall be expended in embellishing, improving, erecting buildings, fences and other necessary accommodations shall be the capital stock of said association, and it shall be divided into shares of fifty dollars each; and not less than twenty per cent. of the net proceeds of all sales of lots, parcels and plats shall be appropriated or funded, and the income thereof shall be expended for the further embellishment and maintaining the improvements of said cemetery grounds, and the balance received shall belong to and be divided among the stockholders according to their several interests; and whatever sum shall be funded as aforesaid, the same shall be free from all taxes or assessments, and no taxes or assessments shall be imposed on lot owners therefor. Income of the capital stock, how expended

7. *And be it enacted*, That it shall be lawful for the directors, or a majority of them, to call in the subscriptions to the capital stock at such times, and in such sums, and upon such notice as they may deem reasonable; and if a failure to comply with such notice on the part of any stockholder shall, at the option of the directors, or a majority of them, be cause of forfeiture of moneys thereon and rights by virtue of his subscription to such stock. Subscriptions may be called in on notice.

8. *And be it enacted*, That the said corporation shall have, use and exercise all the rights and privileges incident Association exempt from taxation.

to a corporation herein stated, and shall be exempt from all taxes, assessments and charges upon their capital stock, and the property which they may acquire, hold or possess; and the real estate of said corporation, and the said lots and parcels, when conveyed by the said corporation, or when sold to individual proprietors, or held by any person, shall be exempt from all taxation or assessment whatsoever, and shall not be liable to be sold in execution, or subject to attachment, or applied to the payment of debts by assignment, under any insolvent or bankrupt laws, but may be conveyed under such regulations as the said directors may adopt.

Consent to be
had before
opening street
or road.

9. *And be it enacted*, That no public street or road shall hereafter be opened through the said cemetery grounds without the consent of the said corporation.

Persons that
may hold lots.

10. *And be it enacted*, That any association of persons for benevolent purposes, and also any religious society, may purchase and hold lots in said cemetery, adjacent to each other, in which they may bury agreeably to any peculiar rites or ceremonies of their own, subject only to the rules and regulations prescribed by said board of directors.

General act
made a part of
this act.

11. *And be it enacted*, That the provisions of the eighth section of the act entitled "An Act authorizing the incorporation of rural cemetery associations," approved March fourteenth, eighteen hundred and fifty-one, be and the same is hereby made part of this act.

12. *And be it enacted*, That this act shall take effect immediately.

Approved April 16, 1870.

CHAPTER CCLXXX.

An Act to authorize the building of a Bridge over the Passaic River.

Power to build
bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the boards of chosen freeholders of the counties of Passaic and Bergen,

to build and construct, or cause or permit to be built and constructed, a bridge across the Passaic River from the point of intersection of the centre line of Rutherford avenue with said river, in the township of Union, in the county of Bergen, over to a point on the westerly shore of said river, in the county of Passaic, upon the lands of Thomas Darling, opposite to said avenue, and to place in said bridge a draw for the passage of vessels navigating the said river, of such width and in such position in said bridge as is required by the act entitled "An Act regulating the draws of the bridges now erected or to be erected over the Passaic river," passed February twenty-fourth, eighteen hundred and forty-three.

2. *And be it enacted*, That it shall be the duty of the directors of the said respective boards of chosen freeholders, upon the application in writing subscribed by three freeholders of the county of Passaic, and by three freeholders of the county of Bergen, specifying the business, object and purpose of calling the said boards together, forthwith to convene a special meeting of the said boards, to be held at the Rutherford Park hotel, in the said township of Union, upon the same notice as is required by the tenth section of the act entitled "An Act to incorporate the chosen freeholders in the respective counties of the State," revision approved April sixteenth, eighteen hundred and forty-six; and the said boards, when so convened, shall meet and organize in joint convention, and the decision of a majority of the said chosen freeholders in such joint convention, in reference to the construction of said bridge, and the kind of bridge to be constructed, shall be valid and binding upon the said boards of chosen freeholders of the said counties respectively, and the expense of building such bridge shall be equally borne by the said counties of Passaic and Bergen.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLXXXII.

Supplement to an act entitled, "An Act for the improvement of Raritan," approved April third, eighteen hundred and sixty-eight.

Assessment
may be made
for the pur-
chase of fire
engines, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the freeholders of the said town at their annual elections on the first Monday in May, pursuant to the second section of the act to which this is a supplement to order by vote of the majority of the said freeholders such sum of money as they may deem necessary for the purchase of fire engines and other apparatus for the suppression of fires, and for the purchase of a lot or lots, and for the erection of fire engine houses thereon, and in case any money shall be ordered by a vote of a majority at said election the officers holding such election shall make out and sign a certificate thereof under oath or affirmation that the same is correct and true, and deliver the same to the assessor or assessors of the township in which the town of Raritan is situate, which said assessor or assessors shall assess on the estates of the inhabitants of said town and on all lands liable to be taxed therein, in the same manner as township taxes are assessed, such sum of money as shall have been ordered to be raised at such election, which said money shall be assessed, levied and collected, in the same manner as township taxes are assessed, levied and collected, and it shall be the duty of the collector of the said township to pay over the amount by him received to the treasurer of the board of commissioners of Raritan to be expended by them for the purposes aforesaid in the same manner as the road taxes by him collected and received pursuant to the act to which this is a supplement.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1870.

CHAPTER CCLXXXIII.

An Act to extend a Cattle Law to the township of Cinnaminson, in Burlington county, New Jersey. and the township of Monroe, in the county of Middlesex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An Act to prevent animals from running at large in the borough of Bordentown, and in the city of Newark," approved April third, eighteen hundred and sixty-five, be and the same are hereby extended to the township of Cinnaminson, except the school districts of Riverside and Bridgeboro, in the county of Burlington, and the township of Monroe, in the county of Middlesex. ^{Cattle law extended.}

2. *And be it enacted*, That section three of said act be ^{Amendment.} amended by inserting after the words "for the use of the borough" the words "or overseer of the poor of the township wherein such beasts were found running at large, as aforesaid, to be expended for and towards the support of the poor in said township."

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCLXXXIV.

An Act to authorize the Trustees of Mantua School District Number Two, to borrow money and issue bonds to purchase land and build a school house thereon.

May borrow
money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of Mantua School District, Nnmber Two, in the county of Gloucester, and state of New Jersey, be and they are hereby authorized to borrow any sum or sums of money, not greater than twenty-five hundred dollars in all, that they may find necessary for the purpose of purchasing or leasing a lot and erecting a school house thereon, with the privilege of using the material of the old house, within said school district and furnishing the same.

May issue
bonds.

2. *And be it enacted*, That for the purpose of securing the repayment of said loan, the said trustees may issue bonds in their corporate name to the lenders of said moneys, in amounts not less than one hundred dollars, each payable at the expiration of five years from their date, and redeemable after two years, at the pleasure of the trustees, with lawful interest payable annually ; which bonds shall be registered in a book kept by said trustees for that purpose, and shall be assignable in law, and shall be a first lien against said school house when it shall be erected.

Bonds paid by
taxation.

3. *And be it enacted*, That it shall be the duty of the legal voters of said school district, at their annual district meetings hereafter, to assess such a special tax upon the inhabitants of said school district, and their estates, in addition to all other taxes raised at such meetings, and required by law, as will be sufficient to pay the annual interest accruing on said bonds, and also to provide a fund for their ultimate redemption when due, which taxes shall be collected by the officer now or hereafter provided by law for the collection of other township taxes, and shall be separately accounted for by him, and appropriated ; first, so far as required, to the payment of said interest annually as it falls due, through orders drawn on him by the clerk of the said trustees, as now

Fund created
for redemp-
tion of bonds
when due.

provided by law with regard to other school funds; and, secondly, as to the balance of said special tax, it shall be annually invested in the loans of the county of Gloucester, the United States, or bonds and mortgages on real estate in New Jersey, in the corporate names of said school trustees, to be held by them in trust as a sinking fund, to be applied to the redemption of said bonds when due, or as the holders thereof may be willing to receive the principal thereof prior to maturity.

4. *And be it enacted*, That the funds raised by the said bonds, shall be paid over directly into the hands of the collector of Gloucester county, and shall be appropriated by him solely to the purposes expressed in the first section of this act, upon orders drawn upon him by said trustees through their clerk. Funds to be paid to county collector.

5. *And be it enacted*, That before any lender upon said bonds shall pay any money over to said collector, he, the said collector, shall have first entered into bond with the inhabitants of said school district, with two sureties, to be approved by the said trustees, for the faithful appropriation of all moneys that may come into his hands by virtue of this act, which bond shall be filed with the clerk of Gloucester county, and recorded in the miscellaneous book of his office. Collector to give bond.

6. *And be it enacted*, That so much of the present school law of the state of New Jersey as conflicts with this act, so far as its application to the said Mantua School District, Number Two, in the county of Gloucester, be and the same is hereby repealed. Repealer.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCLXXXV.

A Supplement to the act entitled "An Act to authorize the building of a bridge over South Shrewsbury River, at or near Jumping Point, in the county of Monmouth."

- Preamble. WHEREAS, the said bridge (at the expense of the persons herein named and their associates), has been built agreeably to the provisions of said act, and is now in use; therefore, to enable the parties interested to provide for necessary expenses and maintainance of the same.
- Names of corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel H. Hartshorne, Horace Treadwell, Albert R. Borden, Mifflin Paul, Samuel Wycoff, Ehrick Parmley, Robert W. Hance, David B. Keeler, junior, Robert William Hance, Benjamin B. Hance, and all other persons who may hereafter be associated with them, in the manner hereafter provided and their successors shall be and they are hereby constituted and declared to be a body politic and corporate by the name and style of the
- Corporate name. "Jumping Point Draw Bridge Company," and by that name shall have continual succession so long as they or their successors, or a majority thereof may deem proper, to hold and enjoy such real and personal estate as may be necessary for the object of this incorporation, or may be taken in payment of debts to an amount not exceeding ten thousand dollars.
- Commissioners to receive subscriptions. 2. *And be it enacted*, That the above named persons, or a majority of them, or any three of them who may be appointed by a majority shall be commissioners to apportion amounts as now paid in, and to solicit and receive further subscriptions and tolls, also act as superintendents and managers of all matters relating to this company, also the annual meeting of said company shall be on the first Monday of January of each year for the re-election of commissioners and all other business of the company; five stockholders of said company to constitute a quorum, and in the event of no quorum being present, the former commissioners to hold office until others are elected.

3. *And be it enacted*, That the capital stock of said company may be ten thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property. Amount of capital stock.

4. *And be it enacted*, That said bridge shall have for its main object the safe accommodation of ordinary travel and transmission of freight, and that the toll charged for the same shall not exceed the following rates, to wit ; Rates of toll.
 For every person on foot, one cent ;
 For every vehicle drawn by one beast, four cents ;
 For every additional beast, three cents ;
 For every horse and rider, or led horse or mule, three cents ;
 For every dozen calves, sheep or hogs, and so on in proportion for a greater or less number, four cents ;
 For every dozen horses, mules or cattle, five cents ;
 and that it may be lawful for all toll gatherers to stop all persons riding, leading, walking or driving any horses, mules, cattle, sheep, calves, hogs or vehicles of burthen or pleasure from passing over said bridge until they shall have paid the tolls as above specified.

5. *And be it enacted*, That all drivers of every description of vehicles or persons on horseback shall not drive over the bridge at a faster gait than a walk, also that if any person shall willfully or forcibly pass over said bridge without having paid the legal toll, such persons, in either of the above cases, shall forfeit the sum of ten dollars, besides being subject to an action for damages for every such offence, to be recovered by said company by an action of debt or other proper action in any court of competent jurisdiction with cost of suit. Penalties for avoidance of toll.

6. *And be it enacted*, That nothing in this act shall prevent the board of chosen freeholders of the county of Monmouth from purchasing said bridge from said company for the purpose of making the same a free bridge, at any time upon payment to the aforesaid company of a sum to be agreed upon by a majority of three referees appointed in the usual way between said parties. County may purchase the bridge.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCLXXXVI.

An Act to extend a Cattle Law to the townships of Mantua, Franklin and Clayton, in the county of Gloucester.

Cattle law extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An Act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex, and the township of Rahway, in the county of Union," approved March fourth, eighteen hundred and fifty-eight, be and the same are hereby extended to the townships of Mantua, Franklin and Clayton, in the county of Gloucester.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCLXXXVII.

An Act to incorporate the Cohansey Glass Manufacturing Company.

Names of corporators.

Corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Francis L. Bodine, J. Nixon Bodine, David P. Elmer, John T. Nixon and William G. Milliken, and their successors and assigns, be and they are hereby created a body politic and corporate, in law, by the name of "The Cohansey Glass Manufacturing Company," for the purpose of manufacturing and dealing in glass and paints, in all their branches, in the county of Cumberland, and carrying on the business incident to such manufacture and dealing, and may hold and erect such mills, buildings

and other works as may be required to carry on such business.

2. *And be it enacted*, That the said corporation may purchase, use, hold and enjoy such real estate in the county of Cumberland as the board of directors may deem requisite for the purposes of said corporation; to erect buildings thereon for the use and occupancy of the operatives in said works, and from time to time may lease, mortgage, sell or otherwise dispose of the same at pleasure. ^{May hold real estate}

3. *And be it enacted*, That the capital stock of said corporation shall be two hundred thousand dollars, with power to increase the same to any amount not exceeding five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property and transferable in such manner as shall be prescribed by the by-laws of the said corporation. ^{Amount of capital stock.}

4. *And be it enacted*, That it shall and may be lawful for the persons named in the first section of this act, or a majority of them, at such time and place as they may select, to open books of subscription to the capital stock of said corporation, and whenever the sum of fifty thousand dollars shall have been subscribed and actually paid in, it shall and may be lawful for the said corporation to organize and conduct its business under the provisions of this act. ^{Subscription books to be opened.}

5. *And be it enacted*, That the business of said corporation shall be managed by not less than three nor more than seven directors, and shall be stockholders, one of whom shall be president; such directors shall hold their office for one year and until others are elected in their stead; an election of directors shall be held yearly, at such time and place and upon such notice and in such manner as the by-laws may direct, at which election each stockholder shall be entitled to one vote, either in person or by proxy, for each share of stock by them respectively owned. ^{Directors, when and how chosen.}

6. *And be it enacted*, That the said corporation may, from time to time, increase the capital stock to any amount not exceeding the amount authorized in the third section of this act; and it shall be lawful for the directors of the said corporation to call for and demand of the stockholders respectively all such sums of money as are by them subscribed, at such time, and in such proportions as the said directors shall determine; and in case any stockholder shall neglect or refuse to pay in the amount so called for and demanded, after ^{May increase capital stock.}

being notified at least thirty days previous to the time of payment, such shares, and all previous payments made thereon, shall be forfeited to the said corporation.

Subscriptions
may be paid
in land, build-
ings, &c.

7. *And be it enacted*, That any buildings, land, machinery or other property used in manufacturing and carrying on said business, may be received in payment for subscriptions to the capital stock, at a valuation agreed upon by a majority of the board of directors or a majority of the stockholders.

Powers of
directors.

8. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of the said corporation, and shall have power to ordain, establish and put in execution such by-laws and regulations as shall seem necessary and convenient for the government, management and disposition of the stock, effects, profits and concerns of the said corporation.

General pow-
ers.

9. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the restrictions and liabilities set forth in an act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable. Approved March 17, 1870.

CHAPTER CCLXXXVIII.

An Act to incorporate the Camden Democrat Co-operative Association of Camden, New Jersey.

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Chalkley Albertson, Isaiah Woolston, Thomas McKeen, Cooper P. Browning, Richard S. Jenkins, William Sexton, James M. Cassady, John Clement, Henry Fredericks and James S. Henry, and such other persons as may hereafter be associated with them, and their successors shall be, and are hereby constituted and made a body politic and corporate, in fact and in law, by the name and title of the "Camden Democrat Co-operative Association of Camden, New Jersey," for the purpose of carry-

Corporate
name.

ing on the business of printing and publishing books, newspapers, pamphlets and other printed matter, and of selling the same, and also the business of printing in all its branches, and by their said corporate name, they and their successors shall have all the powers and privileges, and be subject to such limitations and restrictions as are specified in the act entitled, "An Act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the acts supplementary thereto, and amendatory thereof, except as otherwise granted in and by this act of incorporation.

2. *And be it enacted*, That the capital stock of the said company shall be ten thousand dollars, with power to increase the same to any sum not exceeding fifty thousand dollars, divided into shares of five dollars each, and said company may commence business when the sum of five thousand dollars shall have been paid into the capital stock. Amount of capital stock.

3. *And be it enacted*, That the property and affairs of this company shall be managed and conducted by a board of directors. Directors. of not less than five nor more than nine (as may be fixed by the by-laws of the company,) being shareholders; and the said board shall annually, at such times as shall be fixed by the by-laws, appoint a president and such other officers, as they may think proper; and the persons named in the first section of this act shall be the first directors, to continue in office respectively, until their successors are chosen.

4. *And be it enacted*, That the directors of said company shall be chosen annually, at such time and place, and on such public notice, as may be fixed by the by-laws of the company; all elections shall be by ballot, and each share shall be entitled to one vote, and the vote may be given in person or by proxy; and if from any cause, an election for directors shall not take place at the appointed time, it shall not therefore work a forfeiture of this charter, but the former directors shall continue in office until their successors shall be chosen, either at a regular or special subsequent election, in conformity with the by-laws of said corporation; and any vacancy occurring in the board by death, resignation, or by increasing the number of directors, or otherwise, shall at all times, be filled for the unexpired term by the said board, a majority of whom shall constitute a quorum. Annual election of directors.

5. *And be it enacted*, That the said company shall be located in the city of Camden; and the corporators hereinbe- Office, where located.

fore mentioned, or a majority of them, are hereby authorized to open subscription books, and receive subscriptions to the capital stock, at such times and places, as they shall determine, and to do all things necessary to establish and carry on the business of said company.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCLXXXIX.

An Act to incorporate the Hammonton Boot and Shoe Manufacturing Company, in the county of Atlantic.

Names of corporators.

Corporate name.

Amount of capital stock.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Richard J. Byrnes, George W. Pressy, George F. Miller, Abraham Somerby, Peter S. Tilton, Albert G. Clark, and J. L. Scott, and such other persons as may be associated with them, shall 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 "Hammonton Boot and Shoe Manufacturing Company," for the purpose of manufacturing boots and shoes, and whatever else may be necessary to carry on said business, and by that name shall have continued succession, and shall be capable of purchasing, holding, leasing, mortgaging and conveying any lands, tenements, goods and chattels necessary or proper for the objects of the said corporation hereby created.

2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, with the privilege, from time to time, of increasing the same to any sum not exceeding one hundred thousand dollars, divided into shares of fifty dollars each, each stockholder being entitled, in person, to one vote for each share of stock he or she may hold, which shares shall be deemed personal property, and transferable in such manner as the company, by its by-laws, may direct; that five dollars shall be paid on each share of stock at the

time of subscribing, and further paid in at such time and in such installments as the directors may, from time to time, appoint and direct.

3. *And be it enacted*, That the property and affairs of the said corporation shall be managed and conducted by a board of seven directors, stockholders in said company, who shall be chosen annually at Hammonton, in the county of Atlantic, in such manner and upon such notice as the laws of such company shall direct, who shall serve for one year, and until others are chosen in their stead; and that Richard J. Byrnes, George W. Pressy, George F. Miller, Abraham Somerby, Peter S. Tilton, Albert G. Clark and J. L. Scott, shall be the first directors of this company under this charter, to continue in office until others are elected in their stead; that the said directors of said company shall choose one of their number to be president, and may appoint such other officers and agents as they may deem expedient, fill vacancies in their own board until the next annual election, collect installments on stock when called for or declare the stock forfeited, and all previous payments made thereon in case of non-payment when duly called for, if they deem it expedient.

Election of directors.

First directors

4. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account in which shall be entered regularly all the transactions and accounts of said company, which shall at all times, and at reasonable hours, be open for the inspection of the stockholders of said company; that the directors shall make an annual report to the stockholders of the affairs of the company, of the amount of stock actually paid in, and of the assets and debts of the company, and no dividend shall be declared except from the actual profits of the company.

Books shall be open to inspection.

5. *And be it enacted*, That the said company may be dissolved at any time at a general meeting of the stockholders specially called for that purpose; *provided*, that members owning at least two-thirds in value of the stock of said company shall concur therein, and upon such dissolution the directors for the time being, and the survivors of them, or such other persons as the stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts and dividing the surplus among the stockholders in proportion to their respective interests in the stock.

How dissolved

Proviso.

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

Limitation.

lature of this state, at any time hereafter, to amend, alter and repeal this act, and that this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCXC.

An Act to incorporate Gloucester Gingham Mills.

Names of corporators.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That Samuel Raby, Edward Bettle, William C. Shinn, Samuel Chew, David S. Brown and George Janvier, their associates and successors, be and they are hereby created and declared to be a body politic and corporate in law, by the name of "Gloucester Gingham Mills," and as such shall have perpetual succession, and all the privileges and franchises belonging or incident to a corporation.
Corporate name.	
Amount of capital stock.	2. <i>And be it enacted</i> , That the capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, with the privilege of increasing said capital stock as hereinafter provided, which capital stock shall be personal property, and be transferable on the books of the company
Commissioners to receive subscriptions	3. <i>And be it enacted</i> , That the above named corporators, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said company, at such time and place, and upon such notice as they may direct, and at the time of subscribing for said stock, such amount on each share subscribed for shall be paid, satisfied or satisfactorily secured to said commissioners as they or a majority of them shall direct, and the residue of the subscription shall be paid, satisfied or secured as the directors of said company, when elected, may determine, in such installments, at such times and places, and in such manner as said directors shall, from time to time direct, giving notice of such time and place in a newspaper, printed and published at the city of Camden, for two weeks, at least once in each week ; and upon the failure

of any person or persons to pay, satisfy or secure the payment of such installment or installments, or any of them as aforesaid, the directors shall be empowered to forfeit the share or shares of each and every person so failing, or any of them, to and for the use and benefit of said company; and any share or shares of stock forfeited as aforesaid, may be held by the said company, or any person or persons for its benefit, and may at any time be sold or disposed of for the benefit of the company, as directors may determine, or may be divided proportionately among the remaining stockholders, to be by them held and enjoyed, or sold and transferred, with all the rights and benefits incident thereto, the same in all respects as if they were original shares by them subscribed.

4. *And be it enacted*, That whenever fifty thousand dollars of the capital stock aforesaid shall have been subscribed, said commissioners, or a majority of them, shall as soon as they deem expedient, give notice in such manner as they may determine, of a meeting of the stockholders at such time and place in the state of New Jersey as said commissioners may designate, to choose not less than three nor more than five directors, who shall hold their office for one year and until others are duly elected, and at such meeting of stockholders, convened as aforesaid, said stockholders shall prescribe the time and place for holding the annual election, and the number of directors of said company, which time, place and number of directors shall not be changed except at an annual election of said company; and the directors chosen at such meeting, or at the annual election of said company, shall, as soon as may be after their election, choose from their number a president of said company, who shall hold his office for one year and until his successor is duly appointed, and in case of the death, resignation or other incapacity of the president or any director, the vacancy thereby created in the board of directors, may be filled by the stockholders, at a meeting properly convened, for the remainder of the then current year.

5. *And be it enacted*, That at all elections by stockholders for officers of said company, and at all meetings of stockholders, and upon all questions submitted to them, each stockholder shall cast one vote for each and every share of stock standing upon the books of said company in his or her name, which vote may be cast either by said stockholder in person or by proxy.

Election of
directors.

Vote: may be
given by
proxy.

Powers of directors.

6. *And be it enacted*, That the board of directors of said company shall have power to make and adopt a common seal for said corporation, to appoint a treasurer, secretary and such other officers, agents, clerks, servants and employees of said company as they may deem necessary, and to prescribe and regulate their duties, salaries and compensation; to prescribe the form of and to issue or authorize to be issued, such promissory notes, bills of exchange and business paper of said company as they may determine; to borrow such sum or sums of money from time to time, as they may deem advisable for the purposes of said company, and to pledge the property and credit of said company for the payment thereof or to issue of said promissory notes or bonds of said company therefor and to secure the payment of said promissory notes or bonds either by mortgage or mortgages on the real and personal property of said company, wherever situate, or in such other way as said directors may see fit; to make such by-laws, rules and regulations, for the issuing and transfer of the stock and for the government of said company, its officers, agents, servants and employees as the said directors may determine, and generally to direct, conduct, control and manage the business and affairs of said company in such manner, consistently with the provisions of this act, as they may think proper.

Principal office.

Object.

proviso

7. *And be it enacted*, That the principal place of business of said company, shall be located in the county of Camden, and that the said company shall be and they are hereby authorized to engage in manufacturing, bleaching, dyeing, printing, finishing and selling all goods of which cotton, silk, wool, linen or other fibrous materials form any part, as well as all machinery used for such purpose, and may erect mills, buildings, wharves, tenements. may purchase, hold and sell such real estate, within the county of Camden, as may be connected with and for the transaction of the company's business, and said company shall be assessed and taxed upon the actual value of all their real and personal property only, and not upon the amount of the capital stock paid in, and said corporation shall be entitled to all deductions for and in respect to debts owing by them, in the same way and to the same extent as natural persons now are or hereafter may be under the laws of this state; *provided*, that said company shall not be assessed and taxed in this state for, or by reason

of, or of any interest in any real or personal estate, situate in any other state or territory and taxed therein.

8. *And be it enacted*, That said corporation may, by a vote of the stockholders, holding a majority of all the shares of stock, from time to time, increase its capital stock to any sum not exceeding the sum of five hundred thousand dollars, and it shall be lawful for the directors of said corporation to issue certificates for such increased capital stock, to each of the original stockholders, in proportion to the amount of original stock held by them respectively, or at their option to receive subscriptions for such increased capital stock, in the same manner as said commissioners are hereinbefore authorized to receive subscriptions for original stock, and to require payment for such subscriptions therefor, in such installments, and at such time and place, and in such manner as they may elect, and in the event of the non-payment of such installments, or any of them, at the time or place, or in the manner prescribed by said directors, the said stock may be forfeited and disposed of, in the same manner provided by the third section of this act, in reference to the original capital stock of said company, and upon every increase of the capital stock of said company an affidavit made by the president, and by one or more of the directors of said company, specifying the amount paid in under such increase of capital stock, shall be filed in the office of the secretary of state.

9. *And be it enacted*, That the directors of said company shall submit to the stockholders thereof at their annual meeting, a statement in writing of the condition and affairs of said company; and said directors shall divide the net profits of the business of said company, or so much thereof as said directors may see fit, among the stockholders in proportion to the amount of stock held by them respectively, at such time and in such manner as said directors may determine.

10. *And be it enacted*, That any real or personal property, or any materials, engines or machinery which may be received in payment for subscriptions for the stock of said company, shall be taken at a valuation approved by the persons holding a majority of all the shares of the stock of said company.

11. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the restrictions and liabilities set forth in an act entitled "An

Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the several supplements thereto so far as the same are applicable.

12. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCXCI.

An Act for the relief of William Nelson, of the County of Burlington.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and is hereby authorized and required to pay to William Nelson, of the county of Burlington, who was a soldier in the war of eighteen hundred and twelve, or to his order, the sum of one hundred dollars per annum, during the term of his natural life, in equal semi-annual payments of fifty dollars each, the first payment to be made on the first day of June, eighteen hundred and seventy.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCXCII.

An Act to incorporate the Germania Mutual Fire Insurance Company of Newark, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns are hereby constituted and made a body politic and corporate, by the name of the "Germania Mutual Fire Insurance Company," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended, in all courts of law or equity, and by that name may have, purchase, possess and enjoy to them and their successors, lands, tenements and hereditaments, goods, chattels and effects of what nature and kind soever necessary for the purpose of this corporation, and the same to grant, demise, alien and dispose of at pleasure for the benefit of the said company, and may also have a common seal, and alter and renew the same at their pleasure.

Corporate
name.

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same to two hundred and fifty thousand dollars at any time during the continuance of this charter.

Amount of
capital stock.

3. *And be it enacted*, That the capital stock may be increased at any time by the directors to such amounts as they may determine, not exceeding the amount provided for in the second section; and they shall open books of subscription for said increased stock, after giving twenty days previous notice in two newspapers published in the city of Newark; and the persons who shall then own the stock of said company shall have the privilege, for five days, of subscribing for said increased stock, and after that time, if not subscribed for by said stockholders, it may be subscribed for by others; and the terms of said subscription shall be fixed and determined by the said directors and notice given as above directed.

May increase
capital stock.

Directors

4. *And be it enacted*, That the stock, property, affairs and concerns of said company shall be managed and conducted by fifteen directors, seven of whom shall constitute a quorum to transact business, and said directors shall at all times, during their continuance in office, be stockholders in the said company in their own right, and the said directors shall hereafter be elected on the second Monday of January in each and every year, at such hour of the day, and at such place in the city of Newark as the board of directors, for the time being, shall appoint, of which election public notice shall be given in two newspapers published in the city of Newark, at least ten days previous to such elections, and every such election shall be by ballot and by a plurality of the votes, each stockholder being entitled to one vote for each share of stock standing in his or her own name on the books of the company.

Election of
directors.

5. *And be it enacted*, That when the said capital stock of one hundred thousand dollars shall be subscribed, and fifty thousand dollars paid in, that then the subscribers to said capital stock, upon ten days previous notice in a newspaper published in the city of Newark, given by the commissioners, hereinafter named, shall proceed to the election of the board of directors, and said directors so chosen shall then divide themselves into three classes of five members each, one class of which shall serve as directors for one year, one class for two years, and one class for three years; and at each annual election thereafter, there shall be elected by the members five directors, whose term of service shall be three years, and until others are chosen; and the said board of directors shall then proceed to the election of a president (who shall be chosen from said board of directors,) and to the appointment of a secretary and treasurer, and the appointment of such other officers as may be necessary to manage the business of the company, and to allow them, respectively, such compensation for their services, as in their judgment may be reasonable; and the office of secretary and treasurer may be filled by the same person, and the said president so elected shall preside until the next annual election thereafter; and any vacancy in the office of president or director, may be filled by a majority of the directors, at a meeting to be called, as the by-laws may provide; and in the absence of the president, the directors may appoint a president pro tempore,

who shall exercise such powers and duties as the by-laws shall prescribe.

6. *And be it enacted*, That George C. Webner, Benedict Prieth, John Otto, Dennis Sullivan, Dr. J. A. Cross, Henry Sauerbier, Edwin Ross, James L. Gurney, James M. Pater-<sup>Commission-
ers to open
subscription
books.</sup>son, Henry W. Egner, Gottfried Krueger, Christian Muller and Tobias Weidenmeyer be and the same are hereby appointed commissioners to open the books for subscriptions to the capital stock of said company, and that ten days' previous notice of the time and place of the opening of said books shall be given by the said commissioners, or a majority of them, and that said books of subscription may be kept open as long as it shall seem best by the said commissioners, or a majority of them, so to do.

7. *And be it enacted*, That the regular annual election of directors of said company shall take place on the second Mon-<sup>Time of hold-
ing elections.</sup>day of January, in each and every year, in accordance with the provisions of the fourth section of this act.

8. *And be it enacted*, That it shall and may be lawful for the said company to insure houses and other buildings, and personal property of all kinds, against loss or damage by fire, upon such rates and conditions as shall be contained and stated in the policy of insurance; and may also insure steam boilers against loss by explosion, upon such rates and conditions as shall be contained and stated in the policy of insurance. <sup>May insure
against loss
by fire, &c.</sup>

9. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president or by such other officer as may be designated for that purpose by the by-laws of said company, and attested by the secretary, and when so subscribed and attested, the same shall be binding upon the company according to the tenor, intent and meaning of this act, and of such policies or contracts, and all such policies and contracts may be made, subscribed, attested and executed, and the business of the said company may be otherwise conducted and carried on without the presence of a board of directors, by committee or otherwise, and the same shall be binding and obligatory on the said company. <sup>Policies of in-
surance.</sup>

10. *And be it enacted*, That the stock of said company shall be deemed personal property, and as such assigned and transferred on the books of the company. <sup>Stock trans-
ferable.</sup>

May purchase,
hold and sell
real and per-
sonal estate.

11. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real estate as shall or may be necessary for their convenient accommodation in the transaction of their business, and also to take and hold any real estate or securities, mortgaged or pledged to the said company, or to secure the payment of any debts which may be contracted with the said company, and to redeem the moneys so pledged or secured either at law or equity; and also to purchase on sales made under judgment at law, or done in equity, or any other legal proceedings, or otherwise, to receive and take any real estate in payment or towards satisfaction of any debts previously contracted and due to the said company, and to hold the same until they can conveniently sell or convert the same into money or other personal estate; and for the purpose of investing any part of their capital stock, funds or money, may purchase and hold any public stocks created by the incorporated cities, and of the townships and counties of this state, or of the United States, or of the states of New York, Ohio, Pennsylvania, Massachusetts or Connecticut, as also of the stocks or securities created by said states or the United States, or in bonds secured by mortgage on unincumbered real estate within this state worth double the amount of money invested or loaned.

Dividends.

12. *And be it enacted*, That it shall be lawful for the directors of said company to make dividends of so much of the profits of the company as shall be deemed advisable, and the said dividends shall be paid to the stockholders or to their legal representatives.

Persons in-
sured may
participate in
profits

13. *And be it enacted*, That all persons who shall insure with the said corporation may participate in its profits during the period they remain insured by the same, upon such terms and conditions as the directors by their by-laws may fix and determine, and the power conferred in this section shall not prevent the said company from issuing policies of insurance without the parties participating in the profits of the company, if desired by the insured.

Limitation.

14. *And be it enacted*, That this act shall be and remain in force for the term of twenty years, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCXCIII.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the City of Newark," approved March eleventh, eighteen hundred and fifty-seven.

WHEREAS, in order to carry out a contemplated public im- Preamble.
provement in the city of Newark, it is desirable that cer-
tain streets should be opened and graded without delay,
therefore

1. BE IT ENACTED *by the Senate and General Assembly of* Commission-
the State of New Jersey, That Joseph C. Young, Henry N. ers, their
Parkhurst, Jerome B. Ward, James F. Bond, Timothy W. powers and
Lord, shall be and are hereby constituted a board of commis- duties.
sioners with authority and power to appropriate and take so
much land as may be necessary to lay out, open, widen and
extend a street called South street, in the city of Newark,
which shall be one hundred feet in width from Dawson street
in said city to the Newark bay, the centre line of said street
to be fifty feet southerly from the northerly line of said street
as now laid out upon the commissioners' map of said city,
and also that the said commissioners are further empowered to
appropriate and take so much land as may be necessary to lay
out and open a street to be called "Bay avenue," which
shall be one hundred feet in width from avenue C in said city
to the Newark bay, the centre line of said street to begin at a
point on the easterly side of said avenue C, seven hundred
and fifty feet southerly from the northerly line of South
street before mentioned.

2. *And be it enacted,* That the above named commission- Must give
ers shall give at least twenty days notice in two of the news- notice of in-
papers published in said city, of their intention to take said tention to
lands for public streets as authorized under the previous sec- take lands.
tion of this act, and shall proceed in the same manner as is now
done by commissioners when appointed by the common coun-
cil to estimate and appraise the value of lands taken for said
public streets, and shall award damages and assess benefits
to property owners in all respects the same as if thus ap-

pointed, and whenever said commissioners shall have filed in the office of the city treasurer their report and map of said streets, it shall then be lawful for the common council of the city of Newark, and the New York and Newark Bay Ship Canal Company, without further proceedings, to make mutual contracts and engagements to grade, curb and work the said streets, on conditions to be agreed upon.

Mayor and
council may
issue bonds.

3. *And be it enacted*, That it shall be lawful for the mayor and common council of the city of Newark, to issue bonds under their corporate seal and the signature of the mayor of the said city to be designated "Street Improvement Bond Number Two," for an amount not exceeding five hundred thousand dollars, bearing interest paying seven per centum per annum, with coupons attached, and payable at such time or times as may be agreed upon, not more than ten years from the date thereof, pledging the credit and whole property of the city for the payment of the same, which bonds it shall be lawful for the mayor and common council to sell at public or private sale as the proceeds may be needed.

How proceeds
shall be ap-
plied.

4. *And be it enacted*, That it shall be the duty of the mayor and common council of the city of Newark, to use and appropriate the said bonds, or the proceeds thereof, if sold, for the payment of the costs and expenses incurred in the opening, grading and curbing of said streets, and for no other purpose whatever; the whole amount of costs and expenses incurred in the opening and in the prosecution and completion of the grading and curbing the said streets, shall be duly assessed, according to the provisions of the act to which this a supplement, and of supplements thereto; except, *and provided, however*, that one tenth only of the whole amount of the costs and expenses incurred shall be considered due and payable within one year after the work is completed, with interest on the whole amount, and one tenth of the whole amount with interest on nine-tenths within one year from date of last payment becoming due, and so on, one tenth of the whole amount with interest on balance due every year until the whole amount be paid; and it is *further provided*, that all the property lying between the streets to be graded under this act, and to the extent of one hundred feet north and south of said streets shall be subject to a lien in favor of the city for the whole amount of costs and expenses incurred by the opening, grading and curbing of said streets until the whole amount be paid or secured to be paid to the city; and in case of

Proviso.

Proviso.

failure of the owners of property, fronting the said streets to pay their pro rata proportion of assessments made against their property in due time, as herein provided, then the common council shall proceed to sell the same, in the same manner as prescribed by the charter of the city of Newark for the collection of unpaid taxes and assessments.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCXCIV.

An Act concerning taxes, and to facilitate the collection thereof in the township of Landis, in the county of Cumberland.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township collector of the township of Landis, in the county of Cumberland, shall have power to enforce the collection of all delinquent taxes assessed on any real estate in said township during the year eighteen hundred and sixty-nine, and thereafter, by exposing the same for sale, to pay said tax and the costs thereon, at public vendue, to the person or persons who will take the said land on which said delinquent taxes are claimed to be due; and in case where the committee of said township may deem it for the interest of the township, they may authorize the clerk of said township to appear at and bid on such lands as are offered for sale as aforesaid in the name of the township, the lands so sold to him, if any, to be the property of said township.

2. *And be it enacted*, That no land shall be sold by virtue of this act until the township collector shall have made a return to the township committee that the taxes assessed on said lands are unpaid and have by him been returned as delinquents, and shall verify the same by his affidavit attached thereto, and the collector neglecting or refusing to make such return and affidavit on or before the annual township meet-

ing for the election of officers shall be liable to the township for all of said unpaid and delinquent taxes not so returned.

Copy of return to be recorded and posted.

3. *And be it enacted*, That within ten days after the said return by the collector of the township, the township committee shall cause a copy of said return to be recorded in the clerk's office of said township, and a copy thereof to be posted in at least three of the most public places in said township, the same to be certified to and signed by the clerk of said township.

Publication to be made for six weeks prior to sale.

4. *And be it enacted*, That if any of said delinquents at any time before the expiration of twenty days after the posting of said notices, shall pay or cause to be paid to the collector of said township, said delinquent taxes and the costs together with the additional sum of fifty cents as registry fee for said clerk, then in such case the collector shall receive the same and receipt therefor, but in case such delinquents do not make the said payments within the said twenty days, the collector shall publish in one or more newspapers published in said county a copy of the return made by said township collector, at least six weeks, specifying the time and place where the same will be sold at public vendue as aforesaid, for the collection of said returned and delinquent taxes.

Sale to be at public vendue

5. *And be it enacted*, That on the day mentioned in said notice, or on some adjourned day thereof, the collector shall at the hour named in said notice proceed to sell the several tracts or parcels of land returned and unpaid, and in the order so returned, at public vendue as aforesaid, to the person or persons who will take said lands so offered, or the least quantity thereof, and pay the amount of the said delinquent taxes with costs, and cost of advertising and sale.

Delivery of certificate of sale.

6. *And be it enacted*, That immediately after such sale the township collector shall execute and deliver to such person or persons who may become the purchasers of said lands, a certificate of such sale, describing the piece or several pieces sold, as the case may be, together with the amount paid for the same, entitling the holder thereof to a deed of the premises so sold; *provided*, that the owner or owners of the said land or lands do not within twelve months from the date of said certificate, appear before the said collector and deposit with him for the purchase of said land, the amount so paid by him, together with twelve per centum interest, in which case the said certificate shall be deemed to be cancelled,

Proviso.

and the amount so received shall on demand be paid to the party holding and owning such certificate.

7. *And be it enacted*, That if at the expiration of two years from the time of said sale, the owner or owners of any land so sold does not appear to redeem said land as aforesaid then the said collector shall execute to the holder and owners of said certificate a deed of the premises described therein, the party receiving said deed to be at the expense of the same, and on the delivery of said deed the sale shall be final, and the title of such lands pass irrevocably to the holders thereof, their heirs and assigns forever, in fee simple in as full a manner as if the owner thereof had executed a deed for the same. Delivery of deed in case of non-redemption.

8. *And be it enacted*, That in case the township shall become the owner of any lands, as authorized in section one of this act, the township committee shall have full power to dispose of the same, making a deed therefor in the corporate name of the inhabitants of the township of Landis, the funds arising therefrom to be paid over to the township collector, and by him kept and paid out as other funds belonging to said township are kept and paid out. Funds received from sale of lands owned by township.

9. *And be it enacted*, That every inhabitant in said township who shall keep or harbor a dog or bitch shall be taxed yearly and every year, for said dog so kept or harbored the sum of two dollars, and for every bitch so kept or harbored, the sum of four dollars, which tax shall be assessed and collected as other taxes are assessed and collected. Tax on dogs.

10. *And be it enacted*, That every inhabitant of said township who shall keep or harbor a dog or bitch, shall keep a strap or collar around the neck of said dog or bitch so harbored or kept with his or her name marked thereon, and it shall be lawful for any person to kill any dog or bitch found running at large without such collar on as aforesaid. Collar or strap to be placed on dogs

11. *And be it enacted*, That any funds arising from taxes on dogs or bitches as aforesaid shall be paid into the school fund of said township for the use of the schools thereof. Funds from taxes on dogs, how applied.

12. *And be it enacted*, That the notice required, to be given in the eleventh section of "An Act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six shall be deemed legal and effective in law. Notice to be deemed legal.

13. *And be it enacted*, That all acts inconsistent with this act be and the same are hereby repealed, so far as the township of Landis is concerned. Repealer.

14. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCXCVI.

An Act to incorporate the Saint Patrick's Benevolent Society, Number One, of South Amboy.

Names of corporators.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That John Mellon, James Cassley, senior, Martin Murphy, Edward McDonough, James Cullin, Michael Crampton, James Brock, Thomas Hardin, James Ganon, Patrick Brock, John Carberry, John Quinn, Martin Berry, Stephen Scully, Dermott Summers, Mallicha Good, Thomas Bannon and such other persons as now are or hereafter shall become members of the same "Saint Patrick's Benevolent Society, Number One," are hereby constituted a body incorporate by the name aforesaid, to have perpetual succession, and to have a common seal.
Corporate name.	
Objects.	2. <i>And be it enacted</i> , That the object of this corporation shall be the relief of the sick, the burial of the dead and the protection of the widow and orphan.
May make by-laws.	3. <i>And be it enacted</i> , That the said corporation shall have power to adopt a code of by-laws for the better management of its finances, general business, election and duty of its officers ; <i>provided</i> , that such by-laws shall not be repugnant to or inconsistent with the constitution of the United States or of this state.
Proviso	
May purchase and hold real estate.	4. <i>And be it enacted</i> , That the said corporation may hold real or personal estate, either purchased or devised, not to exceed the amount of twenty thousand dollars.
Restrictions and liabilities.	5. <i>And be it enacted</i> , That the said corporation shall possess all the powers and privileges, and be subject to all the restrictions and liabilities contained in the act entitled "An Act concerning corporations," passed and approved February

fourteenth, one thousand eight hundred and forty-six, and the various supplements thereto.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCXCVIII.

An Act to enable the North German Lloyd to hold property and transact business in the State of New Jersey.

WHEREAS, the North German Lloyd, a corporation chartered by the senate of the free and Hanseatic city of Bremen, is carrying on commerce between the United States and Europe, and desires authority to hold property in the state of New Jersey; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said corporation known as the North German Lloyd is empowered to purchase, hold, mortgage, convey, and otherwise dispose of such property, real and personal, in this state, as the purposes of their business may require, and also to assume and agree to pay such mortgages or liens as shall be on such property.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCXCIX.

An Act to incorporate the Paul Wood Paving Company of New Jersey.

Names of corporators.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That Henry Fredericks, Samuel H. Grey, A. M. Reynolds, John Hood, William C. Shinn, John McGregor, Henry L. Bonsall, Robert Rusling, and Charles Carr, are hereby created a body politic and corporate, under the name of "The Paul Wood Paving Company of New Jersey," and by that name shall be capable of purchasing, holding, using and disposing of such estate, real and personal, as may be necessary to carry out the objects of the incorporation.
Corporate name.	
Amount of capital stock.	2. <i>And be it enacted</i> , That the capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, with the privilege of raising the same to five hundred thousand dollars, and when ten thousand dollars of the said stock shall have been subscribed for, it shall be lawful for the said corporation to organize and carry out the objects of the incorporation.
General powers.	3. <i>And be it enacted</i> , That said company shall be authorized to carry on the business of street and road paving with wood, stone, concrete, and other materials, to take contracts for such paving, to manufacture and lay patent and other pavements, to treat wood with improved preservative processes, to buy and hold and use patent rights for the purposes aforesaid, and to transact such business as may be necessary to carry out the objects mentioned.
Election of directors.	4. <i>And be it enacted</i> , That the affairs of the company shall be managed by not less than five directors, who shall be elected annually by the stockholders, the first directors to be elected immediately on the completion of the subscription of ten thousand dollars, and all subsequent annual elections to be held on the second Monday in January in each year, but said corporation shall not abate by reason of the election not taking place on said day ; vacancies in the board may be filled for the unexpired term by the directors.

5. *And be it enacted*, That said directors shall have power, on behalf of said company, to receive any property, patent or patent rights suitable for the purposes of the company at a valuation to be agreed upon, and in lieu of cash subscriptions. and shall have authority from time to time to open books for further subscriptions until the whole capital stock is taken; and the directors may call on the subscribers for the payment of installments, in such sums and at such times, and under such forfeiture as they may deem expedient.

6. *And be it enacted*, That the board of directors shall make such by-laws and appoint such officers as they may think proper to carry out the objects of the incorporation; *provided*, such by-laws do not conflict with the laws of this state.

7. *And be it enacted*, That the said directors shall be elected by a majority in value of the stock voted either in person or by proxy, and that the principal office of said company shall be at Camden, New Jersey.

8. *And be it enacted*, That this act shall continue in force for thirty years, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCC.

A further Supplement to "An Act to incorporate the Columbus and Kinkora Railroad Company," approved April second, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the Columbus and Kinkora Railroad Company, incorporated by an act approved April second, eighteen hundred and sixty-six; to make connections with the Pemberton and Hightstown railroad at Lewistown and the Pemberton and New York railroad at or near New Lisbon, all in Burlington county; in

such way, manner, and upon such conditions, as may be mutually agreed upon by said railroad companies.

May issue
bonds.

2. *And be it enacted*, That the said company shall have the privilege of issuing bonds at a rate of interest, bearing seven per centum per annum, in lieu of six per centum per annum as specified in the act, to which this is a further supplement; with the further privilege of increasing the number of directors of said company from nine to eleven.

Repealer.

3. *And be it enacted*, That the several provisos contained in the seventh section of the original act to which this is a further supplement be and the same are hereby repealed.

Repealer.

4. *And be it enacted*, That the old bed of the Delaware and Atlantic railroad company in the county of Burlington upon which the railroad incorporated by the act and supplements to which this is a further supplement, is authorized to be laid out and constructed is hereby declared to be vacated as a public highway to all intents and purposes, and any previous law constituting the same a public highway is hereby revoked and repealed.

May lease
railroad.

5. *And be it enacted*, That the said "The Columbus and Kinkora Railroad Company" shall have full power and authority to lease their said railroad with its appendages to any other railroad company incorporated by the laws of this state with which it may connect or intersect upon such terms as may be mutually agreed upon by said companies.

Repealer.

6. *And be it enacted*, That all acts and parts of acts conflicting with or inconsistent with this supplement be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCL.

A Supplement to "An Act concerning Roads."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of road district number two, in the township of Warren, county of Somerset, at their annual meeting for the election of overseers, are hereby authorized to raise any such additional money over and above the township appropriation for the repairs of roads in said district number two as they may deem necessary, not exceeding the sum of five hundred dollars, for the ensuing year; said tax to be assessed and collected in the same manner as other taxes are assessed and collected. May raise additional money by tax for road purposes.

2. *And be it enacted*, That overseer or overseers of roads in said road district number two are authorized to pay any hired laborer or teams for repairing roads in said district the regular wages paid for similar kinds of labor at the time. Roads may be repaired by hired labor.

3. *And be it enacted*, That the amount any inhabitant shall forfeit and pay by the thirty-ninth section of "An Act concerning roads," to the overseer of the district to which he is annexed, shall be two dollars for every day he shall neglect or refuse to appear and work at least eight hours, and three dollars for each day's absence of a cart and one horse, and four dollars for each day's absence of a wagon or cart with two or more horses or oxen. Inhabitant shall forfeit and pay for refusal to work.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCII.

An Act to incorporate the Jersey City Steamboat Company.

Names of cor-
porators.Corporate
name.Amount of
capital stockCommission-
ers to receive
subscriptionsPayment of
installments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John A. Post, Michael S. Allison, John Van Horn, junior, Jacob Van Horn, William H. Bumsted and their associates, and all persons who may hereafter be holders of the stock hereinafter named, and their successors are hereby declared and constituted a body politic and corporate, in fact and in law, by the name of "The Jersey City Steamboat Company," and by that name the said corporation shall have succession, with power to sue and be sued, defend and complain in any court of law or equity, and to make and use a common seal, and alter the same at pleasure, may acquire by purchase or otherwise, and hold, lease and convey such real and personal estate, and in general have such rights, privileges and powers appertaining to corporate bodies as may be necessary and useful for the purposes and objects of this corporation.

2. *And be it enacted*, That the capital stock of the said corporation shall be two hundred thousand dollars, with power to increase the same to double that amount, to be divided into shares of one hundred dollars each.

3. *And be it enacted*, That the said John A. Post, Michael S. Allison, John Van Horn, junior, Jacob Van Horn and William Bumsted, or a majority of them are hereby appointed commissioners to receive subscriptions for said stock, at such times and places in Jersey City, (where their principal office shall be,) as they or a majority of them may direct, giving at least twenty days notice thereof, by publishing the same in at least one newspaper published in Jersey City, in this state; and the said commissioners shall open a book of subscription for said stock, at such times and places, and shall cause the same to be kept open, at the places so appointed, at least three days.

4. *And be it enacted*, That at the time of subscribing for the said stock, twenty dollars shall be paid upon each share, or satisfactorily secured, and the residue of the subscriptions

shall be paid or secured in such installments, and at such times and places as the president and directors of the company shall from time to time direct, giving at least ten days public notice thereof, by publishing the same as aforesaid, and upon failure of payment or security 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 or secure the said installments, or any one of them, to and for the use of the company.

5. *And be it enacted*, That when three hundred shares of the said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least ten days notice of the time and place of said meeting, as is hereinbefore 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 five directors 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 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; and at every such election, and in all other cases in which stockholders shall be entitled to vote, a vote may be given for each share by the holder thereof, in person or by proxy.

6. *And be it enacted*, That as soon as may be after their election, the said directors shall elect one of their number to be president of the said company, and all the affairs, concerns and business of the said corporation shall be managed by the said directors, who or a majority of whom, may supply any vacancy occurring in the interval between the annual elections, by the death, resignation or refusal to act of any president or director, and shall have power to make all such by-laws, rules and regulations, not inconsistent with the constitution or laws of this state, or of the United States, for the management of the property, the regulation of the affairs, and the transfer of the stock of this corporation, and to appoint all such officers, clerks, agents and servants, as may be necessary and useful for the ordering, regulating and conducting the affairs of said corporation, and for the safe keeping and protection of its funds and property, and allow them a suitable compensation.

7. *And be it enacted*, That the capital stock of this com-

Stock trans-
ferable.

Capital, how
employed.

Limitation.

pany shall be considered as personal property, transferable on the books of the company, and shall be employed as the said board or a majority of them may deem expedient in the purchasing, repairing and altering any vessel or vessels propelled by steam, and in the navigation of the same between Jersey City or New York aforesaid, and Richmond, in the state of Virginia, and upon the James river, and the bays and sounds adjacent thereto, in said state of Virginia, or to any port on the Atlantic coast, or for towing at any place, a majority of the stockholders may elect; and in the purchase, repair and building suitable landing places, wharves, and storehouses at Jersey City, New York, or at Richmond, or upon the James river, bays and sounds adjacent thereto, or at any port on the Atlantic coast, which may be necessary for successfully conducting the affairs of the said company; and it shall be the duty of the said board, or a majority thereof, to make from time to time, such dividends of the net profits of the said company as they may deem advisable.

8. *And be it enacted*, That this act shall continue in force for thirty years unless sooner modified or repealed, and that the legislature may at any time hereafter alter, modify, or repeal the same.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCIII.

A Supplement to the act entitled "An Act to incorporate the Newton Gas Light Company."

Increase of
capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the said company may be increased ten thousand dollars, and also that the said company may issue their bonds to an amount not exceeding ten thousand dollars, upon such rate of inter-

est, not to exceed seven per centum, and negotiate the same upon such terms as the directors of said company may deem advisable.

2. *And be it enacted*, That it shall be lawful for the town committee of the town of Newton, to contract with the said company for putting up lamps and lighting the same with gas in the said town of Newton, in such number, in such places, and upon such terms and conditions as the said town committee and company may agree upon, that the said committee or the chairman thereof may from time to time order or direct, the collector of said town to pay the said company therefor according to the terms that may be agreed on, and the town collector shall pay the same out of any moneys of the said town in his hands, and an amount sufficient to cover the expenses thereof shall be annually assessed and collected in said town, in the mode and manner other moneys are assessed and collected therein.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCIV.

An Act to incorporate the James River Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. Rossell, Phil-
mon Dickinson, Lewis R. Reading, Richard F. Stevens, S.
M. Dickinson, C. B. Rossell and Henry C. Morris, and their
associates, successors and assigns, be and they are hereby
created a body politic and corporate by the name of "The
James River Manufacturing Company," for the purpose of
manufacturing, in the state of Virginia or elsewhere, tanning
materials, from wood, bark or other substances, and of selling
the same and other articles connected with said business;

and for the cultivation, propagation and production of wood, bark and other substances, and for carrying on said business may purchase, convey, mortgage and lease such real and personal property, either within or without this state, as may be needful for use in carrying on said business, or may accrue to them in the course thereof.

Principal of-
fice.

2. *And be it enacted*, That the principal office of said company shall be at Trenton, in the county of Mercer, in the state of New Jersey.

Amount of
capital stock

3. *And be it enacted*, That the capital stock of said company shall be twenty-five thousand dollars, and may be increased to any sum not exceeding in all one hundred thousand dollars, divided into shares of one hundred dollars each; and it shall be lawful for said company, when twenty five thousand dollars of the stock is subscribed for and paid, or satisfactorily secured to be paid, to commence to conduct and carry on their business until they shall deem it necessary to extend their operations, and increase their capital for that purpose, which a majority of the directors are authorized to do, to the amount hereinbefore mentioned, and it shall be lawful for the directors, or a majority of them, to call and demand from the stockholders, respectively, all sums of moneys by them subscribed of the said capital stock, or the increased capital above the said sum of twenty-five thousand dollars, at such times and in such proportions as they think proper, under pain of forfeiting the shares subscribed and all previous payments thereon, if such payments shall not be made in thirty days after a notice shall have been published for the space of fifteen days in one or more newspapers published in said county of Mercer.

Election of
directors.

4. *And be it enacted*, That the stock, property and business of said corporation shall be managed and conducted by not less than three nor more than seven directors, being stockholders, one of whom shall be president, and that the persons named in the first section of this act shall be the first directors to organize the affairs of said company, until the first Monday in May next, and until others are elected in their stead, that annually thereafter the directors shall be chosen on the first Monday in May, at such place in the city of Trenton, and on such notice as the by-laws of said company shall determine; that all elections shall be by ballot; and if at any time, for any cause, it shall happen that no election shall be held or made at the time herein appointed,

the directors for the time being shall continue in office until an election be regularly held according to the requirements of the by-laws in that behalf, or of this act; and any vacancy in the board of directors may be filled for the unexpired term by a majority of the same; that a majority of the directors shall be residents of this state, and the directors may appoint such officers and agents as they may deem necessary, and may, by their by-laws, fix their duties and compensation therefor.

5. *And be it enacted*, That the stock and property of the said corporation shall be deemed personal estate, and be transferred in such manner as the by-laws shall prescribe; that certificates of stock be made to the stockholders by the directors, and no transfer of stock shall be valid or effectual until such transfer be entered in the book or books, to be kept by the directors for that purpose; and said company may have and use a common seal. Stock transferable.

6. *And be it enacted*, That this corporation may be dissolved at any time by a general meeting of the stockholders, summoned specially for that purpose by the board of directors, or a majority of them, giving thirty days' notice of such meeting in a newspaper published in said county of Mercer, at least once in each week during said period; *provided*, three-fourths in value of the stockholders be present, or represented therein; and that this act shall continue in force for thirty years, unless sooner dissolved as aforesaid, but the same may be altered or amended by the legislature whenever it is deemed necessary so to do. How dissolved Proviso:

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCVI.

A Supplement to "An Act to incorporate Dover."

- Amendment. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the ninth section of the act to which this is a supplement, shall be, and is hereby so amended that the license fee thereby required to be paid, shall be not less than two dollars, and not more than one hundred dollars.
- Amendment. 2. *And be it enacted*, That the fifteenth section of said act, shall be and the same is hereby so amended that it shall be sufficient if an ordinance adopted by said common council shall be inserted once in any newspaper published in Morris county, and circulating in said town.
- Amendment. 3. *And be it enacted*, That the eighteenth section of said act, shall be and hereby is so amended that the common council of Dover, shall have power to assess and levy by tax, fifteen per centum upon, and over and above the sum of two thousand dollars mentioned in said section, and upon, and over and above such other sum as may at any time be ordered to be raised by the votes of the inhabitants of said town at their annual elections, which fifteen per centum is so authorized to be levied and assessed to cover deficiencies and expenses of assessing and collecting.
4. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCVII.

An Act to incorporate the Mutual Benefit and Co-operative Life Insurance Company of Rahway, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John J. High, Hugh W. Bowne, Joel Wilson, Uzal M. Osborn, Josiah Taylor, Joel B. Laing, Abel V. Shotwell, David J. Bunn, Isaac Osborn, and others, their associates and successors, are hereby constituted and declared to be a body corporate and politic, by the name of "The Mutual Benefit and Co-operative Life Insurance Company," to be located in the city of Rahway, in the county of Union, and state of New Jersey, and by that name they and their successors shall and may have succession during the continuance of this act; and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts of justice, and they and their successors may have a common seal, and may alter and change the same at pleasure, and also in the name of "The Mutual Benefit and Co-operative Life Insurance Company," shall be in law capable of purchasing, holding and conveying any estate, real and personal for the use of said corporation; *provided*, the said estate, which it shall be lawful for the said corporation to hold, be only such as is necessary for the corporation, in the transaction of the business thereof, or such as shall be taken as security for, or in payment of, debts due to said corporation.
2. *And be it enacted*, That all persons who shall be insured in or with said company, shall be members of said corporation, and the property and concerns of said corporation shall be conducted and managed by nine directors, a majority of whom shall be a quorum, and the members may at any annual election increase the number of directors to fifteen, all of whom shall be citizens of this state, to be chosen by ballot, by and from among the members, and shall hold their office for one year, and until others are chosen.
3. *And be it enacted*, That an election for directors shall be held on the first Monday in May, in each and every year,

Names of corporators.

Corporate name.

Proviso.

All persons insured members of corporation.

Election of directors.

at the office of the company, or such other place as a majority of the directors may previously designate : a public notice of the election shall be given by the secretary in one or more of the newspapers printed in Rahway, at least two weeks previous to the time of holding the election, and if any of the directors shall die, or refuse to serve, or neglect to act in their said office, for the space of two months, then and in every such case, the remaining directors shall have the power to fill such vacancy or vacancies until the next election, and in case it should happen that an election for directors should not be held on the day when pursuant to this act it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful on any other day to hold such election ; *provided*, the directors give the two weeks' notice in one or more of the newspapers printed in Rahway ; the persons named in the first section of this act shall be directors of said company and till others are elected.

Proviso.

Married woman may insure life of husband.

4. *And be it enacted*, That any married woman may in her own name or in the name of a third person, with his assent as trustee cause to be insured the life of her husband for her sole benefit, on such terms and conditions as may be agreed upon with said corporation, and in case of her surviving her husband, the sum or net amount of the insurance becoming due and payable by the terms and conditions of the insurance, shall be payable to her, to and for her own use, free from the claims of the representatives of her husband or any of his creditors ; *provided*, the amount paid for such insurance shall not exceed the sum of one hundred dollars per annum, and in case of the death of the wife before the decease of her husband, the amount of the insurance may be made payable to her children for their benefit, and to their guardians if under age.

Proviso.

May make by-laws.

5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by laws, rules and regulations as to them shall appear needful and proper for the management and disposition of the property, estate and effects of the said corporation, and for all such matters as pertain to the business thereof, and shall have power to appoint a secretary, treasurer and such other additional officers, clerks and agents for carrying on the business of said corporation as they may select, with such compensation as to them shall appear just

and satisfactory; *provided*, that such by-laws, rules and regulations shall not be repugnant to the constitution or laws of the United States or of the state of New Jersey.

6. *And be it enacted*, That at the first meeting of the directors held after the passage of this act, at a time and place set forth in a notice signed by a majority of the directors, and published two weeks or more in the newspapers printed in Rahway aforesaid, such directors shall choose from among themselves one person for president of said company, who shall continue in office until the first annual meeting for the election of directors, held in accordance with the provisions of the third section of this act, and until another person shall be appointed in his place; and at every annual meeting held after the first election for directors, there shall be chosen from among their number a president who shall hold his office one year and until another shall be chosen in his place; the directors shall appoint a secretary and treasurer who shall make all policies of insurance and certificates of membership and perform any other duties necessary by order of the board of directors.

7. *And be it enacted*, That all certificates of membership on policies of insurance, which shall be made by the said company in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such persons as shall from time to time be ordered and prescribed by the by-laws, rules and regulations of said corporation.

8. *And be it enacted*, That no part of the funds of said corporation shall be used for banking purposes.

9. *And be it enacted*, That the funds received by said corporation in their business may be invested in bonds and mortgages on unencumbered real estate in the state of New Jersey, which real estate must be worth double the amount loaned thereon, or in bonds or stocks of the United States, of the state of New Jersey or of the incorporated cities thereof.

10. *And be it enacted*, That it shall and may be lawful for the said corporation to make insurance upon the lives of persons, and also to insure persons against non fatal accidents, on such terms and conditions as shall from time to time be ordered and provided for by the by-laws.

11. *And be it enacted*, That it shall be lawful for the leg-

islature at any time hereafter to alter, amend or repeal this act.

12. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCVIII.

An Act to incorporate the New Brunswick Wrecking Company.

Names of corporators.

Corporate name, and powers.

May make by-laws, &c.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That James Bishop, Miles Ross, Levi D. Jarrard, Lewis H. Hoagland and Christopher Meyer, and their associates and successors, be and they are hereby created a body politic and corporate, by the name, style and title of "The New Brunswick Wrecking Company," and by that name shall be capable of suing and being sued, impleading and being impleaded in any court of record or elsewhere, and of granting and recovering in its corporate name property, real and personal, and of constructing, owning and using vessels and machines to be employed for hire in towing vessels, carrying freight and passengers, and of aiding, protecting and saving vessels and their cargoes wrecked or in distress, on any of the navigable rivers in or bordering upon this state, or on the high seas, or in the various arms of the seas and rivers running into the same, and to have, use and enjoy all the rights appertaining by law to private individuals performing services as sailors; and shall have the right to do such other acts and things as they may deem to be necessary and as may belong to the wrecking business.

2. *And be it enacted*, That the said company shall have power to make such by-laws as they may deem proper to enable them to carry out the objects of the corporation, and the same to amend, alter, add to, or repeal at their pleasure, and to adopt a common seal and alter the same; *provided*, that the said by-laws shall not be contrary to the constitu-

tion and laws of the United States and of the state of New Jersey.

3. *And be it enacted*, That the capital stock of said company shall be twenty-five thousand dollars, divided into shares of twenty-five dollars each; and the business of the company shall be managed by five directors, to be elected annually by the stockholders, at such time and in such manner as the by-laws shall provide, but they shall hold office until their successors shall be elected; and the said James Bishop, Miles Ross, Levi D. Jarrard, Lewis H. Hoagland and Christopher Meyer, shall be the first directors, and shall hold their office until the first annual election. Amount of capital stock.

4. *And be it enacted*, That in case it shall at any time happen that an election for directors shall not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of said corporation may appoint. Not dissolved by failure to elect directors.

5. *And be it enacted*, That the said directors shall have power to appoint such officers and agents as the by-laws may from time to time designate, and shall fix the compensation for the same; and shall establish its offices in such places as they may deem it expedient, but the principal office shall be located in the city of New Brunswick in this state. Powers of directors.

6. *And be it enacted*, That the stock shall be transferable on the books of the said company; and the said directors shall at their annual meeting, submit to the stockholders a written statement of the affairs of said corporation; and the said directors may declare at their annual meetings or semi-annually, dividends of so much of the profits of said company as they may deem advisable at their option, and to be paid to the stockholders or their respective attorneys at such time as shall be directed. Dividends.

7. *And be it enacted*, That this act shall take effect immediately, and shall continue in force for thirty years.

Approved March 17, 1870.

CHAPTER CCCIX.

An Act to legalize certain acts of the township committee and of the inhabitants of the township of Ocean, in the county of Monmouth, in raising money for the purpose of removing the obstructions and maintaining the navigation in South Shrewsbury river, in said county.

Preamble. WHEREAS, The inhabitants of the township of Ocean, in the county of Monmouth, did, on the eighteenth day of May, in the year one thousand eight hundred and sixty-nine, upon due and legal notice given by the township clerk, at the written order of the township committee of said township, having been first requested in writing so to do by ten or more of the taxable inhabitants of said township, did assemble and organize themselves into a special town meeting, and the said meeting there assembled did, by a large majority, vote that the township committee of said township be authorized to raise by tax the sum of five thousand dollars for the purpose of clearing out said South Shrewsbury river, and did also at the same time elect a committee to superintend the cleaning out, maintaining the navigation of said river, according to the provisions of the act entitled "An Act to authorize and empower the inhabitants of the township of Ocean, in the county of Monmouth, to raise money by tax for the purpose of removing obstructions and improving the navigation of the South Shrewsbury river, in said county," approved April twelfth, eighteen hundred and sixty-four; and, whereas, the said sum of five thousand dollars, or a large portion of the same has been expended by said committee in the clearing out and improvement of the navigation of said river, to the great benefit and advantage of said river, to the people of said township, and said sum of five thousand dollars has been assessed upon the inhabitants and taxable property of said township, and the principal portion thereof collected by the township collector, and doubts having been raised as to the legality of the said doings of the township

committee and of the inhabitants of said township of Ocean, and as to whether the said collector is authorized to enforce the payment of said tax so assessed in the same manner as other taxes are enforced.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the acts and proceedings of the township committee and of the inhabitants of the township of Ocean, mentioned in the preamble of this act to raise five thousand dollars by assessments and collection for the purpose of removing obstructions and improving the navigation of South Shrewsbury river, in the county of Monmouth, are valid in all respects and binding upon the inhabitants and taxable property of said township. Acts of township committee declared valid.

2. *And be it enacted*, That the collector of said township shall be in all courts and places deemed and adjudged to have full power and authority to collect the said sum so assessed as aforesaid, in the manner now prescribed relative to the collection of taxes, and that no assessment made shall be for or by reason of anything hereinbefore mentioned, set aside or annulled, and that no suit or proceedings shall be prosecuted to set aside any assessment so made as aforesaid. Collector to collect assessments.

3. *And be it enacted*, That this act shall take effect immediately, and shall be held and taken as a public act.

Approved March 17, 1870.

CHAPTER CCCX.

A Further Supplement to the act approved March twenty-third, eighteen hundred and fifty-nine, entitled "An Act to incorporate the Jersey City and Hoboken Horse Railroad Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Jersey City and Hoboken Horse Railroad Company be and the same hereby are authorized to sell, convey or lease its property, powers, privileges and franchises, or any part thereof, to one or more of the Authority to sell and convey property and franchises

railroad companies in the county of Hudson, and for that purpose any such company or companies are hereby authorized to purchase or lease, and to possess, hold, enjoy and exercise all or any part of the property, powers, privileges and franchises of the said first mentioned company.

May borrow
money and
issue bonds

2. *And be it enacted*, That in order to be enabled more completely to execute this act and the acts to which this is a further supplement, the said purchasing company or companies are hereby authorized to raise such sum or sums of money as they shall deem expedient by issuing their bonds, payable at such times as they may think proper, with interest not exceeding seven per centum per annum, but with the privilege of selling the same at a discount not exceeding ten per centum, and to secure the payment of said bonds the said purchasing company or companies shall have power to convey or pledge by way of mortgage, trust or otherwise the whole or any part of the property, franchises, powers and privileges purchased by them, or either of them, of said first mentioned company, and such conveyance, or any foreclosure sale or other lawful sale by virtue thereof, shall fully and completely transfer to and vest in the grantee or purchaser all the property, franchises, powers and privileges so conveyed or pledged, free from all incumbrances and debts that were not liens on such property prior to the recording or registering of said mortgage.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXIII.

An Act to establish a new township in the county of Middlesex, to be called the township of Raritan.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the townships of Woodbridge and Piscataway, in the county of Middlesex,

commencing at a point on the Raritan river where a line due south, drawn from the centre of the Meadow or Hollard's road, will intersect the same; and thence following northerly along said road to the junction of the Sand Hill road, and following the said road to Ford's Corner; and thence in a straight line to a point one hundred feet east of Samuel Voorhies' house; thence in a straight line to the junction of Turnpike and Mine Gulley road; thence following the said road, the several courses thereof, to the last course; and thence in a straight line with said last mentioned course to the Union county line; and thence along the said county line until it intersects the Piscataway township line; thence southerly along the said Piscataway line to the road leading from Oak Tree to New Brooklyn; thence in a straight line to the northwest corner of the new Durham school lot to Isaac D. Stelle's northeast corner; thence along his northerly line to "Friendship School House" road; thence along said road to said school house; thence in a straight line to the northeast corner of lands owned by Calvin Slade; thence along the boundary line dividing the same from the Smith farm to the Raritan river; thence with the course of the same to the place of beginning, be and the same are hereby set off into a new township to be called the township of Raritan.

2. *And be it enacted*, That the inhabitants of the said township of Raritan are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "The Inhabitants of the township of Raritan, in the county of Middlesex," and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same general regulations, government and liabilities, as the inhabitants of the other townships in the county of Middlesex are now entitled or subject to by existing laws of this state, so far as the same are not repealed or modified by the provisions of this act.

3. *And be it enacted*, That the township committees of Woodbridge and Piscataway, or as many of them as will attend, shall meet at the hotel, in the village of Metuchen, in the township of Raritan, on the first day of May next, after the first election held in the township of Raritan, at ten o'clock in the forenoon, and may adjourn to any other time and place, or times or places, and then proceed by writing to allot and divide between all of said townships all personal

property and moneys on hand, or to become due in proportion to the taxable property and ratables as taxed by the assessors within their respective limits at the last assessment; and the inhabitants of each of the said townships shall be liable to pay their proportion of the debts, and to support the paupers and insane persons whose settlements are or may be within the boundaries of their respective townships, and a decision of a majority of those present shall be final and conclusive.

Elections to
be by ballot

4. *And be it enacted*, That all elections held in said township of Raritan shall be by ballot, and the judges and clerks thereof shall not be eligible to any office at said elections.

Time of hold-
ing elections.

5. *And be it enacted*, That the inhabitants of said township shall hold their first election for township officers at the Academy in Metuchen, on the second Monday of April, anno domini, eighteen hundred and seventy, and annually thereafter upon the same day of the same month, at such place as the judges of election for said township shall from time to time determine upon.

Officers of
elections

6. *And be it enacted*, That Nathan Robins, Robert B. Crowell and James Merritt, be and they are hereby appointed judges of the first election to be held in said township, with power to appoint a clerk for said election, and in case of the neglect or inability of any of the above named persons to act, the vacancy or vacancies so caused, may be filled in the manner prescribed in the twenty-seventh section of the "Act to regulate elections," approved April sixteenth, eighteen hundred and forty-six, and said judges and clerks are hereby invested with all the authority, shall perform the same duties, receive the same fees and be subject to the same penalties, that other judges and clerks of election are or may be subject or entitled to.

Election of
township
committee.

7. *And be it enacted*, That at all subsequent elections for township officers in said township there shall be elected five persons who shall form the township committee of said township, and shall serve for one year and until others are elected in their stead, and the five candidates receiving the highest number of votes at such election for township committeemen shall constitute the town committee; *provided*, that no ballot cast at such election shall contain or have placed thereon the names of more than three persons of the same political party for that office; and in case any ballot shall contain more than three names therefor, such ballot shall be null and void so far

Proviso.

as the said town committee are concerned, and the five persons having the highest number of votes shall be deemed and taken to be elected; *provided*, that in case the electors shall neglect to elect, or on the refusal or inability to serve of any person or persons elected to said office, then a majority of the township committee shall appoint some suitable person or persons to fill such vacancy or vacancies, having regard always to the political principles of the persons constituting said township committee, so that only three members thereof shall belong to the same political party, under the penalty of being adjudged guilty of a misdemeanor, and each of said township committee upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, at the discretion of the court; and such fine when collected shall be paid to the township collector for the benefit of the poor fund of said township.

8. *And be it enacted*, That at the first election, and at all subsequent elections for township officers in said township, there shall be elected three persons as judges of election, who shall not all belong to the same political party, and who shall constitute the board of election for said township, and shall preside at and conduct all elections in said township during their term of office, which shall be for one year, and until their successors are elected or appointed, and no ballot shall contain more than two names for said office; and in case any ballot contains more than two names therefor, said ballot shall be null and void so far as said judges are concerned, and the three persons receiving the highest number of votes shall be deemed and taken to be elected; *provided*, that in case of the neglect or refusal or inability to serve in said office, then the township committee may appoint some suitable person or persons to fill such vacancy or vacancies, or in failure of appointment the same may be filled in the manner prescribed by the twenty-seventh section of the "Act to regulate elections," having regard always to the political principles of the persons already elected, to the end that all of the judges do not belong to the same political party, under the same penalties as prescribed in the preceding section, and which when collected shall be appropriated to the same fund.

9. *And be it enacted*, That at the first election, and at all subsequent elections there shall be elected two chosen freeholders in said township.

10. *And be it enacted*, That the township committee of

said township shall, as often as the interests of the township may require, divide the public roads of said township into convenient and suitable districts, causing the same to be numbered, and a description of the beginning and ending of each to be entered into a book to be kept for that purpose, wherein all matters concerning roads shall be recorded.

Township
clerk, his du-
ties and pow-
ers.

11. *And be it enacted*, That the clerk of the said township shall be clerk of the township committee and of the commissioners of appeal in cases of taxation, and shall keep a book of minutes of the proceedings of said committee and shall also attend the meetings of said commissioners of appeal and make a copy of their proceedings, to be verified by said commissioners as being true, and within two days after the final adjournment of said commissioners deliver the same to the township collector.

Duties of as-
sessor and
collector.

12. *And be it enacted*. That the assessor and collector of said township shall on demand of the township committee of said township, at any time after the twenty-fifth day of December in each year, deliver to said committee their respective copies of the tax duplicate, the tax warrant or warrants and all other papers in their possession relative to the assessing and collecting of the taxes for the time being, and the same shall be filed with the township clerk for preservation.

Delinquent
taxes.

13. *And be it enacted*, That upon the delivery of the tax warrant or warrants to the committee as provided for in section eleven, the said committee may and they are hereby authorized to appoint some suitable person to collect any balance of taxes, with the costs and penalties thereon, still due on said warrant or warrants and the person so appointed shall have all the power and authority to enforce the payment of the same, and shall be subject to the same penalties that the collector has or may be subject to in the premises.

Compensation
of assessors.

14. *And be it enacted*, That the assessors shall receive fifteen cents for each name upon his duplicate for assessing and levying the general taxes, subject to revision by the township committee, and the collector shall receive two per centum on all taxes collected by him on said duplicate, and each commissioner of appeal, judge of election, and clerk of election shall receive three dollars for each days' services in the discharge of their respective duties, and no more.

Repealer.

15. *And be it enacted*, That all acts and parts of acts conflicting with the provisions of this act, be, and they are

hereby repealed, and that this act shall be deemed a public act and take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXIV.

An Act to incorporate Hedding Young Men's Christian Association of Jersey City.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of cor-
porators.</sup> *the State of New Jersey,* That Charles C. Clare, Amos C. Sherwood, James V. Foster and Henry C. Larowe, and their associates and successors, are hereby constituted a body corporate, by the name of "Hedding Young Men's Christian Association of Jersey City," and by that name shall be capable of contracting and being contracted with, suing and being sued, and impleaded in all courts of law and equity, and shall have power to adopt a common seal and to alter the same at pleasure, and do all other acts in their corporate name which may be necessary to carry out the objects of the association. <sup>Corporate
name.</sup>

2. *And be it enacted,* That the object of this association ^{Object.} shall be the improvement of the spiritual, mental and social condition of young men and other persons, by means of lectures, sermons, debates and other services, libraries, reading rooms and social meetings, and by such other means as the board of managers may devise.

3. *And be it enacted,* That the business affairs and estate <sup>Election of
trustees.</sup> of the said corporation shall be managed and conducted by a board of trustees, consisting of five of the members of the said association, who shall be elected by a majority of the votes cast at any election for such trustees, and shall hold their offices for one year, which election shall take place at the annual election of other officers of the said association; but the association, at any of its regular meetings, may, by a majority of votes present, fill any vacancy that may occur in the board of trustees; and until the next annual election

of officers of the said association, the officers for the time being shall be the trustees of said association.

By-laws.

4. *And be it enacted*, That the constitution and by-laws of the said association now in force, with such alterations and amendments as the said association may make in the same, shall continue to be the constitution and by-laws of the said association; *provided*, that the same shall not be inconsistent with the objects of the said association, or the laws of this state.

Provide

May purchase
and hold real
and personal
estate.

5. *And be it enacted*, That the said association, by its corporate name aforesaid, shall have power to take, by purchase, gift, devise or bequest, and to hold, convey, sell and dispose of any real or personal estate, moneys, goods, chattels or other property, for the use of the said association, not exceeding in value one hundred thousand dollars; and all the real estate owned by the said association shall be vested in the said board of trustees.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXVI.

Supplement to "An Act to incorporate the Mount Hope Mineral Railroad Company."

Meetings may
be held in
New York.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the stockholders and directors of said company are hereby authorized to hold their meetings in the city of New York.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXVII.

An Act to incorporate the Hoboken Club of the City of Hoboken.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of cor-
porators.</sup> *the State of New Jersey,* That Robert A. Reed, Samuel Webb, George G. Cooper, Joseph W. Bownes, Hazen Kimball and Hermann D. Busch, and such other persons as now are or hereafter may be associated with them, and their successors shall be and are hereby constituted a body corporate by the name of "The Hoboken Club, of the City of Hoboken, in <sup>Corporate
name.</sup> the County of Hudson," for the purpose of mutual improvement and sociality; the principal office of said corporation to be located in the city of Hoboken.

2. *And be it enacted,* That the said corporation is hereby <sup>May have and
hold real es-
tate.</sup> authorized to receive by donation, purchase or otherwise, and to hold and possess such real and personal estate as it shall deem necessary for the purposes of said corporation; and the same or any part thereof to sell, mortgage, lease or otherwise dispose of at pleasure.

3. *And be it enacted,* That the capital stock of said cor- <sup>Amount of
capital stock.</sup> poration shall not exceed the sum of ten thousand dollars, which may be divided into shares of such amounts, and transferable in such manner, and upon such conditions as the by-laws of such corporation shall prescribe.

4. *And be it enacted,* That the said corporation shall have <sup>General pow-
ers.</sup> power to make and adopt by-laws and regulations, for the admission, suspension and expulsion of its members, the election of its officers, and to define their duties, and for the general management of its affairs, and from time to time may alter or repeal the same, to adopt a corporate seal, and to change the same at pleasure, and in its corporate name may be sued, and may institute suits, both in law and in equity, for the recovery of all fines, debts, fees, dues and arrearages due the said corporation, and for all other causes of action.

5. *And be it enacted,* That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXVIII.

A Supplement to "An Act to authorize the planting of Oysters on lands covered by water in Shark River, in the county of Monmouth, and for the protection of the same," approved March fourteenth, eighteen hundred and sixty-one.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boundary lines mentioned in the first section of the act to which this is a supplement, be changed so as to include all that part of said river within the following boundaries, to wit: beginning at low water mark at Peach Point, in the township of Ocean, and running thence in a straight line to Bukey's Point in the township of Wall; thence down the shore at low water mark to a stake standing on low water mark and on a line with the east end of James W. White's dwelling house; thence northerly and on a straight line to a stake standing at low water mark on the west side of Long Point opposite Yellow Bank, in the township of Ocean; thence up the shore of said river at low water mark to the beginning.

May extend
term of lease.

2. *And be it enacted*, That the commissioners provided for in the said original act, shall have the power and they are hereby authorized to extend the term of lease from five to ten years, if they deem it proper; but said extension to be made at a figure not less than that named in the last public sale; the proceeds arising from said sales to be appropriated to the support of schools in said county.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXIX.

A Supplement to "An Act to incorporate the New Brunswick Water Company," approved March first, eighteen hundred and fifty-nine.

WHEREAS, it is represented that certain parties residing outside and beyond the corporate limits of the city of New Brunswick, are desirous to be supplied with water by the said "The New Brunswick Water Company," and wish the said company to be invested with the necessary powers for that purpose, therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "The New Brunswick Water Company," be and they are hereby authorized and empowered to lay and continue their pipes so far outside and beyond the corporate limits of the said city of New Brunswick, within the counties of Somerset and Middlesex, as they may deem expedient and necessary for the purpose of supplying water to persons who now reside, or who may hereafter reside beyond the said corporate limits, and to erect hydrants and aqueducts, and to contract for the sale of, sell and dispose of the water issuing from such pipes, hydrants and aqueducts in as full and ample manner as they have authority under their charter to lay pipes, construct and erect aqueducts and hydrants in the said city of New Brunswick, and to sell and dispose of the water issuing from the said pipes, aqueducts and hydrants to the inhabitants. Power to lay pipes outside of city limits.

2. *And be it enacted*, That the lands and real estate of the said "The New Brunswick Water Company," held and used by them in the county of Middlesex, and in the necessary prosecution and exercise of their said business, shall hereafter be exempt from city taxation. Property free from tax.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXX.

An Act for the relief of Andrew Bay, of the County of Morris.

Pension.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and is hereby authorized and required to pay to Andrew Bay, of the county of Morris, who was a soldier in the war of eighteen hundred and twelve, or to his order, the sum of one hundred dollars per annum during the term of his natural life, in equal semi-annual payments of fifty dollars each, the first payment to be made upon the first day of June, eighteen hundred and seventy.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXXI.

A Supplement to "An Act to incorporate the Sussex Valley Railroad Company," approved March fourteenth, eighteen hundred and sixty-seven.

Time extended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited, in the act to which this is a supplement, for the commencement of said road, shall be extended to five years, from the approval of said act, and the time limited for the completion of any one of the divisions thereof to five years thereafter.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXXII.

An Act to incorporate the United States Railroad Employees Life Insurance Company of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of cor-
porators.</sup> *the State of New Jersey,* That James W. Woodruff, John S. Hutchinson, R. E. Tripp, Peter H. Mann, W. A. Jenks, John A. Conover, Samuel P. Davenport, and all other persons that may be hereafter associated with them, and having for their object mutual protection and benefit in case of death, be and they are hereby constituted and made a body politic and corporate, with power to make and establish such by-laws, rules and regulations as they may deem expedient, for the management of the concerns of said corporation, and to alter, annul and repeal the same at pleasure; *provided* ^{Proviso.} *always,* that such by-laws, rules and regulations, be not inconsistent with the laws of this state, or of the United States.

2. *And be it enacted,* That it shall be lawful for the com- <sup>General pow-
ers.</sup> pany to have, hold, purchase, receive, possess and enjoy to themselves and their successors real and personal property of every kind, to an amount not exceeding twenty thousand dollars and the same, or any part thereof may sell, grant or alien, may sue and be sued, implead and be impleaded in all courts whatsoever, and may do and execute all acts and things to them appertaining in their said corporate capacity, the company may issue policies or certificates of membership, each of which policies or certificates shall state on its face the agreement with the member receiving the same, and when signed by the president and countersigned by the secretary, shall be binding on the company, and the company shall forward, within sixty days after satisfactory proof of death, the amount as stated in said certificate or policy, a post-office money order for the amount of any assessment, lawfully registered in any post-office, and forwarded to the company within forty days from the date of the notice of the same shall be recognized as payment of said assessment.

3. *And be it enacted,* That for the well ordering and gov-

Directors,
how chosen,
&c.

erning of the affairs of said company, there shall be chosen annually, at such time and in such manner as the by-laws of the company shall prescribe, not less than three nor more than nine directors, who shall continue in office until their successors are appointed, and no meeting of the company shall be legal unless notice is given at least two weeks previous in two newspapers published in the county of Hudson, New Jersey.

Powers and
duties of the
directors.

4. *And be it enacted*, That the directors shall choose a president and vice-president of the corporation and they shall also appoint a secretary for said company and may appoint such other officers, clerks and agents and establish such agencies and fix such compensation as they may deem advisable, and they shall have power to make such covenants and agreements, perform such acts, and exercise such powers as they shall deem expedient, subject to the authority, provisions and limitations of the charter, constitution and by-laws of said corporation, to declare dividends out of the surplus earnings of the company whenever they may deem it advisable; the president and vice president may hold their offices for one year and until others are chosen, but the officers, agents and servants of the company may be displaced and others appointed in their places by the directors; in the absence or disability of the president the vice-president may exercise the duties of the president, and if both are disabled the directors may choose a president, pro tempore, and the directors for the time being shall have power by the vote of the majority, to fill any vacancy which may occur in their board by death or resignation or otherwise, by choosing a director or directors from among the members of said corporation, who shall continue in office until a successor or successors shall otherwise be chosen.

Directors to
receive sub-
scriptions to
guarantee
fund.

5. *And be it enacted*, That the directors of the company are hereby authorized and empowered to receive subscriptions to a guarantee fund for said corporation for an amount not exceeding twenty thousand dollars, which shall be transferable on the books of the company and said subscribers to said fund shall pay on subscribing thereto at least ten per centum on the amount subscribed and the directors may make further assessments until the amount so subscribed shall be paid or secured to be paid, to the satisfaction of said board of directors, and whenever such fund shall be liable for the payment of losses, according to the rules of the company, the

amounts shall be assessed pro rata to the amount of the fund on each of the subscribers to said fund.

6. *And be it enacted*, That whenever all assessments shall have been returned to the subscribers of the guarantee fund and the receipts of the company shall exceed the expenses to an amount equal to the amount of the guarantee fund, then the directors at their option may retire or return all or such portion of the guarantee fund to the subscribers, as the interests of the company may seem to them to require. Directors may retire portion of guarantee fund.

7. *And be it enacted* That the subscribers to said guarantee fund shall be entitled to receive from the fund of the company three per centum, semi-annually, for all money actually advanced by them to the company, for the use and liability of said fund so actually paid in. Per centum allowed to subscribers.

8. *And be it enacted*, That in all elections for directors and in all questions which shall arise at the annual meetings, each member of the company and each subscriber to the guarantee fund shall be entitled to vote and take part in the meeting, and each shall be eligible to the office of a director, and the directors shall make a statement of the affairs of the company at each annual meeting. Annual statement.

9. *And be it enacted*, That it shall be lawful for this company to insure against accident in traveling or otherwise, and carry on the same as a separate department. May insure against accidents.

10. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXXIII.

Supplement to "An Act to incorporate the Linden School House Association."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each share of the capital stock of the said school house association shall be entitled to one vote in the election for officers. Each share of stock to have one vote.

Notice of elec-
tion to be
given.

2. *And be it enacted*, That the annual election for officers of the said school house association shall be held at the said school house, on the first Monday in May of each year, at eight o'clock in the afternoon, and it shall be the duty of the secretary to give notice, in writing, to each of the stockholders, of said election, at least five days preceding such election.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXXIV.

An Act for the relief of Daniel Applegate, of the county of Monmouth.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state, be and is hereby authorized and required to pay to Daniel Applegate, of the county of Monmouth, who was a soldier in the war of eighteen hundred and twelve, or to his order the sum of one hundred dollars per annum, during the term of his natural life, in equal semi-annual payments of fifty dollars each, the first payment to be made upon the first day of June, eighteen hundred and seventy.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXXV.

An Act to establish a Fund in the City of Bridgeton, for the relief of indigent and disabled firemen and their families.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George S. Pierson, Simon A. Beckhardt, Martin Anderson, Frank M. McGear, be and hereby are appointed trustees of "The City of Bridgeton Firemen's Charitable Fund," and that at their first meeting, which shall take place on the first Monday of April, after the passage of this act, they shall appoint a president and treasurer, the latter of whom shall give a bond for the faithful performance of his duties. Corporate name.

2. *And be it enacted*, That the funds of the said "City of Bridgeton Firemen's Charitable Fund," which shall arise from fines belonging to the fire department, under its by-laws, and under the ordinances of the city, and donations, and such other moneys as may belong, under the laws of the state to such fund, shall be appropriated to the relief of such indigent and disabled firemen or their families, as may in the opinion of the trustees be entitled to its benefits. Appropriation of funds.

3. *And be it enacted*, That the common council of the city of Bridgeton, shall annually appoint one of the trustees of said fund, and that at the first meeting of the trustees named in this act, they shall draw for terms of one, two, three and four years, and the first regular meeting of the trustees in each year shall be on the first Monday in April. Time of annual meeting of trustees.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXXVI.

An Act for the relief of John Wood.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid by the treasurer of this state to John Wood, of Cumberland county, a seldier during the war of eighteen hundred and twelve, upon the passage of this act, and at the rate of one hundred dollars per annum thereafter, to be paid to him quarterly during his lifetime.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXXVII.

An Act to regulate Fishing with Seines in Atlantic County.

Fishing with
seine or net
prohibited at
certain sea-
sons.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the passage of this act it shall not be lawful for any person or persons to use any seine, drift net, gill net, or any description of net or seine whatever, for the purpose of taking fish in the waters, bays or sounds of the townships of Galloway and Egg Harbor, in the county of Atlantic, between the months of May and August inclusive in each year, under a penalty of fifty dollars for each offence, to be sued for and recovered in an action of debt, with costs of suit, before any justice of the peace in the said county of Atlantic.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXXVIII.

An Act to equalize the payment of bounties in the township of
Alexandria, in the county of Hunterdon.

WHEREAS, an act was approved March twenty-second, anno ^{Preamble.}

domino eighteen hundred and sixty-four, authorizing and requiring the township committee of the township of Alexandria, in the county of Hunterdon, to raise by taxation on the taxable property of said township the sum of three hundred dollars for each man then required to fill the quota of said township, said quota being ninety-seven men as then required by the two calls of the president, dated respectively October seventeenth, anno domini eighteen hundred and sixty-three, and February first, anno domini eighteen hundred and sixty-four; and whereas, when the draft was made thirty-nine more men were drafted than was contemplated by the act referred to, said thirty-nine men being required to fill a call made by the governor of this state, June twenty-ninth, anno domini eighteen hundred and sixty-three, by virtue of an act of congress passed March third, anno domini eighteen hundred and sixty-three; and whereas, the township committee divided the money appropriated to the ninety-seven men by the act referred to among the whole number drafted, being one hundred and thirty-six, thus leaving a deficiency for each man to pay of eighty-six dollars and three cents; and whereas, said township committee pledged that said deficiency should be refunded; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Amount that}
the State of New Jersey, That the township committee of the ^{may be raised}
township of Alexandria, in the county of Hunterdon, and the ^{by taxation.}
common council of the borough of Frenchtown, formerly a
part of the said township of Alexandria, be authorized and
required to raise by taxation, on or before the first day of
January, anno domini one thousand eight hundred and
seventy-one, on the taxable property of said township and
borough, and collected as other taxes are now collected, a
sum sufficient to carry out the provisions of this act, said sum

not to exceed in amount eleven thousand and seven hundred dollars, to be placed in the hands of the township collector of the township of Alexandria.

Collector to
pay money on
proper certifi-
cates.

2. *And be it enacted*, That the said township collector is hereby authorized and required, upon proper certificates setting forth the same, to pay each man (being one hundred and thirty-six in number, or his legal representative,) drafted under the calls referred to in the preamble of this act, the sum of eighty-six dollars and three cents, said draft having been made in the city of Elizabeth, in this state, on Wednesday, May eighteenth, anno domini eighteen hundred and sixty-four.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXXIX.

A Further Supplement to an act entitled "An Act to incorporate the Westfield and Hackensack Horse Railroad Company," approved March twenty-second, eighteen hundred and sixty.

May extend
line of rail-
road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for said corporation to extend its railroad authorized by the supplement to said act, approved March fourteenth, eighteen hundred and sixty-seven; from its northern terminus to a point on the state line, in the township of Hohokus, east of the point where said line is intersected by the road known as the Franklin turnpike; and said corporation may acquire, hold and possess all lands, rights and property required for such extensions in the manner provided in said act, and is hereby invested with and authorized to exercise the same rights, powers, privileges and franchises for and in the construction, use and enjoyment of the same as are contained in the said act, or in the said supplement thereto; and may increase its

capital stock one hundred thousand dollars beyond the amount now authorized. Capital stock may be increased.

2. *And be it enacted*, That the nineteenth section of said act, and of the supplement to said act, approved March eleventh, eighteen hundred and sixty-two, are hereby repealed; and the rest of said act and the supplements thereto is affirmed. Repealer.

3. *And be it enacted*, That as soon as the said railroad, or any part of it, is in operation, the president of the said company, shall file under oath or affirmation, a statement of the amount of the cost of said railroad, including equipments, appendages and all expenses in the office of the secretary of state, and annually thereafter, on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipments, appendages and expenses of said road; and after the said railroad, or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state, a tax of one-half of one per centum on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads, over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said railroad, or any part thereof shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons, as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company. State tax. Provide.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXXX.

An Act to amend an act entitled "A Further Supplement to an act authorizing the appointment of commissioners to lay out and map streets, avenues and squares in that part of Bergen township south of the Morris Canal, in the county of Hudson," which supplement was approved April seventh, eighteen hundred and sixty eight.

Amendments. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the act to which this is an amendment, shall be amended by striking out the word "uniform" in the third line; and that all grades heretofore established by the commissioners, shall be as valid as if that word had never been in the act; also by striking out of the same section the whole of the proviso, beginning with the word "provided" in the fourteenth line and to the end of said section, and substituting therefor

Proviso. the following, viz: "*provided*, that before a street or avenue has been actually worked to grade, the grade of said street or avenue may be revised or altered by a majority vote of said commissioners and of the board of councilmen of the city of Bayonne, in joint meeting assembled, upon the application in writing of the owners of a majority of property, per lineal feet, along the line of said proposed change of grade; but after said original grades are actually worked, changes may be made by said joint board, but only on the application of the owners of three-fourths of said property per lineal feet; said application to be made to the president of said board of councilmen, who shall, within twenty days after said application, convene said boards, giving ten days public notice of such meeting, at which time all parties interested may be heard; and the action of the joint board shall be final and conclusive."

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXXXI.

An Act to incorporate the Central Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of cor-}
the State of New Jersey, That Cortlandt Parker, William ^{porators.}
 Paterson, George C. Little, Daniel D. Craig, William H.
 Vredenburg, Levi D. Jarrard, Charles W. Herbert, and
 others, their associates, successors and assigns, shall be, and
 they are hereby ordained, constituted and declared to be a
 body politic and corporate, by the name of "The Central
 Insurance Company," to be located in the city of New ^{Corporate}
 Brunswick, in the county of Middlesex, in this state, with ^{name and}
 power to establish and maintain branch offices and agencies ^{powers.}
 at such other place, and for such periods, as to them or to
 the board of directors of said company may appear necessary
 or convenient, to sue and be sued, to plead and be impleaded
 in all courts of justice, and to have and to use a common
 seal, and the same to alter and change at pleasure; and also
 shall be and hereby are empowered to purchase, hold, possess
 and enjoy, to themselves and their successors, any estate, real or
 personal, for the use of said corporation; *provided,* that the ^{Proviso.}
 lands, tenements and hereditaments which it shall be lawful
 for the said corporation to hold, be only such as shall be re-
 quisite for its purposes in the transaction of its business, or
 such as shall have been mortgaged or conveyed to it in good
 faith by way of security for loans, or such as shall have been
 conveyed in satisfaction of debts previously contracted in
 the course of its business, or such as shall have been pur-
 chased at sales upon judgments or decree obtained for such
 debts, and all such real estate as shall not be necessary for
 the purposes of said corporation in the transaction of
 its business, except lands mortgaged or conveyed as afore-
 said, shall be sold and disposed of within five years after the
 said corporation shall have acquired title to the same; and
 it shall not be lawful for the said corporation to hold such
 real estate for a longer period, unless the said company shall
 procure from the comptroller, auditor or other principal finan-
 cial officer of the state, in which such lands may be situate, a

certificate that in his judgment the interests of the company may be impaired by a forced sale of such real estate, in which case the time of sale may be extended for such period as the said financial officer may designate in such certificate.

May make insurances on lives of individuals.

2. *And be it enacted*, That it shall and may be lawful for such corporation to make insurances upon the lives of individuals, and every insurance or contract appertaining to or connected with life-risks and with the provisions of this act, on such terms and conditions as shall be from time to time ordered and provided for by the by-laws of said company, to purchase or loan upon any policy of insurance dividends or obligations of said company for its benefit; to receive from any insured person such sum or sums of money or securities and upon such conditions as may be agreed upon for the purpose of securing the payment of the accruing premiums upon his or her policy of insurance or other obligations, and to grant, purchase, and dispose of annuities.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars in cash, divided into one thousand shares of one hundred dollars each, which shall be deemed personal property, and transferable only on the books of the company in conformity with the by-laws; the holders of said capital stock may receive a semi-annual dividend upon the stock not to exceed three and one-half per cent of the same, the moneys or receipts of said company over and above the dividends, losses and expenses, shall be accumulated and disposed of as hereinafter directed.

Directors to divide themselves into classes.

4. *And be it enacted*, That the property and concerns of said company and its corporate powers, shall be vested in and managed by twelve directors (with the privilege of increasing their number to twenty), and by such officers as they may elect or appoint, each of whom shall be the owner of at least five shares of the capital stock; the said board of directors shall at their first meeting after the management of the company shall be turned over to them by the incorporators, divide themselves by lot into three classes; the term of the first class shall expire at the end of one year, the term of the second class shall expire at the end of two years, the term of the third class shall expire at the end of three years, and annually thereafter such number of directors shall be elected as shall be required to fill the seats of the outgoing directors; *provided, nevertheless*, that any director shall be eligible for re election; such elections shall be by ballot, and a plurality

Proviso.

of votes duly qualified, as hereinafter provided, shall elect; the election for directors after the management of the said company shall have been turned over to them by the corporators, shall be held on the third Monday of January in each year at the office of the company, or such other place as a majority of the directors may previously designate, five of whom shall constitute a quorum, public notice of which shall be given in one or more newspapers printed in the county where the said company shall be located, at least two weeks previously to the time of holding such election, and if any of the said directors shall die, or refuse or neglect to act in their said office for the space of two months, then and in every such case the remaining directors shall have power to fill such vacancies until the next annual election; and in case it should happen that any election for directors should not be held on the day when in pursuance of this act it ought to be held, the said corporation shall not be dissolved for that cause, but the acting directors shall hold office until their successors shall have been duly elected, and it shall be lawful to hold another election at such time and place as the directors, or a majority of them, may designate, by like notice; and until an election for directors shall be held in pursuance of this act, the corporators named in the first section shall be the directors, and have the management of said company and be vested with and exercise its corporate franchises; *provided, nevertheless*, that in case any one or more Proviso. of such corporators shall decline to act as such director, the nominee of such corporator appointed by an instrument in writing duly acknowledged before a justice of the peace or other officer authorized to take acknowledgments, shall, if such nomination be ratified by the remaining corporators, or a majority of them, become and be held to be a corporator and acting director in the place of such declining corporator, and shall hold office until his successor shall have been elected; and until the election of directors as hereinbefore provided, the said corporators, or a majority of them, shall have the right to fill all vacancies in their number caused by death, resignation or otherwise; in the annual election of directors each stockholder shall be entitled to one vote for every share of stock held by him, and such vote may be given in person or by proxy.

5. *And be it enacted*, That the insurance business of the company shall be conducted strictly on the mutual plan, and

Business of
insurance to
be on the mu-
tual plan.

all premiums shall be paid in cash; the officers of the company shall annually cause a balance to be struck of its affairs, which shall exhibit its assets and liabilities, both present and contingent, and also the net surplus after deducting an amount sufficient to cover all outstanding risks and other obligations, which shall be verified under the oath of one or more officers of the company, and filed in the office of secretary of state; each policy holder shall be credited with an equitable share of the surplus, which share may be applied either in reversionary insurance or to reduce the annual premiums, or be paid in cash, as the directors may decide.

May prescribe
rules, &c.

6. *And be it enacted*, That the directors, or a majority of them, for the time being, shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper for the management, custody and disposition of the assets of the company of whatever nature the same may be, and for the government of said corporation and the transaction of its business, and to fulfill the purposes of this act, and to amend, alter and revoke the same at pleasure, and to elect or appoint such officers, clerks and agents as they may deem necessary, with such compensation as may appear to them proper, and upon such tenure of office as said directors may determine; *provided, nevertheless*, that such by-laws, rules and regulations shall not be repugnant to the constitution of this state or of the United States.

Proviso.

How money
may be in-
vested.

7. *And be it enacted*, That it shall be lawful for the said corporation to invest its funds, assets and accumulations in or to loan the same upon bonds and mortgages upon real estate of at least double the value of the debt secured thereon, situate within such state or states as the board of directors may elect, or in stocks or bonds of the United States, or of this state, or of other states of the United States of America, or in stocks or bonds created by or under the laws of this or any other state; *provided*, that in case of investment no stocks or bonds shall be purchased except United States, state, county or city stocks or bonds, and in case of loan, the amount loaned shall be at least twenty per centum below the average market value of the stock so loaned upon, charging interest for the same and such commissions to be credited as the directors shall order, as may be agreed upon; *provided*, that the rate of interest shall in no case exceed the rate of seven per centum per annum.

Proviso.

Proviso.

8. *And be it enacted*, That it shall be lawful for any mar-

ried woman in her own name, or in the name of any third person as trustee, to cause to be insured, the life of her husband for any given period or for the term of his natural life; and in case of her surviving her husband the sum or net amount of insurance shall be payable to her for her sole use and benefit, free from any claims of either or any of the creditors or representatives of her husband; and in case of the death of the wife before the decease of her husband, the amount of the insurance may be made payable after her death to his, her or their child or children, for his, her or their benefit, or their guardian or guardians, if under age; *provided*, that any married woman holding such policy on the life of her husband may make any contract concerning the same as if she were unmarried.

Married woman may insure the life of her husband.

9. *And be it enacted*, That it shall be lawful for this corporation at any time to change its corporate name and adopt another at its pleasure, upon due notice in writing of such change filed with the secretary of state and published in two of the public newspapers of the county of Middlesex; *provided*, that said name shall be changed but once.

May change corporate name.

Proviso.

10. *And be it enacted*, That before said company shall proceed to do any business, the whole capital of said company, amounting to one hundred thousand dollars, shall be invested in the state bonds or stocks of this state, or in bonds of the United States, and shall be deposited with the treasurer of the state, to be held by him as security for the benefit of the policy holders in said company, and the treasurer is hereby authorized to collect the interest falling due upon said investments and pay over the same to said company or its authorized agent; and said board of directors may hold their meetings at such place as they may designate.

Whole amount of capital to be invested and deposited with state treasurer.

11. *And be it enacted*, That it shall be lawful for the legislature at any time hereafter to alter and amend, modify or repeal this act.

Limitation.

12. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXXXII.

A Supplement to an act entitled "An Act to incorporate the Orange Savings Bank," passed March twenty-first, eighteen hundred and fifty-four.

Board of man-
agers, to fix
compensation

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the seventh section of said act as prohibits compensation to managers for actual services performed by them for said corporation is hereby repealed, and all compensation to be allowed to managers shall be first determined upon by the board of managers at their meetings.

Investments
may be in
stocks and
bonds of other
states.

2. *And be it enacted*, That the said corporation in addition to the power given by the said act, may invest money in the stocks and bonds issued by the several states, and also in such bonds as may be issued by the several counties and cities in the different states under the laws thereof, and also may make temporary loans upon personal securities, with pledges of collateral securities at least equal to the amount loaned, to an amount not exceeding at any time fifty per centum of the whole amount of the assets and securities of the said corporation.

Approved March 17, 1870.

CHAPTER CCCXXXIII.

Supplement to an act entitled "An Act to incorporate the Cape May Mutual Fire Insurance Company," approved March twenty-fourth, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "The Cape May Mutual Fire Insurance Company," is hereby authorized to raise, for the greater security of the policy holders of said company, a guaranty fund or capital stock of fifty thousand dollars, divided into shares of one hundred dollars each, and the company may issue certificates of stock therefor, exempt from assessment, for which stock said company may undertake to pay such per centage, annually or semi-annually, as may be agreed upon by the company, upon the amount actually paid in cash, and also to pay to said subscribers such part of the surplus earnings of said company as may in like manner be agreed upon, with power, also, to make requisite provision in such agreement for the payment [of] such subscriptions in installments, and for making assessments thereon, and for forfeiture in case of non-payment.

2. *And be it enacted*, That the subscribers to such fund who shall have paid up all installments and assessments made and due on their respective subscriptions shall be members of the company, and shall have sole power to elect the directors (who shall be stockholders), of the company; that fifty thousand dollars be paid in in cash, or in such other sufficient securities as said company may prescribe, before said company shall commence business.

3. *And be it enacted*, That every person effecting insurance therein shall, before he receives his policy, at the option of said company, deposit his promissory note, as required of the act to which this is a supplement, or shall pay in cash such sum of money as shall be determined to be the premium for said insurance.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXXXIV.

A Further Supplement to "An Act to incorporate the Kaighn's Point and Philadelphia Ferry Company," approved March fifteenth, eighteen hundred and fifty-nine.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of section fourth of said act as provides that four of the directors of said company be citizens of the state of New Jersey, and that so much of section fifth of said act as provides that the president of said company be a resident of this state, be and the same is hereby repealed.

Approved March 17, 1870.

CHAPTER CCCXXXV.

An Act to incorporate the Burlington Agricultural Fair Association.

Corporate
name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That such persons as may hereafter become subscribers to the capital stock of the Burlington Agricultural Fair Association, be and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name, style and title of "The Burlington Agricultural Fair Association."

Amount of
capital stock.

2. *And be it enacted*, That said association shall be, and they are hereby authorized to issue one thousand shares of stock, to be called the capital stock of said company, of the par value of ten dollars each, with the privilege of increasing the number of shares as the association may hereafter deem advisable.

3. *And be it enacted*, That the stock, property and affairs of said association shall be conducted by twelve managers, all of whom shall be stockholders, they shall continue in office for the term of one year, or until others shall be chosen in their place; they shall choose out of their body a president, vice president, treasurer and secretary, which two latter offices may be filled by one person, all vacancies may be filled for the remainder of the year by such person or persons, as the majority of the board of managers for the time being may appoint, a majority of whom shall form a quorum for the transaction of business; that the said board of managers shall have power to establish and ordain such by-laws and regulations as they or a majority of them shall deem proper, and to alter or change the same at pleasure; to fix the compensation of the officers, to adopt a common seal for the association, and all other acts necessary for transacting and conducting the affairs of the said association; *provided*, such rules and by laws be not contrary to the constitution or laws of this state or of the United States.

Election of managers, and officers; their powers and duties.

4. *And be it enacted*, That the first election of managers under this act, shall be held within thirty days after the approval of this act, and annually thereafter; *provided*, that no such election shall be had, until fifty shares of the capital stock shall be first subscribed.

First election.

Proviso.

5. *And be it enacted*, That said association shall and they are hereby authorized and empowered to lease, hold, sell and convey real estate and lands necessary for the purposes of the association; said real estate and lands to be located in the township of Burlington, in the state of New Jersey; and to sue and be sued in and by their corporate name and title.

May hold real and personal estate.

6. *And be it enacted*, That from and after the passage of this act, it shall not be lawful for any person or persons to erect, place or have any booth, stall, tent, carriage, boat, building of any description or other place, for the purpose or use of selling, giving or otherwise disposing of any kind of articles or traffic, spirituous liquors, wine, porter, beer, cider, or any fermented, mixed, or strong drink, or for the purpose of holding, having or making, any show or amusement of any kind whatever, for gain or pleasure, within half a mile of the boundaries of the grounds of said association, during the time of any exhibition of said association; and that no spirituous, malt or other intoxicating liquors shall be sold, given away, or in any way dispensed within the enclosure, or

Traffic in any articles prohibited during the time of the exhibition within certain limits.

Proviso.

upon the grounds of said association ; *provided*, that nothing in this act contained shall be taken or construed so as to affect any licensed tavern-keepers in his or her ordinary and lawful business, at his or her usual place of residence, specified in his or her license ; nor shall it be so construed as to affect any merchant, shop-keeper, farmer, mechanic or other person in the usual and lawful transaction of his, her, or their ordinary concerns and business in their usual places of doing such business ; that the association shall not be authorized to use their grounds for the trials of speed or racing of animals, or shall any premium be awarded by said association for any animal on account of his superior speed, except in walking.

7. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXXXVI.

A Further Supplement to the act entitled " An Act constituting a Public Road Board for the laying out, constructing, appropriating, improving and maintaining public carriage roads in the County of Essex," approved March thirty-first, eighteen hundred and sixty-nine.

Lands benefited to be assessed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no lands in any city, town or township in which any avenue named in the supplement to the act to which this is a further supplement, approved the sixteenth day of February, eighteen hundred and seventy, shall be laid out by said board, shall be liable to be assessed for benefits to pay the compensation to be made for land or property taken which shall not lie within such city, town or township, but the lands in any city, town or township through which any of the said avenues shall be laid out which shall be peculiarly benefited thereby shall be liable to the extent and in proportion to the benefit received for the lands or pro-

perty taken therein only; but in all other respects except as herein provided, the moneys necessary to pay the compensation for lands or property taken shall be raised as in said supplement directed.

2. *And be it enacted.* That the first section of the supplement to the above entitled act, approved February sixteenth, eighteen hundred and seventy, be amended in reference to Washington avenue by striking out the words "shall not exceed in width seventy-five feet." Amendment.

3. *And be it enacted,* That it shall be lawful for the said board to lay out and construct said avenues or any of them in sections of so much of said avenues or any of them as is embraced in any city, town or township; and any of said sections may, in the discretion of the said board, be first laid out and constructed, and the damages for land and property taken therefor may be appraised and the benefits assessed and collected in pursuance of the said supplement before the residue of any of the said avenues shall be constructed or worked. May be laid out and constructed in sections.

4. *And be it enacted,* That the twenty-first section of the act approved March thirty-first, eighteen hundred and sixty-nine, to which this is a farther supplement, be and the same is hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 17, 1870.

CHAPTER CCCXXXVII.

A Supplement to "An Act to incorporate the Mount Holly and Eryrestown Turnpike Company," approved March twenty-fourth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the par value of the stock of said company shall be and is hereby reduced to five dollars per share, and that sum shall be deemed and taken as the Par value of stock reduced.

amount of said stock paid in by the stockholders to said company.

Capital stock. 2. *And be it enacted*, That the capital stock of said company, under said reductions as aforesaid, shall, for all legal purposes, be taken and be deemed to be eight hundred and fifty dollars.

Repealer. 3. *And be it enacted*, That all acts or parts of any act inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.
Approved March 17, 1870.

CHAPTER CCCXXXVIII.

An Act to incorporate the Ridgewood Horse Car Railway Company.

Names of corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Peck, Elias O. Doremus, Antoine G. McComb, John H. Chambers, Edward S. Wilde, James A. Hedden, George Batzle, Robert Peele, Horace Pierson, and such other persons as may be hereafter associated with them, be and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name of "The Ridgewood Horse Car Railway Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the objects of this corporation.

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

Amount of capital stock. 3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to re-

ceive subscriptions to the capital stock of said company, at such time or times and place or places as they, or a majority of them, may deem proper; and at the time of subscribing for said stock such per centage shall be paid upon the amount subscribed for, to the said commissioners, or some one of them, as the said commissioners, or a majority of them, may think proper; and as soon as the sum of fifteen thousand dollars of the capital stock is subscribed for, such commissioners, or a majority of them, shall call a meeting of the stockholders to choose seven directors, a majority of whom shall be chosen from the above named commissioners, and shall be residents of this state; and such election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said commissioners, or any three of them, shall be inspectors of said first election of directors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and money paid in, after deducting all expenses previously incurred and a reasonable compensation for their services, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

4. *And be it enacted*, That the directors of the said corporation shall be seven; and if it shall happen that an election of directors should not be made during the day when, pursuant to the by-laws of said company, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but such election may be held at any other time, on giving at least twenty days' notice in one or

Commission-
ers to open
books of sub-
scription.

Election of
directors.

Not dissolved
by failure to
elect directors

more newspapers published in the county of Essex, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places.

Power to demand capital stock on pain of forfeiture.

Proviso.

5. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of said corporation, and shall have power to call in the stock of said company, by such installments, and at such times as they may direct, by giving thirty days' previous notice in two newspapers published in the county of Essex; *provided*, that no installment shall exceed ten dollars on each share, and that no two installments shall be required to be paid within thirty days of each other; and in case of the non-payment of said installments, or any of them, they shall have power to forfeit the share or shares upon which said default shall arise, to the said corporation; and the said directors shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear useful and proper touching the management and regulation of the stock, property, estate, effects and business of the said corporation; and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them and to the president as to the said directors shall seem proper.

May survey, lay out and construct railway.

Proviso.

6. *And be it enacted*, That the president and directors of the said company, be and they are hereby authorized and empowered to survey, lay out and construct a railway, with such turnouts and switches as the said company may deem necessary, from some suitable point in the town of Orange, in the county of Essex, to some suitable point in the township of Bloomfield in said county, with a branch or branches in said township; said railway and the branches and switches aforesaid, to be constructed from time to time, and in such portions or sections as the said corporation shall deem expedient, and to locate and construct said railway and branches, not exceeding one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and the said company are invested with all the powers necessary or convenient to survey, locate, lay out, construct and maintain said railway; *provided*, that said railway, or the branches thereof, shall not be constructed through any street in the said town of Orange without the consent of the common council of said town; and it shall be lawful for said president and directors, their agents, engineers, superintendents

and others in their employ, to enter at all times upon lands for the purpose of exploring, leveling, surveying and laying out the route of such railway, and of locating the same, and to make and erect all the necessary works, buildings and appendages thereof, doing no unnecessary damage to private property; and when the route or routes and location of said railway, or the branches thereof, shall have been determined upon, and a survey thereof, by section or otherwise, 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 their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and to erect embankments, bridges and all other necessary works thereon, and to lay rails, and to do all other things which may be suitable and necessary for the completion or repairs of the said railway, and to carry into full effect the objects of this act, subject to such compensation and upon such terms as are hereinafter provided for, with full right, power and authority to connect and contract with any other railroad corporation; *provided, however,* that if the said railway shall be located ^{Proviso.} on any public street or highway, except for the purpose of crossing the same, in the township of Bloomfield, the said company shall not lay any rails along such street or highway without first obtaining the consent in writing of the township committee of said township, or a majority of them, to lay the same, which consent shall be filed in the office of the clerk of the county of Essex; and if the said railway shall be located on any public street or highway, except for the purpose of crossing the same, in any township in the said county of Essex through which the said corporation may by this act be authorized to construct their road besides the said township of Bloomfield, they shall not lay any rails along such street or highway without obtaining consent and filing such consent as hereinbefore provided in respect to said township of Bloomfield; and the said railway and the rails thereof shall be constructed in such manner and of such size and pattern as to impair as little as practicable the ordinary travel in any street or highway along which the said road may be located.

7. *And be it enacted,* That if the said company or its agent or agents cannot agree with the owner or owners of such required land, for the use or purchase thereof, or if by rea-

Proceedings
when no
agreement can
be made be-
tween compa-
ny and owners
of land.

son of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of said company, in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of said 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 judges of the inferior court of common pleas of the county of Essex, 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 this state, to make publication thereof as he shall direct, for any time not less than ten 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 as aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands and to assess the damages, upon such notice, not less than ten days, to be given to the persons interested, or otherwise, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners, (having first taken and subscribed an oath or affirmation before some person duly qualified to administer the same, 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, and to make a just and equitable appraisal of the value of the same, and an assessment of damages as shall be paid by the said company, which report shall be made in writing, under the hands of said commissioners, or any two of them, and shall be filed within ten days thereafter, together with the aforesaid description of the lands, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the said county, to remain on record therein, which report, or in case of an appeal, the verdict of a jury and the judgment of the court, and a copy thereof, certified by the clerk of said county, the damages and costs assessed and adjudged, being first paid as hereinafter mentioned, 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 lands ; and either of the judges of said court shall, on application of either party, on reasonable notice to the other, tax and allow such costs, fees and expenses, to the judges of the said court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

8. *And be it enacted*, That in case said company, or the owner or owners of the said land shall be dissatisfied with the report made by the said commissioners named in the preceding section of this act, the party so aggrieved may appeal to the circuit court of the said county of Essex, by petition to the said court, to be filed with the clerk thereof within ten days after the filing of the report of the commissioners aforesaid ; and notice in writing of such appeal shall be given to the opposite party within ten days after the filing of said petition, which proceedings shall vest in said circuit court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be empannelled and sworn as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of said court to be holden in said county, upon like notice and in the same manner as other issues in the said court are tried ; and it shall be the duty of the jury to assess the value of the said land and damages sustained, and if they find a greater sum than the commissioners have awarded or the company may have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded thereon ; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded, or the company offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the sum found by the said jury, or execution awarded therefor, as the court shall direct, but such application shall not prevent the company from taking the said land upon filing the said report ; *provided*, that in no case whatever shall said company enter upon or take possession of the lands of any person or persons for the purpose of actually constructing said railway, or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of the company, until they have paid the party or parties en-

Proceedings
in case of ap-
peal.

Proviso.

titled to receive the same, the amount found by the said commissioners as the value of the said lands or damages ; but in case the party or parties entitled to receive the amount assessed by the commissioners, shall refuse upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then payment of the amount assessed or found as aforesaid, into the circuit court of the county of Essex, shall be deemed a valid and legal payment ;

Proviso. *and further*, that the party or parties entitled to receive the amount assessed by the commissioners may upon tender thereof being made, receive the same without being debarred thereby from an appeal from the report of the commissioners, and it shall be lawful for said company, and they are hereby authorized, with their road, to cross the line of any other railroad ; *provided*, that the grade of the road hereby authorized, at the point or points of crossing such other railroad, shall correspond with the grade of the railroad so to be crossed ; or otherwise, at such point or points shall be constructed a viaduct of such height as not to interfere with the passage of the trains upon such other railroads.

May purchase equipments, &c. 9. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and place and use on said railway, cars, wagons, carriages or vehicles for the transportation of persons or any species of property, with such motive power as they may think expedient or right, but that no steam power shall be used on said railway, or any part thereof, and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper ;

Proviso. *provided*, that they shall not charge more than five cents per mile for each passenger, and twenty-five cents per ton per mile for the transportation of every species of heavy merchandise and goods as usually weighed by the ton in the carriages of the company, and for dry goods and packages such reasonable rates as shall be fixed by the board of directors, or six cents per ton per mile for every ton, four cents per mile for every passenger carried on said railroad in the carriages of others, and four cents per mile for every empty carriage not the property of the company ; and that the said road authorized by this act shall be and is declared a public highway, and free for the passage of any railroad carriage

thereon with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the carriages so used thereon shall be of the same description in the formation of the wheels and length of axles as those used by the company, and shall be regulated as to the time of starting and running and rates of traveling by the company, in the same manner as the carriages of the company are; and the said railway and its appendages and the land over which the same shall pass and all the works and improvements, and all other property whatsoever belonging to the company, are hereby invested in the said company and their successors for and during the continuance of the charter; *provided always*, that in case the said company after the said road is completed, shall abandon the same, or cease to use and keep it in repair for three successive years, that then and in that case the franchises granted to said company by this charter shall be annulled, and the title to the lands over which the said railway is located shall be revested in the person or persons who would have been legally entitled thereto if this said road had not been located, but the superstructures of the said railroad and the materials of which the same are composed shall in such case be deemed and taken to be the personal property of the said company, and shall be by them removed and disposed of within a reasonable time, to and for the use of said company.

Proviso.

Proviso.

10. *And be it enacted*, That the president and directors of the said corporation shall declare and make such dividends as they deem prudent and proper, from time to time out of the net profits of the said railroad.

Dividends.

11. *And be it enacted*, That the said company may purchase, have, hold and occupy, such real estate at or near the commencement and termination of said road, and at such points along the line of said road as may be necessary for the convenient transaction of business, not exceeding three acres in each place, and may erect and build thereon, depots, houses, warehouses, stables and such other buildings and improvements as they may deem expedient for the safety of their property and the necessary uses appertaining to their business, and shall have the privilege and authority to erect, build and maintain, over such streams, canals or water courses, as the road may cross, such piers, bridges and other facilities, as they may deem expedient and necessary for the full enjoyment of all the benefits conferred by this act.

May purchase and hold real estate.

Penalty for
injuring
works, &c.

12. *And be it enacted*, That if any person shall wilfully or maliciously injure the said road, or any buildings, cars, vehicles, animals or works of said corporation such person or persons shall forfeit and pay therefor to the corporation, three times the amount of damages sustained by means of such injury, to be recovered in the name of the corporation, with costs of suit, in any court having cognizance of the same.

When com-
pany may
commence
running cars.

13. *And be it enacted*, That when so much of said road is completed as to make it a public convenience, the said company may commence running cars for the transportation of passengers and freight, enjoying all the privileges, and subject to the restrictions created by this act.

Statement of
costs and ex-
penses to be
made and filed

14. *And be it enacted*, That as soon as the said railway, or any part thereof, is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railway, including equipment, appendages and all expenses, in the office of the secretary of state, and annually thereafter, on the first Monday in January in each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost of equipment, appendages and expenses of said road, and after the said railway or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until said railway, or any part thereof, shall be in operation, said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons as the other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

State tax.

Proviso.

Persons that
shall ride free

15. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors and appeals of this state, whilst traveling for

the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, shall pass and repass on the railway of said company free of charge during the year or years for which they were elected.

16. *And be it enacted*, That the said corporation shall have power to borrow, after fifty per centum of the capital subscribed shall have been paid in, in cash, such sum or sums of money, from time to time, as shall be necessary to build, construct, or repair said road and furnish the said company with all necessary rails, buildings, cars, vehicles, and animals for the use and object of said corporation, and to secure the repayment thereof by bond and mortgage or otherwise, on the said road, land, franchises and appurtenances of or belonging to the said corporation, at a rate of interest not exceeding seven per centum per annum.

May borrow money and secure the same by bond and mortgage.

17. *And be it enacted*, That it shall be lawful for the said corporation, at any time during the continuance of its charter, to lease its road to or consolidate with any other company, and after such lease or consolidation, such company may use and operate said railroad according to the provisions and restrictions contained in the charter of such company, or the said corporation may make contracts and engagements with any other company or corporation, or with individuals, for operating said railroad, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of such contracts, and also to demand and receive for the transportation of all passengers and freight by them carried and transported over the road of any other company, the same rate of fare and tolls as the said company are entitled to demand and receive by virtue of this act, for transportation and passage over their own road.

May lease road or consolidate with any other company.

18. *And be it enacted*, That the said company shall have power to connect with any other railroad now or hereafter built and established by any other company incorporated by the legislature of the state of New Jersey, upon such terms and conditions as shall be agreed between them and not inconsistent with their respective charters.

May connect with any other railroad.

19. *And be it enacted*, That if at least one mile of the said railway be not completed and in use within five years from the fourth day of July next, then and in that case this act shall become void.

Act, how made void.

20. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXLIV.

An Act to authorize the construction of a Wharf or Dock at Pennsgrove.

May build a
dock or wharf.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Joseph Guest, his heirs and assigns, to build, maintain and keep in repair, a dock or wharf, or to lease for a term of years to any person or persons, or to any incorporated company, for the purpose of building, maintaining and keeping in repair, a dock or wharf, upon and in front of his lands, in the township of Upper Penns Neck, in the county of Salem, extending the same a sufficient distance into the Delaware river for the accommodation of vessels navigating the same, and from time to time to rebuild and repair the same as may be necessary for the improvement of his property and the benefit of commerce, and to demand and receive wharfage therefor from all persons using the same; *provided*, that said dock or wharf shall not obstruct the navigation of said river.

Proviso.

Penalty for
injury to dock

2. *And be it enacted*, That if any person or persons shall wilfully destroy, or in any way injure the said dock or wharf, such person or persons shall be responsible therefor, said damages to be recovered in any court having jurisdiction.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXLV.

A Further Supplement to the act entitled "An Act to incorporate the town of Phillipsburg, in the township of Phillipsburg, in the county of Warren," approved March eighth, eighteen hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the wards of said town shall be the same as the sections of the school districts of said town, as established by the act entitled "An Act respecting public schools in the town of Phillipsburg, Warren county," approved March ninth, eighteen hundred and sixty-nine, to wit: the boundaries of section first of said district shall be the boundaries of the first ward of said town; of section second of said district shall be the boundaries of the second ward of said town; and of section third of said district shall be the boundaries of the third ward of said town. ^{Boundaries of wards.}

2. *And be it enacted*, That the board of education of the town of Phillipsburg shall consist of three commissioners of public schools in and for each of the wards of said town, who shall be divided into classes as heretofore, and each of the wards of said town shall, at the annual charter election thereafter, elect one person as commissioner of public schools of said ward, who shall hold such office for the term of three years; *provided however*, that nothing herein contained shall abridge or vacate the term of office of any member of the present board of education, and to effect which, at the first annual charter election hereafter, unless to fill a vacancy, but one commissioner shall be elected in each ward, and for the term of three years. ^{Election of board of education.}

3. *And be it enacted*, That the common council may, and are hereby authorized to raise by loan, any sum not exceeding fifteen thousand dollars, for the purpose of constructing two fire engine houses, and expenses of streets and alleys. ^{May borrow money.}

4. *And be it enacted*, That the common council shall have the appointment of the police of said town. ^{Appointment of police.}

5. *And be it enacted*, That this act shall be a public act and go into effect immediately.

Approved March 17, 1870.

CHAPTER CCCXLVI.

An Act for the relief of the New York Tunnel Company.

Preamble. WHEREAS, the New York Tunnel Company is a corporation, chartered by the legislature of the state of New York, for the purpose of constructing a tunnel or tunnels, on the bed of the North river, between the states of New York and New Jersey ; therefore,

Consent of state given. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the consent of this state be given to the said New York Tunnel Company to enter upon, and land the tunnels of said company at any point or points on said North river, in this state, that the New York Tunnel Company may deem practicable to select.

Proceedings when owners of land will not consent. 2. *And be it enacted*, That said company before they enter upon, occupy or possess any lands, streets, avenues, or places in this state for the landing of their tubes or tunnels, shall first obtain the consent of any and all owners of property so entered upon, or taken for said purposes, and in case the consent of any owner of lands necessary to be used, and taken by said company, cannot be obtained, it shall be lawful for said company to apply to one of the justices of the supreme court, resident in the judicial district where said property is located, for the appointment of three commissioners, to estimate the damages accruing to any, and all persons, owning lands so taken, for the landing and operating said tunnel or tunnels.

Notice to be given of intention to apply for commissioners. 3. *And be it enacted*, That notice of such application shall be given by inserting in two newspapers, published in the county where such property is located, for a period of two weeks, a notice of the intention of said corporation to apply for such appointment of commissioners, and of the time and place

of making such application, and said justice to whom such application is made, upon due proof of the publication as aforesaid, shall appoint three disinterested persons, who shall act as commissioners, and said commissioners shall cause public notice to be given of their first sitting in the same manner as herein required for the notice of application, and may adjourn from time to time, until all their business shall be completed.

4. *And be it enacted*, That the said commissioners shall estimate all the damages to each and every person whose land and property is taken for the purposes aforesaid, and the decision of said commissioners or a majority of them, and reported by them, shall be a final award, and the same shall be paid by the said corporation, before it may enter upon, possess, use, and enjoy said premises required to be taken for the purposes aforesaid, and the said commissioners shall receive for their services, the sum of three dollars per day, for each and every day they are actually employed as aforesaid, and that the office of the company shall be located in Hudson county.

Duties of the
commission-
ers.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXLVII.

An Act to incorporate the McKay Iron and Locomotive Works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Nathaniel McKay, James R. Thompson, Benjamin G. Clarke, W. H. Jackson, Noah D. Taylor, Isaac I. Vanderbeck, John M. Courtenay, Charles H. O'Neill, Charles J. Pusey, Benjamin F. Woolsey, William Kinney, George Smith, William Reed, Winslow Ames, Willard Derby, Leon Abbett, John Griffiths, Sidney B. Bevans, Thomas Gannon and William Harris, and their associates, shall be and they are hereby declared to be a body corporate,

Names of cor-
porators.

Corporate
name.

in fact and in law, by the name of "The McKay Iron and Locomotive Works," for the purpose of manufacturing locomotives, boilers, steam engines, cars, machinery, and all other articles of which iron, brass or copper form the principal ingredient; and for that purpose may purchase, lease and hold such real estate and personal property as may be needful to carry on the said business, or which may accrue to them in the course thereof, and may sell, mortgage, lease or otherwise dispose of the same.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, divided into shares of one hundred dollars each, with power to increase the same, from time to time as it may elect, to any sum not exceeding two hundred and fifty thousand dollars, by giving ten days' notice of its intention to do so, in two newspapers printed in Jersey City, and within six months thereafter, filing with the secretary of state, under the oath of the president or the treasurer and a majority of the directors, a statement that the amount of the increased capital so proposed to be increased has been paid in.

Commission-
ers to receive
subscriptions.

3. *And be it enacted*, That the persons named in the first section of this act, or a majority of them, may proceed to open books for subscriptions to the capital stock of the said company, in Jersey City, and subscriptions to the said capital stock may be paid in cash, or in real or personal property appropriate to the business contemplated in this act, at its fair value; and when five hundred shares are subscribed for and fully paid in, in money or property, as herein provided, the said corporators, or a majority of them, shall forthwith call a meeting of the stockholders, for holding the first election of directors of said company, each share of stock to be entitled to one vote, and stockholders may vote in person or by proxy.

Annual elec-
tion of direc-
tors.

4. *And be it enacted*, That the business of said corporation shall be managed by a board of nine directors, all of whom shall be stockholders, who shall be elected annually after the first election, and hold their office for one year and until their successors are elected; and a majority of the directors shall constitute a quorum for the transaction of business; if from any cause the election shall not take place at the time fixed, it shall be lawful to elect the same at any other time, after two weeks' notice; said directors shall elect one of their number to be president, and appoint such other officers and

agents as they may deem necessary to manage the affairs of the company; they shall fill all vacancies occurring in their own body, until the next succeeding election by the stockholders, and have power to make all needful rules, regulations and by-laws for the well ordering of the affairs of the corporation, not inconsistent with the laws of this commonwealth.

5. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferred in such manner as the by-laws may prescribe; but no dividends shall at any time be made to the stockholders except from the net profits of the corporation. Dividends.

6. *And be it enacted*, That regular books of accounts shall be kept in the office of said company, in the city of Jersey city, to which books every stockholder may have free access at all reasonable times for the purpose of inspection. Books of account to be kept.

7. *And be it enacted*, That the said corporation, in addition to its office for the transaction of business in Jersey City, may also have an office in the city of New York. May have an office in New York.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the general restrictions and liabilities set forth in "An Act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable, and the legislature may at any time hereafter modify or repeal the same. Rights and privileges.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXLVIII.

An Act to authorize the Union Car Spring Manufacturing Company to increase its number of directors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Union Car Spring Manu- Number of directors may be increased.

facturing Company, incorporated March seventeenth, eighteenth, eighteen hundred and sixty five, is hereby authorized and empowered to increase its directors to any number not exceeding thirteen, one of whom shall be elected president and another may be elected as vice president of the company; *provided*, that such increase of directors, and election of president and vice president shall first be authorized by a majority of all the shares of stock issued by said corporation at any general or special meeting of the stockholders.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXLIX.

An Act to incorporate the Masonic Hall Association, of Seaville.

Names of corporators.

Corporate name.

Objects.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry S. Doolittle, Thomas Townsend, Henry Swain, Richard S. Leaming, B. C. Lippincott, William L. Stites, Leaming M. Rice, William F. Garrison, Thomas Beesley, John M. Townsend, their associates and successors be and they are hereby declared to be a body politic and corporate, in fact and in law, by the name, style and title of "The Masonic Hall Association, of Seaville," and by that name shall be capable of purchasing and holding, mortgaging and conveying any lands, tenements, goods and chattels; said real and personal estate not to exceed in value the sum of fifty thousand dollars, and have power to sue and be sued, plead and be impleaded in all courts and places, to make and use a common seal, and alter the same at pleasure; and to make by-laws not inconsistent with the constitution or laws of the United States or of this state for the management of the property, the regulation of the affairs, and for the transfer of the stock of said corporation.

2. *And be it enacted*, That the general object of the said corporation is declared to be the purchase of real estate in

the town of Seaville, in the township of Dennis, in the county of Cape May, and the improvement thereof for the purpose of a Masonic hall, and for other purposes.

3. *And be it enacted*, That the capital stock of the said corporation shall be twenty thousand dollars, divided into shares of ten dollars each, which shall be subscribed and paid at such times, in such manner, in such installments and upon such notice as the directors of the said corporation by their by-laws may direct and appoint; and in case of failure by any stockholder to pay his or her installments at the time and place appointed by the said by laws for the payment thereof, such stockholder shall, at the option of the directors of the said corporation, incur a forfeiture of his or her share or shares, and of all previous payments thereon for the use of said corporation. Amount of capital stock.

4. *And be it enacted*, That the capital stock of the said corporation shall be deemed personal property, and the said shares shall be transferable only on the books of the said corporation, in such manner as the board of directors may by their said by-laws direct, and every share of said stock shall entitle the holder thereof to one vote, either in person or by proxy. Stock transferable.

5. *And be it enacted*, That the management and disposition of the affairs and property of the said corporation shall be vested in nine directors, who shall be stockholders of the said corporation, and residents of the county of Cape May, who shall be elected by the stockholders of the said corporation yearly, at such time and in such manner as the corporation shall by the by-laws thereof provide, and who shall serve for one year and until others are elected in their stead; that the first election of directors shall be held on the first Wednesday in May next, at twelve o'clock at noon, at the lodge room of Cannon Lodge, number , in the town of Seaville, and thereafter as shall be provided in the said by laws, that the directors, when elected, shall choose from their own number a president and vice president, which said president, vice president and directors for the time being shall constitute the board of directors of the said corporation, and that a majority of the said board shall be a quorum for the transaction of business. Directors, how elected, &c.

6. *And be it enacted*, That the said directors may make penalties for any breach of the by-laws of the said corporation, not exceeding one dollar. Powers.

First election of directors. 7. *And be it enacted*, That when at least two hundred shares of stock of the said corporation shall be subscribed, the same may be organized and proceed to the first election of directors thereof at the time and place herein above mentioned.

How dissolved 8. *And be it enacted*, That the said corporation may be dissolved at a general meeting of the stockholders specially called for that purpose ; *provided*, that at least three-fourths in value of the stockholders shall concur therein ; and upon such dissolution, the directors for the time being, and the survivor or survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for settling all the affairs of the said corporation, collecting and disposing of its property and assets, paying its debts and dividing the surplus among the stockholders in proportion to their respective interests in the stock.

Proviso. 9. *And be it enacted*, That this act shall go into effect immediately.

Approved March 17, 1870.

CHAPTER CCCL.

A Further Supplement to an act entitled "An Act to set off from the township of Bloomfield, in the county of Essex, a new township, to be called the township of Montclair," approved April fifteenth, eighteen hundred and sixty-eight.

Northern
boundary of
district de-
clared.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That road district number two described in the supplemental act (approved April first, eighteen hundred and sixty-nine), to the above entitled act, be and the same is hereby enlarged by extending ~~it~~ north to a line parallel with and three hundred feet north of the northerly line of Watchung avenue, carrying the western and eastern boundaries of said district in their present direction north to intersect a continuation of said line, which is hereby de-

clared to be the northern boundary of said district.

2. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLIII.

A Supplement to the act entitled "An Act to incorporate Public Schools in the town of Phillipsburgh, Warren County," approved March ninth, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the estimate of the board of education authorized by the twelfth section of the act to which this is a supplement, shall be made on or before the first Friday of May in each year, and in all cases when said estimate shall exceed the sum of three thousand dollars for the cost of land and erection of a school house thereon, the common council shall consider said excess and reduce, increase or refuse the same, and shall determine by resolution the amount of moneys to be appropriated for the purchase of land and erection of a school house or school houses thereon, which shall not exceed the sum of six thousand dollars in any one year.

2. *And be it enacted*, That the tax for the purchase of land and erection of school houses thereon shall be assessed, levied and collected at the same time that state, county and township taxes are assessed, levied and collected.

3. *And be it enacted*, That this act shall be deemed and taken to be a public act, and take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLIV.

An Act to authorize the Common Council of the City of Trenton to issue bonds in aid of public improvements in said city.

May issue
bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of the city of Trenton to issue bonds under the corporate seal of the said city and under the signatures of the mayor and city treasurer for an amount not exceeding fifty thousand dollars, bearing interest, payable semi-annually, at the rate of seven per centum per annum, and payable at such time or times as may be agreed upon by the common council, not less than three years nor more than ten years from the date thereof, pledging the credit and whole property of the city for the payment of the same; and it shall be lawful for the said common council to sell the same for not less than the par value thereof, as the proceeds of the same may be needed.

How proceeds
shall be ap-
plied.

2. *And be it enacted*, That the proceeds of said bonds shall be applied by the common council, at such time or times as they may deem necessary, for the opening and improvement of the streets of said city as may be authorized by the common council and for no other purpose whatever; *provided*, that such bonds shall not be issued in any case unless a majority of the whole number of said common council shall concur, and that this act shall not be construed to authorize an increase of the permanent debt of the city.

Money re-
ceived in pay-
ment of as-
sessments to
be used to pay
bonds.

3. *And be it enacted*, That whenever any such bonds shall be issued by the said common council and the proceeds applied for the purpose of carrying out any such improvement, it shall be the duty of the common council to apply all moneys received in payment of the assessments for said improvement to the final payment of such bonds and for no other purpose whatever.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLV.

An Act to incorporate the Washington Fire Company, Number One, of Matawan township, Monmouth county, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of the town-^{Corporate name.}ship of Matawan, in the county of Monmouth, be and hereby are created and declared to be a body politic and corporate, under the name and style of "The Washington Fire Company, Number One, of Matawan Township, in the County of Monmouth."

2. *And be it enacted*, That the legal voters of said town-^{Election of trustees.}ship shall, on the second Tuesday of March next, at their annual town meeting, and annually thereafter, elect by plurality of votes five persons as trustees of the said corporation, who shall hold their office for the term of one year, and until others are chosen in their stead; and that David H. Wyckoff, William S. Horner, William Spader, Charles W. Fountain and Jesse Sickles shall be the trustees of this corporation until the first trustees are elected under this act, and the said trustees by a majority of their number shall have power to grant or annul certificates of membership in said fire company.

3. *And be it enacted*, That the estate, both real and per-^{Real and personal estate to be held in trust.}sonal, which may hereafter be acquired under this act is hereby vested in said board of trustees, and their successors, in trust always for the benefit of the said corporation, and the said trustees may, from time to time make and enforce such by-laws and regulations as they may deem expedient; a majority of the trustees shall constitute a quorum for the transaction of business.

4. *And be it enacted*, That the inhabitants of the said town-^{May assess tax to build engine house.}ship of Matawan be and they are hereby authorized at their next annual town meeting to vote for, assess and collect, in the same manner as other taxes are assessed and collected, a sum of money not exceeding two thousand dollars, which money when collected shall be paid over to the board of trustees and be by them applied for the purchase of real

estate, and a building for an engine house and apparatus necessary for extinguishing fires.

Vacancies how filled.

5. *And be it enacted*, That vacancies in the board of trustees from death, removal or refusal to serve shall be filled by the remaining trustees.

Members to be exempt from jury duty, &c.

6. *And be it enacted*, That all persons during the period of their actual membership of the company organized by this act shall be exempt from jury and military duty, and all persons having served as members of said company for a period of seven years, and having received a certificate from said trustees of such service, shall be forever exempt from such duty in this state.

7. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLVI.

Supplement to an act entitled "An Act to incorporate the Astor House Hotel Company," approved March seventeenth, eighteen hundred and sixty-four.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five of the act to which this is a supplement be and the same is hereby repealed; *provided*, that the whole amount of the debt which the said corporation shall at any one time owe shall not exceed the sum of two hundred and seventy-five thousand dollars.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLVII.

An Act to incorporate the Orphans' Home, of Morristown, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Abel Minard, Dayton A. Minard, Amanda E. Whitnall, Jessie C. Minard, Alfred Mills, Mortimer M. Southworth and Levi F. Bowen, and their successors, are hereby constituted a body corporate by the name of "The Orphans' Home, of Morristown, New Jersey," and by that name shall be capable of contracting and being contracted with, suing and being sued, and impleaded in all courts of law and equity; and shall have power to adopt a common seal and to alter the same at pleasure, and do all other acts in their corporate name which may be necessary to carry out the objects of the incorporation.

2. *And be it enacted*, That the objects of this incorporation shall be the support, education, and the improvement of the spiritual, mental, moral, intellectual and physical condition, at the building lately erected by Abel Minard, in the city of Morristown, in this state, for that purpose, of so many orphan girls who have lost both parents, as said building will accommodate, and as the funds apportioned to defray the expenses thereof will warrant; those admitted therein to be retained so long as the board of trustees may determine, and while at the Home they shall be instructed in the branches of education usually taught in common schools, and in instrumental and vocal music, and in all branches of domestic industry requisite to constitute good housekeepers; a school for religious instruction shall be held at the Home on each Sabbath, at which such religious instruction shall be given to the inmates as is ordinarily given in Sabbath schools, and said inmates shall at least once in each Sabbath be required to attend religious services in some Evangelical church.

3. *And be it enacted*, That the affairs, property and estate of said corporation shall be managed and conducted by a board of trustees, consisting of the persons named in the first section of this act, and their successors; no vacancy that shall

Vacancies,
how filled

occur in the trustees named in said first section, either by death, refusal to serve, resignation, or otherwise, shall be supplied until after the number of trustees shall be reduced to five, and thereafter the affairs, property and estate of said corporation shall be managed and conducted by said five trustees and their successors, and any such vacancy that shall occur after such reduction to five trustees, shall be supplied by appointment by said Abel Minard, Dayton A. Minard, Amanda E. Whitnall, and Jessie C. Minard, or the survivors or survivor of them in connection with the Reverend Edmund S. Janes, a bishop of the Methodist Episcopal church, so long as he shall live and hold such office of bishop; and after his death, or after he shall cease to hold such office, the appointment shall be so made in connection with such bishop of the Methodist Episcopal church, as shall reside in, or nearest to Morristown aforesaid, at the time of any such appointment; such appointment to be made by the vote of a majority of the persons authorized to participate therein; all such vacancies as shall occur after the death of said Abel Minard, Dayton A. Minard, Amanda E. Whitnall and Jessie C. Minard shall be supplied by appointment by the bishop of the Methodist Episcopal church, who shall reside in or nearest to Morristown, aforesaid, at the time any such appointment shall be made.

Powers of the
trustees.

4. *And be it enacted*, That the board of trustees may from time to time adopt such rules and regulations for the management of said home as in the judgment of the board will most effectually promote the object of the incorporation as herein expressed; *provided*, that the same shall not be inconsistent with the laws of this state.

May purchase
and hold real
estate.

5. *And be it enacted*, That the said corporation, by its corporate name aforesaid, shall have power to take by purchase, gift, devise or bequest, and to hold, convey, sell and dispose of any real or personal estate, money, goods, chattels or other property for the use of said corporation, not exceeding in value five hundred thousand dollars; and so long as such real and personal estate, or the income thereof shall be used exclusively for the purposes of said corporation, the same shall be exempt from taxation; and all the real estate owned by the said corporation shall be vested in the said board of trustees and their successors from time to time.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLVIII.

Supplement to an act entitled "An Act to revise and amend the charter of the city of Elizabeth," approved March fourth, eighteen hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of* Repealer.]
the State of New Jersey, That the supplement to the act to revise and amend the charter of the city of Elizabeth, approved March fourth, eighteen hundred and sixty-three, which supplement was approved March thirty-first, eighteen hundred and sixty-nine, be and the same is hereby repealed.

2. *And be it enacted,* That at the next election in the said city, in addition to the other officers there shall be elected in each ward two councilmen and two commissioners of public schools, of whom the councilman in each ward and the commissioner in each ward having the highest number of votes shall hold his office for two years, and the councilman in each ward and the commissioner in each ward having the lowest number of votes shall hold his office for one year; and at each subsequent election there shall be elected in each ward one councilman and one commissioner of public schools who shall hold office for two years.

3. *And be it enacted,* That it shall be the duty of the city council at least one month before the next election, if in their opinion it shall be necessary so to do in order to equalize more nearly the population of the several wards, to revise the boundaries of the wards and increase or diminish their number, and thereafter the wards of the said city shall be numbered and bounded respectively, as determined by the resolution of the said council and so remain for the space of four years, and the wards so bounded, numbered and established by the city council shall each be entitled to all the rights, powers, authority, privileges, advantages, officers and representation and subject to the same general regulations and liabilities as the several wards of said city are now entitled or subject to by the existing laws of this state, and each ward shall be an election district and the next and all

Election of
councilmen
and commis-
sioners of
public schools

Council may
revise the
boundaries of
the wards and
increase or di-
minish their
number.

ensuing elections shall be held in each ward, in such place therein as the city council shall designate.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLIX.

An Act to incorporate the Treaty Island Bridge, Railroad and Ferry Company.

Names of cor-
porators.

Corporate
name.

Amount of
capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Pancoast, Asa P. Horner, William Folwell, Benjamin Cooper, Clayton Cooper, Andrew Manderson, John Street, Thomas Sinex, and all such persons as shall be associated with them, their successors and assigns, holders of the stock hereinafter mentioned, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name and title of "The Treaty Island Bridge, Railroad and Ferry Company," and by that name shall be capable in law and in fact of purchasing, hiring, holding, using, letting, improving and disposing of all such real and personal estate as may be necessary or expedient for the objects and purposes of this incorporation, and may receive and make all deeds, sales, transfers, conveyances, grants, mortgages, bonds, bills, leases, covenants, contracts, agreements, and bargains, and be capable of doing all other acts and things whatever, proper or necessary for the objects and purposes of this incorporation.

2. *And be it enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars, with the privilege of increasing the same from time to time to any amount, not exceeding five hundred thousand dollars, divided into shares of one hundred dollars each, which shall be deemed personal property, transferable only on the books of the company, to be subscribed and paid at such times, in such manner and in such installments as the directors of the said

company, by their by-laws or otherwise, may direct and appoint; *provided*, that such increase shall be made only by a ^{Proviso.} vote of the stockholders at a meeting of the company, called for that purpose; and all railroad corporations who desire to subscribe to said stock are hereby granted full power and authority so to do.

3. *And be it enacted*, That the affairs and property of ^{Election of directors, &c.} the said company shall be managed, directed and controlled by a board of not less than six nor more than twelve directors, all of whom shall be stockholders, one half of whom shall be residents of this state, and one of whom shall be president; who shall hold their offices for one year, and until others be chosen in their stead; and that the directors shall be chosen by the stockholders of said company, at such time and place, and in such manner as shall be directed by the by-laws and rules of said corporation, notice of the time and place of such election to be published not less than two weeks, in two or more newspapers published in the county of Camden; every share of stock on which all installments due have been paid, shall entitle the holder thereof to one vote, either in person or proxy.

4. *And be it enacted*, That Joseph Pancoast, Asa P. ^{First director} Horner, William Folwell, Benjamin Cooper, Clayton Cooper, Andrew Manderson, John Street, Thomas Sinex being incorporators hereinabove named, shall be the first directors of said company, who shall respectively hold their offices for one year from the organization of said company, or until others shall be legally chosen from the stockholders in their place, who may open subscriptions to the capital stock of said corporation at such time or times, place or places, in the said county of Camden as they, or a majority of them, may think proper; and in case of the failure of any stockholder to pay his installments at the time and place appointed for the payment thereof; or within thirty days thereafter such stockholder, at the option of the board of directors, shall incur the forfeiture of his share or shares, and of all previous payments thereon to the use of the said company; any owner of land or other property, necessary to be taken or purchased by said company, may be permitted by the board of directors to take stock for the amount and value of his interest therein.

5. *And be it enacted*, That the said company be and it is ^{May construct bridge.} hereby authorized to erect, construct and maintain a bridge

across and over the New Jersey channel of the Delaware river, not less than thirty-five feet in width, to cross from some point on the New Jersey shore, at or near to Pavonia, to Treaty (or as sometimes known, Petty's) Island, suitable and adequate for the passage of horses, vehicles and cattle, as also for railroad crossing, and also to build suitable stone piers for the support thereof; *provided*, that before the erection of said bridge the plans and specifications of the same shall be submitted to the governor of the state of New Jersey, and a written approval thereof be obtained.

Proviso.

May erect a steamboat ferry.

6. *And be it enacted*, That the said company shall have the power to erect a steamboat ferry between said Treaty (or Petty's) Island, near the terminus of said bridge of the railroad hereinafter mentioned and the city of Philadelphia, with suitable steamboats adequate and proper for the carrying and transporting persons, vehicles, animals and merchandize to and from said island and to and from the city of Philadelphia, for tolls not to exceed the minimum rate of tolls now lawfully charged for the like service to and from the city of Camden, and to construct and maintain suitable wharves, piers, docks, slips, roadways, railroads and other communications therewith.

May construct and build railroad.

7. *And be it enacted*, That the said company shall have power, and it is hereby authorized to construct and build a railroad from the western shore of said Treaty Island, and from said ferry hereby authorized across said island and bridge to the New Jersey shore at or near Pavonia, and thence to the Camden and Amboy railroad at or near its intersection with the Burlington County railroad; and also thence so as to connect with the same or any other railroads in the said county of Camden, with authority to make such arrangements with the said railroad companies, and any other railroad company or companies in the said county of Camden; and to make all such contracts, agreements and arrangements as will secure the construction of said ferry, bridge and railroad; and also with authority to lease for a term of years, or otherwise, all the property of this company to any one or more railroad companies connecting, as aforesaid, with said bridge, railroad and ferry company.

May enter on lands, &c.

8. *And be it enacted*, That it shall be lawful for said company, its officers, surveyors, engineers, agents and workmen, to enter at all times upon lands and waters for the purpose of exploring, surveying, laying out and establishing the posi-

tion and construction of said ferry, bridge and railroad, and all preliminary constructions incident thereto, and of locating the same or altering the construction thereof, doing no unnecessary damage to private or other property; and when the location and route shall have been determined on, and a survey thereof shall have been made, then it shall be lawful for the said company, its officers, engineers, agents and workmen to enter upon, take possession of, use and occupy the lands and shore necessary or expedient for the purposes of the incorporation, and to do anything thereon necessary for the completion and maintenance of the said ferry, bridge and railroad hereby authorized, subject to such compensation as is hereinafter provided; *provided always*, that payment, or Proviso. the tender of payment, of all damages for the lands and the material intended to be taken for the purposes of this act shall be first made to the owners or parties interested (except for the purposes of surveying and laying out), unless the consent of the owners or parties interested in such lands or material be first obtained.

9. *And be it enacted*, That if said company or its agents cannot agree with the owner or owners of such required lands or material, or with any party lawfully interested therein, or controlling the same for the use or purchase thereof; or if by reason of the legal incapacity or absence of any owner or party interested in or controlling the same, no such agreement can be made, a petition containing a particular description of the lands or material so required for the use of said company, in the construction, occupation or use of said bridge, or of any railway, roadway or communication therewith, or to, or with such ferry shall be presented in writing under the oath or affirmation of any engineer or proper officer of said company, giving the name or names of the occupant or occupants of, if any there be, and of any owner or party interested in or controlling said land, premises or material, and their residence if the same can be ascertained, to any justice of the supreme court, who shall thereupon cause said company to give written notice thereof to all persons, occupant, interested or controlling the same as aforesaid if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct for any time not less than fifteen days, and he shall thereupon assign a particular time and place for the appointment of commissioners hereinafter named, at which

Proceedings when company and owners of land cannot agree.

time and place upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint, under his hand and seal three disinterested, impartial and judicious freeholders, residents in this state, commissioners to examine and appraise said lands, premises or material, and assess any damages sustained by any owner, occupant, or person interested, by reason of taking or occupying the same, upon such notice of not less than fifteen days, to be served personally, or at the residence of said parties, if the same can be ascertained and be within this state, or otherwise by publication, as shall be directed by the officer appointing such commissioners; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their knowledge and understanding) to meet at the time and place appointed, and to proceed to view and examine said lands, premises or material, to make a just and equitable appraisal or estimate of the value of any lands, premises or material so taken or to be taken, and an assessment of any damages incurred to be paid by the said company; said report shall be made in writing, under the hands and seals of said commissioners, or any two of them, and be filed within twenty days thereafter, together with the aforesaid description of the lands, premises or material, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which such land, premises or materials are situated, to remain of record therein; which report, or in case of an appeal, the verdict of the jury, and the judgment of the court thereon, or a copy thereof certified by the clerk of said county, the appraisal, damages and costs being first paid, as hereinafter mentioned, shall at all times, and in all courts and places be considered as plenary evidence of the right and authority of the said company to enter upon, have, hold, use, occupy, possess and enjoy said land, premises or material, and said justice of the supreme court shall on application of either party, on reasonable notice to the other party or parties, tax and allow such costs, fees and expenses to the judges, commissioners, clerk or other person or persons performing any of the duties prescribed by this section as he shall deem equitable and just, and direct by whom the same shall be paid.

10. *And be it enacted*, That in case said company or any occupant or owner of or person interested in such land or material shall be dissatisfied with the report made by the commissioners mentioned in the preceding section, the party so aggrieved may appeal to the circuit court of the county in which the lands or material so required may be situated, by petition to said court, to be filed with the clerk thereof within ten days after filing the report of the commissioners aforesaid, and notice in writing shall be served in like manner as hereinbefore provided upon the opposite party or parties, their attorney or attorneys, within ten days after filing said petition, which proceeding shall vest in said circuit court full right and power to direct a proper issue for the trial of said controversy and to order a jury to be empaneled and sworn as in other causes, and a view of the premises to be had, if either of the parties desire it, and that the issue be tried at the next or earliest practicable term of said court to be holden in said county, and which said issue the court may also order to have the preference on the calendar of such term, upon like notice and in the same manner as other issues in said court are tried; and it shall be the duty of the jury under the direction of the court, to assess the value of said lands or materials, and the damages or benefit sustained; and if they shall find a greater sum than the commissioners have awarded, or the company have offered to the said parties occupant, owning or interested, then judgment thereon, with costs, shall be entered against said company and execution awarded thereon; and if said appeal shall be made by said occupants, owners or the party interested therein, and if the jury shall find the same sum that the commissioners awarded or the company offered, or a less sum than either, then the said costs shall be paid by the said appellants, and be deducted out of any sum found by the jury or execution may issue therefor, as the court shall direct; and the sum awarded by the commissioners, or in case of any appeal from the award of the commissioners, then the sum assessed by the jury and such costs as the court shall direct shall be paid to the owners of or other proper parties interested in the land, premises or material in controversy, if they so require, or to the clerk of the court of common pleas of the county in which such land, premises or material are situated if any party refuse to accept the same; and any party entitled to receive the amount awarded by the commissioners may apply

for and receive the same, without being thereby debarred from the appeal hereby secured; *provided however*, in such case that the court may in its discretion refuse to allow such appeal except upon proper security for the costs and expenses thereof.

11. *And be it enacted*, That the said company shall have the power to borrow any sum of money, not exceeding in amount the capital stock, at a rate of interest not exceeding seven per centum, and to secure the same by the issue of the bonds of the company, secured by mortgage or mortgages on the property of the company, its corporate rights, privileges and franchises, no bond or certificate of loan as aforesaid to be for a less sum than one hundred dollars; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of usury, in any suit in law or equity instituted to enforce the payment of any bond or mortgage executed under this section.

12. *And be it enacted*, That the governor, chancellor, the justices of the supreme court, the judges of the court of errors, the attorney general and secretary of state, when traveling for the purpose of discharging the duties of their office, and the members of the legislature of this state, during the session thereof, may pass and repass on said ferry, bridge and railroad free of charge.

13. *And be it enacted*, That as soon as the said railroad, bridge and ferry, or any part of it, is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad, bridge and ferry, including equipments, appendages and all expenses, in the office of the secretary of state, and annually thereafter, on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipments, appendages and expenses of said road; and after the said railroad, bridge and ferry, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipments and appendages of said road, bridge and ferry, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads, bridges and ferries over which the legislature shall have power for that purpose, at the time of the passage of such law or laws; and until the said railroad,

Proviso.

May borrow money and secure the same by bond and mortgage.

Persons who may travel free.

Statement of cost to be made.

State tax.

bridge and ferry, or any part thereof, shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons, as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

14. *And be it enacted*, That said corporation shall possess the general powers and be subject to the restrictions of the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the amendments thereto, so far as applicable and not inconsistent with this act; and shall hold its principal office in the county of Camden.

15. *And be it enacted*, That if any person shall wilfully and maliciously do, or cause to done, any injury to the property or works of said company, or wilfully and maliciously impair, injure, destroy or obstruct this company in the use of the same, or of their boats, cars, machines and the like, the person so offending shall forfeit and pay to the said company three times the damage sustained by such offence, to be recovered by suit in the name of this corporation, with costs; and if any person shall force, or attempt to force, or otherwise to evade, in passing any gate, enclosure, or on any boat, carriage or car of the company, the established and lawful toll, such person or persons shall forfeit and pay to the corporation five times the amount of legal toll, to be recovered in manner aforesaid, and nothing in this section shall prevent any person or persons offending under this section from being otherwise liable and punishable according to law.

16. *And be it enacted*, That this act shall take effect and go into operation as soon as one thousand shares of said capital stock shall have been subscribed for, and a first installment of ten per centum paid thereon; and further, that if the said bridge and ferry and the said railroad, or some part thereof, be not commenced within three years and completed within six years, then and in such case the franchises hereby given shall be annulled and become void.

17. *And be it enacted*, That this act shall take effect im-

mediate'y, and that the legislature may at any time alter, amend or repeal the same.

Approved March 17, 1870.

CHAPTER CCCLX.

A Supplement to an act entitled "An Act to incorporate the Home Mutual Fire Insurance Company, Newark, New Jersey," approved March twenty-fourth, eighteen hundred and sixty-nine.

Commission-
ers to open
books of sub-
scription.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Lucius H. Armstrong, Jeremiah O'Rourke, James D. Orton, Patrick Sheridan and Silas S. Williams shall be the commissioners to open the books for the subscription to the capital stock of said company, and that the said commissioners above named shall perform the duties and have all the powers mentioned in and conferred by the third section of the act of which this is a supplement.

Election of
directors.

2. *And be it enacted*, That as soon as fifty thousand dollars of the said capital stock shall have been subscribed, and paid in in cash, the subscribers to said capital stock may proceed to the election of a board of directors, which said board of directors shall then proceed to the election of a president and the appointment of such other officers as may be necessary to manage the business of said company, who shall hold their respective offices at the pleasure of the directors; and the remaining fifty per centum of said capital stock so subscribed shall be paid in in cash within ninety days after the election of said directors as aforesaid, and said directors may proceed immediately after their election and organization aforesaid, to transact and carry on the business of said company, and the remaining capital stock up to one hundred thousand dollars shall be called in at such time as the directors may determine.

Term of office
of directors.

3. *And be it enacted*, That so much of the sixth section of said act as requires the directors, at their first meeting, to

divide themselves into four classes of three each, and for the election thereafter of only three directors at each annual election, be and the same is hereby repealed; and that the directors of said company shall hold their respective offices for one year, and until others may be chosen, and any vacancy in the office of president or director may be filled by a majority of the directors at a meeting to be called as the by-laws may provide.

4. *And be it enacted*, That so much of the act to which ^{Repealer.} this is a supplement as is inconsistent with the provisions of this act, be and the same is hereby repealed.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXI.

An Act to incorporate the Union Insurance Company of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Corporate name.} *the State of New Jersey*, That all such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns, are hereby made and constituted a body politic and corporate, by the name and style of "The Union Insurance Company of New Jersey," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts, whether in law or equity, and by that name may also have, purchase, possess and enjoy, and to them and their successors, lands, tenements and hereditaments, goods, chattels and effects, of what nature or kind soever necessary for the purposes of this corporation, and the same to grant, demise, alien, and dispose of at pleasure for the benefit of said company, and may also have a common seal, and alter and renew the same at pleasure, and also to create and establish such by-laws and

- regulations as shall seem necessary and expedient for the government of the said corporation, and put the same into execution; *provided*, the same be not contrary to the laws of this state or of the United States.
- Proviso.
- Amount of capital stock 2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, with the privilege to increase the capital stock to five hundred thousand dollars, and that one-half of the said capital stock of one hundred thousand dollars shall be paid in before it shall be lawful for said company to commence the business of insurance.
- Election of directors. 3. *And be it enacted*, That the business, property and affairs of said company shall be managed and conducted by such directors, not less than five nor more than fifteen in number, as may be elected for that purpose, a majority of whom shall form a quorum, which directors shall hold their office for one year and until others are chosen, and they shall at all times during their continuance in office be stockholders in their own right, said directors shall be elected on the first Monday in January in each and every year, at such hour of the day and at such place in the state of New Jersey as the board of directors for the time being shall direct, of which election two weeks' public notice shall be given in a newspaper printed in the county of Union, in the state of New Jersey, and each share of stock shall entitle its owner to one vote at each election, to be given either in person or by proxy; and that the office and records of the company may be kept in the town of Cranford, in the county of Union, in the state of New Jersey.
- Officers. 4. *And be it enacted*, That the board of directors shall have power to appoint a president, secretary and treasurer and such other officers as they may deem necessary for carrying on the business of the company, and to allow them respectively such compensation for their services as may in their judgment be deemed reasonable.
- Commissioners to receive subscriptions. 5. *And be it enacted*, That Edgar Pierson, John M. C. Marsh, Robert A. Russell, are hereby appointed commissioners by whom, or either of them, books of subscription to the capital stock of said company may be opened upon three weeks' notice published in a newspaper printed in said county of Union, in the state of New Jersey, and the said commissioners, or either of them, shall, by a like notice, appoint the hour and place for holding the first election of directors.

6. *And be it enacted*, That it shall and may be lawful for the said company to insure dwelling houses and all kind of buildings and household furniture, and all other kinds of property of every name and description against loss or damage by fire, upon such terms and conditions as shall be contained in the policy of insurance, and may also insure ships and other vessels, their cargoes, rights, interests and all other property against every description of casualty incident to marine and inland transportation.

7. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by said company, may be either under or without the seal thereof, and shall be subscribed by the president or such other officer or officers as may be designated by the company for that purpose and attested by their secretary, and being so subscribed and attested shall be obligatory upon the company according to the tenor, intent and meaning of this act and of such policies or contracts.

8. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real estate as shall be necessary for their convenient accommodation in the transaction of their business, and also to take and hold any real estate or securities mortgaged or pledged to said company to secure the payment of any debt which may be contracted with them, and also to proceed on said mortgages or other securities for the recovery of the moneys thereby secured either at law or in equity, and to purchase on sales made under such proceedings or otherwise to take and receive any real estate in payment or towards satisfaction of any debt or obligations previously contracted with or due said company and the said real estate to mortgage, sell, exchange or otherwise dispose of, and said company may invest their capital and accumulating premiums and other property from time to time, in public stocks, bonds, mortgages and such other securities as the directors may approve.

9. *And be it enacted*, That the stock of said company shall be deemed to be personal property, and shall be assignable and transferable according to such rules and regulations as the directors may establish from time to time in the by-laws of said company.

10. *And be it enacted*, That it shall be lawful for the directors to make dividends of so much of the profits of the

company as shall appear advisable among the stockholders and parties entitled thereto upon such ratio as shall be established by the by-laws which dividends shall be paid out semi annually to the parties entitled thereto or to their legal representatives.

Powers of
directors.

11. *And be it enacted*, That the directors of said company shall not directly or indirectly, borrow money from said company, or use the same, except to pay necessary expenses, and the directors shall, from time to time, have power to make, ordain and establish such by-laws and regulations as they shall judge proper, for the managing and directing the affairs of the company.

Annual state-
ment.

12. *And be it enacted*, That it shall be the duty of said company to make an annual report of its affairs and the state of its funds to the legislature of this state, which report shall be verified by the oaths or affirmations of the president and treasurer of the said company.

Limitation

13. *And be it enacted*, That this act shall take effect immediately, and continue in force thirty years.

Approved March 17, 1870.

CHAPTER CCCLXIII.

Supplement to an act entitled "An Act to revise and amend the charter of the City of Elizabeth," approved March third, eighteen hundred and sixty-three.

Compensation
of mayor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the mayor of the city of Elizabeth shall receive such salary as may be determined by the city council; *provided*, that the same shall not be increased or diminished during the term for which he may be elected.

Proviso.

City printing.

2. *And be it enacted*, That the city council shall once in each year determine what newspaper the city printing shall

be printed in, and the rates to be paid for the same, and after such determination, the said city council shall cause the printing of the city to be printed by said newspaper and none other.

3. *And be it enacted*, That the exclusive power to grant licenses to be granted by a board of excise licenses to persons to keep inns and taverns and victualing houses with the privilege of retailing spirituous liquors within the said city shall be vested in a board of excise, to consist of the mayor of the city, for the time being, and four persons to be appointed by the city council; the city council shall, as soon as practicable, appoint four persons, citizens, freeholders and residents of the city, residing as near as may be in the different sections thereof, as members of the said board; and said persons, other than the mayor, shall at their first meeting determine by lot which of their number shall serve until the first day of May, eighteen hundred and seventy-one, which for one year thereafter, which for two years thereafter, and which for three years thereafter, and the city council shall thereafter fill all vacancies for an unexpired term, and appoint a member for a full term of four years, within one month of the expiration of any member's term of office; the mayor, for the time being, shall always be, ex officio, a member of the said board, and at the expiration of each term the full term succeeding shall be four years.

4. *And be it enacted*, That the board of excise shall meet in the city council chamber on the first Monday of April in each year, and at such other times as they may appoint, for the purpose of receiving and hearing applications for license; the board shall elect by ballot one of their number chairman of said board, and the city clerk shall be clerk of the board; the city clerk shall keep a full record of the proceedings of the board, in a book to be provided for that purpose, which record shall be certified by the chairman and the clerk of the board, and deposited in the office of the city clerk; a majority of all the members elected to the board shall constitute a quorum for the transaction of business, and no license shall be granted without the vote of a like majority.

5. *And be it enacted*, That every application for license as aforesaid shall be made to said board by the petition of the person or persons applying for the same, stating the place or premises where the said inn and tavern, or victualing house is proposed to be kept, and a certificate thereunto annexed, signed by at least twelve respectable citizens and freeholders in the ward

in which the place or premises is or are situate, setting forth that such inn and tavern, or victualing house is necessary to accommodate the public and entertain strangers and travelers, and that such person or persons is or are of good repute for honesty and temperance, well capable of carrying on the trade or business for which the license is requested, and well provided with room and other suitable conveniences for the comfort and accommodation of the public, of strangers and travelers.

License fees.

6. *And be it enacted*, That the board of excise shall have power on every application to keep an inn and tavern, or victualing house, as aforesaid, to grant or withhold the same, and to revoke for cause shown, any license whatever granted by such board; the said board shall charge for every license granted not less than twenty nor more than one hundred dollars, and may attach such terms and conditions to the license as they may deem proper; and no license shall be granted for a longer term than one year, every license shall be signed by the chairman and clerk of the board, and no license shall be delivered until the fee therefor shall be paid to the city clerk; and all moneys received for licenses shall be paid to the city treasurer; every license granted as aforesaid, and the person or persons to whom the same shall be granted, shall be subject to the provisions of an act entitled "An Act concerning inns and taverns," and the supplement or supplements thereto, except so far as the same may be inconsistent with the provisions of this act.

City officers may hold office until others are elected.

7. *And be it enacted*, That all officers elected and appointed in the city of Elizabeth shall hold their offices respectively until their successors shall be chosen and qualified.

City police members not to be removed for political reasons.

8. *And be it enacted*, That the present police organization of the city of Elizabeth shall continue until altered by the city council in accordance with the provisions of this act, that the chief of the police and the captain of police shall hold their office for three years and until their successors shall be appointed by the said board, that the other officers and members of the police force shall hold their offices during good behavior, and no person shall be removed from said force for political reasons or on any grounds save incapacity, non-residence or disobedience of the rules and regulations of the department; the members of the force shall receive such compensation as shall be fixed by the council, and which shall not be diminished within one year after the same shall be de-

terminated upon, or during the term of office of any one appointed for a term of years.

9. *And be it enacted*, That all the duties required by law to be performed by the city treasurer in the collection of assessments and sale of lands and real estate for the same, together with the collection of all claims due the city, shall, (in addition to his present duties connected with the collection of taxes,) be performed by the present receiver of taxes during the term of his office and until the appointment by the city council of a receiver of public revenue, who shall be appointed by the city council, and hold his office for the term of three years or until his successor qualifies for the office; he shall discharge all the duties of the receiver of taxes imposed on him by this and any former acts; he shall give such security as the city council may require, and receive such compensation as they may designate, and which shall not be diminished during the term of office for which he was appointed; deputy receivers may be appointed in the same manner as is now provided by law for the appointment of deputy receivers of taxes.

Duties of tax receiver and receiver of public revenue.

10. *And be it enacted*, That the city council shall have power to issue funded debt bonds for the amount of the floating debt which may have been expended in the improvement of public grounds, or be due for the purchase of real estate and fire apparatus, erection of public buildings and for amounts assessed against public property for city improvements, and also in renewal of bonds of the city which may from time to time fall due; and that so much of the debt of the city as has heretofore been known as "the general debt" shall hereafter be called the funded debt, in which shall be included the present general debt of the city, the amount due or to become due for the purchase of real estate and fire apparatus, the building, completion and furnishing of school houses, engine houses, alms house, market house and other public buildings, the renewal of bonds, the payment of bounties and the improvement of public grounds and buildings; the funded debt bonds shall be issued in accordance with the provisions of section five of the supplement to the city charter, approved March thirty-first, eighteen hundred and sixty-four; *provided*, it shall not be necessary to publish ordinances for the issue of bonds, between their second and third readings.

Council may issue funded debt bonds.

Proviso.

11. *And be it enacted*, That whenever, by the judgment

Proceedings
in certiorari.

of any court wherein any certiorari has been, is, or may be brought, any assessment made by commissioners or by the city surveyor under the provisions of the act to which this is a supplement, or any supplement thereto, has been or is set aside or reversed for irregularity or informality in such assessment, it shall be lawful for the city council of said city to cause a new assessment to be made of so much of the amount of the original assessment as may be so set aside, or of the amount thereof still remaining unpaid, said assessment to be made and to become a lien, and to be proceeded on in all respects in conformity with the law and the charter of said city.

Compensation
for return to
writ of certio-
rari.

12. *And be it enacted*, That in all cases in which persons bring writs of certiorari directed to the mayor and city council, or any officer of the city of Elizabeth, it shall be lawful for the officer required to make a return thereto, to demand and receive compensation from the parties bringing such certiorari, at the rate of ten cents per folio, for the necessary returns thereto, to be paid before such returns are made.

Proceedings
when assess-
ments are set
aside by judi-
cial authority.

13. *And be it enacted*, That whenever by reason of any informality or illegality in any proceedings of the said city council, or of the commissioners of assessment, surveyor or other agent of the city council or officers of the city, in laying out, opening, altering, widening or closing streets, avenues or public squares, or in grading, altering the grade, paving curbing, guttering and flagging the sidewalks of any street or avenue, or constructing any sewer or drain, any assessment shall be set aside by judicial authority, it shall be lawful for the city council to reinstitute the proceedings set aside upon the same basis upon which the original proceedings were based, or otherwise if they see fit so to do and lawfully proceed therein the same as though the former proceedings had not been had; or the said city council may reinstitute said proceedings from the point where such informality or illegality may have been so decreed, and whenever the city council shall discover that any such proceedings are liable to be set aside by judicial authority, they may reinstitute said proceedings from the point where such informality or illegality commences, and no assessment shall be deemed invalid in consequence thereof; but no writ of certiorari shall be allowed or issue to remove any assessment made upon the owner or owners of lands and real estate for any work or im-

provement made or to be made, unless the same be applied for within sixty days after the confirmation of such assessment by the city council of said city.

14. *And be it enacted*, That where a lien for any street improvement attaches to the real estate of any owner whose land extends not less than two hundred feet in depth, to and including the frontage on the adjacent street or avenue, such lien shall attach to the centre of the block only. Lien for street improvement.

15. *And be it enacted*, That whenever, heretofore, or hereafter, a majority of the commissioners signing any report of assessment were or shall be competent or disinterested, such report shall not be considered illegal in consequence of any disability on the part of the other commissioners. Majority report of disinterested commissioners to be legal.

16. *And be it enacted*, That when by the opening, widening or alteration of any street or avenue in said city, any building shall extend upon the lines of any such street or avenue, not over one-third the width of the sidewalk, the common council may permit said building to remain unremoved for such time as they may think proper, and when such permit is granted, the commissioners appointed to assess damages to the owners of lands and real estate, taken for the opening, widening or alteration of such street or avenue, shall not assess damages to the owner of such building for the removal thereof; and when the common council orders such building to be removed, the same proceeding shall be taken for the assessment of damages to the owner thereof, as is required to be taken for the assessment of damages for lands taken for the opening of streets in said city; and the costs, damages and expenses of such removal shall be assessed upon the owners of lands intended to be benefited thereby, the same as in cases of street openings aforesaid. Proceedings for removing buildings in certain cases.

17. *And be it enacted*, That if any interest remains unpaid on any assessment or assessments, for improvements for one month after the same is due, and payable, the city treasury shall be authorized to borrow the money necessary to pay such interest, and add the discount and interest on such loans to the principal sum due from those who were thus in arrears. Unpaid interest on assessments.

18. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 17, 1870.

CHAPTER CCCLXIV.

An Act to incorporate the East Newark Land Association.

Names of corporators.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That Robert C. Bacot, Benjamin W. Burnet, John Boyd Headly and all and every other person or persons hereafter becoming members of the East Newark Land Association, in the manner hereinafter mentioned, their successors and assigns shall be and they are hereby created and made a body politic and corporate, by the name of "The East Newark Land Association," and by that name shall and may have perpetual succession and be capable in law of purchasing, using, holding, letting, improving and disposing of such real and personal property only as may be necessary for the objects of this incorporation clearly indicated by this act; and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of law and equity; and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever, necessary for the said purposes, and may have and use a common seal which they shall have power to renew or alter at pleasure; and generally may do every other act or thing necessary to carry into effect the provisions of this act and promote the objects and designs of said association, as authorized by this act; <i>provided</i> , that nothing herein contained shall authorize said association to hold more than five hundred acres of land at any one time.
Corporate name.	
General powers.	
Proviso.	
Commissioners to receive subscriptions.	2. <i>And be it enacted</i> , That said Robert C. Bacot, Benjamin W. Burnet and J. Boyd Headly may receive subscriptions, from time to time, to the capital stock of the said association in shares of one hundred dollars each, to any amount not exceeding ten thousand shares and every person who shall become entitled to one or more shares of the said stock shall thereupon become a member of the said association, and every person on being divested of all shares of the said stock by transfer or otherwise, shall thereupon cease to be a member of said association.

3. *And be it enacted*, That when one thousand shares of said stock shall be subscribed, the members of the said association shall proceed to elect, after having given ten days' notice in one of the newspapers published in the cities of Newark and Jersey City of the time and place of such election, five directors who shall continue in office until the first Tuesday in November then next ensuing, and the members of the said company shall annually thereafter, on the first Tuesday in November, elect from the stockholders of said company, five directors to serve for the term of twelve months and until others shall be chosen, and the election of directors shall be conducted conformably to the laws of this state and the by-laws or regulations hereafter to be made by the board of directors of said association, and the directors so to be chosen shall have the sole management, direction and control of the property, affairs and concerns of said association, and the said directors shall elect one of their number to be the president of said association; and if any vacancy shall be occasioned in the board of directors by death, resignation or otherwise, the same shall be filled for the remainder of the term in which it may happen by such person or persons among the stockholders as the remainder of the directors may appoint; and in case it shall at any time happen that an election of directors shall not be made on the day when, pursuant to this act, it ought to have been made, the said corporation shall not for that reason or for any non-user be deemed dissolved, but it shall and may be lawful on any other day to hold an election of directors, as the by-laws shall provide, or the directors last elected, or a majority of them, shall authorize.

4. *And be it enacted*, That a majority of the directors of the said association shall form a board for the transaction of business and shall have full power to make by-laws, ordinances and regulations, and to appoint all officers and agents, as they may think proper, and fix their compensation; to declare the forfeiture of stock in case of non-payment of installments; to declare and provide for the payment of dividends to the stockholders; and, in general, to transact, plan and superintend the business and concerns of the said association; *provided*, such by-laws, ordinances and regulations are not repugnant to the constitution or laws of the United States or of this state.

5. *And be it enacted*, That the said association be and it

Empowered to
improve lands

is hereby empowered to improve all such lands as it is hereby authorized to own or purchase, by laying out the same into lots, streets, squares, lanes, alleys and other divisions; of leveling, raising and grading the same, or making thereon all such wharves, workshops, factories, warehouses, stores, dwellings, and such other buildings and improvements as may be found or deemed necessary, ornamental or convenient; and constructing on the lands of said association aqueducts and reservoirs, for conveying, collecting and providing pure and wholesome water, and letting, renting, leasing, mortgaging, selling or changing the same, or using any lot or other portion of any of the said lands for depots and for agricultural, mining or manufacturing purposes, and said association shall have power to purchase, fill up, occupy, possess and enjoy all land covered with water fronting and adjoining the lands that may be owned by them, and it may construct thereon wharves, harbors, piers and slips, and all other structures requisite or proper for commercial and shipping purposes; and all streets, avenues, lanes and alleys indicated on any map or maps of the land next hereinafter described, heretofore made by or for any owner or owners of said land, and not yet opened, worked and used as streets, avenues or alleys, shall be and are hereby vacated and extinguished; that is to say, on all that tract or parcel of land situate in the township of Harrison, in the county of Hudson, containing about one hundred and fifty acres, bounded on the north and east by lands of the New Jersey Railroad and Transportation Company; on the west by lands now, or late of Hiram Gilbert, and on the south by the Passaic river; *provided*, that the said association, or any of its granters, shall not fill up any land, on any navigable water, below the line of mean high tide until said association shall have acquired the right so to do and paid therefor in the manner hereinafter provided; that is to say, the said association may acquire the right to fill in the lands in this proviso described, by a petition to the supreme court of this state, describing the land or lands intended to be filled in, and praying the appointment of three disinterested freeholders, citizens of this state, to appraise the value of the right, title and interest of this state in and to the said lands under water described in such petition; and thereupon the said court shall appoint such commissioners, and the said commissioners, having first taken an oath before some justice of the said court to faithfully and impartially execute the

Proviso

duties of such appointment, shall appoint a time and place at which they will proceed to perform the duties of their appointment, of which time and place the said commissioners shall cause ten days' notice in writing to be given to the attorney general of this state and to the said association, and after having heard both parties, if they, or either of them, shall attend for that purpose, the said commissioners, or any two of them, shall make an appraisement and just valuation of the right, title and interest of the state in the lands under water, described in said petition, and make a report thereof to the said court, and when said report shall be confirmed by said court and ordered to be recorded in the record of judgments, the said association may pay to the treasurer of this state the value of said land shown by the said report, and upon such payment being made the treasurer shall give a receipt therefor to the said association, and said receipt, first being acknowledged or proved as deeds of conveyance of land are required to be acknowledged or proved, shall be filed and recorded in the office of the clerk of the supreme court with the said petition and the other proceedings had thereon; and thereupon the said association shall be invested with and seized in fee simple of all the right, title, interest and estate of the state of New Jersey of, in and to all the land under water, described in said petition, and hold the same forever thereafter free and clear of all rights and claims of this state in or to the same

6. *And be it enacted*, That the capital stock of said association shall be deemed personal property and transferable only on the books of said association in such manner as the by-laws shall direct, and any of the owners of the lands, by this act authorized to be purchased by the said association may take stock to the amount of the whole or any part of his, her or their interest therein. Stock transferable.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXV.

An Act for the protection and preservation of the Cemetery of the Holy Sepulchre.

Preamble.

WHEREAS, certain lands in the county of Essex particularly described in two deeds of conveyance, one from Michael McIntee and his wife to the right reverend James Roosevelt Bayley, bearing date the eighth day of September, in the year of our Lord one thousand eight hundred and fifty-eight, and recorded in the record of deeds in and for the county of Essex, in book ten, page one hundred and thirty-six; the other from Gustavus J. Thebaud and his wife to said James Roosevelt Bayley, dated the twenty seventh day of May, eighteen hundred and sixty-five, and recorded in the record of deeds in and for the county of Essex, in book P. twelve, page seventy-six, containing about thirty-two acres, were purchased and are held to be used as a cemetery to be called and known as "The Cemetery of the Holy Sepulchre," and a considerable part of said land has been laid out as and has been and now is being used as a cemetery for the burial of deceased persons; and whereas, it is desirable and proper that said land shall remain unbroken and undisturbed by any public highway or street; therefore,

Road or street
not to be laid
out through
cemetery.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any officer or officers of any township, town or city, or the corporate authorities of any township, town or city, nor for any court, nor for any person to order to be laid out, nor to lay out, open, make, work upon or use any highway, street or private road whatever, on or over the tracts of land mentioned and referred to in the preamble to this act, or on or over either of them; and the said land and every part thereof shall be exempt from all public and municipal taxes, rates and assessments whatsoever, and shall not be liable to be sold on execution, or to be applied in payment of any debt due from any individual proprietor who shall own or hold any portion of said land for burial purposes.

Property ex-
empt from tax

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXVI.

A Supplement to an act entitled "An Act to incorporate the South Jersey Cranberry Company," approved March tenth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to incorporate the South Jersey Cranberry Company," approved March tenth, eighteen hundred and sixty-five, shall stand and be of full force and effect in law, immediately from and after the passage of this act, except so far as the same may be modified or repealed by the provisions of this act. Original act ratified.

2. *And be it enacted*, That the capital stock of the said company shall be divided into shares of fifty dollars each, and that all installments of said capital stock shall be paid at such times and places, and to such person or persons as the directors of said company shall from time to time direct, by giving thirty days' public notice of the installments to be paid in, and the time and place of payment, in two or more newspapers printed and circulated in this state, and mailing a copy of one of said newspapers, postage prepaid, with said notice plainly marked, directed to each stockholder at his residence as entered in the books of said company, at least twenty days before the time of payment; and upon failure of payment of such installment, the said directors shall have power to sell the said stock upon like notice as aforesaid, and after deducting from the proceeds of such sale the amount of such unpaid installment, and all expenses and charges due upon said stock, shall pay the surplus, if any there be, to the delinquent holder of said stock. Payment of installments.

3. *And be it enacted*, That the treasurer of the said company

Treasurer to
give bond.

Proceedings
when compa-
ny and owners
cannot agree.

shall give bond, with sufficient security, to be approved by the said directors, in the sum of twenty thousand dollars.

4. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such contiguous or adjacent lands mentioned in the fourth section of the act to which this is a supplement, for the use or purchase thereof, or when by the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land so required for the use of the said company, shall be given under the oath or affirmation of some proper agent of the company, and also the name or names of the occupants if any there be, and of the 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 this state, to make publication thereof as he shall direct for any term not less than ten 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, residents of the county in which the said lands may lie, commissioners to appraise the said land 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 ten days; and it shall be the duty of the said commissioners (having first taken or subscribed an oath or affirmation, 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 to proceed to view and examine the said land; said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of the said drain or drains as the case may be to the said owners, and to make a just and equitable estimate or appraisement of the value of the same and assessment of damages as shall be paid by the company for such lands and damages aforesaid, which report shall be made in writing, under the hand and seal of said commissioners or any two of them, and filed in the clerk's office of the county in which such lands lie, which report or a copy

thereof, certified by the clerk of such county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy said land and property, or of the said owners to recover the amount of the said valuation with interest and costs in an action of debt in any court of competent jurisdiction, if they shall neglect or refuse to pay the same for sixty days after demand made of their treasurer.

5. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct any of the necessary works, or any drains or watercourses of the said company, such person or persons so offending shall forfeit and pay to the said company the sum of twenty-five dollars, to be by them recovered in any court having competent jurisdiction in action of debt, and shall be further liable for all damages. Penalty for injury to works.

6. *And be it enacted*, That such parts of the act to which this is a supplement, as are inconsistent with this act are hereby repealed. Repealer.

7. *And be it enacted*, That this act shall go into effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXVII.

A Further Supplement to the act entitled "An Act to incorporate the Newark and Pompton Turnpike Company," passed February twenty-fourth, eighteen hundred and six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, 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 sell or otherwise dispose of the whole or any portion or portions or parts of their turnpike road, upon such terms and conditions, and for such uses as may be agreed upon by the said president and directors of said company, and any other May sell turnpike road.

Proviso. corporation or body corporate, chartered under or by virtue of any law of this state; *provided*, that no arrangement to be made as aforesaid shall voluntarily be entered into by said company, to be valid and binding, unless assented to or ratified by at least two-thirds in interest of the stockholders of said company; and *provided further*, that to render any instrument or instruments executed by said company under the provisions of this act binding and lawful for the uses and purposes therein expressed, the same or a copy thereof shall be filed in the office of the secretary of state of this state, and thereupon said company shall be released and discharged from all authority and control over the whole or such portions or parts of their said turnpike as may be referred to in any such instrument or instruments, and said company shall at the same time be discharged from all liability on account of the same.

Proviso. 2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXVIII.

A Supplement to the act entitled "An Act to create a new township in the county of Union, to be called the township of Summit."

Appointment of policemen. 1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the said township of Summit, may and shall, upon the application in writing made to them by twelve freeholders, residents in the said township, appoint such persons, and so many of them as said committee may deem proper, to be policemen, and make an entry of every such appointment in the book in which the clerk of said township is required by law to enter the name of the persons elected to township offices in said township, and every policeman so appointed shall in the said township, possess all the powers of policemen and of

constables in criminal cases, of the several cities, wards of cities and townships in this state.

2. *And be it enacted*, That the said policemen shall be ^{Compensation} paid by the said committee out of the funds of the said township a compensation not to exceed three dollars a day, and the said committee may, at any time when they see proper, discharge the said policemen, or any of them, and no appointment of such policeman shall, in any event, continue or be in force for more than one year from the time of making such appointment.

3. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXIX.

An Act to authorize Peter Wilhelm to convey lands free from dower.

WHEREAS, Peter Wilhelm, of East Newark, in the county of ^{Preamble.}

Hudson, in this state, is the owner of twenty-four acres of land situate in the town of Harrison, in said county of Hudson, lying at East Newark on the south side of the turnpike road running from Newark to Jersey City, part of which was conveyed to the said Peter Wilhelm by Edward A. Cook and wife, by deed, recorded in liber number three of deeds for Hudson county, on pages four hundred and twenty, and so forth, and part thereof conveyed to said Peter Wilhelm by Henry Evans and wife, by deed, recorded in liber number twenty-three of deeds for Hudson county, on pages fifty-eight, and so forth; and whereas, Mary Wilhelm, the wife of said Peter Wilhelm, is now hopelessly insane, and in consequence thereof he is not able to sell and convey the said land and premises, whereby the said Peter Wilhelm is suffering great loss and damage; therefore,

May sell and
convey land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said Peter Wilhelm to make sale and conveyance of the said lots of land and premises, or any part or parts thereof, free from and clear of any estate or contingent estate of dower of his said wife, and that the deed of said Peter Wilhelm, executed by him alone and without his said wife joining therein, shall convey an estate in fee simple to the purchaser of said land and premises, or such part or parts thereof as the said Peter Wilhelm may desire to sell and convey, free from and not subject to the estate or contingent estate of dower in the said land and premises of his said wife Mary.

Trustee shall
be appointed
by the chan-
cellor.

2. *And be it enacted*, That before any deed or deeds to be executed and delivered by said Peter Wilhelm by virtue of this act shall take effect, such deed or deeds shall be submitted to the chancellor of this state, who shall certify thereon that the price or prices obtained for said land and premises, or such part or parts thereof as may be sold by the said Peter Wilhelm are sufficient; and the said chancellor shall also appoint some discreet and proper person to act as trustee for the said Mary, wife of said Peter Wilhelm, in whose name one-third part of the price or prices received by said Peter Wilhelm for the said land and premises, or such part or parts thereof, as he may sell by virtue of this act, shall be invested upon such security or securities as said chancellor shall approve, conditioned for the payment to the said Mary, if she shall survive said Peter Wilhelm, and during her life, after such death, of the interest of one-third part of such price or prices, and at her death, of the principal to the said Peter Wilhelm, if living, and, if not living, to his executors or administrators; such security or securities may be changed from time to time as circumstances shall require, such change or changes always, however, to be made by and with the approval of said chancellor; said trustees may be removed by the said chancellor, if he shall see fit so to do; and if so removed, or in case of the death of such trustee, the chancellor shall appoint another discreet and proper person to act in the place of such removed or deceased trustee, and said trustee so appointed shall have the same powers and perform the same duties as the original trustee.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXXI.

An Act for the relief of Harrison Willet.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Citizenship} *the State of New Jersey,* That Harrison Willet, of Somerset ^{restored.} county, be and he is hereby restored to all his rights and privileges as a citizen of New Jersey.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXXII.

A Further Supplement to the act entitled "An Act to facilitate judicial proceedings in the county of Union," approved February twenty-fifth, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Powers of the} *the State of New Jersey,* That it shall be lawful for the ^{court.} court of general quarter sessions of the peace of the county of Union, to try all indictments except for treason, murder and manslaughter, and to proceed to judgment, thereon any law or statute to the contrary notwithstanding; *provided,* that ^{Proviso.} all indictments for offences not triable in said court before the passage of this act, shall be first ordered by the court of oyer and terminer and general jail delivery to the said court of general quarter sessions for trial as aforesaid; *and provided* ^{Proviso.} *also,* that none of the last mentioned indictments shall be so tried unless the justice of the supreme court holding the circuit for said county, or the president judge of the common pleas, specially appointed under the supplement to the act to which this is also a supplement, approved April first, eigh-

Proviso.

teen hundred and sixty-eight, shall be present; *and provided also*, that notwithstanding this act and any order as aforesaid, the said court of oyer and terminer and general jail delivery, may at its option try and determine any such indictments as heretofore.

Delivery of
indictments.

2. *And be it enacted*, That indictments required by the second section of the act entitled "An Act concerning justices of the peace and courts of general quarter sessions of the peace, revision approved April sixteenth, eighteen hundred and forty-six," to be delivered by the said court of general quarter sessions of the peace to the next supreme court, or court of oyer and terminer and general jail delivery, to be held in the county, shall as far as relates to the said county of Union, be delivered to the supreme court or court of oyer and terminer and general jail delivery of said county, at any time when the court, to which the same must be sent, shall be in session next after the finding of such indictment.

Fees of judge.

3. *And be it enacted*, That the justice of the supreme court who may hold the circuit court in the said county of Union in the event of the absence or disability of the presiding judge of the court of common pleas or whenever the presence of said supreme court justice may be necessary to constitute a court for the purposes of the act being a supplement to the act to which this is also a supplement, approved April first, eighteen hundred and sixty-eight, may perform all the duties required by said act of the said presiding judge and a fee of one dollar shall be included in the taxed costs and paid to the said justice whenever he shall hold the said court of special quarter sessions for each case disposed of under said act, and the justice of the supreme court presiding in the court of oyer and terminer and general jail delivery of said county shall be entitled to receive the same fee on each indictment handed from such court to the court of general quarter sessions of the peace as is now allowed by law.

Salary.

4. *And be it enacted*, That the presiding judge of the court of common pleas of said county, provided for in the act entitled "A Supplement to the act entitled "An Act to facilitate judicial proceedings in the county of Union," approved the twenty-fifth day of January, eighteen hundred and sixty-seven, approved April first, eighteen hundred and sixty-eight, shall also be one of the judges of the court of oyer and terminer and general jail delivery of said county and shall receive a salary of twenty-five hundred dollars per

annum payable by the board of chosen freeholders of said county in quarterly payments, but shall receive no share of the fees now divisible among the judges of said court; *pro-Provido* *vided nevertheless*, that he shall be at liberty to practice law otherwise than in the courts wherein he shall be judge.

5. *And be it enacted*, That the costs heretofore taxed, or ^{Taxed costs.} hereafter to be taxed in each case of conviction and sentence for crime, by the court constituted by the act entitled "A Supplement to the act entitled 'An Act to facilitate judicial proceedings in the county of Union,' approved the twenty-fifth day of February, eighteen hundred and sixty-seven," approved April first, eighteen hundred and sixty-eight, shall be paid in the same manner as in cases of conviction and sentence for like crimes under indictments, in the court of oyer and terminer and general jail delivery.

6. *And be it enacted*, That the court of general quarter <sup>Bail or main-
rise.</sup> sessions of the peace, in the county of Union, shall have power, at any session of said court, to let to bail or main-prize, for such time as in their discretion may seem just, all persons who may be arrested or imprisoned for any crime, by law triable before said court; and such proceedings shall be taken, in all cases in which bail should be forfeited in said court, as are now provided by law for forfeited recognizances in said court.

7. *And be it enacted*, That the provisions of any act in- ^{Repealer.} consistent with this act are hereby repealed, and that this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXXIII.

An Act for the Relief of School District Number One, in the Township of Washington, in the County of Warren.

WHEREAS, School District Number One, in the township of ^{Preamble.} Washington, in the county of Warren, composed of parts of the townships of Washington and Mansfield in the said

county of Warren, at a meeting held for that purpose on the ninth day of July, eighteen hundred and sixty-nine, by a vote of two-thirds of the legal voters of said district present at said meeting authorized the trustees of said school district to purchase a lot of land for said district and to build a school house thereon and to raise by taxation for the purpose of paying therefor the sum of three thousand dollars; and whereas, said trustees in pursuance of the authority and directions given to them by said meeting have purchased a lot of land and have had the same properly conveyed to said district and have erected a good and substantial school house thereon which is now in possession of said district, and in so doing have incurred a debt of about two thousand dollars over and above the sum authorized to be raised by taxation as aforesaid; therefore for relief thereof:

May borrow
money and
issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the trustees of said school district and they are hereby authorized to borrow such sums of money as shall and may be necessary to pay the said indebtedness of said district, but such sums of money shall not exceed in amount the sum of three thousand dollars, and the trustees of said school district are hereby authorized to issue bonds for the money which may be so borrowed, to bear interest and to become due and payable at any time within two years from the time such bonds may be given, and the said trustees are also hereby authorized to make and execute a mortgage on the said school lot and building in such form as may be necessary to secure the payment of the said bonds and the interest which may accrue or become due thereon.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXXIV.

An Act to incorporate the Roselle Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of cor-
porators.</sup> *the State of New Jersey,* That Aaron D. Hope, Richard Kipling, Adrian W. Smith, Hiram P. Baldwin and David Mulford, and all and every person or persons who may become subscribers according to the mode hereinafter prescribed, and their successors, be and the same are hereby created a body politic and corporate, in fact, by the name of "The Roselle Gas Light Company;" and by the said name the said <sup>Corporate
name, and
powers.</sup> corporation shall have power to sue and be sued, plead and be impleaded, contract and be contracted with, and to make, manufacture and sell illuminating gas, to be made from coal or other proper materials, for the purpose of lighting the streets, buildings, manufactories and public grounds in the village of Roselle, in the county of Union, and vicinity, and under and by the aforesaid corporate name and style, the said corporation shall have power and authority to enter into and execute any and all proper contracts, agreements, understandings, undertakings and covenants for the furtherance of the objects for which the said corporation is created, with power and right to enforce the same, in all proper way and manner under the laws of this state; and shall be capable of purchasing, taking and holding any estate, real or personal, <sup>May purchase,
hold and sell
real and per-
sonal estate.</sup> necessary to give effect to the specific purpose of this corporation for the accommodation of their business and concerns. or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts, which have become due to them in the regular business of the said corporation; *provided,* that the real estate shall not exceed what may be necessary for the purpose mentioned; and also to purchase and hold any and all patents and patent rights necessary and proper for the purpose of carrying out the object and intent for which such corporation is created, and for the accommodation of its business and concerns.

2. *And be it enacted,* That the said corporation shall be and is hereby empowered and authorized to enter upon and

Authorized to make excavations and lay down pipes. make any and all necessary and proper excavations for the purpose of laying down, and to lay down, all necessary and proper gas pipes and conductors, and to erect all necessary and proper posts, burners, lights and reflectors in any and all of the streets, lanes, alleys, avenues, roads, highways and public grounds within the said village of Roselle and vicinity, and to do all things necessary and proper to be done for the purpose of lighting the same, and the dwellings, stores, and other buildings and places in the said village of Roselle and vicinity; *provided*, that the public travel shall at no time be unreasonably or unnecessarily obstructed or impeded thereby, nor shall the streets, lanes, alleys, avenues, roads, highways and public grounds be permanently injured by the same, but the said corporation shall put and leave such streets, lanes, alleys, avenues, roads, highways and public grounds in as good, perfect and permanent condition as the same were in before the laying of the said pipes and the erection of the said posts.

Proviso.

Amount of capital stock

3. *And be it enacted*, That the capital stock of the corporation shall not exceed fifty thousand dollars, in shares of twenty-five dollars each; and the persons named in the first section of this act are hereby appointed to receive subscriptions to the capital stock; and the said commissioners, or a majority of them, shall open books for that purpose at such time or times and in such place or places within this state as they, or a majority of them, shall designate, by public advertisement to be previously inserted at least three weeks in a public newspaper printed in the county of Union, and shall continue the same until the said capital stock shall be subscribed, or, at their discretion, close the same after they have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid, and may require each subscriber to pay to them at the time of subscribing not exceeding twenty per centum of his subscription, which shall be paid over to the directors of the said corporation, to be appointed as hereinafter prescribed, and all the powers of said commissioners shall cease upon the appointment of the directors; and the board of directors when appointed shall have full power and authority, from time to time, to open the books for further subscriptions until the whole capital stock is taken; and the said directors may call on the subscribers for the payment of installments in such sums and at such times and under such forfeitures as they may deem expedient; and the office of

said company shall be located at Roselle, in the county of Union.

4. *And be it enacted*, That the management of the concerns of the said company shall be vested in five directors, to be selected from the stockholders, a majority of said directors to be citizens of the state of New Jersey; and said directors shall choose, by a plurality of votes, from among themselves a president; and as soon as may be after eight thousand dollars shall have been subscribed, the said commissioners, or a majority of them, shall convene the said stockholders, by public notice in a newspaper published in the county of Union, at such time and place in the village of Roselle as they may designate to choose the first board of directors, who shall hold their offices from the first Monday in April next ensuing, and until others are elected in their stead; and the election for directors shall be held annually on the first Monday in April in the village of Roselle, and public notice of such election shall be given at least ten days previously by publication in a newspaper published in the county of Union; all vacancies in the board of directors may be filled for the unexpired term by appointment to be made by the remaining directors, and all elections for directors shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which they shall hold in their name at the time of voting.

Election of directors.

5. *And be it enacted*, That if at any time an election is not held on the day herein appointed, the corporation shall not for that cause, nor for any non-user, be dissolved, but such election shall be held in the manner described by the by-laws, at any time within one year.

Not dissolved by failure to elect directors

6. *And be it enacted*, That the directors for the time being, shall form a board, and a majority be a quorum, for the transaction of business.

Quorum.

7. *And be it enacted*, That the stock of the corporation shall be transferred, according to its by-laws and regulations, and shall be considered personal property, and the stock and transfer books shall be open at all times to the inspection of the stockholders; and the books of account in which shall be fairly shown all the transactions of the company shall be open at all reasonable times to their inspection.

Books shall be open to inspection.

8. *And be it enacted*, That if any person shall wilfully injure any conduit, pipe, gasometer, or other thing appertain-

Penalty for injuring works

ing to the works of the company, or obstruct the same, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine, not exceeding three hundred dollars, or imprisonment not exceeding two years, or both; *provided*, no such criminal prosecution shall impair the right of the company to an action for damages by civil suit.

Restrictions.

9. *And be it enacted*, That the corporation established by this act shall possess the general powers and be subject to the restrictions and liabilities imposed by "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as applicable.

May borrow money.

10. *And be it enacted*, That the said company shall have power to borrow money to an amount not exceeding one-half its capital stock paid in, and to mortgage their works, property and franchises, and to execute all necessary assurances for securing the money so borrowed, with interest, not exceeding seven per centum per annum, and may receive property suitable for its purposes, at a valuation to be agreed upon, in lieu of cash subscriptions.

State assessment.

11. *And be it enacted*, That this act shall be deemed a public act, but the corporation shall not be exempt from the sum or sums of money required to be paid to the state treasurer by an act entitled "An Act to increase the revenue of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight, and it shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXXVI.

An Act to amend an act entitled "An Act to incorporate the Cumberland and Atlantic Railroad Company," approved April fourth, eighteen hundred and sixty-seven.

Corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporation named and intended to be organized by the above mentioned act, shall

from and after the approval of this act be named the "May's Landing and Western Railroad Company."

2. *And be it enacted*, That the said May's Landing and Western Railroad Company shall not be compelled by reason of any clauses or provisions of the said act to incorporate the Cumberland and Atlantic Railroad Company, to make or maintain any bridges above or below the grade of said railroad, other than in such cases as the engineer of said company shall deem proper and necessary for the economical construction and management of said railroad.

Not compelled
to maintain
bridges above
or below
grade of rail-
road.

3. *And be it enacted*, That the said May's Landing and Western Railroad Company shall have power to issue bonds, of which each bond shall be of a sum not less than five hundred dollars, nor more than one thousand dollars, and of which the whole sum shall not exceed the total amount of one hundred and fifty thousand dollars; and the said company shall have power to secure the repayment of the said bonds by a mortgage upon the railroad lands, buildings, franchises and appurtenances of the said company, whatsoever or wheresoever, which mortgage shall be a first lien upon all the property that may be therein described.

May issue
bonds.

4. *And be it enacted*, That so far as any part or clause of the said act to incorporate the Cumberland and Atlantic Railroad Company, or so far as any part or clause of any general law of the state may conflict with any provision of this act, the same shall be and is hereby repealed, so far as is necessary to give full force and effect to all the provisions of this act.

Repealer.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXXVII.

A Supplement to the act entitled "An Act to incorporate the Fostertown and South Branch Marl and Transportation Company, of Burlington county," approved March thirty-first, eighteen hundred and sixty-nine.

May survey,
lay out and
construct rail-
road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of said company are invested with full power to lay out and construct a railroad or railroads in the county of Burlington, from the marl beds or other lands of said company to any suitable point on the line of the Mount Holly, Lumberton and Medford Railroad Company, and to connect with said company, and to construct said railroad with as many tracks as may be deemed proper or necessary, and to run engines and cars on said roads for the transportation of their marl and other fertilizers, and of such other kinds of property as they may deem expedient, and they are hereby authorized to demand and receive such sum or sums of money for the transportation of property as they may from time to time think reasonable; the land to be taken for said roads not to exceed one hundred feet in width, and where the same shall cross any public highway, the crossing shall be made and maintained and kept in good repair, so as not unnecessarily to impede the travel or interfere with the public convenience.

May enter on
lands, &c.

2. *And be it enacted*, That it shall be lawful for the said company, their officers, agents, engineers, superintendents, and others in their employ, to enter at all times upon lands for the purpose of laying out and surveying the route of said railroads and locating any or either of them, and of subsequently altering the location thereof, doing no unnecessary damage to private property; and when any part of the location of such roads, or any or either of them, shall have been determined on, and a survey deposited in the office of the clerk of the county in which said lands lie, the officers, agents, superintendents, contractors, workmen, and the persons in their employ (compensation being first made in the manner

hereinafter provided), may enter upon the possession thereof, and hold, use, occupy and excavate any such lands, or such parts thereof as may be necessary for the purposes aforesaid, and may erect embankments, viaducts and all necessary works thereon, and may lay rails and do all other things which may be suitable and necessary for the making, completion and repair of said railroads, or any of them, and may carry into full effect the object of this act, and may take and use any stone, gravel, sand, clay or other material on or near the said route which may be required for the construction of, repairing or altering the said railroads, or any of them, or any of their works or appendages, first making compensation therefor in the manner hereinafter provided.

3. *And be it enacted*, That if the said railroads, or any of them, shall cross any lands not owned by the said company, or any materials shall be required for the construction thereof, and the said company shall fail to agree with the owner or owners thereof, or if by reason of the legal incapacity or absence of the owner or owners, or want of knowledge as to the ownership thereof, or from any other cause no such agreement shall be made, a particular description of the land or materials so required shall be given in writing, under the oath or affirmation of some engineer or agent of said company, and also the name 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 judges of the court of common pleas of the county where such lands or materials may be, who shall cause the said company to give notice thereof to the person or persons interested, if known and in this state, and if unknown and out of the state, to make a publication thereof as he shall direct, for any time not less than fifteen days, and to assign a particular time and place for the appointment of the commissioner hereinafter named, at which time and place, if on satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three impartial and judicious freeholders, residents in this state, commissioners to examine and appraise the said land and materials required for said railroads, or any of them, and to assess the damages which may be occasioned thereby; and upon such notice given to the person or persons interested, as shall be directed by said judge, it shall be the duty of said commissioners, or a majority of them, having first taken

Proceedings
when no
agreement can
be made be-
tween compa-
ny and owners
of land

and subscribed an oath or affirmation 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 a time and place to be appointed by said judge in his said order of appointment, and upon such notice to the parties interested as said judge shall direct in said order, and proceed to view said land and materials as may be required for the purpose of this act, and to make a just and equitable appraisement or estimate of the value of the same, and an assessment of the damages which will be occasioned by the laying of said railroads, or any of them, which assessment shall be paid by said company, and which report shall be in writing, under the hands and seals of said commissioners, or a majority of them, and filed with the aforesaid description of the land and material and the appraisement and oaths and affirmations aforesaid in the clerk's office aforesaid, to remain of record therein: which report, or a copy thereof, duly certified by said clerk, shall (the appraisement and damages being first paid, tendered or deposited in said clerk's office) at all times be considered as plenary evidence of the right of said company to hold, use, occupy, possess, enjoy and excavate the said land or materials.

May borrow
money.

4. *And be it enacted*, That it shall be lawful for the directors of said company from time to time to borrow such sums of money as may seem to them advisable for the purposes of their said business, and to secure the same by a mortgage or mortgages on the lands, railroads and other property of said company.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXXVIII.

An Act to incorporate the Newark Health Assurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of cor-
porators.</sup> *the State of New Jersey,* That Louis Appell, Samuel Lagowitz, Ferdinand Sommer, Traugott Beck, Ferdinand Evertz, Charles Cook, Albert Kalich, Alber Sonnenkalb, Louis Aurnhammer, William Holzwarth, Alexander Bellair, Cyrus Detlebach, Ulrich Schiener, Ferdinand Kuehnhold, Frederick Westhoff, Adam Wagner, with all others who may become associated with them as stockholders, as is hereinafter provided, their successors and assigns, forever be, and they hereby are created and made a body corporate and politic for the purpose of insuring persons against sickness and disease by the name of "The Newark Mutual Health Assurance Com-<sup>Corporate
name and
object.</sup> pany," and by that name shall be and hereby are empowered to purchase, have, hold, possess and enjoy to themselves and their successors, lands, tenements, hereditaments, goods, chattels and effects, of every kind, and the same to grant, alien, convey, sell, invest and dispose of, and by their corporate name to sue and be sued, plead and be impleaded in all courts of justice, to have and use a common seal, and the same to change, alter and renew at pleasure, and to ordain and put in execution such by-laws and regulations as they may deem proper for the well ordering and government of said corporation and the transaction of its business; *provided,* they be ^{Proviso.} in accordance with the laws of this state and the provisions of this act.

2. *And be it enacted,* That the capital stock of this cor-<sup>Amount of
capital stock</sup> poration shall be not less than fifty thousand dollars, and may at any time hereafter be increased to one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, and there shall be paid into the treasury of said corporation by each subscriber to said capital stock at the time of subscribing therefor an installment of five per centum of the par value of each share of stock by him subscribed for, the balance or remainder of said shares so subscribed for shall within sixty days after the organization of

said company, be secured to be paid either by bonds and mortgages on real estate or such other security as shall be approved by the directors of said corporation, and shall be payable in such installments and at such times as said directors may determine.

Payment of
assessments.

3. *And be it enacted*, That said capital stock shall be transferable according to the rules and regulations of said company, and in case of failure or refusal on the part of any subscriber for any share or shares of said stock to make payment of any assessment ordered against said share or shares, within sixty days from the time of being notified of said assessment, such share or shares may be sold by said directors in manner as they may provide by their by-laws, and the proceeds of said sale shall be applied to the payment of said assessments and the expenses of the sale, and the surplus, if any, refunded to the owner of said stock, and the directors in like manner shall have power in similar cases to foreclose the mortgages and dispose of the securities given under the provisions of the preceding section of this act.

Election of
directors.

4. *And be it enacted*, That the office of said company shall be located at Newark; and the stock, property and affairs of said company shall be conducted by not less than nine nor more than twenty directors, the number to be determined by the by-laws of said company, to be chosen by ballot from among and by the stockholders, and the annual meeting for the choice of directors shall, after the first election, be holden at Newark on the first Tuesday of March in each year, on such day as may be determined by the by-laws of said corporation, and each stockholder, present or represented by attorney, shall be entitled to one vote for every share of stock by him held, and the corporators herein named shall be such directors until the time of holding the election hereinafter mentioned; and for the purpose of organizing the corporation, said corporators shall have power to choose and appoint four persons out of their number who may receive subscriptions to the capital stock, and the first installment thereof; and when the said capital stock shall have all been subscribed for, and the first installment paid thereon, then, by a notice printed in one German and one English newspaper published in the city of Newark for not less than twenty days, the said subscribers may meet at the time and place named in said notice, and at that or some adjourned meeting proceed to the election of directors, in the manner

hereinbefore provided for, who shall hold office and exercise all the powers by act given to directors until others shall be chosen at the regular day of election provided for in the by-laws; and said directors so then chosen shall, within ten days thereafter, proceed to an election of officers for said corporation, and to adopt a constitution and by-laws for its government, and upon the election of such officers the said corporation may exercise all the powers and privileges conferred by this act.

5. *And be it enacted*, That the directors may choose a president, vice president, secretary and treasurer of their corporation, and appoint such other officers, clerks and agents, and establish such agencies in this state and elsewhere as shall be by them deemed advisable for conducting the business of the company, fix their compensation and take bonds for any or all of them for the faithful performance of their duties, and make such covenants and agreements as may be deemed necessary; the president and vice president shall be chosen from among the directors, and may hold their appointments for one year and until others are chosen; but any other officer and servant of said company may be displaced and a new one appointed, at the pleasure of the directors; in the absence or disability of the president the vice president shall preside, and if both are absent or disabled, the directors may choose a president pro tempore; and in case any vacancy shall occur in the board of directors, the remaining directors may choose a director or directors among the stockholders to fill such vacancy, who shall hold the appointment until others are chosen in their places.

6. *And be it enacted*, That the capital stock, moneys and personal estate of said corporation may be invested at the discretion of the directors, either in loans, upon bonds and mortgages upon real estate in New Jersey, or in United States stocks, bank stocks, or stocks or bonds created by any city or state, or of corporations created by this state; and the same may be called in and reinvested at pleasure under the provisions of this act, and dividends of profit may be declared and paid from time to time to the stockholders as may be required by the by-laws.

7. *And be it enacted*, That suits at law may be maintained by any stockholder or person insured by said company against said corporation for losses or injuries insured against by said company, if payment shall be withheld more than

Powers of directors.

Investment of capital.

Suit may be brought if payment of insurance is withheld

thirty days after the same shall be due, and payable by the terms of the policy of insurance or other contract, and after the said corporation shall have been duly notified of such loss or injury.

May insure
the lives of
members.

8. *And be it enacted*, That under such regulations as said corporation, by its by-laws, may prescribe, the said "The Newark Mutual Health Assurance Company" may grant to its members an additional insurance against death to an amount not to exceed two hundred and fifty dollars upon each life, but no life insurance other than that effected by and upon the lives of health assurance members shall be made under the provisions of this charter.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXXIX.

An Act to repeal a supplement to an act entitled "An Act to incorporate the New Jersey Turnpike Company," passed March thirtieth, eighteen hundred and sixty-nine, and for other purposes.

Preamble.

WHEREAS, by act of the legislature of the state of New Jersey, passed the twenty-seventh day of February, anno domini eighteen hundred and six, certain persons therein named were authorized to construct a turnpike road from the city of New Brunswick to Phillipsburg, opposite Easton, passing through the counties of Somerset, Hunterdon and Sussex (now Warren), certain parts of which have been surrendered, from time to time, under and in pursuance to certain supplements obtained for the purpose; and whereas, it is represented that the supplement last obtained, and approved March thirtieth, eighteen hundred and sixty-nine, which surrendered the worn and expensive bridge crossing the Raritan river at Bound Brook to the inhabitants of the townships of Franklin and Bridgewater,

in Somerset county, was obtained privately and unknown to the people; and whereas, many of the citizens of said county have petitioned this legislature praying for the repeal of said supplement, and also for the repeal of the entire charter, and the supplements thereto, incorporating the New Jersey Turnpike Company; *provided*, the stockholders should so elect, and that a reasonable time be granted for their decision; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Repealer.} *the State of New Jersey*, That the supplement entitled "A Further Supplement to an act entitled 'An Act to incorporate the New Jersey Turnpike Company,'" and approved March thirtieth, eighteen hundred and sixty-nine, be and the same is hereby repealed, to take effect immediately.

2. *And be it enacted*, That the New Jersey Turnpike Com- ^{May surren-}
pany may yield up fully and forever, and surrender at plea- ^{der road. and}
sure, within a period of one hundred days after the passage ^{articles to be}
of this act, their said turnpike and the bridges thereon, in ^{filed.}
writing, under the hands of the president and seal of the said turnpike company to the inhabitants of the counties traversed by the said turnpike road; the article of surrender to be filed for record within the said one hundred days in the offices of the clerk of the counties of Somerset and Middlesex, upon such compensation to be made to them by the boards of chosen freeholders of the respective counties in or through which said turnpike passes, or said turnpike company and said respective boards of freeholders may agree upon, in and for the estimated value of the bridges now on said turnpike, not to exceed in the aggregate the sum of ten thousand dollars, whereupon said turnpike company shall be forever absolved and released from all liability to maintain said turnpike or the bridges thereon.

Approved March 17, 1870.

CHAPTER CCCLXXX.

An Act to incorporate the Union Water Company.

Names of corporators.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That F. A. Fisher, A. B. Bigelow, Sylvester Cahill, junior, N. G. Foster, W. D. Bigelow, S. Cahill, Benjamin F. Ham, James H. Partridge, Alexander P. Purves, John G. Crane and David Mulford, and all other persons who may hereafter be associated with them in the manner hereinafter provided and their successors shall be, and are hereby constituted and declared to be a body politic and corporate, by the name and style of the "Union Water Company," and by that name shall 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 whatever, have a common seal and make, change and alter the same at pleasure, and purchase, hold and enjoy such real and personal estate as may be necessary or useful for the object of this incorporation or may be taken in payment of debts; that the stock of the said corporation shall be deemed personal property, and shall consist of fifty thousand dollars, divided into two thousand shares of twenty-five dollars each; that the management of the concerns of the said corporation shall be entrusted to seven directors, being stockholders of said corporation, who shall be chosen every year at the annual meeting of the stockholders which shall be held on the third Monday in May at such hour and place in Cranford, in the county of Union, as said directors shall from time to time appoint, a notice of which election shall be published in a newspaper published in said county, for three successive weeks next before such election at least once in each week; that all such elections shall be by ballot by the stockholders, in person or by proxy, under the inspection and direction of three stockholders, neither of them being a candidate at such election, appointed by the directors, each stockholder having a vote for each share of his or her stock; and the seven persons voted for at such election having the greater number of votes, shall be the directors of said
Corporate name.	
Election of directors.	

corporation for the succeeding year and until others are elected in their stead; that if any two or more persons shall have an equal number of votes, so that seven directors shall not be elected, the said stockholders shall again proceed in like manner to elect from among their stockholders so many as shall complete the number of seven directors, out of which number the said directors shall, by a plurality of their votes elect one for their president, and in case of a vacancy in the office of any of the said directors by death, resignation or otherwise, others shall be elected by said directors or a plurality of them, to fill such vacancy and a majority of the said directors for the time being shall be a quorum for transacting business.

2. *And be it enacted*, That the persons named in the preceding section of this act shall be commissioners to procure subscriptions for the stock of the said corporation, and they or a majority of them, may open books for that purpose at Cranford, and any other place or places in the said county of Union, at any time and times after the passage of this act, giving ten days previous notice thereof in a newspaper published in the said county of Union; and five dollars on each share of stock subscribed for shall be paid at the time of subscribing therefor, and the balance to be paid by installments from time to time and in such sums as the said commissioners or directors of said corporation shall think proper, and direct not exceeding five dollars on each share at any one time; and whenever five hundred shares shall be subscribed for the said commissioners shall call a meeting of the stockholders within sixty days thereafter by giving fifteen days' notice of the time and place, in the county of Union, of such meeting, in a newspaper published in said county, for the purpose of electing directors and transacting other necessary and proper business; and when directors are elected the said commissioners shall pay over to them the money they shall have received, first deducting therefrom all expenses incurred by them; and all the powers of the said commissioners shall cease and be determined on the election of a board of directors, and the said directors, or a majority of them, shall have power from time to time to open the books for the further subscription of stock until the whole number of shares of stock is subscribed, and are also authorized to call on the subscribers for the payment of further installments in such sums, at such times, and

Commission-
ers to receive
subscriptions

under such forfeiture as they may deem expedient, until the whole amount of shares subscribed shall have been fully paid; *provided*, the payment of said installments shall be at least thirty days apart, and shall not be called for in a larger sum than five dollars on each share at a time, and fifteen days notice of each installment required shall be given in a newspaper published in said county.

Proviso.

Powers of directors.

3. *And be it enacted*, That the directors shall be authorized, in their discretion, to appoint such officers, agents and servants as they may from time to time deem necessary for carrying into effect the objects and powers of said corporation, to establish rules, regulations and by-laws for and concerning the conduct and government of the directors, their officers, agents and servants, and to determine the compensation to which they shall be entitled, and to require such security from them, for the faithful discharge of their respective duties, as they shall deem reasonable and proper; and for and concerning the manner of making transfer of the stock, and the conduct and government of all persons and corporations with whom they may contract, for the use and preservation of water furnished by the said corporation, and to restrain the waste thereof, and to impose penalties and forfeitures for a neglect and refusal to comply therewith, not exceeding fifty dollars, which penalties and forfeitures shall be recoverable in the name and for the use of the said corporation, before any justice of the peace of the county of Union, with costs, in an action of debt.

May contract for a supply of water.

4. *And be it enacted*, That for the purpose of effectually supplying with water the town of Cranford, and other places in said county, and the inhabitants, and the corporate authorities, and manufacturing and other corporations, companies and associations desiring the use of water, it shall and may be lawful for the corporation created by this act, and they are hereby empowered to make contract with persons, companies, associations and corporations, for the supply, use and preservation of water, and to erect, construct or maintain all works and structures necessary or convenient to the purpose of this act, and to lay down pipes and other conduits, and to erect and construct hydrants and fire plugs in the streets, alleys, lanes and other places, and to do all things necessary for supplying water as aforesaid; *provided*, that the public travel upon the streets, lanes and alleys shall at no time be unnecessarily affected or impeded in the laying

Proviso.

or repairing of pipes, or the erection and construction of fire plugs or hydrants or other necessary or proper work, and after the completion of any work the streets, cross and sidewalks shall be left in as good condition as before the commencement of any such work, and no private lands shall be in any way injured or defaced without permission first obtained from the owner or owners thereof; nor shall any dam be built above the present one known as the Gorman mill dam, that will cause the water to rise higher than the present legal height allowed to the above named dam.

5. *And be it enacted*, That if any person shall wilfully do ^{Penalty for injury to property.} or cause to be done any act or acts whatever to injure any water wheel, engine, machine, reservoir, pipe, fire plug, hydrant or structure whatever, or anything appertaining to the works of the said corporation, or whereby the same may be obstructed, stopped or injured, or shall wilfully and maliciously draw off or waste the water from any fire plug, hydrant or reservoir, or shall wilfully put or cause to be put into the reservoir or any of the works or structures of said corporation, or into the pond or stream or source from which the said corporation shall take water for the purpose authorized by this act of incorporation, anything that may render, or is calculated or liable to render, the said water offensive, impure or unwholesome, the person so offending shall be deemed guilty of a misdemeanor, and being thereof convicted shall be punished by fine not exceeding five hundred dollars or imprisonment in the county jail not exceeding six months, or both; *provided*, such criminal prosecution shall not in any ^{Proviso.} wise impair the right of action for damages by a civil suit, and the said corporation are hereby authorized to bring an action and recover for damages by a civil suit for any such injury aforesaid by and in the name of the said corporation in any court in this state having cognizance of the same.

6. *And be it enacted*, That the president and directors of ^{Dividends.} the said corporation shall declare and make such dividends as they may deem prudent and proper from time to time out of the net profits of the said water works, and the said corporation shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open within the usual hours of business for the inspection of the stockholders.

7. *And be it enacted*, That if the water now contemplated

Capital stock may be increased to be used by the said corporation for the purpose aforesaid, should by reason of the increased demand thereof be insufficient to supply the demand, it shall be lawful for the said corporation, and they are hereby empowered to procure an additional supply of water from other sources, and to erect and construct the necessary works therefor, and if necessary for such purpose they are hereby authorized and empowered to increase their capital stock from time to time, not exceeding in the whole additional amount the sum of two hundred thousand dollars, to be divided into shares of twenty-five dollars each, to be paid by installments in the manner and upon the like notice above mentioned; and whenever a subscription to said additional stock is authorized by the board of directors, the stockholders for the time being shall be first entitled to subscribe for said stock in a ratable proportion of stock held by them; and whenever a dividend is declared, the said directors shall declare and make dividends upon all the stock subscribed and paid for.

May use water from Rahway river. 8. *And be it enacted*, That to enable the said corporation hereby created to exercise and carry into effect the object and purpose thereof, they are hereby authorized and empowered to take and use the water from the Rahway river, at or near Cranford, in the county of Union.

May issue bonds and secure the same by mortgage. 9. *And be it enacted*, That the said corporation is hereby authorized to issue their corporate bonds, from time to time, not exceeding the amount of their capital for the time being, not paid in, bearing any rate of interest not exceeding seven per centum per annum, and secure the payment of the said bonds by a mortgage or mortgages of the said corporation upon all or any part of the real and personal property of said corporation.

10. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXXXI.

An Act to incorporate the Toms River and Waretown Railroad Company, of Ocean county, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Amos P. Stanton, John Aumack, William A. Low, Thomas Hooper, Ralph B. Gowdy, E. H. Wilks, D. S. Parker, Amos Falkenberg, Jacob Birdsall, George W. Cowperthwait, Joseph Holmes, senior, and James Edwards of the county of Ocean, and such other persons as may be hereafter associated with them, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic in fact and in law, by the name of the "Toms River and Waretown Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation.

Names of cor-
rators.Corporate
name.

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

Amount of
capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place and places, as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in one newspaper published in the county of Ocean, in this state; and that at the time of subscribing, ten per centum shall be paid upon each share subscribed for, to the commissioners, or some one of them; and when fifty thousand dollars are subscribed to the capital stock of the said corporation, the persons holding the same shall be and they hereby are, incorporated into a company, as aforesaid; and the commissioners shall give like notice for a meeting of the stockholders, to choose nine directors, a

Commission-
ers to open
subscription
books.

majority of whom shall be residents and citizens of this state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named commissioners, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those persons duly elected, and deliver over the subscription books and moneys paid in to the said directors, deducting a reasonable compensation for their services; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners, or a majority of them.

Election of
president

4. *And be it enacted*, That the directors chosen at such meeting, and at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their number a president, who shall hold office until after the next succeeding election, and until another shall be appointed; and they shall have power to fill any vacancy which at any time may exist in their board, by death or otherwise, until the next succeeding annual election.

Not dissolved
by failure to
elect directors

5. *And be it enacted*, That annual elections for directors shall be held at such times and places as the board of directors shall hereafter direct, of which elections, public notice, as above mentioned, shall be given, and such elections shall be made as hereinbefore directed; and in case it shall happen that an election of directors shall not be made when it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but the said election shall be held as soon thereafter as possible, and public notice shall be given as before directed, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places; five directors shall be a quorum to transact all business of the said corporation, and the directors shall be authorized to call in the remaining capital stock of said company, by such installments, and at such times, as they may direct, provided that such payments shall not exceed ten dollars on each share per month, and in case of the non-payment of the said installments, or any of them, they shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of said corporation, and also to make and pre-

scribe such by-laws, rules, and regulations, as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects, of the said corporation, and also to appoint such officers, clerks and servants, as to them shall seem meet, and to establish and affix such salaries to them, and also to the president, as to the said directors shall appear proper.

6. *And be it enacted*, That the president and directors of the said company be, and are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from the village of Toms River in the county of Ocean, to or near the village of Waretown in the said county of Ocean, and to extend the said railroad to the village of Barnegat, in the said county of Ocean, and to construct as many branches between said railroad and Barnegat Bay, as may be desired, the said railroad not to exceed one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, superintendents, engineers and others in their employ, to enter at all times upon all land or water, for the purpose of exploring, surveying, leveling, or laying out, the route of such railroad, and of locating the same, and to do and erect all necessary work, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon and take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, piers, wharves, ferries, and all other works necessary, to lay rails, and to do all other things which shall be suitable or necessary for the construction, completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment, or tender of the payment, of all damages for the occupation of land through which the said railroad may be laid out, be made; and if said owner of such land shall not see fit to receive such award, the amount of such award shall be paid into the circuit court of the county where the damages occur, before the said company, or any person under their direction, or in

May survey,
lay out and
construct rail-
road.

Proviso.

their employ, shall enter upon or break ground in the premises, except for the purpose of surveying or laying said road, unless the consent of the owner or owners of such lands be first had and obtained.

Proceedings
in case no
agreement can
be made with
owners of prop-
erty.

7. *And be it enacted*, That if 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 if 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 the said company, in the construction of said road, shall be given in writing under the oath or affirmation of some engineer or proper agent of the said 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 corporation to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than ten 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 and judicious freeholders, resident in the county in which the lands or materials in controversy lie, commissioners to examine and appraise the said lands or materials, and to assess the damages, upon notice not less than ten days, to be given to the persons interested, as shall be directed by the justice making such appointment; and it shall be the duty of the said commissioners (having first taken an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, 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 which shall be paid by the company for such lands and materials, and damages aforesaid; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road,

arising from the removal of the fencing on the line of the route of said road through any improved lands, over which the same may run, 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, and the appointment and oaths and affirmations aforesaid, in the clerk's office of the supreme court, to remain on record therein; which report, or a copy thereof, certified by the clerk of the said court, 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 demand made of their treasurer, and shall from time to time constitute a lien upon the property of the said corporation, in the nature of a mortgage; and the said justice of the said court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses to the said justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section of the act, as he shall think equitable and right, and direct to whom the same shall be paid by the said corporation.

8. *And be it enacted*, That in case the said corporation, or owner or owners of the said land or materials, shall be dissatisfied with the report of the commissioners named in the preceding section the party so aggrieved may appeal to the circuit court of the county wherein the lands or materials in controversy lie, at the first or second term after the filing of the said report, by proceeding in form of petition to the said court, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of the 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 term of said court, to be holden in 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, and if

Proceedings
in case of ap-
peal.

they shall find a greater sum than the said commissioners have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find the same, or a less sum than the company shall have offered, or the said commissioners awarded, then said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said lands, or materials, upon the filing of the aforesaid report, the value or damages being first paid, or upon a refusal to receive the same, upon a tender thereof, or (the owner or owners thereof, being under any legal disability) the same being first paid into the court of chancery,

Bridges to be
constructed
and kept in
repair.

9. *And be it enacted*, That it shall be the duty of the said corporation to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road now or hereafter to be laid shall cross the same, so that passage of carriages, horses and cattle, on the said road shall not be impeded thereby; and also, where the said road shall intersect any farm, or lands, of any individual to provide and keep in repair suitable and convenient wagon ways over or under said railroad, and shall also construct and maintain suitable and proper cattle guards at all road crossings.

Equipment of
road.

10. *And be it enacted*, That the president and directors of the said corporation shall have power to have constructed, or to purchase with the funds of the corporation, and to place on the said railroad, all machinery, engines, cars, or vehicles, for the transportation of persons or property, and also suitable and safe boats at the several terminating points of the said road; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and property thereon, as they, from time to time, shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of four cents per mile for carrying each passenger, but no charge shall be required to be less in the aggregate than ten cents; nor shall said corporation charge more than eight cents per ton per mile for the transportation of any description of property, nor shall more than one-half of the above rate be charged for carry-

Proviso.

ing any fertilizing material; and the said railroad, with the appendages, and the lands over which the same shall pass, and all the works and improvements, and all other property whatsoever, belonging to the corporation, are hereby vested in the said corporation and their successors, for and during the continuance of their charter.

11. *And be it enacted*, That the president and directors ^{Dividends.} shall declare and make such dividend of the net profits thereof as they may deem prudent and proper from time to time.

12. *And be it enacted*, That it shall not be lawful for the ^{Cars not to be run on Sunday.} said corporation to run any passenger or freight cars upon any part of the said railroad upon the first day of the week, called Sunday.

13. *And be it enacted*, That if the said railroad shall not ^{Limitation.} be commenced within five years, and completed and in use within ten years from the fourth day of July next ensuing, then and in that case this act shall be void.

14. *And be it enacted*, That the president and directors of ^{May borrow money and issue bonds.} the said corporation shall have power to borrow from time to time such sum or sums of money as may be necessary for the construction of said road, and for furnishing the necessary engines, cars, machinery, boats and buildings for the use and objects of the said corporation, and to secure the repayment thereof, with interest, by executing bonds and mortgages, or otherwise, on the said road, lands, personal property, privileges, franchises and appurtenances of, or belonging to said corporation, at an interest not exceeding seven per centum per annum; and it shall not be lawful for the said corporation to plead any statute or statutes of this state against usury, in any suit in law or equity instituted to enforce the payment of any bond or mortgage executed under this section.

15. *And be it enacted*, That it shall be lawful for the president and directors of the said Toms River and Waretown Railroad Company to connect at any point on their road with ^{May connect or consolidate with other railroads.} any railroad now built or that may hereafter be built, or to consolidate with or lease their railroad to any railroad company in this state that is now or may hereafter be built; or to lease any connecting railroad in this state that is now or may hereafter be built; said consolidation or leases to be made by the consent of the stockholders owning or representing a majority of the stock of said railroads.

May purchase
and hold real
estate.

16. *And be it enacted*, That the said company may purchase, have and hold real estate at or near the commencement and termination of the said road, or at any other point on the line of said road, where the directors may think proper to establish a depot, not exceeding six acres at each place; and may also erect and build thereon houses, warehouses, workshops, and such other buildings and improvements as they may deem expedient for the safety of their property, and for other necessary use appertaining to their business, and receive the rents and emoluments thereof; and may build and maintain over such rivers and streams as the road may cross, such piers or bridges as they may deem expedient, provided that suitable and sufficient draws shall be made over any navigable streams so as not to obstruct the navigation thereof.

Penalty for
injury to pro-
perty.

17. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the said road, or any buildings, bridges, wharves, carriages, machinery, or any other works or property of said corporation, such person or persons shall forfeit and pay therefor to the said corporation three times the amount of damages sustained by means of such injury, to be recovered in the name of said corporation, with costs of suit, in any court having cognizance thereof.

Statement of
costs and ex-
penses to be
filed.

18. *And be it enacted*, That as soon as the said railroad, or any part of it is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the costs of the said railroad, including equipments, appendages and all expenses, in the office of the secretary of state, and annually thereafter, on the first Monday in January in each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipments, appendages and expenses of said road, and after the said railroad or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said railroad, or any part thereof, shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including

State tax.

improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied ^{Proviso.} or assessed upon said company.

19. *And be it enacted*, That it shall be lawful for the said ^{Contracts.} corporation at any time during the continuance of its charter, to make contracts and engagements with any other corporation, or with individuals, for transporting or carrying any kind of goods, produce, merchandise, freight, or passengers, and to enforce the fulfillment of such contract.

20. *And be it enacted*, That when any portion of said rail- <sup>When com-
pany may
commence
running cars.</sup> road shall be completed, the said company may commence running cars for the transportation of passengers and freight, enjoying all the privileges, and subject to the restrictions created by this act.

21. *And be it enacted*, That any corporation or corpora- <sup>Corporations
may purchase
bonds.</sup> tions under the laws of this state be and they are hereby authorized and empowered to endorse, and to subscribe to and purchase any of the bonds of the said Toms River and Waretown Railroad Company.

22. *And be it enacted*, That it shall be lawful for the said <sup>May purchase
and sell lands</sup> railroad company to purchase land on or near the line of their railroad and pay for the same in stock of the said company to an extent not exceeding one hundred thousand dollars of said stock at its par value, with full power to sell and convey the same.

23. *And be it enacted*, That the governor, the chancellor, the <sup>Persons that
shall ride free.</sup> justices of the supreme court, the judges of the court of errors and appeals, and other state officers, whilst traveling for the purpose of discharging the duties of their offices, the members and officers of both houses of the legislature of this state, during the year for which they were elected, shall pass and repass on the railroad of said company free of charge.

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

Approved March 17, 1870.

CHAPTER CCCLXXXIII.

An Act to incorporate the New Jersey Paving Company.

- Names of cor-
porators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry Hill, John A. Hall and Elvin Crane and their associates, are hereby created a
- Corporate
name. body politic and corporate, under the name of "The New Jersey Paving Company," and by that name shall be capable of purchasing, holding, using and disposing of such estate, real and personal, as may be necessary to carry out the objects of the incorporation.
- Amount of
capital stock. 2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, with the privilege of raising the same to five hundred thousand dollars, and when ten thousand dollars in cash of the said stock shall have been subscribed for and paid in, in cash, it shall be lawful for the said corporation to organize and carry out the objects of the incorporation.
- May make
contracts for
paving streets
&c. 3. *And be it enacted*, That said company shall be authorized to carry on the business of street and road paving with wood, stone, concrete, and other materials, to take contracts for such paving, to manufacture and lay patent and other pavements, to treat wood with improved preservative processes, to buy and hold and use patent rights for the purposes aforesaid, and to transact such business as may be necessary to carry out the objects mentioned.
- Election of
directors. 4. *And be it enacted*, That the affairs of the company shall be managed by not less than five directors, who shall be elected annually by the stockholders; the first directors to be elected immediately on the completion of the subscription, and payment in cash of ten thousand dollars, and all subsequent annual elections to be held on the second Monday in January in each year, but said corporation shall not abate by reason of the election not taking place on said day; vacancies in the board may be filled for the unexpired term by the directors.
- Property that
may be taken
in lieu of cash
subscriptions. 5. *And be it enacted*, That said directors shall have power, on behalf of said company, to receive any property, patent,

or patent rights suitable for the purposes of the company at a valuation to be agreed upon, and in lieu of cash subscriptions, and shall have authority from time to time to open books for further subscriptions until the whole capital stock is taken; and the directors may call on the subscribers for the payment of installments, in such sums and at such times, and under such forfeiture as they may deem expedient.

6. *And be it enacted*, That the board of directors shall make such by-laws and appoint such officers as they may think proper to carry out the objects of the incorporation; *provided*, such by-laws do not conflict with the laws of this state. May make by-laws, &c.

7. *And be it enacted*, That the said directors shall be elected by a majority in value of the stock voted, either in person or by proxy, and that the principal office of said company shall be at Newark, New Jersey. Principal office.

8. *And be it enacted*, That this act shall continue in force thirty years, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXXXIV.

An Act to vacate and abolish parts of certain streets in the city of Rahway.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That that part of Seminary street, Part of Seminary street vacated. in the city of Rahway, extending from the easterly line of Irving street to the northwesterly side of the North Branch of Rahway river, as laid out upon the map made by or under the direction of the commissioners appointed by the common council of said city, under and by virtue of an act entitled "An Act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Rahway," approved April fourth, eighteen hundred and sixty-five, be and the same is hereby vacated and abolished, and the lines

established by said commissioners as the lines of said part of Seminary street are hereby abolished, and the action of the said commissioners in laying out the said Seminary street between the said Irving street and the said North Branch of Rahway river, is hereby annulled and made void, and shall be for nothing holden.

Part of Allen
street vacated

2. *And be it enacted*, That that part of Allen street, in the city of Rahway, extending from the southwesterly line of Grand street to the northeasterly line of said Seminary street as laid out upon the aforesaid maps, be and the same is hereby vacated and abolished, and the lines established by said commissioners as the lines of said part of Allen street are hereby abolished and the action of the said commissioners in laying out the said Allen street between the said Grand street and the said Seminary street is hereby annulled and made void, and shall be for nothing holden.

Repealer.

3. *And be it enacted*, That all acts and parts of acts so far as the same are inconsistent herewith, are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXXXV.

An Act to incorporate the Merchants' and Traders' Protective Union, of the City of Trenton.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Peter Spracklin, Michael O'Neal, John P. Garey, Joseph Lanning, Barclay N. Stokes, John Crawford, Anderson Horner and Daniel S. Thompson, and all persons who now are or hereafter shall become associated with them, 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 Merchants' and Traders' Protective Union, of the City of Trenton," and by such name they shall

Corporate
name.

have succession, and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of judicature whatsoever; and that they and their successors may have a common seal, make, enter into and execute any contracts or agreements touching or concerning the objects of said corporation, and shall have full power and authority to make, form and adopt such form of constitution and such by-laws and regulations for their government not inconsistent with the constitution and laws of this state, or of the United States as they shall think proper; and shall also be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the object of the corporation hereby created.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXXXVI.

A Supplement to the act entitled "An Act to authorize the inhabitants of the township of South Amboy, in the county of Middlesex, to vote by ballot at their town meeting."

WHEREAS, by an act approved February twenty-fifth, one Preamble. thousand eight hundred and fifty-six, the inhabitants of the township of South Amboy, in the county of Middlesex, were authorized and directed to elect their township officers by ballot, and that said election and town meeting should be held on the second Monday in March in each and every year; and whereas, by the mistake and inadvertence of the town clerk of said township, the said time for holding said town meeting has passed, and the said township is now without its required officers; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the town- Special town meeting to be held.

ship of South Amboy, in the county of Middlesex, are hereby authorized to hold a special town meeting, at the place where the last regular town meeting was held, on the fourth Monday in March, anno domini one thousand eight hundred and seventy, for the purpose of electing said township officers for the ensuing year, and that said election shall be conducted in the same manner, and have the same effect, as if the same was a regular election.

Limitation. 2. *And be it enacted*, That this act shall relate only to the year anno domini one thousand eight hundred and seventy.

3. *And be it enacted*, That this shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXXXVII.

A Further Supplement to an act entitled "An Act to establish the Long Branch Police Sanitary and Improvement Commission," approved April eleventh, eighteen hundred and sixty-seven.

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the supplement approved March thirty-first, eighteen hundred and sixty-nine to said original act, be and the same is hereby repealed.

Assessments to be made according to value. 2. *And be it enacted*, That all assessments for the purposes of taxation under said original act, and the supplements thereto shall be made according to the value of the real and personal estate within the limits of the jurisdiction of the "Long Branch Commissioners;" *provided, however*, that the expenses of grading, graveling, widening, repairing and improving roads, streets and avenues within said limits shall be assessed in proportion to the costs of the same in front of or through whose several lands said roads, streets or

Proviso.

avenues are graded, graveled, widened, repaired or improved; *and provided further*, that the expenses of watering roads, ^{Proviso.} streets or avenues within said limits shall be assessed upon the owners of lands fronting on such roads, streets or avenues respectively according to the relative value of such lands, said lands to be valued by the said "The Long Branch Commissioners," who shall first take and subscribe an oath or affirmation that they will faithfully, honestly and impartially value the same according to their best judgment, said valuation to be subject always to appeal before said commissioners for any reduction on said tax, said appeal to be made under oath or affirmation at the next regular meeting of the board of commissioners after due notice given by the treasurer as hereinafter provided.

3. *And be it enacted*, That the expenses of grading, graveled, widening and watering roads, streets and avenues, shall be paid to the treasurer of "The Long Branch Commissioners," within twenty days after written demand shall be made by said treasurer, and in case of refusal or neglect to pay the same, the said treasurer shall make out a list of delinquents and place the same in the hands of the collector of the township of Ocean, and said collector shall proceed forthwith to collect the same in the same manner as he is now by law authorized to collect delinquent taxes in the township of Ocean. ^{Mode of collecting expenses.}

4. *And be it enacted*, That the Long Branch Commissioners shall have power from time to time to borrow such sum or sums of money as they shall deem necessary to carry into effect the various provisions of the original act and the supplements thereto; said sum or sums of money not to exceed fifteen thousand dollars and to secure the payment thereof by bond or other instrument under their seal and the signature of their chairman and to provide by tax for the payment of the same. ^{May borrow money and issue bonds.}

5. *And be it enacted*, That the Long Branch Commissioners shall have power: ^{Powers.}

I. To restrain and suppress disorderly and gaming houses; ^{To suppress disorder.}
 II. To prohibit, restrain, license and regulate all sports, exhibitions of natural and artificial curiosities, caravans of animals, theatrical exhibitions, circuses and all other public performances and exhibitions for money; ^{To license public exhibitions.}

III. To prevent or regulate the erection or construction of any step, stoop, platform, bay window, cellar door, area, descent ^{To prevent street obstructions.}

into cellars or basements, sign or any post or erection in, or any projection over any road, street or avenue or sidewalk, and to remove the same in a summary manner at the expense of the owner or occupant of the same;

To prevent
dogs running
at large.

IV. To regulate and prevent the running at large of dogs and to authorize the destruction of dogs running at large;

To punish
vagrants.

V. To restrain and punish drunkards, vagrants, mendicants and street beggars.

Surveys of
streets, &c.,
to be recorded

6. *And be it enacted*, That it shall be lawful for the Long Branch Commissioners, whenever they shall deem it expedient to cause surveys to be made and the same to be filed in the office of the clerk of the county of Monmouth, and recorded in the book of record of roads and highways in said county, of such roads, streets, avenues, highways and alleys as they may think proper, which heretofore have been, and at any time hereafter may be, opened by the owner or owners of any land over which the same runs, and which have been by said owner or owners dedicated to the public by permitting the public to use the same, and all such roads, streets, avenues, highways and alleys when surveyed, and the survey approved by the said commissioners, and filed and recorded as aforesaid, shall be deemed and taken to be public roads, streets, avenues, highways or alleys, and shall be made, maintained and treated as such in all respects.

Repealer.

7. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXXXVIII.

Supplement to an act entitled "An Act to improve Paterson Avenue, from the westerly line of the Paterson Plank Road, to the Seacaucus Road, and the Seacaucus Road from Paterson Avenue to Pen Horne's Creek, in the County of Hudson," approved April first, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the county collector of the county of Hudson be and hereby is appointed treasurer of the commission named in the act to which this act is a supplement, whose duties and responsibilities shall be the same as those of the treasurer, provided for by the act to which this is a supplement and in whose place he is hereby appointed. Duties of the treasurer.

2. *And be it enacted*, That it shall not be lawful for the commissioners named in said act to issue certificates of indebtedness, but in lieu thereof the board of chosen freeholders, of the county of Hudson, shall be and hereby are authorized to advance all money required for said improvement, and all other improvements to be done under said act and this supplement in anticipation of the collection of assessments for said improvements; and for this purpose the said board of chosen freeholders of Hudson county are hereby authorized to borrow such sum or sums of money as shall be necessary, and to issue the bonds of the county of Hudson therefor, payable at such times as the board of chosen freeholders may elect. Board of freeholders to advance money for improvements, and to issue bonds

3. *And be it enacted*, That the commissioners named in said act, to which act is a supplement, shall, before they proceed to the duties of their appointment, enter into bonds to the board of chosen freeholders, of the county of Hudson, with at least two freehold sureties, being residents of the county of Hudson, to be approved by the said board of chosen freeholders, in the sum of three thousand dollars each, conditioned for the faithful performance of their duties as such commissioners, and further that said commissioners shall be required before entering upon their duties, to take Commissioners shall give bond.

an oath or affirmation for the faithful performance of their duties, before the clerk of said board of chosen freeholders of Hudson county.

Duties of the
commissioners

4. *And be it enacted*, That said commissioners, in addition to the duties required by the act to which this is a supplement, are hereby empowered and authorized upon application in writing to said commissioners by the owners of a majority of the property fronting upon the said proposed improvement, to regulate and grade the old Seacaucus road, having first widened the same to the uniform width of sixty feet from Pen Horne creek to the Paterson plank road; also, to widen, grade and regulate the old county road, at a point at or near the new county road, running in a northerly, or nearly a northerly direction, until it intersects the lands, now, or late of Job Smith and Abel I. Smith, and from last named point to continue said Road, upon application as aforesaid by laying out, opening, regulating and grading the same, so as to intersect the old Seacaucus road, the same to be of the uniform width of sixty feet throughout; the cost and expense for the additional improvements provided for in this section, to be assessed and collected in the same way and manner as provided for in the act to which this act is a supplement, for the improvement of Paterson avenue; and said act shall in all respects be so construed as to include within its provisions for the improvements contemplated by this act, as though said additional improvements were named in said act in connection with Paterson avenue, so far as the same will, in any respect, relate to the said additional improvements named.

Money assessed for improvements, how applied.

5. *And be it enacted*, That when the said treasurer shall receive the moneys assessed for said improvements, he shall credit the same to the amount of money advanced by the board of chosen freeholders of the county of Hudson.

Repealer.

6. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

Repealer.

7. *And be it enacted*, That sections thirteen, nineteen and twenty-four of the act to which this is a supplement be and the same are hereby repealed.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCLXXXIX.

An Act to authorize the consolidation of the capital stock, property, powers, privileges and franchises of the New Jersey Hudson and Delaware Railroad Company with those of the New Jersey Western Railroad Company, the Sussex Valley Railroad Company and the Hoboken, Ridgefield and Paterson Railroad Company, or any or either of them.

WHEREAS, the corporations above named are located substantially upon the same route, and when consolidated will form a continuous line of railroad from the Hudson river, by way of Pompton and the Pequannock valley, to the northern line of the state; and whereas, the said corporations are under the same management and control, and can be more effectively and cheaply managed and operated and the interests of the public better served if the said railroad corporations are consolidated and merged into one; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New Jersey Hudson and Delaware Railroad Company may merge and consolidate its capital stock, property, powers, privileges and franchises with the capital stock, powers, privileges and franchises of the New Jersey Western Railroad Company, the Sussex Valley Railroad Company, and the Hoboken, Ridgefield and Paterson Railroad Company, or either or any of said companies.

May consolidate with certain railroads.

2. *And be it enacted*, That such consolidation shall be made under the conditions and provisions hereafter in this act mentioned and contained, that is to say: first, the directors of the said several corporations proposing to consolidate may enter into a joint agreement under the corporate seal of each company for the consolidation of said companies and railroads, and prescribing the terms and conditions thereof and the mode of carrying the same into effect; such agreement of the directors shall not be deemed to be the agreement of the corporations so proposing to consolidate until after it

Proceedings for effecting the consolidation.

shall have been ratified or assented to by such number of the stockholders of each of the corporations, respectively, as shall represent three-fourths of the capital stock actually subscribed of the corporations so proposing to consolidate; such consent or ratification shall be in writing, and signed by the holders of the stock aforesaid, or by their duly authorized agents or proxies, and shall be acknowledged or proved to have been executed by the persons signing the same before such officer as may be authorized to take acknowledgments of conveyances of real estate, and shall be filed with the aforesaid agreement of the directors in the office of such consolidated company; and when such agreement of the directors has been sanctioned and assented to by the stockholders of the several companies in the manner above provided, then such agreement of the directors shall be deemed to be the agreement of the said several corporations, and a sworn copy of the same, made by the secretary of such consolidated company, shall be evidence of the matters therein contained; upon making the said agreement mentioned above, and filing a duplicate or counter part thereof in the office of the secretary of state, and immediately upon and after the first election of directors by such consolidated company, the said several corporations shall be merged in a new corporation provided for in said agreement, to be known by the corporate name hereinafter mentioned, and the details of such agreement shall be carried into effect as provided therein.

Corporate
name and
powers.

3. *And be it enacted*, That said new corporation so formed and consolidated shall be known as the "New Jersey Midland Railway Company," and shall succeed to the property, rights, powers, privileges, franchises, obligations and liabilities of the companies so consolidated; all contracts made with either of the aforesaid companies shall be performed and discharged by such consolidated company, and all property, real, personal and mixed, and all debts due, on whatever account, as well as of stock, subscriptions and other things in action belonging to said corporations, shall be taken and deemed to be transferred to and vested in the company hereby created, without further act or deed, and all property, rights of way, and all and every other interest, shall be as effectually the property of said New Jersey Midland Railway Company as they were of the former corporations parties to said agreement; the said consolidated company may regulate and harmonize the grades and surveys made by the aforesaid

companies, or either of them, and may make and file new surveys and maps, but the route or line of the aforesaid road or roads shall not be located beyond or without the limits authorized by the several acts incorporating the aforesaid companies and the several supplements thereto; six rods in width for right of way, and such additional width as may be necessary for cuttings and embankments may be taken by said railway company, with so much land and real estate for stations, depots and other buildings, as may be necessary; *provided*, that the said consolidated or New Jersey Midland Railway Company shall be laid out and constructed through the county of Sussex under the chartered rights, powers and privileges of the said New Jersey Hudson and Delaware Railroad Company; *and also provided*, it shall not be lawful to take the lands of any other railroad or canal company.

Proviso.

Proviso.

4. *And be it enacted*, That the stock of any stockholder of any of said companies who shall dissent from the aforesaid consolidation and agreement, may be taken by the said consolidated railway company in the following manner: the said company shall apply to one of the justices of the supreme court to appoint three disinterested commissioners to appraise the value of a share of stock in each of said companies having stockholders so dissenting, and the said justice shall appoint such commissioners; and such commissioners shall meet together and appraise the value of a share of stock of each of said companies in which stockholders do not assent, and the said company consolidated as aforesaid shall pay to such non-assenting stockholders in either of said companies the valuation so fixed on a share of such companies' stock, in which said stockholder holds stock, for every share of stock so held by such stockholder; and upon such payment or tender thereof, the said stock so taken or valued shall be thereby surrendered and assigned to the said railway company; such notice shall be given by said company of such proceedings as the said justice shall direct.

Proceedings for taking the stock of dissenting stockholders.

5. *And be it enacted*, That the business of said company hereby created shall be managed by a board of thirteen directors, who shall be chosen at the time and place designated in the agreement authorized in this act to be made, and annually thereafter, at the time and place designated in the by-laws of said company; but if said company shall not elect directors as herein provided, the corporation hereby created shall not for that cause be deemed to be dissolved, but such

Not dissolved on failure to elect directors

election may be held at any other time, and the directors for the time being shall continue to hold their places until new ones shall have been chosen in their places.

Statement of
costs and ex-
penses to be
filed.

6. *And be it enacted*, That as soon as the said railroad, or any part of it, is in operation, the president of said company shall file, under oath or affirmation, a statement of the amount of the cost of said railroad, including equipments, appendages, and all expenses, in the office of the secretary of state, and annually thereafter, on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipment, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter, on the first Monday in January of each year, and such other taxes as may be assessed from time to time, by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad, or any part thereof, shall be in operation, shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property, as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company; and this act shall take effect immediately.

State tax.

Proviso.

Approved March 17, 1870.

CHAPTER CCCXC.

An Act to authorize the Drainage of Marsh and Swamp Lands.

WHEREAS, in the judgment of the legislature of the state Preamble.
of New Jersey, the tide water marshes and overflowed
lands of the state of New Jersey cannot be profitably and
practically drained by the numerous individual owners
thereof; and, whereas, the revenues of the State would be
largely increased by the taxes on the said marsh lands
when properly fitted for occupation and use; and, whereas,
the maintenance of such drainage will be a public work
requiring continuous and constant care to protect the in-
terests of the large number of persons who may use and
occupy said lands when reclaimed, and who by such occu-
pancy and use would add considerably to the wealth and
population of this state; and, whereas, the frequent over-
flowing of said marshes materially interferes with the con-
struction, maintenance and use of suitable highways of
travel thereon for the accommodation of the people; and,
whereas, said marshes in their present condition are detri-
mental to the public welfare of the populous communities
in their vicinity; therefore,

I. BE IT ENACTED *by the Senate and General Assembly of* Names of cor-
porators.
the State of New Jersey, That Spencer B. Driggs, John
McGregor, Lewis B. Brown, John S. G. Burt, Henry W.
Merril, John S. Harberger and Robert S. Green, and such
other persons as they may hereafter associate with them,
shall be and are hereby ordained, constituted and declared to
be a body corporate and politic, in fact and in name, by the
name of "The Driggs Drainage Company," and by that Corporate
name and
powers.
name they and their successors and assigns shall and may
have continual succession, and shall be persons in law capa-
ble of suing and being sued, pleading and being impleaded,
answering and being answered unto, defending and being
defended in all courts and places whatsoever, and shall have
power to make and use a common seal, and the same at
pleasure to alter, and they and their successors, by the same
name and style, shall have power to hold, purchase and im-

prove and convey such real and personal estate as they may deem necessary or expedient for the objects of this corporation, or as the purposes of the corporation may from time to time require, not exceeding in amount the sum of its authorized capital, excepting that in case of the purchase of marsh or overflowed lands from the State or from the individual owners of such marsh or overflowed lands within the limits of localities specified in this act, and the right to own, improve, lease or convey the same the said company shall not in any way be limited in amount.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be one million of dollars, with the privilege of increasing the same to any amount, not exceeding five millions dollars, by a vote of a majority of directors, and approved by a majority in interest of the stockholders at a meeting convened upon ten days written notice to each of the stockholders, and the said capital stock shall be divided into shares of one hundred dollars each, which shall be subscribed and paid in at such times and upon such notice and in such manner and installments as the directors of said company by their by-laws may direct, that such payment shall be made either in money or in land situate within the limits of this act, or in material or machinery or any other property that the said directors may deem necessary and proper for the said company to own and possess; that in case of the payment for said stock in land, or material or machinery, or any other property, the directors of said company may issue in payment therefor the stock of said company, which shall be full paid stock, and each certificate of stock so issued in payment for land or material or machinery, or any other property, shall bear upon its face the words "full paid stock," and such certificate shall not be subject to any future calls for installments or assessments of any kind; that the stock of said company shall be deemed personal property, and the shares shall be transferable in such manner as the board of directors by their by-laws may direct, and every share shall entitle the holder to one vote, either in person or by proxy.

Directors,
when and how
chosen.

3. *And be it enacted*, That the said company shall choose seven directors on the first Tuesday of December in each year, who shall be stockholders, and the persons mentioned in the first section of this act, together with those whom they may associate with them, shall be the directors, or in case of resignation, others who may be chosen in their places until

the annual election; said directors shall, at their first meeting, or annually at the annual election of the said company, or as soon as may be after every such election, choose out of their own number a president, and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said company shall provide.

Vacancies,
how filled.

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

Failure to
elect not to
dissolve.

5. *And be it enacted*. That four directors of the said company shall be competent to transact all the business of the said company, and they shall have power to call in the capital stock of said company by such installments and at such times as they may direct; and in case of the non-payment of said installments, or any of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall seem necessary and proper, touching the management and regulation of the stock, property, estate and effects of said company, and also shall have power to appoint a treasurer and a secretary and as many clerks and servants, and to establish and pay such salaries to them, and also to the president as to the board shall appear just and proper for the interests of said company.

Failure to pay
installments
to work a for-
feiture.

6. *And be it enacted*, That the said company, from time to time, as shall appear expedient, may reclaim and drain all or any portion or portions of the wet or overflowed lands and tide water marshes in Essex, Union and Middlesex counties, in the state of New Jersey, and may receive an annual compensation therefor in the manner hereinafter provided; and said company may construct, maintain and use all dykes, dams, ditches, drains, sluices, engines, pumps and other works, structures or machinery necessary or convenient thereunto.

Lands that
may be drain-
ed.

May issue
bonds.

7. *And be it enacted*, That said company may borrow money and issue its bonds therefor, and may secure them by mortgage upon its property and franchises, not exceeding in amount the sum of its authorized capital, and not to be sold at less than ninety per centum of their par value.

Commission-
ers may be ap-
pointed by a
justice of the
supreme court

8. *And be it enacted*, That any justice of the supreme court may appoint a board of three commissioners in respect to all such lands so undertaken to be drained, and may fill all vacancies in said board, and may appoint others in their places at the expiration of their respective terms, and shall fix their compensation; and the term of each of said commissioners shall continue for nine years, except that of those first appointed, one shall hold for three years and one for six years; and said company, whenever it shall be requisite, may make application for such appointments after ten days' publication of notice of such application, in one or more newspapers published in each of the counties where the lands lie, the said commissioners shall be residents and freeholders of this state, and before entering upon the performance of their duties under this act, shall take and subscribe an oath or affirmation before a justice of the supreme court and file the same in the office of the clerk of said court, faithfully and impartially to perform the duties of their appointment.

Justice of the
supreme court
to confirm
contracts.

9. *And be it enacted*, That said commissioners may contract with said company for the complete drainage of said lands, and from time to time, as occasion may require, for the maintenance and management of suitable dikes, drains, ditches, dams, sluices, engines, pumps and all other machinery, works and structures necessary or useful in the management or improvements required to keep said lands fit for occupancy and use, and shall pay said company such compensation therefor as said contract shall respectively specify; and the said commissioners shall report every such contract to any justice of the supreme court, for confirmation, and no such contract shall go into effect until so confirmed.

Duties of the
commissioners

10. *And be it enacted*, That said commissioners after making any contract provided for in the next preceding section of this act, and after the reclaiming of the lands shall have been completed, according to such contract (or at any time before the work of said reclaiming shall have been completed, if deemed proper by them), the said commissioners shall have full power to employ a competent surveyor in each of the counties above mentioned and cause a complete

survey to be made of all the lands benefited or to be benefited by the drainage authorized in this act; and it shall be the duty of said commissioners to cause a diagram or map to be made by each of the said surveyors, showing accurately the lands so reclaimed, or so to be reclaimed, in each of the aforesaid counties, respectively, which diagrams or maps shall be deposited with said commissioners, for the use of themselves and their successors in office, there to remain as an official record of the area of the lands reclaimed and benefited and to be assessed therefor under this act, and a complete copy of all such surveys, diagrams or maps shall be made by said surveyors and furnished to the said company: the costs of said surveys, diagrams or maps shall be allowed by said commissioners and added to the costs and expenses of said commission, and so soon as the same shall be collected shall be paid over to the said surveyors; and said commissioners shall assess upon the said lands so reclaimed a just proportion of the contract price, and of the expenses of said commission, and shall cause the same to be collected, and shall pay the stipulated compensation to said company, and for the purpose of paying the annual compensation for maintaining the same, shall assess upon the lands so reclaimed a just proportionment of the aforesaid annual compensation, and the expenses of the commissioners, and shall cause the same to be collected annually, and shall pay the same yearly to the said company, and the compensation to be paid for the first or original drainage, shall be in like manner assessed upon the lands benefited thereby, and made payable forthwith, or with interest in equal annual installments, during such term of years as in the contract in that behalf shall be specified; *provided, however*, if said company shall fail to keep dry any portion of said lands drained so as to be fit for occupancy and use, said company shall not collect, or cause to be collected, any tax upon such portion of said lands in the year or years when such failure shall happen; *and provided further*, that the amount of tax assessed on the said lands so reclaimed shall in no case exceed the benefit. Proviso.

11. *And be it enacted*, That the said commissioners shall in each year file a list of their unpaid assessments on said lands in the office of the county clerk of the county wherein said lands are located, and the said assessment shall thereupon become a lien on said lands and in default of payment List of unpaid assessments to be filed with county clerk.

for the space of two months thereafter, said lands, after eight weeks' advertisement in one or more public newspapers of the county, shall be sold at public auction for the shortest term of years, by said commissioners, to any person or persons who will pay the amount of said tax and the expenses of said sale, and any of said lands so sold may be redeemed from such sale by the owner or owners thereof, within three years from the date of said sale, by paying to said commissioners for the benefit of the purchaser thereof the sum paid by the said purchaser at such sale, with interest thereon, at the rate of twelve per centum per annum; but if any of said lands are not so redeemed as aforesaid, within three years from the date of the sale thereof, then the purchaser thereof shall continue to have, hold, use, enjoy and possess such land so sold during the full term for which said sale shall have been made, and said company may at any time become the purchaser at such sales if they deem it necessary to protect the interests of said company; and any two of said commissioners may exercise any of the powers or perform any of the duties hereinbefore, or which may be hereafter delegated to or enjoined upon said commissioners; *provided always*, that no sale of any lands for such tax shall be made while the owner or owners are under legal disability.

Proviso.

Right to enter
on lands, &c.

12. *And be it enacted*, That it shall be lawful for the said president and directors, their agents, engineers, superintendents or others in their employ, to enter upon all lands or waters for the purpose of exploring, surveying, sounding, leveling and laying out the route or routes of such dikes, dams, ditches and drains as the said company shall deem necessary and of locating the same, and to do and erect all necessary works, structures, buildings and appendages thereon, doing no unnecessary injury to private or other property, and when the route or routes of such dikes, dams, ditches, drains and the location of other necessary works and structures shall have been determined upon, and a survey of such route or routes and locations deposited in the office of the secretary of state, then it shall be lawful for the said company, by any of its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have and use, occupy and excavate any such lands so located, and the said company may erect embankments and all other necessary works and structures, and may do all other things which may

be suitable or necessary for the drainage of said lands, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of the payment of ^{Proviso.} all damages for the occupancy of the lands through or upon which said dikes, dams, ditches, drains or other works or structures may be laid out or located, be made before the said company or any person under their direction or in their employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said dikes, dams, ditches, drains and other works or structures, unless the consent of the owner or owners of such land be first had and obtained; the said company or any riparian owner shall pay, or secure to be paid to the treasurer of this state, such an amount as shall be ascertained by a commission to be appointed by the governor of this state at such time as he shall deem expedient, or upon the request in writing by the said company or said riparian owner, to be a fair value of the lands of the state lying within or between the said dikes and the present shore line, as well as the lands lying below high water mark in front of the lands now owned by the said incorporators or said riparian owners or that may hereafter be owned by them or either of them, and the said commissioners so appointed by the governor shall first take and subscribe an oath well and truly to perform the duties of their appointment, which oath shall be filed in the office of the secretary of state, and the said company, or the riparian owners upon paying or securing to be paid to the state the award of the said commissioners in ten years from the time of the award, with interest annually, the said treasurer shall give to the said company or riparian owner a certificate thereof, with the boundaries of the lands of the state covered with water awarded by said commissioners, and the same being duly acknowledged by the treasurer may be recorded in the office of the clerk of the county where such lands lie as an evidence and record of title, and the title of the state shall vest in the said company or said riparian owners.

13. *And be it enacted*, That if the said company or its officers or its agents cannot agree with the owner or owners of such required land, for the use and purchase thereof, or if 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 so required for the use of said company in the construction of said dikes, dams, ditches, ^{Proceedings when company and owners of land cannot agree.}

drains and other works and structures, shall be given in writing under the oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if known, and their residence, if the same can be ascertained, to any justice of the supreme court, who shall cause the said company to give notice thereof to the persons interested, if known, and in this state, or if unknown, and out of this state, to make publication thereof as said justice shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners mentioned, at which time, upon satisfactory evidence of the service or publication of such notice aforesaid, said justice shall appoint three disinterested commissioners to assess the price or value of said lands, who shall be sworn or affirmed before the said justice, faithfully to execute the duties of such appointment; and after like notice of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such decision and award, together with a description of the said lands and the quantity taken, by whom owned and how situate and bounded, in writing, under their hands and seals, or under the hands and seals of any two of them, to the justice who appointed them, to be by him returned and filed in the office of the clerk of the county wherein such lands lie, together with all the papers relating thereto, there to be kept as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision and award of the said commissioners, the parties so aggrieved may appeal to the supreme court, by proceeding in the form of a petition to the said court, with five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in the said supreme court full right and power to hear and adjudge the same, and if required, they shall frame issues in proper form for a jury, who shall hear and finally determine the same, and it shall be the duty of the said jury to assess the value of the said lands, and all damages sustained; and if the said jury shall be demanded by the said company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against said company, and execution issued, if need be; but

Parties aggrieved may appeal.

if the said jury shall be demanded by the owner or owners of said lands, and shall find the same, or a less sum than the commissioners awarded, then costs shall be paid by the owner or owners, and shall be deducted from the said sum awarded by the said commissioners, or execution issued therefor, as may be directed by the said court; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, or deposit thereof, as the court may direct, the said company shall be deemed to be seized and possessed in fee simple of all such lands and real estate appraised as aforesaid; but such application shall not prevent the said company from taking the said land upon filing the said report, the value or damages being first paid, or upon a refusal to receive the same, upon a tender thereof, or the owner or owners thereof being under a legal disability, the same being first paid over to the supreme court, to the credit of the party entitled thereto; the right of way over the said dike to the navigable water in front thereof, is hereby reserved free, to all the owners of the marsh land to be inclosed and reclaimed from the tidal flow, at such points and crossings as the said commissioners may locate for proper bridges over the ditch and its accompanying embankment and all such crossings shall be kept in good condition for the convenience of the said owners and without injury to said dike, or in any way interfering with or impairing the water levels of said embankment or the works of the said company connected therewith, and no other privileges or encroachments shall be allowed upon the property or works of the said company or openings or cuts permitted to be made through the said embankment or dike, except for the purpose of sluice gates in carrying out the drainage of said lands without the consent of the said company having first been had and obtained.

Right of way
to be free to
owners.

14. *And be it enacted*, That the president and directors of said company shall, within one year after the reclaiming of said lands shall have been completed, declare and make such dividends as they think prudent and proper, of the net proceeds thereof, and shall, in like manner, annually thereafter, declare and make such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

Dividends.

15. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXCII.

An Act to aid the Trustees of School District Number Thirty-six, in the county of Essex.

Trustees may
issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of more readily borrowing money, to be employed in purchasing land, and in erecting a school house, "The Trustees of School District Number Thirty-six, in the county of Essex," may issue their corporate bonds, to an amount not exceeding in the aggregate the sum of thirty thousand dollars; said bonds to bear interest not exceeding seven per centum per annum, and to be made payable at a period not exceeding twenty-five years from the date of their issue.

Bonds may be
secured by
mortgage on
school prop-
erty.

2. *And be it enacted*, That the said "The Trustees of School District Number Thirty-six, in the county of Essex," are hereby fully authorized to make and execute a mortgage upon any school property of said district, for the securing of the payment of the bonds herein authorized; and may also assume and agree to pay any taxes which may be assessed upon such security in the hands of the holder of the same.

Payment of
interest.

3. *And be it enacted*, That the said, the trustees of school district number thirty-six, in the county of Essex, shall provide for the payment of the interest and the redemption of the principal of said bonds in manner following: they shall, in each year, prepare a certificate in writing and form similar to that prescribed by the "Act to establish a system of public instruction," which certificate shall contain a statement of the amount which will fall due within a term of one year from the making of such certificate, for interest on said bonds, and shall direct the assessor of the township to

assess such amount of interest, together with one thousand dollars to create a sinking fund; and it is hereby made the duty of such assessor to make such assessment upon the taxable property in said district, in the same manner now required by the "Act to establish a system of public instruction;" and all moneys to be raised by virtue of such assessment are hereby inviolably pledged to the payment of the interest and the ultimate discharge of the principal of said bonds.

4. *And be it enacted*, That it shall be the duty of the said trustees and their successors, to see that the moneys so to be raised for a sinking fund, shall be promptly and safely invested from time to time, as the same shall be collected. Investment of money.

5. *And be it enacted*, That the said trustees shall use and employ the money realized from the sale of the bonds herein authorized, in purchasing land for school purposes and in erecting a building thereon and furnishing the same, and for no other purpose whatsoever. How appropriated.

6. *And be it enacted*, That John M. Randall, George D. Woodruff and George Booth, be designated as the persons to whom the trustees shall execute and deliver the mortgage and bonds authorized in the foregoing sections; and the three persons above named shall be commissioners to take charge of and negotiate said bonds in behalf of the district; *provided*, said bonds shall not be negotiated at less than their par value, and the school building shall be erected by contract. Commissioners to negotiate bonds. Proviso.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXCIII.

An Act to incorporate the Bayonne City Savings Bank.

Names of corporators.	1 BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That Henry Meigs, Jacob R. Schuyler, Ephraim D. Brown, Samuel T. Brown, Solon Humphreys, Hiram Van Buskirk, Rufus Story, Francis I. Smith, John C. Smith, James W. Trask, and their successors, shall be and are hereby constituted a body corporate and politic by the name of "The Bayonne City Savings Bank."
Corporate name.	
Election of managers	2. <i>And be it enacted</i> , That the business of the said corporation shall be conducted by seven managers, five of whom shall constitute a quorum; and the seat of any manager who shall have neglected to attend for four successive meetings may be vacated by the board, and when the seat of any member of the board of managers shall from any cause become vacant, the other members may fill such vacancies by the vote of the majority of the board, such vacancies to be filled at the first regular meeting of the board held after such vacancy having occurred; the first managers shall be elected from the persons named in the first section of this act, by a majority of the votes, the said incorporators having the right to vote by proxy; the board of managers shall meet at least once in every three months to attend to the business of the corporation, and there shall be an annual meeting of the board held on the first Monday in May for the purpose of choosing one of their number president, and appointing a cashier and such officers or agents as may appear to them necessary for conducting the business of the bank, which officers so chosen and appointed shall continue in office for one year, and until others are chosen and appointed in their place, and they shall be under oath, and if necessary required to give security for the faithful and honest performance of the duties of their respective offices.
Place of business.	3. <i>And be it enacted</i> , That the office or place of business of the said institution shall be in the city of Bayonne, and the books of the institution shall be open at all times to the

inspection and examination of such person or persons as the legislature may from time to time appoint for that purpose.

4. *And be it enacted*, That the board of managers shall ^{May make by-laws.} have power from time to time to make, ordain and establish such by-laws, rules and regulations as they shall judge proper for the receiving of deposits, and paying out of the same by drafts, orders or otherwise, as the depositors may direct, and for the transacting, managing and directing all the affairs of the corporation; *provided*, that such by-laws and regulations ^{Proviso.} shall not be repugnant to the constitution and laws of this state or of the United States, and shall not at any time be altered so as to affect any deposit of money previously made.

5. *And be it enacted*, That the said corporation may re ^{May receive and invest deposits.} ceive on deposit, all sums of money which may be offered for the purpose of being invested in such amounts and at such times, and on such terms as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to the depositors, or their order, at such times, and with such interest, and under such regulations as the board of managers shall from time to time prescribe; and execute all such trusts of every description as may be committed to them by any person or persons whatever, by will or otherwise, or transferred to them by order of any court.

6. *And be it enacted*, That the said corporation may in ^{Investment of deposits.} vest the money left with them on deposit in no other public stocks, than such as are created under the laws of the United States, or the states of New Jersey, New York, Pennsylvania, Ohio, or in the stocks or bonds of either of the cities or counties of the states of New Jersey and New York, nor in bonds and mortgages, except on unincumbered real estate worth at least double the amount of the sum invested; *provided*, said corporation may make temporary loans upon ^{Proviso.} personal securities, with pledges of collateral securities worth at least thirty per centum more than the amount loaned; but the amount thus loaned on personal security shall not at any time exceed thirty per centum of the whole amount of the assets and securities of the said corporation.

7. *And be it enacted*, That it shall be the duty of the ^{Rate of interest.} board of managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a just proportion of the profits of the business of the said corporation, after deducting therefrom all necessary expenses

and a reasonable surplus or contingent fund; *provided*, that the rate of interest may, at the discretion of the managers, be so regulated as that the interest allowed any depositor having more than one thousand dollars deposited shall be at least one per centum less than the rate allowed to other depositors; *and provided also*, that the said corporation shall not be required to allow interest upon any deposit of a less amount than five dollars, nor upon the fractional parts of one dollar, nor upon the fractional parts of a month; and that no interest or dividends on account of any surplus or contingent fund shall be allowed for moneys which have been withdrawn from deposit.

Proviso.

Minors may give acquittance for deposit.

Proviso.

Deposits made by females not to be controlled by husband.

Depositor may appoint person to receive moneys.

Annual report to legislature.

8. *And be it enacted*, That it shall be lawful for the said corporation, at their discretion, to pay any depositor, being a minor, such sum not exceeding five hundred dollars, as may be due to such depositor, in cases where no guardian shall have been appointed in his or her behalf, and that the receipt or acquittance of such minor shall be as valid as though the same were executed by his or her guardian duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person for his or her benefit.

9. *And be it enacted*, That in case the said corporation shall receive any deposit or deposits from any married female, or from any single female who may afterwards marry, it shall be lawful for the said corporation to hold the same, together with the interest or dividends which may accrue thereon, as the sole and separate property of such female as though she were single, not subject to the control nor liable for the debts of her husband, and to repay the same and the interest and dividends, or any part thereof, upon her check, order or receipt or demand, without the concurrence of her husband; and such payments shall exonerate and discharge the said corporation from any further liability by reason thereof.

10. *And be it enacted*, That a book shall be kept at the office of the institution, in which any depositor shall be at liberty to appoint any person or persons to whom in the event of his or her death, the money shall be paid, if not otherwise disposed of by will, and all payments made to the person or persons so appointed shall be a full discharge of the claims against said institution.

11. *And be it enacted*, That it shall be the duty of the said institution to make an annual report to the legislature of this state, under the oath or affirmation of the treasurer

or cashier, and a committee appointed for that purpose by the managers of three or more of their number, of the state of its funds, and such statement shall be published in one or more newspapers published in Hudson county.

12. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the managers, or either of them, for their services, except the cashier or treasurer, and the committee on the examination of property offered as security for loans, who shall receive such compensation as from time to time may be established by a majority of the whole number of managers; and that no officer or manager shall be allowed, whether directly or indirectly, to hire or borrow any money from said corporation, or to become in any way security for any hirer or borrower of any such money, or to use the funds or other property of such corporation for his own purposes in any way whatever; and that said corporation shall not take or hold any bond, mortgage or other security, for the payment of money drawn or endorsed by, or existing against any of its officers or managers as security for any money loaned by said corporation, unless the same shall have been received in payment of debts due from other parties.

No compensation to managers.

13. *And be it enacted*, That this act shall be and hereby is declared to be a public act, and the same shall be construed in all courts favorably and benignly for every beneficial purpose therein included, and that no misnomer of the said institution in any deed, grant, devise or other instrument of contract or conveyance shall vitiate or defeat the same; *provided*, the institution shall be sufficiently described so as to ascertain the intention of the parties; *and provided also*, that the legislature may at any time hereafter amend, modify or repeal this act.

Public act.

Proviso.

14. *And be it enacted*, That it shall be lawful for said corporation to purchase, hold and convey real estate: first, such as shall be requisite for its accommodation in the convenient transaction of its business; second, such as shall have been mortgaged to it in good faith for money loaned, in pursuance of the provisions of this act; third, such as shall have been purchased at sales upon judgments or decrees obtained or rendered for money so loaned, and the said corporation shall not purchase, hold or convey real estate in any other case or for any other purpose, and the said corporation shall not directly or indirectly deal or trade in buying or selling any

May hold real estate

goods, wares or commodities whatever, except in cases where it is authorized to do so by the terms of this act, and except such personal property as may be requisite for its proper accommodation in the transaction of its business.

15. *And be it enacted*, That this act shall continue in force twenty years, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXCIV.

An Act to authorize the Trustees of Dover School District Number One, in the township of Randolph, in the county of Morris, to borrow money by issuing bonds, to build a School House.

May borrow
money to
build school
house.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of Dover School District, Number One, of Randolph township, Morris county, New Jersey, be and they are hereby authorized to borrow any sum of money not exceeding thirty thousand dollars in all, that they may find necessary for the purpose of purchasing a lot and erecting a school house thereon, within said school district and furnishing the same.

May issue
bonds.

2. *And be it enacted*, That for the purpose of securing the repayment of said loan with interest, the said trustees may issue bonds in their corporate name and capacity to the lenders of said moneys, in amounts not less than one hundred dollars each, with interest at the rate of seven per centum payable annually; of which said bonds, two thousand dollars in amount shall be made payable in one year from the date of their issue, and the same amount annually thereafter, until the whole amount issued shall be redeemed with the interest thereon, which bonds shall be registered in a book to be provided and kept by said trustees for that purpose, and shall be assignable at law, and shall be a first lien in the nature of a mortgage, upon the lot of land and house there-

on, to be purchased and built with the proceeds thereof, and such lien may be enforced by any court of competent jurisdiction in the same manner as ordinary mortgage liens now are, or hereafter may be enforced; *provided*, that the lien of such bonds may be postponed to the lien of a mortgage for consideration money on the purchase of said lot of land, and it shall be lawful for said trustees to provide by contract in said bonds to pay the whole or any part of the tax to be levied and assessed on the same, in the hands of the holders. Proviso.

3. *And be it enacted*, That in order to provide for the payment of the said loan as the same matures, with the interest which shall from time to time accrue thereon, it shall be the duty of the assessor of Randolph township, annually to levy and assess upon the inhabitants of the said district, and their estates according to the present boundaries of said district, and in the same manner as other school taxes are now levied and assessed, such sums of money as will be sufficient to meet the annual payment of two thousand dollars, with the payments of interest on the whole loan remaining unpaid, which shall accrue for the current year, and five per centum added thereto for losses and contingencies; which assessment shall be collected by the officer now or hereafter authorized by law to collect township taxes, and shall be separately accounted for by him, and paid over to the holders of said bonds on orders to be made and signed by the clerk or other proper officer of the said school district; and if any surplus shall remain in any year after meeting the payments due for that year, the same shall remain and be applied towards the amount accruing for the next year, and if any deficiency shall occur, the same shall be added to the assessment for the ensuing year. Money shall be raised by taxation to pay loan and interest.

4. *And be it enacted*, That the funds raised by the negotiation of said bonds shall be received by the clerk of said school district, and shall be accounted for by him to the district, and be used for the purposes mentioned in the first section of this act, and such clerk shall before he receives any portion of said loan, give good and sufficient security to the said district by its corporate name, to be approved of by the trustees, for his faithful conduct in the execution of his office, and for rendering a just and true account of all moneys received and paid out by him, and for the payment to his successor in office of any balance found in his hands, and Clerk to have charge of the money and give bond.

said successor shall also in his turn give like security with like condition.

Act not to
have effect
until approv-
ed by a two-
thirds vote.

Vote to be by
ballot.

5. *And be it enacted*, That this act shall not take effect unless it be first approved by two-thirds of such legal voters of said school district, who may attend and vote at any meeting of said voters held after ten days notice thereof, given by the district clerk of said district by at least five printed notices, put up in five of the most public places within said district, setting forth the time, place and objects of said meeting, which vote shall be taken by ballot, to be written or printed, or partly written and partly printed, with the words "For Approval," or "Against Approval;" and the judges of the last preceding township election, at which the voters of said school district were allowed to vote, shall be the judges of the election at said school meeting, and shall declare the result; and in case of the absence or failure to serve of any or all of said judges, the said trustees may designate one or more, or all as the case may require, of their number to act as judges of election in the place of such judges of election as may not attend; and the said district clerk shall be clerk of said meeting and shall keep a list of all voters who shall vote at said meeting. and the said meeting, and the poll shall be kept open two hours at least, and the ballots shall be numbered and strung and the result certified in the same manner as near as may be, as elections for members of assembly now are; and the said poll list and ballots shall be preserved and filed in the county clerk's office; and if the election shall result in an approval of this act, the said judges of election and district clerk, shall make, sign and verify by oath or affirmation before a competent officer, a certificate of such result, which shall be filed and recorded by the county clerk in the book of religious corporations, and the record thereof, or a duly certified copy, shall be plenary evidence of such result, and the clerk of said district shall annex to such certificate, to be filed and recorded therewith, an affidavit of the posting of the notices of such meeting.

6. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXCV.

An Act to repeal the third section of an act entitled "A Further Supplement to 'An Act regulating Fisheries in Mullica river.'"

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Repealer.} *the State of New Jersey*, That the third section of an act entitled "A Further Supplement to 'An Act regulating fisheries in Mullica river,' " be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXCVI.

An Act to confirm the title of land sold by the executors of Joseph T. Moore, deceased, to Sarah Denton.

WHEREAS, Joseph T. Moore, late of the township of Wood-^{Preamble.} bridge, in the county of Middlesex, deceased, by his last will and testament, dated June eleventh, eighteen hundred and fifty-three, and duly admitted to probate in the office of the surrogate of the said county of Middlesex, on the ninth day of June, eighteen hundred and fifty-seven, and recorded in said surrogate's office, in book F of wills, at page three hundred, did appoint Smith Coddington and Edward Y. Rogers the executors of his last will and testament; and whereas, it appears by the minutes of the orphans' court of the said county that the said executors did report the estate of the said Joseph T. Moore insolvent, and pray the sale of certain lands of which their said testator died seized, for the purpose of paying and discharg-

ing his indebtedness; and whereas, the said court did order sale of certain lands of the deceased, under and pursuant to which order the said executors did sell certain lands of the said deceased, and did report to the said court the sale thereof, at the December term thereof, eighteen hundred and fifty-nine, as having been sold at public vendue to Joseph Shotwell, senior, for the sum of two hundred and forty-one dollars, and did, at the same term of the said court, obtain a decree confirming such sale, and thereupon the court did order conveyance of the premises to be made by said executors to the said purchaser; and whereas, the said executors did, instead of conveying said land and premises to Joseph Shotwell, senior, convey the same to Sarah Denton, for the said sum of two hundred and forty-one dollars, as appears by their deed, dated the eighteenth day of January, eighteen hundred and sixty, and of record in the office of the clerk of the county of Union, in book seven of deeds, at page twenty-eight; and whereas, it is alleged that the title of the said Sarah Denton to the lands and premises thereby conveyed is defective, because the said executors should have conveyed the same to the said Joseph Shotwell, senior; but from information obtained from the best sources, since the decease of the said Joseph Shotwell, senior, and the said executors, it appears that the said Joseph Shotwell, senior, did purchase the said premises for the said Sarah Denton, and did direct that conveyance thereof be made from said executors to her, the said Sarah Denton; therefore,

Deed declared
valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed of conveyance so made by the said executors to the said Sarah Denton be, and the same is hereby declared to be valid and effectual in law, and to convey and vest in the said Sarah Denton, her heirs and assigns, all the estate of the said Joseph T. Moore, so conveyed as aforesaid, the same as if she had been the reported purchaser at such sale, instead of the said Joseph Shotwell, senior.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXCVII.

A Further Supplement to "An Act for the preservation of Deer and other Game," approved April sixteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to kill, destroy or take, on the waters or about the shores of such portions of Metedeconk river, Manasquan river, the Beaver Dam creek, Kettle creek, and their several branches and environs, as lie within the present limits of the township of Brick, in the county of Ocean, any wood duck, black duck, teale or other wild water fowl, except only between the first day of October and the first day of April yearly and every year. Killing of water fowl prohibited during certain seasons.

2. *And be it enacted*, That if any person or persons shall offend against the provisions of the first section of this act, he, she or they so offending, shall forfeit and pay for every wood duck, black duck, teale or other water fowl, ten dollars for each and every offence, to be sued for and recovered in an action of debt, with costs of suit, by any person who shall sue for the same, before any justice of the peace of the said county, one-half of the said penalty to be paid to the complainant, and the remainder to the overseer of the poor, for the use of the poor of said township; and any person in whose hands or custody any wood duck, black duck, teale or other water fowl shall be found which shall have been killed, contrary to the provisions of this act, shall be deemed, taken and adjudged to be the killer and destroyer of such game, and liable to the penalties aforesaid. Penalty for violation of act.

3. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXCVIII.

An Act to regulate Fences in the Township of Linden, in the County of Union.

Owners of land
to make and
maintain fence
along line of
street or road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter every owner of lands within the township of Linden, in the county of Union, shall make and maintain along the line of any street or road adjoining such lands a lawful fence pursuant to the provisions of the act entitled "An Act to regulate fences," passed January twenty-third, seventeen hundred and ninety-nine, and the supplements thereto; and that if any cattle being driven to market, or to and from pasture along any street or road in said township, shall enter upon the lands of any person in said township from such street or road, then said cattle shall not be impounded, nor shall the owner or owners of said cattle be liable for any damage done by them, unless the fence along said street or road, and through which entrance shall be made, shall be a lawful fence pursuant to the act and supplement aforesaid; *provided*, that nothing in this act contained shall compel any person to keep closed the gates leading from any street or road to the dwelling house of such person.

Proviso

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXCIX.

An Act to incorporate the Hamilton Savings Bank, of the city
of Paterson.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of cor-}
the State of New Jersey, That De Grasse B. Fowler, Henry ^{porators.}
Hobbs, John Ryle, Philip Rafferty, Thomas Barbour, An-
drew Derrom, Samuel Smith, Robert Hamil, John Edwards,
Robert S. Hughes, Thomas B. Gardner, Alexander P. Fonda,
Charles O'Neill, James Peacock, William G. Scott, James
Jackson, John Quin, David Stoddard, Charles Hemingway,
Peter Kipp and Robert J. Hopper, be and are hereby con-
stituted a body corporate and politic by the name of "The ^{Corporate}
Hamilton Savings Bank," to be located at Paterson, and by ^{name.}
that name shall be capable of purchasing, taking, holding
and enjoying, to them and their successors, any real estate
in fee simple or otherwise, and any goods, chattels or per-
sonal estate, which shall be necessary for the purposes herein
mentioned, and of selling, leasing, or otherwise disposing of
the said real and personal estate, or any part thereof, at their
will and pleasure; *provided, always,* that the clear annual ^{Proviso.}
value of such real and personal estate, exclusive of the
profits that may arise from any investment in which the de-
posits may be made, shall not exceed one hundred thousand
dollars.

2. *And be it enacted,* That the said institution shall be ^{Election of}
conducted by seven managers, elected by ballot, from among ^{managers}
the number of the above named incorporators, four of whom
shall be a quorum to transact business, and at least three
shall be residents of the city of Paterson; and the seat of
any manager who shall have neglected to attend for four
consecutive meetings, may be vacated by the board; the
managers shall meet annually on the second Monday in
April, and choose one of their number as president; they
shall have power to appoint a secretary, treasurer, and such
other officers as to them shall appear necessary for conduct-
ing the business of the institution, which officers so chosen
and appointed, shall continue in office for one year, or until

others are chosen ; and all officers so chosen, shall be under oath for the faithful performance of the duties of their offices respectively, and shall give security, if required, for the faithful execution of the duties of their office, in such sum or sums and such securities as may be directed by the board of managers.

May make by-laws.

Proviso.

Deposits.

Regulation of interest.

Proviso.

3. *And be it enacted*, That the board of managers shall from time to time have power to make, ordain and establish such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of meetings of the officers and managers, and for the transacting, managing and directing the affairs of the institution ; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state and of the United States of America, and such by-laws and regulations shall be put up in some public and conspicuous place in the room where the business of the said institution shall be conducted, and shall not be altered so as to affect injuriously any one who may have been a depositor previous to such alteration.

4. *And be it enacted*, That the said institution may receive as deposits, all sums of money which may be offered for the purpose of being invested, in such amounts, and at such times, and on such terms as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to the depositor at such times, and with such interest, and under such regulations as the board of managers shall, from time to time, prescribe ; and the said institution may accept and execute all such trusts of every description as may be committed to them by any person or persons whatever, by will or otherwise, or transferred to them by the order of any court.

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion as near as may be of the profits after deducting therefrom all necessary expenses and a reasonable surplus or contingent fund ; *provided*, that said rates of interest may at the discretion of the managers be so regulated as that the interest allowed to depositors having over one thousand dollars deposited shall be at least at the rate of one per centum per annum less than the interest allowed to other depositors.

6. *And be it enacted*, That no emoluments whatever shall

directly or indirectly be received by the managers, or either of them, for their services, except the president, secretary and treasurer, and the committee of examination of property offered as security for loans, who shall receive such compensation as may from time to time be established by a majority of the whole number of the managers of said corporation, nor shall any officer or agent of the institution be allowed directly or indirectly to borrow any money from said institution or to use the same, except to pay necessary expenses, nor shall the institution take or hold any bonds, mortgages or other securities for the payment of money drawn or endorsed by or existing against any officer or agent of the institution, as security for money loaned by it, unless the same shall have been received in payment of debts due from other parties.

7. *And be it enacted*, That the said corporation may invest the money left with them on deposit in no other public stocks or bonds than such as are created and issued by the United States and by the several states, and by the several counties and cities in this state, under the laws thereof, nor upon bond and mortgage, except on unencumbered real estate, worth at least double the amount invested; *provided*, said corporation may make temporary loans upon personal securities, with pledges of collateral securities worth at least twenty per centum more than the amount loaned; but the amount thus loaned on personal security shall not at any time exceed twenty per centum of the whole amount of the assets and securities of the said corporation.

8. *And be it enacted*, That all certificates of evidence of deposit made under the hand of the proper officers of the institution, shall be as binding as if the same were made under their common seal.

9. *And be it enacted*, That it shall be lawful for the said institution, at their discretion, to pay to any depositor being a minor, such sum as may be due to such depositor, not exceeding one thousand dollars, in cases where no guardian shall have been appointed for such depositor, and that the receipt and acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person for his or her benefit; married women may deposit money in their own names and receive their interest and dividends thereon,

and receive and withdraw the same ; and such deposits shall not be subject to the control of the husband nor liable for his debts ; nor shall money deposited by single women be subject in case of marriage, to the use or control, nor liable for the debts of the future husband.

Disposition of
deposits in
case of death.

10. *And be it enacted*, That a book shall be kept at the office of the institution, in which any depositor shall be at liberty to appoint a person or persons to whom in the event of his or her death the money shall be paid, if not otherwise disposed of by will, and all payments made to the person or persons so appointed shall be a full discharge of said institution.

Interest not
allowed on
less than one
dollar.

11. *And be it enacted*, That the institution shall not be required to allow interest on a deposit until it amounts to one dollar, nor to allow interest on the fractional part of one dollar, nor shall the institution be required to allow interest on the fractional parts of a month.

All deposits to
be entered.

12. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the institution, and every person depositing money, shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.

Annual state-
ment.

13. *And be it enacted*, That it shall be the duty of the said institution to make an annual report to the legislature of this state, under the oath or affirmation of the treasurer, and a committee appointed for that purpose by the managers of three or more of their number, of the state of its funds, and such statement shall be published in one or more newspapers published in the city of Paterson.

Vacancies,
how filled.

14. *And be it enacted*, That the managers shall have power to fill up by ballot, at a regular meeting, after notice of one month, any vacancy which may occur in their own body or officers, by a vote of a majority of the managers present.

Office, where
located.

15. *And be it enacted*, That the office or place of business of the said institution shall be in the city of Paterson ; and the books of the institution shall be open at all times to the inspection and examination of such person or persons as the legislature may from time appoint for that purpose.

Act, how con-
strued.

16. *And be it enacted*, That this act shall be and is hereby declared to be a public act, and the same shall be construed in all courts favorably and benignly for every beneficial purpose therein intended, and that no misnomer of the

said institution in any deed, grant, devise or other instrument of contract or conveyance shall vitiate or defeat the same; *provided*, the institution shall be sufficiently described so as to ascertain the intention of the parties; *and provided* ^{Provis.o} also, that the legislature may at any time hereafter amend or modify this act.

17. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCC.

An Act to incorporate the Elizabeth and Rahway Plank Road Company, in the County of Union.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Corporate} *the State of New Jersey*, That all persons who shall become ^{name.} stockholders in pursuance of this act are hereby constituted a body corporate by the name of the "Elizabeth and Rahway Plank Road Company."

2. *And be it enacted*, That the capital stock of the said ^{Amount of} company shall be fifteen thousand dollars, in shares of twenty- ^{capital stock.} five dollars each, and that said company may increase the capital stock to any sum not exceeding thirty thousand dollars, which shall be deemed personal property, and shall be assignable and transferable in such manner as shall be prescribed in and by the by-laws of such corporation.

3. *And be it enacted*, That whenever five thousand dollars ^{Directors,} of the capital stock of this company shall be subscribed, a ^{how chosen,} ^{&c.} meeting of the stockholders shall be called at some convenient place by the commissioners hereinafter named, by advertisement published in some newspaper circulating in the county of Union, at least twenty days previous to the day of the meeting, for the purpose of choosing seven directors of said company, and the persons thus chosen shall be the first

directors of said company, and shall hold their office for one year, or until others are appointed in their stead.

May lay out
and construct
road.

4. *And be it enacted*, That the said corporation is hereby empowered to lay out and construct, and during its existence maintain a road from and commenced at the northerly line of the Edgar turnpike, where the same intersects with the city of Elizabeth, thence following the said Edgar turnpike until it intersects the boundary line of the city of Rahway.

Material to be
used.

5. *And be it enacted*, That the track of said road shall be constructed of timber and plank, so that the same shall form a smooth and even surface of sufficient width for vehicles of every description, the particular manner of building said road to be determined by the directors of the said corporation.

Commission-
ers to open
books of sub-
scription.

6. *And be it enacted*, That the following persons shall be commissioners to open books and receive subscriptions for the capital stock of said corporation, viz: Ferdinand Blancke, Meeker Wood, Samuel B. Hedden, Frederick S. Williams, Benjamin W. Tucker, David C. Stiles, F. B. Munsell, George W. Roll, and John C. Rose, and that such notice of the time and place of so doing, shall be given as the above named persons or a majority of them shall deem necessary and proper.

May erect
gates and de-
mand and re-
ceive toll.

7. *And be it enacted*, That whenever one-half of the said road shall be completed, it shall be lawful for the board of directors of said company to cause one toll gate to be erected on that part of the road so completed as aforesaid, and a toll gatherer or toll gatherers to be appointed, at which gate the said company may demand and receive toll, not exceeding the following rates, to-wit: for every sled, carriage or vehicle drawn by one animal, three cents per mile, and one cent for every additional animal attached to said sled, carriage or vehicle for each mile traveled and no more; for every horse and rider or led horse, one cent; for every score of cattle, sheep or swine, three cents; and in this proportion for a greater or less number of cattle, sheep, or swine, and when said road shall be completed, one other gate may be erected thereon, and toll gatherers appointed; *provided*, the tolls then to be exacted shall not exceed those above mentioned.

Proviso.

Persons may
be prevented
from passing
until toll is
paid.

8. *And be it enacted*, That the toll gatherers at each gate, when erected on said road, in pursuance of this act, may detain and prevent from passing such gate any carriage or animal subject to toll until the toll thereon is paid.

9. *And be it enacted*, That any person who shall wilfully or carelessly injure any gate or post of the said road, shall be

subject to pay all damages to, to be sued for in action of trespass on the case, and the amount recovered shall be collected by and for the use of the said company, and if any one forcibly passing any gate without having paid the legal toll, such person shall forfeit and pay the sum of twenty dollars, and if any person, with his carriage, team or horse, shall turn out of the said road to pass a gate or gates, on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gate, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

10. *And be it enacted*, That the concerns of said company shall be managed by the directors, and no person shall be eligible to the office of director unless he shall own at the time of his election at least two shares of the stock of said company. Directors to be stockholders.

11. *And be it enacted*, That the persons named in the sixth section of this act are also appointed commissioners to locate said road, and a majority of them shall be competent to act; said commissioners, or such of them as shall be sufficient to act, shall, before entering upon the discharge of their duties, take and subscribe the constitutional oath of office, and shall be paid for their service by the said corporation such sum as the directors of said company may deem just. Commissioners shall take oath.

12. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCI.

An Act to incorporate the Martha Institute of Hoboken.

Names of corporators.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That John Frederic Emmerick, Hermann Schierloh, Diedrich William Hutaf, Leopold Mohn, William W. Shippen, Samuel B. Dod, Henry Morton and Edward Wall, are hereby incorporated as a body politic,
Corporate name.	under the name and title of the trustees of "The Martha Institute," and as such they shall have perpetual succession and may sue and be sued, implead and be impleaded, and may purchase and sell property whether real, personal or mixed, and hold, lease, improve, sell and dispose of the same whether acquired by purchase, gift or devise; and they may have a corporate seal and the same break and alter at their pleasure.
Objects.	2. <i>And be it enacted</i> , That the objects of this incorporation shall be for the establishment and maintenance of an institution of learning in the city of Hoboken, and to this end the fullest powers consistent with this purpose, are hereby granted to said trustees; to order, regulate and control the same, to fix and receive the rates of tuition for scholars, to appoint and control the teachers of said institution, and to make and alter such by-laws for the regulation of their own body and the control of the teachers, scholars and servants of said institution as they shall deem best, which are not inconsistent with the constitution or laws of this state, or of the United States; <i>provided however</i> , that nothing in this act contained shall authorize said trustees to teach or cause, or permit to be taught in said school anything repugnant to the truths of the christian religion as expounded and held by the Reformed Dutch Church in North America.
Proviso.	
Trustees, their powers and duties.	3. <i>And be it enacted</i> , That the board of trustees shall consist of eight members, six of whom shall be elected by the board, and the pastor of the Reformed Evangelical Church of Hoboken in connection with the general synod of the Reformed Dutch Church in America, and the director of "The Martha Institute," shall be ex-officio member of the

board, and the board shall have power from time to time to fill vacancies occurring in the board, by death or resignation or any other cause, and shall have power to elect their own officers; a majority of the board shall constitute a quorum for the transaction of business, and the officers shall be elected annually; but in case of a failure to elect, the former officers shall hold over until an election be had.

4. *And be it enacted*, That all acts or parts of acts inconsistent herewith are hereby repealed. Repealer.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCII.

An Act to aid the Trustees of School District Number Thirty-seven, in the county of Essex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of more readily borrowing money to be used in purchasing land and erecting thereon a school house and furnishing the same, the trustees of school district number thirty-seven, in the county of Essex, may issue their corporate bonds to an amount not to exceed in the aggregate the sum of forty thousand dollars; said bonds to bear interest not to exceed seven per centum per annum, payable semi-annually, and the principal thereof to be payable at a period not exceeding twenty-five years from the date of their issue. May issue bonds.

2. *And be it enacted*, That it shall be the duty of the said trustees to make their certificate in writing, setting forth the total amount of said bonds issued, together with a description of the lands and real estate comprising the school property of said district, to which they shall affix their hands and seals and which may be acknowledged or proved and recorded in the records of mortgages of the county of Essex, and said bonds shall be a first lien upon the school property. Bonds to be a lien upon the school property.

of said district, and it shall be lawful for the said trustees to assume and agree to pay all taxes which may be lawfully assessed upon said securities.

Trustees shall
create a sink-
ing fund.

3. *And be it enacted*, That the said trustees of school district number thirty-seven, in the county of Essex, and their successors, shall yearly and every year make to the assessor of taxes in the township of East Orange, a certificate in writing in the form provided by virtue of an act to establish a system of public instruction, in which certificate shall be a statement of the interest which will fall due upon the bonds herein authorized within one year from the date of such certificate, and such certificate shall direct said assessor to assess the sum so ascertained for interest, together with the sum of seven hundred dollars towards a sinking fund, upon the taxable property in said school district number thirty-seven of the county of Essex, and it shall thereupon be the duty of such assessor to make such assessment, and all moneys to be raised under such assessment are hereby inviolably pledged to the payment of the interest and the ultimate discharge of the principal of said bonds, and the taxes so assessed shall be collected by the collector of taxes for the said township and shall be separately accounted for by him, and appropriated first to the payment of said interest semi-annually, as the interest shall fall due, and secondly, as to the balance thereof, they shall be promptly invested in the bonds of the United States, the state of New Jersey, the county of Essex, or the bonds of individuals with security by mortgages upon real estate in New Jersey, worth double the amount of the loan thereon, in the name of the trustees of school district number thirty-seven, in the county of Essex, to be held by them in trust as a sinking fund to be applied to the redemption of said bonds when due or as the holders thereof may be willing to receive the principal thereof, prior to maturity; but in all cases the said tax money shall be drawn from the collector only on the orders of said trustees in accordance with the provisions of the school law for other funds.

Collector to
give bond.

4. *And be it enacted*, That the funds raised by the said bonds shall be paid over directly into the hands of the collector of the township of East Orange, and shall be appropriated by him solely to the purposes expressed in the preceding sections of this act, upon orders drawn upon him by said trustees for that purpose; and that before any lender upon said bonds shall pay any money over to said collector,

he, the said collector, shall have first entered into bond with the inhabitants of said school district with two sureties to be approved by the said trustees, for the faithful appropriation of all moneys that may come into his hands by virtue of this act, which bond shall be filed with the clerk of said district.

5. *And be it enacted*, That the said trustees shall use and employ the money realized from the sale of the bonds herein authorized in purchasing land for school purposes, and in erecting a building thereon and furnishing the same, and for no other purposes whatsoever. How proceeds shall be applied.

6. *And be it enacted*, That the legal voters of said district shall, at an election to be held at two hundred and ten Main street, in said district, on the first Tuesday of April next, between the hours of eight in the morning and six in the evening, decide (by written or printed ballots, to be cast at said election, on which shall be written or printed the words "in favor of bonding the district" or "opposed to bonding the district,") in favor or against this act; and if there shall be more ballots cast at said election having on the words "in favor of bonding the district," than there are having on the words "against bonding the district," then this act shall take effect immediately, if not, then this act shall be of no effect; the secretary of state shall notify the clerk of election of the township of East Orange of the passage of this act immediately after its passage; said clerk shall then post three notices of said election in said district, giving five days' notice of the time and place and purposes of said election, and shall, with the judge of election of said township, hold said election, and make a certificate of the result of said election, and file the same with the clerk of the county of Essex, and said filing of said certificate shall be notice of the decision of said voters in said district; said clerk and judge of election shall receive the same compensation for their services as is allowed by law for holding township elections in said township, and shall be paid by the trustees of said district out of any money belonging to said district. Election to be held to decide for or against act.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCIIL.

An Act to prevent Cattle from running at large in the township of Raritan, county of Hunterdon.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to prevent horses, cattle, sheep and swine from running at large in the township of Raritan, in the county of Hunterdon, and state of New Jersey," approved March second, eighteen hundred and sixty-nine, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCIIV.

Supplement to an act entitled "An Act to incorporate the Van Riper Manufacturing Company," approved March tenth, eighteen hundred and sixty-nine.

Empowered to hold real estate in Bergen and Passaic counties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Van Riper Manufacturing Company be, and the same is hereby authorized and empowered to conduct and carry on the powers, privileges and advantages granted to them in said act, or any part of the same, in the said city of Paterson, or any place in the county of Passaic, or in the county of Bergen, or in both of said counties, and for that purpose the said company may purchase, use, hold, possess and enjoy such real estate in the county of Passaic and in the county of Bergen, as may be required for the purpose of said company.

2. *And be it enacted*, That the said company are hereby authorized and empowered to carry on their said business, or any part of the same, either in the said county of Passaic or in the county of Bergen, or in both together, with all the rights, privileges and franchises mentioned and contained in the act to which this is a supplement. May carry on business in either county.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCC.V.

A Supplement to "An Act to incorporate the town of Union, in the township of Union, in the county of Hudson," approved March twenty-ninth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town council of the town of Union shall have power and authority, and they are hereby authorized to raise by general ordinance such sums of money as they may deem necessary to erect street lamps on the streets of the said town of Union, and keep the same in proper condition; the said lamps to be erected at such convenient distances from each other as the said council shall direct; and said sums of money to be assessed, collected and raised as other taxes in said town. May raise money by tax to erect street lamps.

2. *And be it enacted*, That sections "twenty" and "twenty-one" of the supplement to the act incorporating the town of Union, to which this is a further supplement, be and the same are hereby amended by striking out in said sections, wherever it occurs, the word "October," and insert in place thereof the word "November." Amendment.

3. *And be it enacted*, That all acts or parts of acts in- Repealed.

consistent herewith, be and the same are hereby repealed, and this act shall be a public act and take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCVI.

A Supplement to an act approved March second, eighteen hundred and sixty-nine, entitled "An Act appointing commissioners in School District Number Three, of the township of Westfield, Union county, for the purpose of purchasing ground and erecting a school house thereon.

Acts of commissioners confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the action of said commissioners in negotiating the bonds issued in pursuance of section second of the act to which this act is a supplement, be ratified and confirmed.

Repealer.

2. *And be it enacted*, That all acts or parts of acts conflicting with this act, be and are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCVII.

An Act to extend a Cattle Law to the Township of Waterford, in the County of Camden.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An Act to prevent horses, cattle, sheep and swine

from running at large in the township of Clinton, in the county of Essex, and the township of Rahway, in the county of Union," approved March fourth, eighteen hundred and fifty-eight, be, and the same are hereby extended to the township of Waterford, in the county of Camden.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCVIII.

An Act to incorporate the Hudson County Elevating Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John H. Bonn, Colin Scott, Hermann D. Busch, Lyman C. Scott, William W. Shippen, Bernard McCloskey, George B. McClellan, Andrew Leight, Noah D. Taylor, Albert L. Du Puget, Edwin L. Brady and Fred. Michel, and such other persons as may hereafter be associated with them by becoming stockholders, as herein provided for, and their successors are hereby created a body corporate and politic by the name of "The Hudson County Elevating Company," for the purpose of establishing certain elevators at or about the dividing line of the city of Hoboken and Hudson City, and whereas, said dividing line is a certain precipitous hill or steep, difficult of ascent; the purpose of this company is to erect and maintain said elevators, driven by steam or other power at the base of said hill, at such several points as the said company may select, said elevators to be used for the purpose of raising passengers, horses and animals, cars and loaded vehicles, building material, materials and all kinds of merchandise from the plain or flats on the Hoboken city line to the top of the hill in Hudson city, thereby affording easy communication between the streets of the two cities.

2. *And be it enacted*, That the capital stock of said company shall be the sum of two hundred and fifty thousand

Names of corporators.

Corporate name.

Amount of capital stock

Commission-
ers to receive
subscriptions.

dollars, or as much more as requisite, to be divided into shares of one hundred dollars each; and that said John H. Bonn, Colin Scott, Hermann D. Busch, Lyman C. Scott, William W. Shippen, George B. McClellan, Bernard McCloskey, Andrew Leight, Noah D. Taylor, Albert L. Du Puget, Edwin L. Brady and Fred. Michel, shall be commissioners to receive subscriptions for said stock, and to distribute the same among the subscribers, and they shall open books for receiving subscriptions to the capital stock of said company, at some place in the county of Hudson, having first given notice by advertisement published for twenty days in the public newspapers of said county, of the time and place of receiving such subscriptions, that the sum of ten dollars shall be paid on each share at the time of subscribing, and the residue as called for by the company, and upon notice having been given in manner aforesaid of calling in any installment; and the directors may for non-payment forfeit such stock.

Election of di-
rectors.

3. *And be it enacted*, That as soon as a majority of said shares are subscribed for, said corporation may be organized and commence business, and shall have all the rights and powers conferred by this act, and said commissioners shall give notice in the manner aforesaid of such meetings of stockholders from time to time, and at such places as they may appoint for that purpose at such time as the by-laws of said company may direct; the stockholders shall elect five of their own number as directors, and such directors shall serve for one year and until others are chosen and qualified in their stead, notice of such election to be given in the manner aforesaid; but the commissioners aforesaid shall constitute such board of directors, and have all the powers of such for the first three years after the organization takes place, and no election for directors shall take place until after the expiration of said time, after which said election shall be held yearly.

Failure to
elect not to
dissolve.

4. *And be it enacted*, That said directors or commissioners acting as such shall manage and control all the business of said company, and shall from time to time elect a president, who shall hold his office until the next election for directors, and until another is elected in his place, and may also appoint such other officers as they may deem necessary; that a majority of the directors shall form a quorum capable of attending to any business, and a majority of the directors

or commissioners acting as such, and the president shall be residents of this state; and any vacancy in the board of directors or commissioners acting as such, may be filled by the remaining directors until the expiration of the term for which they themselves were elected, and if for any reason an election for directors shall not be held at the time appointed, the corporation shall not for that cause be dissolved, but such election may be held on any day afterwards designated for that purpose by the directors, upon like notice as aforesaid, and until the expiration of the three years aforesaid, and until directors are chosen hereafter, said commissioners shall be the directors of said company, and exercise all the powers of such.

5. *And be it enacted.* That said company shall have the ^{General powers.} right, power and authority to establish such elevators at such points on or about the division line, between the city of Hoboken and Hudson City, or within the county of Hudson, as the said commissioners shall deem suitable for the purposes of the company, and they shall have the right and power to take such lands as may be required for the erection of elevators, engine houses, storage of coal and necessary turnouts communicating with the same, at such price as may be agreed with the owner of such lands, but if the parties aforesaid cannot agree upon a price then on due application being made by the commissioners to any justice of the supreme court of this state, said justice shall appoint three appraisers to value the property in dispute whose decision shall be final as to the value and if the owner of the said land refuses to receive the said appraised value, the money shall be paid into the supreme court, and the justice shall immediately grant an order empowering the commissioners to enter upon and take possession of such land, but this company shall not obstruct any street, highway or thoroughfare now existing, nor shall the city authorities of either city project any new street or other work directly across the structures of said company, which would cause the demolition of said structures without six months notice, and not then until they have applied to the senate and general assembly of New Jersey for permission so to do, and have obtained such permission.

6. *And be it enacted,* That the said corporation may purchase, use, hold, possess and enjoy real estate as may be ^{May purchase and hold real estate.} required for the purposes of said corporation, and may sell, lease or otherwise dispose of the same at pleasure, that they

may issue bonds or mortgage their property, and may sue and be sued, plead and be impleaded in all courts of law and equity, and may have and use a common seal, and may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper.

Repealer.

7. *And be it enacted*, That all acts and parts of acts prohibiting the establishment of such elevators at such points as may be determined by such commissioners or any part thereof, and all acts and parts of acts inconsistent with or contrary to the provisions of this act be and the same are hereby repealed.

Limitation.

8. *And be it enacted*, That this act shall continue in force for fifty years, and the legislature may at any time when the public good may require alter or repeal this act, and that if said company shall not establish or commence the running of such elevator or elevators within three years from the passage of this act then this act shall be void.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCIX.

A Supplement to "An Act to incorporate the Marion Building Company," approved February twenty-sixth, eighteen hundred and sixty-six.

May declare
stock divi-
dends.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of directors of the corporation created by the act to which this is a supplement may, from time to time, divide among the stockholders of said corporation all such stock of said corporation as may not have been subscribed for, or that shall be forfeited, or in any way belong to said corporation, and for that purpose may declare stock dividends.

2. *And be it enacted*, That the said corporation may carry ^{May carry on} on and conduct the business of keeping an hotel or boarding ^{the business} house in and at the hotels or buildings already erected, or ^{of hotel keep-} that shall be erected by said corporation, and to charge and collect compensation therefor.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCX.

An Act to incorporate the Baxter Steam Boiler and Engine Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of cor-} *the State of New Jersey*, That William Baxter, William D. Russell, William R. Sayre, Stephen G. Sturges, Henry W. Duryee, Joseph G. Hill, J. Ashton Greene, Peter T. Speer, Caleb G. Crane, Gustavus N. Abeel, Heber Dunham, John H. G. Hawes, Lewis J. Lyon, and their associates, be and they are hereby created a body politic and corporate, in fact and in law, by the name and style of "The Baxter Steam ^{Corporate} Boiler and Engine Manufacturing Company," for the purpose ^{name.} of manufacturing steam engines and machinery, and carrying on the business incident thereto, and in dealing in and making all materials used in said business; and for such purpose the said company shall or may raise, by subscription, by opening the books therefor or otherwise, a capital stock of one hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same, from time to time, to any sum not exceeding two hundred and fifty thousand dollars; and it shall be lawful for said company to issue certificates of stock in whole or in part payment for any real and personal property purchased or leased by said company for the purpose of their business aforesaid, which said stock shall be paid in at such times and in such installments as the board of directors may direct.

May hold real
and personal
estate.

2. *And be it enacted*, That the said corporation may purchase, hold, possess and enjoy such real and personal estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor to an amount not exceeding at any one time one-half their paid up capital stock, and may sue or be sued in all courts of law or equity, and may have and use a common seal, and may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state.

Provide.

Annual elec-
tion of direc-
tors.

3. *And be it enacted*, That the affairs and business of said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and shall hold their offices for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders to be held on such day, at such hour of the day, and at such place as the by-laws of the corporation shall direct; and until such annual election shall take place, the above named corporations shall be directors of said corporation; a majority of the directors shall on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business, and all business matters brought before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them shall have power to fill such vacancy by the appointment of any stockholder.

Not dissolved
by failure to
elect directors

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days notice being given of the time and place of such election.

Annual state-
ment.

5. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due

to and from the said corporation, and the amount of all assets and property belonging to the said corporation, as nearly as the same can be ascertained.

6. *And be it enacted*, That the principal office of said com-^{Principal of-}
pany shall be at Newark, in the county of Essex, where^{fce.}
regular books of account shall be kept, to which any stock-
holder shall have free access at all reasonable times for the
purpose of inspection; and that books of transfer of the stock
shall also be kept, and shall be evidence of the ownership of
said stock in all elections and other matters submitted to the
decision of the stockholders of said corporation.

7. *And be it enacted*, That the said corporation hereby^{How dissolved}
created may be dissolved by a general meeting of the stock-
holders of the same, specially called for that purpose; *pro-*
vided, that at least three-fourths in value of the stockholders^{Proviso.}
shall concur therein; and upon such dissolution the directors
for the time being, and the survivors of them, or such persons
as the stockholders shall appoint, shall be trustees for the
settling all the affairs of the company, collecting and disposing
of all its property and assets, paying its debts and dividing
its surplus among the stockholders in proportion to their re-
spective interest in the stock.

8. *And be it enacted*, That the corporation hereby created^{General pow-}
shall possess the general powers and be subject to the general^{ers.}
restrictions set forth in an act entitled "An Act concerning
corporations," approved on the fourteenth day of February,
eighteen hundred and forty-six, so far as the same may be
applicable.

9. *And be it enacted*, That this act shall continue in force^{Limitation.}
thirty years, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXI.

A Supplement to an act, approved March thirty-first, eighteen hundred and sixty-nine, and entitled "A Supplement to 'An Act to set off a new township from the townships of Newark, Orange, Elizabeth, and Union, in the county of Essex, to be called the township of Clinton,' passed February nineteenth, eighteen hundred and thirty-four."

Land owners
to be compen-
sated for dam-
ages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a just compensation shall be made to the several land owners for any damage which may have been done, or hereafter shall be done to their lands in the prosecution, making or completing any of the work contemplated by said supplement, and that for the purpose of providing for such compensation, it shall and may be lawful for the said commissioners to treat with such land owners for the payment to them of any damage already done, or which may hereafter be done in the prosecution, making or completing of any or all of said work.

Proceedings
when commis-
sioners and
owners cannot
agree as to
compensation
for damages

2. *And be it enacted*, That in case the said commissioners, and said land owners cannot agree as to the said compensation, then it shall be the duty of the said commissioners, so soon as said damages can be ascertained to make an estimate of said damages, and within ten days after making such estimate to report the same in writing under their hands or under the hands of any of two of them to the clerk of the township of Clinton; which said report shall particularly specify the name or names of such land owner or owners to whom damages shall be so awarded, and the amount of such damages, and the name or names of such land owner or owners to whom no award of damages shall be made, and shall remain on file in the office of said clerk, and be open to the inspection at all times of persons interested therein, and the said clerk shall within ten days after receiving such report give notice to the several land owners mentioned therein, of the filing of the same, which notice, in case said land owners reside within the said township of Clinton shall

be served personally on such land owners, or be left at their several places of abode, and in case the said land owners do not reside within the said township of Clinton, then the said notice shall be deposited in the post-office at Irvington, in said township, and be directed, with the postage pre-paid to the said non-resident land owner or owners, at the post-office nearest to the residence of such non-resident land owner or owners; in case the residence of any such land owners cannot be ascertained upon diligent inquiry by said clerk, then the said notice, so directed to such land owner shall be advertised within said ten days, for the space of four weeks, once a week, in one of the newspapers printed and published in the city of Newark, and circulating in the said township of Clinton.

3. *And be it enacted*, That in case any land owner or owners shall be dissatisfied with the amount of damages so awarded by said commissioners, or with the said report, then it shall and may be lawful for such land owner or owners, so dissatisfied, within thirty days after the filing of said report, to appeal to the circuit court, in and for the county of Essex, from the said award of said commissioners, giving notice in writing to the said commissioners within said thirty days of such appeal; in case of such appeal, the said dissatisfied land owner or owners, shall, within the first ten days of the term of the said circuit court, next ensuing, after the lapse of the said thirty days, file with the clerk of said circuit court, an application to the said court for such appeal, stating therein shortly the grounds of such appeal, and thereupon an issue shall be joined between such dissatisfied land owner or owners as appellant or appellants, and the said township of Clinton, by the corporate name of said township as appellee, for trial by jury, before said circuit court, for the ascertaining of the just compensation which should be paid to such appealing land owner or owners for said damages, which trial shall be conducted in the same manner and be subject to the same rules of law and evidence as all other trials by jury held in said circuit court, and an execution against the goods and chattels, lands and tenements, may issue upon the judgment of said court, in said appeal, against said township of Clinton, but in no case shall the land owner or owners so appealing be entitled to costs unless the jury which shall be empaneled to try said issue shall, by their

Proceedings
in case of ap-
peal.

verdict, find a larger sum of damages than that awarded by said commissioners to such appealing land owner or owners.

Commissioners shall make an assessment for costs and expenses.

4. *And be it enacted*, That when the said work shall become so far complete that the expense thereof can be ascertained, the said commissioners shall proceed to assess the entire costs of said work including the said damages awarded or paid to said land owner or owners, and their own necessary expenses, by them paid or incurred in prosecuting said work, and payment for their time, which shall be at the rate of three dollars per day for every day actually spent by them in prosecuting said work upon the lands and real estate in said township, benefited by the said work in proportion to the benefit received by said lands and real estate, and shall make a report of such assessment, particularly specifying the name or names of the owner or owners of said lands and real estate so assessed and the amount of the assessment levied upon said land or real estate and shall thereupon further proceed in the manner directed by the second section of the act to which this is a supplement to obtain payment of said assessment, and such land and real estate as may not be sold at such sale as contemplated by said section, shall be struck off to said township of Clinton for the term of fifty years, the certificate of sale to be executed by said commissioners shall be presumptive evidence of all the facts therein stated, and if issued and delivered to said township of Clinton, may be assigned and transferred by said township to any person or persons; and in case any land or real estate shall be struck off to said township of Clinton, said township shall become and be invested with the same rights in the land and real estate so struck off to said township as any other purchaser or purchasers of the said land and real estate, at said sale would have been.

Excess over benefits derived to be paid by township.

5. *And be it enacted*, That if the amount of said costs and expenses and damages to the land owners so to be assessed, as provided in the preceding section of this act, shall exceed the amount of the benefit which shall be determined by said commissioners to have been derived by said land owners from said work, then such excess shall be paid by said township of Clinton.

Vacancies how filled.

6. *And be it enacted*, That in case of the death or removal or resignation of one or more of said commissioners, it shall be the duty of said township committee forthwith to appoint one or more person or persons, as the case may be,

to fill such vacancy or vacancies, and such person or persons as shall be thus appointed shall take the oath prescribed by the first section of the act to which this is a supplement, and thereupon shall become invested with all the powers, duties and responsibilities given and imposed by this act, or the act to which this is a supplement.

7. *And be it enacted*, That that part of the first section of ^{Repealer.} the act to which this is a supplement, providing that it shall be the duty of the clerk of the said township to commence suit for the recovery of said assessment remaining unpaid, and all other parts of said act to which this is a supplement inconsistent with this act, be and the same are hereby repealed.

8. *And be it enacted*, That from time to time, until the ^{May borrow money.} said assessments are collected, it shall and may be lawful for the town committee of said township of Clinton, to borrow money for the purpose of paying for the current expenses in carrying on and completing said work, which amount so borrowed shall be repaid with interest by said commissioners, out of and from the moneys received by them under the provisions of this act.

9. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXII.

A Further Supplement to an act entitled "A Supplement to 'An Act to improve Bergen Wood Road, in Hudson county.'" approved April ninth, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all assessments levied, ^{Assessments to remain a lien upon lands and real estate.} assessed or made, or which shall hereafter be levied, assessed or made, under and by virtue of the original act to which this is a supplement and the supplement thereto, upon any lands, tenements, or real estate, shall be and remain a lien

thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other encumbrance thereof; and that if the full amount of any such assessment shall not be paid and satisfied, within the time limited and appointed in said act and the supplement thereto, for the payment thereof, it shall and may be lawful for the commissioners appointed by the original act to which this is a supplement, and their successor or successors, to cause said lands, tenements or real estate, to be sold at public auction for the shortest term for which any person will agree to take the same and pay such assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses, and to execute under their hand and common seal a declaration of such sale, and to deliver the same to the purchaser, and such purchaser, his executors, administrators or assigns shall by virtue thereof lawfully hold and enjoy the said lands, tenements or real estate for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them, until said term shall be completed and ended; *provided*, the said commissioners shall first have caused said sale to be advertised, for at least sixty days, in at least one public newspaper generally circulated in the county of Hudson, and also by advertisement put up in at least five public places in the townships of North Bergen and Union, and the town of Union, which advertisement shall describe the said lands, tenements or real estate, and specify the amount of assessment, and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided, also*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or persons interested therein, or by any other persons for or in behalf of the owner, mortgagee or claimant of such lands, tenements or real estate, at any time within two years after the sale for said assessment or assessments, by paying to the treasurer of said commission for the use of said purchaser the purchase money, together with any other sum paid for said assessment, which the said purchaser may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do with interest thereon, at the rate of twelve per centum per annum in addition thereto; and the certificate of the treasurer of said commission stating the payments and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption, and

Proviso.

Proviso.

any mortgagee shall have power to redeem at any time until the expiration of the six months' notice herein specified; no mortgagee whose mortgage shall have been duly recorded before sale for any assessment shall be affected by such sale, unless six months' notice in writing shall have been given to him by the purchaser or those claiming under him, either personally, or if not to be found in either of the said townships of North Bergen and Union, and the town of Union, then such notice shall be deposited in the post office nearest to said townships and town, directed to him at his last known place of residence (or at the post office nearest thereto), but nothing therein contained shall be so construed as to impair the lien created by such assessment or sale; *and provided*, Proviso. the said term of time for which any lands, tenements or real estate so sold as aforesaid, shall not commence nor shall said purchaser or those claiming under him have a right to possession to said lands, tenements or real estate until the two years limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of the time limited in such declaration of sale, quit and surrender the said lands, tenements or real estate in as good condition as when he entered thereon, natural wear and accidents excepted; *provided also*, that the Proviso. said sale may be adjourned or postponed from time to time, or suspended as the commissioners may direct; *and provided*, Proviso. that if at any sale of lands, tenements or real estate, for assessments as aforesaid, the whole or any part thereof shall remain unsold for the want of purchasers, then it shall be lawful for the said commission to adjourn the said sale not less than thirty days nor more than sixty days, twenty days' notice at least shall be given as aforesaid of the said adjourned sale, and if at said adjourned sale there shall be no purchasers for said lands, tenements or real estate, or for any part thereof, then it shall be lawful for the treasurer of said commission to purchase the said lands, tenements or real estate for the benefit of said commission, subject to the same redemption as hereinbefore provided for; *provided also*, that Proviso. all moneys paid for the redemption of said lands, tenements, or real estate as aforesaid, together with such assessments paid by any mortgagee or judgment creditor, shall be a lien upon said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have the precedence over all other

Proviso.

liens on said lands, tenements or real estate, and on foreclosure of any mortgage by such mortgagee redeeming shall be directed to be made out of the said lands, and on sale of said lands under any such foreclosure, judgment shall be paid out of the proceeds of the sale; *provided further*, that a complete record of all assessments shall be kept in the office of the treasurer of said commission, which record shall contain the time when such assessment was laid, the time when it was paid (and if the property had been sold therefor) the time of said sale and to whom sold, and if redeemed, when and by whom; it shall be the duty of said treasurer to record in a book to be called "Record of Sales," all declarations of sale, and to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declaration when the property for which they were given shall be redeemed.

Assessment may be set aside on certiorari.

2. *And be it enacted*, That whenever any assessment shall be set aside on writ of certiorari on account of any irregularity or technicality in the proceedings relating thereto, the supreme court shall appoint three disinterested persons, freeholders and residents of the county of Hudson, commissioners to make a new assessment, which assessment shall be final.

Proceedings when assessment is set aside.

3. *And be it enacted*, That in case any assessment for any improvement is set aside on certiorari after a portion of the said assessment has been collected by the treasurer of said commission, that in that case all sums of money so collected shall be refunded and paid to the then owners of the lots or parcels of land so assessed, and upon which said payments were so made; and the new assessment for said improvement shall be made without any reference to the fact that any sums of money have been heretofore paid under the said assessment so set aside on certiorari; the sums herein provided to be refunded shall be paid out of the first sums of money collected under the new assessment for said improvement.

Repealer.

4. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXIII.

A Supplement to "An Act to authorize the Township Committee of the Township of Plainfield, in the County of Union, to open, work and repair the public roads, streets, avenues and sidewalks in said township," approved April third, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of the highways ^{Election of overseers of highways.} of the several road districts in the township of Plainfield in the county of Union, that are not included within the limits of the city of Plainfield, as incorporated by act of legislature, approved April second eighteen hundred and sixty-nine, shall be elected by the legal voters of the several districts as they may be arranged from time to time by the township committee in the said township; and for the purpose of carrying this provision into effect it shall be the duty of the township committee of the said township to give public notice of the time and place of holding the first district road meeting under this act, and which meeting shall be held on the Saturday next previous to the annual town meeting in said township, and shall cause notice thereof to be posted up in some conspicuous place in such district, at least five days before the time of holding any such meeting, which shall be some convenient place in the district, where and when the legal voters in the township, residing in such road district shall assemble for the purpose of such election, and at which time and place such legal voters assembled having been called to order by any legal voter of the road district, shall proceed viva voce, by holding up of hands or by count, to elect a moderator of such meeting, by plurality of votes, and being so organized, the meeting shall proceed, as in the election of moderator, to elect an overseer of the highway of such road district; the moderator of each district meeting shall notify the township committee at their first meeting after such election, in writing, of the election of such overseer, and in case of the failure of any district to elect an overseer, or of the person so elected

to accept of the appointment, the township committee shall fill such vacancy, and shall furnish a list of the names of said overseers of the highways so elected or appointed to the clerk of the township, and it shall be his duty to publish the same, with the names of the officers and proceedings of said first town meeting after the election of said overseers.

Overseers to
give notice of
district road
meetings.

2. *And be it enacted*, That all subsequent district road meetings in said township shall be called by the overseers of the respective road districts, upon notice posted up in some conspicuous place in such road district, at least ten days before the time of holding such meetings, and all such subsequent district road meetings shall be held on Saturday preceding the annual town meeting in said township, and should the overseer of any district fail to call such meeting, or the individual elected refuse to accept such appointment, or in case of a vacancy arising from another cause, the township committee shall fill such vacancy and cause the names of the persons so elected or appointed, to be published as aforesaid.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXIV.

An Act relating to the extension of Cherry Street in the City of Rahway.

Portion of
street vacated

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all that portion of Cherry street lying easterly of Main street, in the city of Rahway, as laid down on a map of said city from surveys, made under the direction of commissioners appointed by the legislature under an act entitled, "An Act authorizing the appointment of commissioners to lay out streets, avenues and squares, in the city of Rahway," approved April fourth, eighteen hundred and sixty-five, be and the same is hereby vacated and

abolished, and the lines established by said commissioners as the lines of said part of Cherry street, are hereby abolished, and the action of the said commissioners in laying out the said Cherry street between the said Main street and the north branch of Rahway river, is hereby annulled and made void, and shall be for nothing holden.

2. *And be it enacted*, That all acts and parts of acts, so Repealer. far as the same are inconsistent herewith, are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXV.

A Further Supplement to an act entitled "An Act to incorporate the City of Bayonne, approved March tenth, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of* Amendment. *the State of New Jersey*, That the words "northerly" and the words "of Huron avenue," be stricken out of the eighth line of the second section of the act to which this is a supplement, and that the word "boundary," be inserted in said section and line, in the place of the word "northerly."

2. *And be it enacted*, That wherever in the act, to which Publication of this is a supplement, it is provided that the acts of the mayor acts. and board of councilmen shall be published in two daily newspapers, that the mayor and council may, at their option, make said publication in said two daily papers, or in one of them, and in one weekly paper published in said city of Bayonne; in the latter the publication to be made for two weeks.

3. *And be it enacted*, That the words, "at not less than" Amendment. the par value thereof," be stricken out of the sixteenth line of the seventy-fourth section of the act to which this is a further supplement; and the words "at not less than ninety-

five per cent. of the par value thereof," be inserted in lieu thereof.

Amendment.

4. *And be it enacted*, That the sixty-eighth section of said act shall be amended by adding the words, "and said owners of property shall give notice to the board of councilmen, within ten days after the passage of the ordinance for said improvement, of their desire to do their work, as aforesaid; and the commissioners of assessment shall allow, in the final assessment, for the work done by said owners."

Owners may
give bond in
lieu of cash
assessments.

5. *And be it enacted*, That in every case in which an assessment is made for a public improvement, the parties assessed may, within the time provided for the payment of the same, and in lieu of a cash payment, deliver to the city collector a bond, payable to the city treasurer, entered into by the owner or owners of the property assessed, conditioned for the payment of such assessment in five years from the date of the confirmation thereof, by paying twenty per centum of the amount of said assessment in each and every year, with interest upon the amount of said assessment, or such part thereof as may remain unpaid, at the rate of eight per centum per annum, payable annually; and in case the sum of money mentioned in the condition of the said bond shall not be paid, with interest at the expiration of said five years; or in case any installment or interest shall not be paid according to the condition thereof, then the said land and real estate may be sold in the manner provided in the act to which this is a further supplement, for the sale of lands for taxes and assessments, for the amount of such assessment, or such part thereof as may remain unpaid, with interest, costs and expenses; and the amount due on such bond shall be placed to the credit of said city, or be paid by the city treasurer to the assignee or holder of said bond, or to the legal representatives of said assignee or holder; and in all cases where the board of councilmen are authorized to make or levy an assessment for any improvement heretofore made, or hereafter to be made, under the act to which this is a further supplement, they shall be authorized to borrow the amount of said assessment, or any portion thereof in anticipation of the collection of said assessment, to be expended only in payment of such improvement, or loans for the payment thereof; and for that purpose to issue the bonds of the city, to be called "Improvement Bonds of the City of Bayonne," payable in six years from the date thereof, with interest, at

City may is-
sue bonds.

the rate of not to exceed seven per centum per annum; and said city may sell these bonds at public or private sale, at not less than ninety-five per cent of the par value thereof, or borrow money on the pledge of the same; *provided*, that the assessment bonds of property owners aforesaid, shall be held by the city as specially pledged for the payment of the city bonds issued as above authorized; and in case said assessment bonds should be paid in faster than the improvement bonds mature, the board of councilmen shall direct the city treasurer to purchase improvement bonds with the proceeds at such prices as they may determine. Proviso.

6. *And be it enacted*, That the following shall be added to the fifty-sixth section of the act to which this is a further supplement; "*provided*, that whenever the owners of three-fourths of the property interested per lineal feet along the line of any street or avenue, shall apply in writing to the board of councilmen for any of the improvements provided for in the fifty fifth section of the act to which this is a further supplement, the council shall have power to dispense with the preliminary map and estimate of assessments, and to proceed by ordinance to cause said improvement to be made forthwith." Proviso.

7. *And be it enacted*, That whenever the map and grade commissioners mentioned in section thirty-eight of the act to which this is a further supplement, shall change or alter the location of any street, lane or avenue now laid on the map of said city, or now open for public use, or in cases where they may already have made changes or alterations in the same, the commissioners of assessment of the city shall have the power to take into consideration the land or premises which may be vacated and thus become the property of the front owner on said street, lane or avenue, in awarding benefits or damages to the property benefited or damaged by said alteration or location of said street, lane or avenue so changed, and the lands so made to become the property of the said front owners, shall be held by said front owners in fee, and the said map and grade commissioners shall file a description of the lands so vacated in the office of the county clerk of Hudson county, which said description shall be deemed and taken to be a deed of conveyance to the said property owners, and this shall apply to all alterations heretofore made or hereafter to be made. Description of lands vacated to be filed with county clerk.

8. *And be it enacted*, That no certiorari shall be had or

Assessments
may not be set
aside on cer-
tiorari.

maintained to set aside any assessment for taxes heretofore made in said city for the year eighteen hundred and sixty-nine by reason of any failure on the part of the mayor and board of aldermen to assess and collect the school poll tax mentioned in section forty-one of the act to which this is a supplement, and the tax assessment heretofore made in said city shall be as valid and effectual in all respects as if said school poll tax had been levied and collected as required by the charter of said city of Bayonne.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXVI.

An Act to incorporate the Bergen County Savings Bank.

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Garret G. Ackerson, Cornelius L. Blauvelt, Cornelius Christie, James J. Brinkerhoff, William DeWolfe, Frederick Jacobson, Edward E. Poor, William S. Banta, John Y. Dater, Garret Ackerson, junior, John J. Ward, John J. Anderson, Ralph S. Demarest, Manning M. Knapp, Abraham D. Campbell, Cornelius A. Wortendyke, Jacob G. Van Riper, Garret S. Demarest, Nicholas B. Ackerman, Francis Guntz, Barney Cole, John H. Banta, Jacob Van Buskirk, junior, William Greig, junior, Abraham S. Zabriskie, Jacob G. Berdan, John O. Grode, Frederick Steinley and David Terhune, and their successors, shall be and hereby are constituted a body corporate and politic, by the name of "The Bergen County Savings Bank," to be located in the village of Hackensack.

Corporate
name.

Election of
managers

2. *And be it enacted*, That the business of said corporation shall be conducted by not less than twelve nor more than thirty managers, five of whom shall constitute a quorum, and the seat of any manager who shall have neglected to attend

for six successive meetings may be vacated by the board; and when the seat of any member shall from any cause become vacant, the other members may fill such vacancy by the vote of two-thirds of their number; and the persons named in the first section of this act shall constitute the first board of managers of the corporation; and the said board shall hereafter meet annually on the third Tuesday of April, and choose from their number a president and vice-president, and appoint a secretary and treasurer, and such subordinate officers and agents as may to them appear to be necessary for conducting the business of the corporation; which officers so chosen and appointed shall continue in office for one year, and until others are chosen or appointed in their place, and shall be under oath for the faithful performance of the duties of the respective offices.

3. *And be it enacted*, That the board of managers shall have power from time to time to make, ordain and establish such by-laws, and regulations as they shall judge proper for the transacting, managing and directing the affairs of the corporation; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state or of the United States, and shall not at any time be altered so as to affect any deposit of money previously made.

4. *And be it enacted*, That the corporation may receive on deposit, all sums of money which may be offered therefor in such amounts, and at such time and upon such terms as the by-laws shall prescribe, which money shall be invested in the manner hereinafter directed, and be repaid to the depositors, or their legal representatives, at such times, and with such interest, and under such regulations as the board of managers may from time to time order; and the said corporation may accept and execute all such trusts, of every kind, as may be committed to them by any person or persons whomsoever, by will or otherwise, or be transferred to them by order of any court.

5. *And be it enacted*, That the said corporation may invest the money left with them on deposit in no other public stocks or bonds other than such as are created and issued by the United States, or by the several states of the Union, or by the several counties and cities in the states of New Jersey and New York under the laws thereof, nor upon bond and mortgage, except on unincumbered real estate in the state of New Jersey worth at least double the amount invested;

- Proviso. *provided*, said corporation may make temporary loans upon personal securities, with pledges of collateral securities worth at least twenty per centum more than the amount loaned; but the amount thus loaned on personal security shall not at any time exceed twenty per centum of the whole amount of the assets and securities of the said corporation.
- Rate of interest. 6. *And be it enacted*, That it shall be the duty of the board of managers to regulate the rate of interest allowed to be deposited, so that they shall receive a just proportion of the profits upon the business of the said corporation, after deducting therefrom all necessary expenses and a reasonable surplus or contingent fund; *provided*, that the said rate of interest may, at the discretion of the managers, be so regulated as that the interest allowed any depositor having more than five hundred dollars on deposit shall be at least one per centum less than the rate allowed to other depositors; *and provided also*, that the said corporation shall not be required to allow interest upon any deposit until it amounts to five dollars, nor upon the fractional parts of five dollars, nor upon the fractional parts of a month; and that no interest or dividends on account of any surplus or contingent fund shall be allowed for moneys which have been withdrawn from deposit.
- Proviso. 7. *And be it enacted*, That it shall be lawful for the said corporation, at their discretion, to pay any depositor, being a minor, such sum not exceeding five hundred dollars, as may be due to such depositor, in cases where no guardian shall have been appointed in his or her behalf, and that the receipt or acquittance of such minor shall be as valid as though the same were executed by his or her guardian duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person for his or her benefit.
- Minors may give acquittance for deposit. 8. *And be it enacted*, That in case the said corporation shall receive any deposit or deposits from any married female, or from any single female who may afterwards marry, it shall be lawful for the said corporation to hold the same, together with the interest or dividends which may accrue thereon, as the sole and separate property of such female as though she was single, not subject to the control nor liable for the debts of her husband, and to repay the same and the interest and dividends, or any part thereof, upon her check, order, receipt or demand, without the concurrence of her husband;
- Proviso. Deposits made by females not to be controlled by husband.

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and such payment shall exonerate and discharge corporation from any further liabilities by reason of

9. *And be it enacted*, That it shall be lawful for ^{the said} corporation to purchase, hold and convey real estate: first, ^{said} as shall be requisite for its accommodation in the convenient transaction of its business; second, such as shall have been mortgaged to it in good faith for money loaned, in pursuance of the provisions of this act; third, such as shall have been purchased at sales upon judgments or decrees obtained or rendered for money so loaned, and the said corporation shall not purchase, hold or convey real estate in any other case or for any other purpose, and the said corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares or commodities whatever, except in cases where it is authorized to do so by the terms of this act, and except such personal property as may be requisite for its accommodation in the transaction of its business.

10. *And be it enacted*, That it shall be the duty of the said corporation to make an annual report of its affairs and the state of its funds to the legislature of this state, which report shall be verified by the oaths or affirmations of the president and treasurer of the said corporation. Annual report to legislature.

11. *And be it enacted*, That this act shall be construed Act, how construed. in all courts favorably and benignly for every beneficial purpose therein intended, and that no misnomer of the said corporation in any deed, grant, devise or other instrument of contract or conveyance shall vitiate or defeat the same; *provided*, the corporation shall be sufficiently described so as to ascertain the intention of the parties.

12. *And be it enacted*, That no emolument or other compensation for services shall be received, whether directly or indirectly, by any of said managers, except the president, secretary and treasurer, and any committee who may be entrusted with the examination of property offered as security for loans, who shall receive such compensation as may be from time to time established by a vote of three-fifths of the whole number of managers; and that no officer or manager shall be allowed, whether directly or indirectly, to hire or borrow any money from said corporation, or to become in any way security for any hirer or borrower of any such money, or to use the funds or other property of such corporation for his own purposes in any way whatever; and that said corporation shall not take or hold any bond, mortgage or other No compensation to managers.

SPECIAL PUBLIC AND PRIVATE LAWS.

SP.
security, 1
existing, 2
S. 1
And be it enacted, That this shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXVII.

An Act to incorporate the Eclectic Medical and Surgical College of the State of New Jersey.

- Names of incorporators.
- Corporate name and object.
- Powers of the trustees.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Luke D. Broughton, Thomas Butterfield, John F. Cowen, I. M. Keach, John Williams, C. W. Franklin, James Guthrie, Joseph Smith, George Laymen, and their associates and successors in office, are hereby created a body corporate and politic by the name of "The Eclectic Medical and Surgical College of the State of New Jersey," to be located in Hudson county, in the state of New Jersey, for the purpose of promoting medical science and instruction; and, in that capacity, shall be capable of suing and being sued, pleading and being impleaded, defending and being defended, as any other body corporate, in any of the courts of this state.
 2. *And be it enacted*, That the corporation aforesaid shall constitute the board of trustees, and shall have the power to fill any vacancy which may occur in the board; they shall have a common seal, which they may alter or renew at pleasure; they may purchase, hold and possess real and personal estate to the amount of five hundred thousand dollars; they may hold and dispose of property in their corporate capacity; but the funds of said corporation shall not be used for any other purpose than that declared in the first section of

this act, and for the establishment and maintenance of a dispensary and hospital in connection with the college aforesaid.

3. *And be it enacted*, That the board of trustees shall appoint a faculty which shall consist of at least four professors, who shall be competent to deliver lectures for the proper instruction of students in the various departments of medical science, which shall include materia medica, obstetrics, medical jurisprudence, practice of medicine and surgery. Trustees to appoint a faculty.

4. *And be it enacted*, That the medical faculty of this college, together with the board of trustees, shall be authorized to confer the degree of doctor of medicine upon such persons as the degree is conferred on by medical colleges generally throughout the United States; but no student shall be allowed to present himself as a candidate for graduation in this college until he shall present to the faculty thereof satisfactory testimonials that he is twenty one years of age and of good moral character; that he has been regularly engaged in the study of physic and surgery with some respectable practitioner for the term of three years, and that he has attended two full courses of lectures in some legally incorporated medical college, the last of which shall have been attended in this college; but it is hereby provided that any individual who is a graduate from any legally incorporated medical college, or any one who may have been, for four years next preceding, engaged in a constant and reputable practice of medicine, and shall have attended one full course of medical lectures in this college, shall be permitted to present himself as a candidate for graduation before the faculty and board thereof, on testimony whereof a diploma shall be provided and signed by the president, secretary and faculty of said college, to which shall be affixed its corporate seal, and which shall have the same force and effect as a license to practice physic and surgery as are given by law to the license granted by any incorporated medical society or college in this state. May confer degrees.

5. *And be it enacted*, That the faculty and board of trustees of this college shall not be permitted to grant a diploma to any applicant, unless an honorary diploma to an eminent practitioner of medicine, or a diploma *ad eundem*, until such applicant shall have passed a thorough, critical and impartial examination, which examination shall be made by said faculty, and shall include the various departments of medical science enumerated in section three of this act. Diplomas.

Female students.

6. *And be it enacted*, That the board of trustees and faculty shall have the power to organize a class of female students, who shall be taught all the departments of medicine, surgery and obstetrics, also be examined in each department similar to the male student, but the female students shall be taught obstetrics, and certain parts of anatomy, physiology and surgery separate from the male students.

Sections that shall apply to female students.

7. *And be it enacted*, That the whole of sections four and five shall apply equally to female students the same as it applies to male students, the same as if it read she for he, and herself for himself.

Quorum.

8. *And be it enacted*, That the board of trustees shall consist of not less than three nor more than fifteen members, a majority of whom shall constitute a quorum for doing business; and those appointed by the first section of this act shall have power to perform all duties which the said board is hereby authorized to perform until their successors shall have been chosen and qualified.

Name of the society.

9. *And be it enacted*, That the faculty and board of trustees shall have the power of organizing a medical society, called "The Eclectic Medical Society of the State of New Jersey;" the particular business and object of said society is the promotion and advancement of the science and art of medicine; that the number of managers to manage the same, shall be not less than five, a majority of whom shall constitute a quorum for the transaction of business; but the said medical society shall be distinct from the said college, and its members shall not claim any control at their meetings over said college, but the transaction of each shall be separate, and kept in separate books.

10. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXVIII.

An Act to facilitate the collection of Taxes in the township of Washington, in the county of Burlington.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Washington, in the county of Burlington, shall have power to enforce the collection of all delinquent taxes assessed on any real estate in said township during the years of our Lord one thousand eight hundred and sixty-seven, eight and nine, and thereafter, by exposing the same for sale, or so much thereof as may be sufficient to pay said tax and the costs thereon, at public vendue, to the person or persons who will take the least quantity of said land, to be laid out in one body and to commence at some designated corner of the premises on which said delinquent taxes are claimed to be due, and in case where the said committee may deem it for the interest of the township, they may authorize the treasurer of the township to appear at and bid on such lands as are offered for sale as aforesaid in the name of the township; the lands so sold to him, if any, to be the property of said township.

Collection of delinquent taxes may be enforced.

2. *And be it enacted*, That no land shall be sold by virtue of this act until the township collector shall have made a return to the township committee that the taxes assessed on said lands are unpaid, and have by him been returned as delinquents, and shall verify the same by his affidavit attached thereto, and the collector neglecting or refusing to make such return and affidavit on or before the annual township meeting for the election of officers, shall be liable to the township all of said unpaid and delinquent taxes not so returned.

Return of unpaid taxes to be made by the collector.

3. *And be it enacted*, That within ten days after the said return, by the collector of the township, the township committee shall cause a copy of said return to be recorded in the clerk's office of said township, and a copy thereof to be posted in at least three public places in said township, one of said places to be at the place where the last election of said township was held, the same to be certified to and signed by the committee of the township.

Copy of return to be recorded.

Copy of re-
turn shall be
published.

4. *And be it enacted*, That after the expiration of twenty days, the township committee shall cause a certified copy of the said return and affidavit of the collector to be published in one or more newspapers published in said county, at least six weeks, specifying the time and place where the same will be sold at public vendue, as aforesaid, for the collection of said returned and delinquent taxes.

Sale of land to
be at public
vendue.

5. *And be it enacted*, That on the day mentioned in said notice, or on some adjourned day thereof, the chairman of the said committee shall, at the hour named in said notice, proceed to sell the several tracts or parcels of land returned and unpaid, and in the order so returned, at public vendue, as aforesaid, to the person or persons who will take the least quantity of said premises so offered, and pay the amount of said delinquent taxes with the cost of advertising and sale.

Certificate of
sale.

6. *And be it enacted*, That immediately after such sale the township committee shall execute and deliver to such person or persons who may become the purchasers of said lands, a certificate of such sale, describing the piece or several pieces sold, as the case may be, together with the amount paid for the same, entitling the holder thereof to a deed of the premises so sold; *provided*, that the owner or owners of the said land or lands, do not within six months from the date of said certificate, appear before the said committee and deposit with them, for the purchase of said land, the amount so paid by him, together with fifteen per centum interest, in which case the said certificate shall be deemed to be cancelled, and the amount so received shall on demand be paid to the party holding and owning such certificate.

Proviso.

Time within
which land
may be re-
deemed.

7. *And be it enacted*, That if at the expiration of six months from the time of said sale, the owner or owners of any land so sold does not appear to redeem said land as aforesaid, then the said township committee shall execute to the holders and owners of said certificate a deed of the premises, described therein in their corporate name, the party receiving said deed to bear the expense of the revenue stamps and the acknowledging of the same, and on the delivery of said deed, the sale shall be final, and the title of such lands pass irrevocably to the holders thereof.

Quorum.

8. *And be it enacted*, That a majority of the said committee shall constitute a quorum for the purposes of this act, and may adjourn from time to time as they shall judge proper.

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9. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXIX.

An Act to organize a Board of Sewerage for the City of New Brunswick.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Lyle Vannuis, John B. Hill, Elias Ross and Joseph F. Fisher, of the city of New Brunswick, be and they are hereby appointed a board of commissioners of sewerage in and for said city of New Brunswick, whose term of office shall continue until others are elected by the legal voters of said city in their place and stead respectively, one of whom shall be elected in each successive year, commencing with the annual election of officers in the year eighteen hundred and seventy-one, and at the first meeting of said commissioners they shall by lot designate the commissioners to retire from office on the first, second, third and fourth years.

2. *And be it enacted*, That said commissioners so to be elected shall be citizens of this state and residents of said city for at least three years before elected, and of the age of thirty years; and the commissioners hereby appointed, and their successors, shall, before entering upon their duties, each make and subscribe an oath or affirmation faithfully to perform the duties of such commissioner, and that without charge, pay or pecuniary emolument, directly or indirectly.

3. *And be it enacted*. That such board of commissioners shall have full power to order and construct or cause to be constructed all sewers or drains, bridges or culverts in any part of said city of New Brunswick, (proposals for the execution of said work having been advertised for at least thirty days in two of the newspapers printed in said city), and are hereby invested with all the powers relative to sewerage con-

Commission-
ers of sewer-
age.

Commission-
ers shall take
oath.

Shall have
power to con-
struct sew-
ers, &c.

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SPECIAL PUBLIC AND PRIVATE LAWS.

ferred by the charter of said city upon the mayor and common council of said city, and such additional powers as may be needful to carry this act into full effect, and to that end may make or alter the grade of any street, highway or alley of said city; *provided*, the concurrence of the city council is first had and obtained.

or dia-
gr. of plan
shall be made.

4. *And be it enacted*, That it shall be the duty of said board to devise and form a plan for the general sewerage of said city, and having respect to its extension and probable growth, and cause the same to be delineated on a map or diagram, one or more, and cause the same to be executed or the sewerage made in whole or in parcels or by sections in such manner as not to prevent the completion of the whole as systematized.

Improvement
certificates.

5. *And be it enacted*, That it shall be lawful for said board to issue "Improvement Certificates," to be issued in such form and for such amounts as they may deem expedient, to an amount not to exceed fifty thousand dollars at any one time, to be applied exclusively in payment for work done or materials furnished for the construction of such sewers and their appurtenances, and as the same shall be approved and accepted, which certificates shall be made payable in eighteen months from the date thereof, with interest not to exceed seven per centum per annum.

Certificates,
how paid.

6. *And be it enacted*, That such improvement certificates shall be paid by moneys received from assessments to be made by said board upon property or lands adjacent to or in vicinity of such sewers, and proportioned to the benefits derived therefrom, to be estimated by said board; *provided*, that in making such assessments the same lands or property shall not be subject to more than one assessment for the construction of such sewers and appurtenances.

Proviso.

Commission-
ers may pro-
ceed by award.

7. *And be it enacted*, That in making such assessments and enforcing the same, the said board shall have the powers given by said charter to the mayor and common council of said city relative to improvements by sewerage, and shall proceed in the execution of such powers in the mode prescribed by the several sections of said charter applicable thereto as nearly as may be, except that said board may proceed by award, which shall have the force and effect of an ordinance passed by the mayor and common council of said city.

8. *And be it enacted*, That in default of making payment

of such improvement certificates, in manner aforesaid, the unpaid balance due thereon from time to time shall be deemed a debt of said city, and shall be paid by general assessment as in cases of other debts of said city, to be made as provided by said charter.

9. *And be it enacted*, That the several provisions of said charter inconsistent with this act are hereby repealed.

10. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXXI.

An Act to incorporate the Hoboken Coal Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William S. Halliday, William W. Pierson, Charles Runyon, Edgar F. Randolph and A. H. Wallis, and such other persons as they may associate with them, and their successors, shall be and are hereby created a body politic and corporate, in fact and in law, by the name of "The Hoboken Coal Company;" that the capital stock of the said corporation shall be fifty thousand dollars, with the power of increasing it to five hundred thousand dollars, divided into shares of one hundred dollars each, which shall be subscribed and paid in at such times, upon such notice, and in such manner and installments as the directors of said corporation by their by-laws or otherwise may direct; that such payments shall be made either in money or in real or personal property, and in case of payment in real or personal property the directors of said corporation may issue, in payment therefor, the stock of the said corporation, upon such terms as they may deem best for its interests; that in case of the failure of any stockholder to pay any installments on his or her stock at the place, within thirty days of the time, appointed by the said directors for the payment thereof, his

Names of corporators.

Corporate name.

Amount of capital stock.

or her share and shares of stock may be sold at public auction to the highest bidder, upon such notice and in such manner as the by-laws of the said corporation may prescribe, and the proceeds of such sale may be applied to the payment of any such installment, and each subscriber to the capital stock of said corporation shall be personally liable to said corporation for the full payment of all the stock that shall be subscribed for by him or her until such stock shall be fully paid for.

Stock transferable.

2. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and the shares of stock shall be transferable in such manner as the board of directors by their by-laws may direct; and every share of stock shall entitle the holder thereof to one vote, either in person or by proxy.

Election of directors.

3. *And be it enacted*, That the said corporation shall be organized and shall have all the rights and powers conferred by by this act when one hundred thousand dollars of its capital stock shall be subscribed; the affairs of said corporation shall, after its organization, be managed by such directors to be chosen, except as hereinafter provided by the stockholders of said corporation, annually at such time and in such manner as the by-laws of said corporation may direct; a majority of the directors shall be a quorum for the transaction of business, and the said directors shall serve for one year and until others are chosen in their stead, and at least ten days' previous notice of the election of directors shall be given by the publication thereof in a newspaper printed and published in the county of Hudson; said directors shall from time to time elect a president of the said corporation from their own number, who shall hold his office until the next annual election for directors, and until another shall be elected in his place, and they may also appoint such other officers as they may deem necessary; and any vacancy in the board of directors may be filled by the remaining directors until the next election; and if for any reason the election for directors shall not be held at the time appointed, the corporation shall not for that reason or cause be dissolved, but such election may be held at any time thereafter; *provided*, ten days' notice shall be given of such election by the publication thereof in some newspaper published in the county of Hudson.

Proviso.

First directors

4. *And be it enacted*, That William S. Halliday, William

W. Pierson, Charles Runyon, Edgar F. Randolph and A. H. Wallis shall be the first directors of said corporation, and shall be authorized to receive subscriptions for the capital stock of said corporation, and a majority of them shall, as soon as convenient after the sum of ten thousand dollars of the capital stock shall be subscribed for, assemble and organize such corporation, and they shall continue in office until others, as hereinbefore directed, shall be chosen in their stead.

5. *And be it enacted*, That the said corporation be and the same is hereby authorized and empowered to carry on the business of dealing in, selling and disposing of coal of every description, and to take, hold, use, possess, convey, mortgage and dispose of real and personal property of every description, and said corporation shall at all times have an office in this state where a legal process may be served upon it. May purchase, hold and sell real and personal estate.

6. *And be it enacted*, That the amount of the capital of the said corporation may be increased from time to time as the board of directors shall determine to an amount not exceeding five hundred thousand dollars. May increase capital stock.

7. *And be it enacted*, That the said directors may from time to time make, alter and repeal by-laws for the government of the said corporation, its officers and agents, the preservation and use of its property and the conduct and management of its business; *provided*, that no such by-law shall conflict with any law of the state; and the said board of directors may hold its meetings in the city of New York. General powers. Proviso.

8. *And be it enacted*, That the real and personal property of the said corporation shall be subject to taxation in like manner as the property of individuals. Not exempt from tax.

9. *And be it enacted*, That the said corporation shall possess all the rights and powers and be subject to all the liabilities incident to a corporation, and particularly that it shall possess all the rights and powers and be subject to the restrictions and liabilities provided for in an act entitled "An Act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto, so far as the same are applicable. Restrictions.

10. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXXII.

An Act to incorporate the Toler Land Company.

Preamble	<p>WHEREAS, Hugh A. Toler, William E. Booraem and Aaron Pennington Whitehead, are the owners of certain lands and premises in the county of Essex, in this state, and are desirous of improving and disposing of the same, and purchasing, improving and disposing of other adjacent real estate; therefore,</p>
Names of corporators.	<p>1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i>, That Hugh A. Toler, William E. Booraem and Aaron Pennington Whitehead, and their associates and successors, shall be and they are hereby constituted a body politic and corporate, by the name of "The Toler Land Company," with power to purchase, hold and improve real estate in the county of Essex, in this state, not to exceed three hundred acres in extent, and to issue stock of the company for the purchase thereof, and to sell, convey, lease and mortgage the same or any part thereof, any deed, lease or mortgage, to be executed by the president and secretary, under the seal of the company, with power to have a corporate seal, and the same to alter at their pleasure, and with all the powers, rights and incidents of a corporation under the laws of the state of New Jersey.</p>
Corporate name and object.	
Amount of capital stock.	<p>2. <i>And be it enacted</i>, That the capital stock of said company shall be three hundred thousand dollars, which shall be divided into shares of one hundred dollars each, with power to said company to increase said capital stock to any sum not exceeding one million of dollars, the same to be paid in by the stockholders, at such time, and in such manner, and in such installments as the directors of said company may direct, and in such penalties for neglecting the payment of such installments as the said directors shall deem advisable, and such shares shall be deemed personal property, and be transferable in such manner as the company by their by-laws may appoint; <i>provided</i>, that at least thirty days' notice in writing shall be given to each of the stockholders of the time when the shares are required to be paid in.</p>
Proviso.	

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books and receive subscriptions to the capital stock of said company, at such time or times, and place or places as they, or a majority of them may think proper, giving notice thereof at least two weeks, by publishing the same for two weeks, once a week in some newspaper published and circulating in the county of Essex, and as soon as five hundred shares are subscribed, and the sum of fifty thousand dollars shall have been paid in, or real estate of the value of fifty thousand dollars shall have been purchased by and conveyed to the company, a like publication as aforesaid, for the space of two weeks, once in each week, shall be given for the meeting of the stockholders to choose five directors, who shall hold their office for one year, and until others are elected.

Commission-
ers to receive
subscriptions.

4. *And be it enacted*, That the said election shall be certified by the said commissioners or a majority of them, who shall thereupon deliver over to the directors elected as aforesaid the subscription books and moneys paid in at such time and place as shall be appointed by the commissioners or a majority of them, notice whereof shall be given to the said directors who shall thereupon be authorized to hold their first meeting and commence business.

Subscription
books to be
delivered to
the directors.

5. *And be it enacted*, That all the affairs of the company shall be managed by five directors, to be chosen by the stockholders annually at such time and place, in such manner and upon such notice as the by-laws of said company shall direct, who shall serve for one year, and until others are chosen in their stead, and said directors shall annually elect a president from their body, and shall also elect and employ such other officers as they may deem necessary, and make all such by-laws, rules and regulations as they may think proper for the regulation and government of said company, and the transaction of the business thereof.

General pow-
ers.

6. *And be it enacted*, That the said company shall be and they are hereby empowered to improve all their lands by laying out the same into lots, streets, squares and other divisions, draining, raising and grading the same; to construct on the lands of said company aqueducts or reservoirs for conveying pure and wholesome water, and to purchase and hold such personal estate as may be necessary to carry out the purposes of said association.

May construct
aqueducts or
reservoirs.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXXV.

An Act to authorize the Trustees of the Clinton Avenue Methodist Episcopal Church, of Newark, to sell and convey real estate.

Trustees empowered to sell and convey real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Clinton Avenue Methodist Episcopal Church of Newark, in the county of Essex, or their successors in office, be and they are hereby authorized and empowered to sell and convey all or any part of the land and real estate, with the appurtenances now held in trust as the property, or for the use of the said Clinton Avenue Methodist Episcopal Church, by virtue of a deed made to the trustees of said church by Willit Stevenson and Ann his wife, bearing date the thirteenth day of July, anno domini eighteen hundred and fifty-seven, and recorded in book G ten, of deeds for Essex county, pages four hundred and four, and four hundred and five; and also a deed from Samuel T. Tate, bearing date the seventeenth day of August, anno domini eighteen hundred and fifty-seven, and recorded in book H ten, pages one hundred and ninety-nine and two hundred, and for that purpose, to make, execute and deliver to the purchaser or purchasers a good and sufficient deed or deeds for the same, under the hands and seals of the said trustees, by which said purchaser or purchasers, their heirs and assigns, shall hold the same so conveyed to his or their own use free and clear, and absolutely discharged from all trusts whatever upon which the same has heretofore been held.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXXVII.

A Further Supplement to the act entitled "An Act to revise and amend the Charter of the City of Rahway," approved March twenty-third, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the commissioners appointed under the provisions of the seventy-fourth section of the act to which this is a further supplement, whenever in their judgment the interest of all parties will be best promoted thereby, to purchase, and take conveyance in the name of the city, of the whole or any part of any lot of land which may be intersected by any street or avenue proposed to be opened or altered, or which may be bounded by any street or avenue proposed to be opened, altered or vacated, or any lot that may be cut off from frontage on any street, and under the authority and direction of the common council, may sell at public or private sale such portion of the lands and real estate so acquired as may not be necessary for the streets or avenues proposed to be opened, altered or vacated, and the mayor of the said city, when so directed by the common council, shall execute a good and sufficient deed to the purchaser thereof, and the net proceeds derived from such sales shall be applied to reduce the costs, damages and expenses to be assessed upon the parties benefited by said improvements respectively, and in cases where any street or avenue, or any part thereof is vacated, the said commissioners may award the whole or any part of the land vacated, to the owner of the adjoining lands on either side, and award such damages as they may deem just to the owner or owners divested of his or their rights to lands

Commissioners may purchase and sell land in the name of the city.

thus vacated, and assess the benefits to the owner or owners of lands thus awarded to him or them.

Improvement
assessments.

2. *And be it enacted*, That when the common council ascertains and declares the costs and expenses, or the costs, damages and expenses of any improvement, the assessment therefor shall bear interest from the date of such declaration by the common council, and the interest and discount on money borrowed and expended to carry out such improvement, to the time of such declaration, shall be included in the cost of the work, and any such declaration heretofore made on the basis herein authorized shall be deemed lawful and valid.

Office of com-
missioners
may be de-
clared vacant.

3. *And be it enacted*, That whenever commissioners appointed to make an assessment of the damages, or of the costs, damages and expenses of any improvement in said city, shall neglect or refuse for the space of sixty days after their appointment, or after an assessment referred back to them to make their report to the common council, the said common council may declare the appointment of either or all of said commissioners vacant, and proceed to fill the vacancies so created.

Proceedings
in certiorari.

4. *And be it enacted*, That whenever, by the judgment of any court wherein any certiorari is or may be brought, any assessment made by commissioners or by the city surveyor, under the provisions of the act to which this a supplement, or any supplement thereto, is set aside or reversed for irregularity or informality in such assessment, it shall be lawful for the common council of said city to cause a new assessment to be made of so much of the amount of the original assessment as may be so set aside, or of the amount thereof still remaining unpaid; said assessment to be made and become a lien, and to be proceeded on in all respects in conformity with the law and the charter of said city.

Amendment.

5. *And be it enacted*, That the eighty-sixth section of the act to which this is a supplement, be amended by adding the following, to come in before the proviso at the end of the section, "or the common council may reject said report by a resolution declaratory of the reasons therefor, and return the same with a copy of such resolution to the said commissioners who may have signed the same or the city surveyor, for correction, revision or reconsideration; and the like proceedings shall be had when the report is returned, as in the first instance;" and like proceedings may also be had

upon the certificate of assessment for damages, referred to in the eighty-second section of said act.

6. *And be it enacted*, That in all cases in which persons bring writs of certiorari directed to the mayor and common council, or any officer of the city of Rahway, it shall be lawful for the officer required to make a return thereto, to demand and receive compensation from the parties bringing such certiorari at the rate of ten cents per folio for the necessary returns thereto, to be paid before such returns are made. Compensation to be paid for return to writ of certiorari.

7. *And be it enacted*, That whenever by reason of any informality or illegality in any proceedings of the said common council, or of the commissioners of assessment, surveyor or other agent of the common council or officers of the city, in laying out, opening, altering, widening or closing streets, avenues or public squares, or in grading, altering the grade, paving, curbing, guttering and flagging the sidewalks of any street or avenue, or constructing any sewer or drain, any assessment shall be set aside by judicial authority, it shall be lawful for the common council to re-institute the proceedings set aside upon the same basis upon which the original proceeding were based, or otherwise, if they see fit so to do, and lawfully proceed therein, the same as though the former proceedings had not been had; or the said common council may reinstitute said proceedings from the point where such informality or illegality may have been so decreed; and whenever the common council shall discover that any such proceedings are liable to be set aside by judicial authority, they may reinstitute said proceedings from the point where such informality or illegality commences, and no assessment shall be deemed invalid in consequence thereof; but no writ of certiorari shall be allowed or issue to remove any assessment made upon the owner or owners of lands and real estate for any work or improvement made or to be made, unless the same be applied for within six months after the confirmation of such assessment by the common council of said city. Proceedings when assessment is set aside.

8. *And be it enacted*, That where a lien for any street improvement attaches to the real estate of any owner whose land extends not less than two hundred feet in depth, to and including the frontage on the adjacent street or avenue, such lien shall attach to the land one hundred feet in depth from the frontage improved or assessed. Lien for street improvement.

9. *And be it enacted*, That all assessments against any

Assessment not invalid by reason of owners' name being unknown. owner or owners of lands shall be made in the names of such owner or owners at the time when the improvements therein become a lien, if such names can be found by due diligence ; but no assessment shall be considered invalid by reason of any mistake in the name of any owner, or because of the owner being unknown ; and in case of the change in the ownership of any land after any improvement is completed, and the assuming of any assessment therefor by the purchaser, it shall be lawful for the commissioner of assessment, or surveyor, or city treasurer, to substitute the name of such purchaser in place of the original owner.

Assessment not to be deemed illegal. 10. *And be it enacted*, That no assessment heretofore or hereafter made by virtue of the provisions of the act to which this is a supplement, or any supplement thereto, shall be considered illegal by reason of any commissioner not being a freeholder at the time of his appointment ; nor shall any assessment be considered illegal by reason of any commissioner after his appointment ceasing to be a freeholder, or removing from the ward in which he resided when appointed, or because the common council fail to attempt to make agreements for the purchase of lands required to be taken for any improvement ; and whenever, heretofore or hereafter, a majority of the commissioners signing any report were or shall be competent or disinterested, such report shall not be considered illegal in consequence of any disability on the part of the other commissioners.

Council shall appoint commissioners to grade streets, &c. 11. *And be it enacted*, That the common council of said city shall have authority to appoint, from time to time, three commissioners to establish the grade of such of the streets and avenues of said city as have not been graded ; and said commissioners shall be empowered when any street or avenue, or section thereof, is ordered to be graded, and while the work of grading is in progress, to alter and change the said grade, if they deem the same necessary and beneficial ; and the change or alteration so made shall not vitiate the ordinance authorizing the grading of such street or avenue, nor nullify in any way the proceedings had under and by virtue of the same ; and where such alteration involves damage to any house or other building which was erected previous to such alteration, damages to the extent of the injury sustained by the owner of such house or building shall be awarded to such owner, and the measure of such damage shall be ascertained and estimated by said commissioners, and the amount

thereof and all costs and expenses incident thereto shall be added to the costs and expenses of grading such street or avenue; the said commissioners shall continue in office for one year or until their successors are appointed and qualified; in case of the death, resignation or disqualification of any commissioner appointed under this section, the common council may fill such vacancy by appointment for the unexpired term.

12. *And be it enacted*, That when by the opening, widening or alteration of any street or avenue in said city, any building shall extend upon the lines of any such street or avenue not over one-third the width of the sidewalk, the common council may permit said building to remain unremoved for such time as they may think proper, and when such permit is granted the commissioners appointed to assess damages to the owners of lands and real estate taken for the opening, widening or alteration of such street or avenue shall not assess damages to the owner of such building for the removal thereof; and when the common council orders such building to be removed, the same proceedings shall be taken for the assessment of damages to the owner thereof as is required to be taken for the assessment of damages for lands taken for the opening of streets in said city; and the costs, damages and expenses of such removal shall be assessed upon the owners of lands intended to be benefited thereby, the same as in cases of street openings aforesaid.

Proceedings when building on line of a street is ordered to be removed.

13. *And be it enacted*, That the eightieth section of the act to which this is a further supplement be amended by adding the following, to come at the end of said section; "and the commissioners appointed to make any such assessment may assess such portion of the costs, damages and expenses upon the city of Rahway as they may deem proper."

Amendment.

14. *And be it enacted*, That the common council of said city shall have power to grant to corporations or persons the right to lay down railroad tracks in the streets and avenues in said city, and to regulate the running of cars thereon; *provided*, that a majority in interest of the owners of the lands fronting thereon consent thereto.

Railroad tracks.

Proviso.

15. *And be it enacted*, That whenever the common council of said city shall determine by ordinance to take, purchase or build a city hall, or other public buildings, or to acquire lands for a suitable site or sites for the erection of such buildings, they are hereby authorized to treat with the owner or

Proceedings for the taking of land for the purpose of erecting public buildings.

- owners thereof for the same, and they may purchase such lands and real estate of the owner or owners thereof, and make such compensation therefor as they shall judge reasonable; and in case no agreement for such purchase can be made, it shall be lawful for the common council to appoint three disinterested freeholders of said city commissioners to make an assessment of the damages that any such owner or owners will sustain by taking and appropriating, in the manner aforesaid, such lands and real estate; *provided*, that said commissioners proceed in the same manner as in the case of taking and appropriating lands for opening streets, as directed by the seventy-sixth section of the act to which this is a further supplement; and any person or persons conceiving himself or themselves aggrieved by the proceedings of said common council or of said commissioners, may appeal therefrom in the manner authorized by the said seventy-sixth section.
- Proviso.
- Certificates and declarations of sale. 16. *And be it enacted*, That the proceedings authorized in sections sixty-one to sixty-nine inclusive, of the act to which this is a further supplement, in reference to sales of lands and real estate by the receiver of taxes for non-payment of taxes, shall apply to the proceedings of the city treasurer in making sales for lands and real estate for unpaid assessments; and all certificates of such sales shall be signed by the treasurer, and all declarations of sale signed by the mayor and clerk.
- Commissioners of appeal. 17. *And be it enacted*, That there shall be three commissioners of appeal in cases of taxation; one of said commissioners shall be appointed by the common council and two of them shall be elected at the annual charter election; *provided*, that not more than one name for commissioner shall be voted for on the same ticket, and when more than one name appears on a ticket for said office, both names shall be rejected.
- Proviso.
- Amendment. 18. *And be it enacted*, That the thirtieth section of the act to which this is a further supplement be amended by substituting "one hundred" in the place of "fifty," where it occurs in said section; and that said section be further amended by adding the following, to come in at the end of the section: "*provided further*, that if any interest remains unpaid on any such assessment or assessments for one month after the same is due and payable, the city treasurer shall be authorized to borrow the money necessary to pay such in-
- Proviso.

terest and add the discount and interest on such loans to the principal sum due from those who were thus in arrears."

19. *And be it enacted*, That all acts or parts of acts in- ^{Repealer.} consistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXXVIII.

A Supplement to the act entitled "An Act to incorporate the town of Phillipsburg, in the township of Phillipsburg, in the county of Warren," approved March eighth, eighteen hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Boundaries.} *the State of New Jersey*, That the town of Phillipsburg shall be divided into three wards, the boundaries of which shall be described as follows:

I. All that part of the said town bounded as follows: be. ^{First ward.} beginning at a point where the Central Railroad of New Jersey strikes the line between the township of Lopatcong, and the town of Phillipsburg; thence a southwesterly course along said line to the river Delaware; thence up said river a northwesterly course to a point opposite the centre of River street; thence an easterly course to the centre of River street; thence the same course along the centre of River street to the centre of Main street; thence along the centre of Main street a northerly course to a point opposite an alley between Hagerty's row, and house of Edward Gibney; thence an easterly course in a straight line through the centre of said alley to the main track of the Central Railroad of New Jersey; and thence a southerly course along said railroad to the place of beginning, shall constitute the first ward of said town.

II. All that part of the said town bounded as follows: be. ^{Second ward.} beginning at the beginning corner of the first ward, thence an easterly course along the line of said town to a corner be-

tween said town and the township of Lopatcong; thence a northerly course along the line of said town and township, to the middle of the Morris turnpike; thence a westerly course along the middle of said turnpike to its intersection with Chamber street; thence along the middle of Chamber street a southwesterly course to its intersection with Washington street; thence along the middle of Washington street a southerly course to its intersection with Stockton street; thence along the middle of Stockton street a westerly course to the line of the Central Railroad of New Jersey; and thence along said railroad a southerly course to the place of beginning, shall constitute the second ward of said town.

Third ward. III. All the residue of the territory of said town shall constitute the third ward of said town.

Division line. 2. *And be it enacted*, That if any division line between said wards shall intersect any dwelling house, such dwelling house, shall be considered as included in and belonging to the ward in which the largest portion thereof shall be.

Councilmen 3. *And be it enacted*, That the common council of the town of Phillipsburg, shall consist of three councilmen in and for each of the wards of said town, who shall be divided into three classes at the first or subsequent meeting of the common council by lot, one of which in each ward shall hold office for one year, one for two years, and one for three years, and each of the wards of said town, at each annual charter election thereafter shall elect one person as a common councilman who shall hold such office for the term of three years; *provided, however*, that nothing herein contained shall abridge or vacate the term of office of any member of the present common council and to effect which no election for common councilman unless in case of a vacancy shall be held in the third ward until the annual charter election of the year eighteen hundred and seventy-one.

Proviso
Annual charter election. 4. *And be it enacted*, That the annual charter election shall be held in each of the wards of said town, at which election there shall be elected by ballot the following officers to wit, in and for said town: one mayor, one auditor of accounts, one chosen freeholder, one constable, one collector, two surveyors of the highways, one overseer of the poor, one commissioner of streets, who shall hold their offices respectively for the term of one year, and until others are chosen and legally qualified in their stead, and as many justices of the peace as the inhabitants of said town may be entitled to

elect, and in and for each ward of said town one member of the common council, who shall hold his office for the term of three years, and until others are chosen and legally qualified in their stead; one assessor, one judge of election, one inspector of elections, one ward clerk, and one pound keeper, who shall hold their respective offices for the term of one year, and until others are chosen and legally qualified in their stead.

5. *And be it enacted*, That the first election of officers held by authority of this supplement, shall be held by the person chosen by the voters present to preside at such election, and two inspectors of election, with a clerk to be chosen for such meeting at such places as the present council may designate by advertisements signed by the mayor or clerk, and posted in three public places in each ward ten days previous to the day of election, and all subsequent elections by the judge of election and the assessor and inspector, who shall constitute the board of election in their respective wards. Election board.

6. *And be it enacted*, That the aforesaid annual charter elections in each ward shall be held and conducted by the judge of election, assessor and inspector, in the same manner and under the same regulations in all things as are prescribed by law for the state elections for members of the legislature, except that the time of opening and closing the polls shall be directed by the common council, and shall be open at least six hours, between sunrise and sunset. Council to direct the time for opening and closing the polls.

7. *And be it enacted*, That the statement of the result of such elections in each of the wards of the said town and the certificate in the manner required by law at the state elections for members of the legislature shall be made within five days after such election by the proper officers, and shall be filed without delay with the town clerk. Statement of election to be filed with clerk.

8. *And be it enacted*, That the common council of said town for the time being shall convene on Monday next succeeding such election, at two o'clock in the afternoon, at their usual place of meeting, for the purpose of canvassing the votes given at such election, and the original statement of the votes filed with the town clerk shall be produced by the said clerk; the common council shall make a written statement of the whole number of votes given at such election for the mayor and other officers elected for said town and the several wards thereof, the names of the persons for whom such votes Board of canvassers.

were given, and the number of votes given for each, and shall thereupon determine and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement, the statements and final declaration of the common council shall be certified by the presiding officer and the clerk, and filed in the office of the town clerk; and within seven days after such determination, the town clerk shall cause a written notice of his election to be given to each of the persons so elected.

Council to
elect in case
of tie vote.

9. *And be it enacted*, That the person or persons receiving the greatest number of votes of those given in the town for any town office, and of those given in each ward for any office in that ward, shall be elected to that office; and if at any election for charter officers authorized by this act, any officer, except mayor, common councilmen or justice of the peace, shall not be chosen by reason of two or more candidates having received an equal number of votes, the common council shall by ballot elect such officers from the two or more candidates having the highest equal number of votes.

Persons eligi-
ble to office.

10. *And be it enacted*, That no person shall be eligible to any town office at any such election unless he shall then be an elector and resident of said town, nor shall he be eligible to any office for any ward unless he shall then be an elector and resident of such ward; and when any officer elected at any such election shall cease to reside in said town, or if elected for any ward shall cease to reside in such ward, his office shall thereby become vacant; *provided*, that the mayor and every member of the common council shall be freeholders in said town.

Proviso.

Commence-
ment of term
of office.

11. *And be it enacted*, That the term of office of justice of the peace of said town shall commence at the time prescribed by law, and the term of office of all other officers elected at the annual charter election shall commence twenty-one days after the day of the annual charter election, unless elected to supply a vacancy.

Vacancies,
how filled

12. *And be it enacted*, That whenever a vacancy shall occur in the office of mayor or common council, by the neglect or refusal of such officer to take the oath of office within the time required by law, by his resignation, death, ceasing to be an inhabitant of the town or ward for which he was elected, or by any other cause, the common council shall immediately appoint a special election to be held in the several wards of said town, or in the ward where such vacancy

has taken place to supply such vacancy, of which special election the same notice shall be given as is required by law in the case of special town meetings of townships, and such special election shall be conducted and the result determined and certified as is required in determining the result of the annual charter election; but in case any such vacancy shall occur within three months before the annual charter election in any year, it shall be within the discretion of the common council to appoint a special election or not, as they may deem expedient.

13. *And be it enacted*, That if at any annual charter election to be held in said town there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person voted for the said office is intended shall be designated on the ballot. Election to fill vacancies.

14. *And be it enacted*, That if any person who shall be elected to any office at the annual charter election shall not qualify according to law within twenty-one days after said election, or if any person who shall be elected or appointed to fill any vacancy in any of said offices shall not qualify according to law for the space of twenty one days after such election or appointment, his office shall be deemed vacant. When office shall be deemed vacant.

15. *And be it enacted*, That in case a vacancy shall occur in any of the aforesaid offices, except mayor, common councilman, commissioner of public schools, or justice of the peace, by death, resignation, neglect to qualify according to law, or by any other cause, the common council may, in their discretion, proceed to fill such vacancy by the appointment of a suitable person who is eligible to such office. Council may fill certain vacancies.

16. *And be it enacted*, That all elections hereafter to be held within said town for members of the senate and general assembly of this state, for sheriff, clerk, surrogate and coroners of the county of Warren, and for members of congress and electors of president and vice president of the United States, or for any other office of the general or state governments, or officers of said county of Warren, to be elected by the people, shall be held in the several wards of said town at the places where the last preceding annual charter election was held, and the judges of elections in the several wards shall preside at and conduct such elections, and the ward clerks shall be clerks of such elections in their respective wards, and Place and time of holding elections.

shall procure election boxes for their respective wards of the manner and description required by law, and said officers shall have the same power and authority, and liable to the same penalties and subject to the same duties as the like officers of townships of this state are or may by law be vested with and subject to.

Town officers. 17. *And be it enacted*, That the common council shall, from time to time, appoint, by a majority of the whole number of the members of said council, a town clerk, town treasurer, town surveyor, town attorney, town counsel, town physician, inspector of weights and measures, and such other subordinate officers not herein named, except policemen, as they shall think necessary for the better ordering and governing the town, and carrying into effect the duties imposed upon the said council, and every person who shall be so appointed shall continue in office until the office shall be declared vacant or until another person shall be appointed to succeed him, and shall enter upon the duties of his office; **Proviso.** *provided*, that no officer so appointed shall be removed for malfeasance in office, misconduct or any neglect of official duty unless by the concurring votes of two-thirds of the members of the common council.

Mayor shall appoint police 18. *And be it enacted*, That the mayor shall appoint one policeman in each ward of said town, and the chief of police in and for said town, who shall hold their offices, respectively, for one year, and until others are chosen and enter upon the duties of their office, and shall have power to remove any of said officers for malfeasance in office, misconduct or neglect of official duty, and the mayor may appoint special policemen, for special purposes, from time to time as he may deem necessary to maintain order, enforce the ordinances, and protect the persons and property of the inhabitants of the town, and that for the purpose of quelling any insurrection, riot, disturbance, or disorderly assemblage, he shall have control of the constables and police force of said town, and the power to call on the citizens for aid in all cases of insurrections, riots, or disturbance of the public peace; it shall be his duty to communicate to the common council at their first meeting after the annual charter election in each year, and at other times when he shall deem it expedient, a general statement of the situation and condition of the town in relation to its government, finances, and improvements, with such recommendations as he may think proper, to be vigilant and active

Special police may be appointed.

Powers and duties of the mayor.

in causing the laws and ordinances to be duly executed and enforced, and to exercise a constant supervision over the conduct and acts of all subordinate officers, and to examine all complaints preferred against them for a violation or neglect of duty, and report the proceedings in such examination to the common council, and generally to perform all such duties as may be required of him by law, and further to enable him to perform the duties aforesaid, he is hereby invested with all the power and authority of a police justice, with like power, authority and jurisdiction in all criminal complaints arising in said town, that justices of the peace in and for the several counties of this state are or may by law be entitled to use and exercise, his court shall be a court of record, and vested for the purposes of this act with all such powers as is usual in courts of record of this state, he may in all matters pending before him, award and issue writs of subpoena to testify, into any county of the state, to issue process, either in the nature of a warrant or a summons against any person charged on oath, or affirmation, or affidavit, with a violation of a town ordinance, if a warrant, to be returnable forthwith, if a summons, to be returnable in not less than five nor more than fifteen days, and on the return thereof to hear testimony, to determine and give judgment in the matter without the filing of any pleading, and if judgment be rendered for the plaintiff, forthwith to issue execution against the goods and chattels and person of the defendant or defendants; *provided*, that nothing herein contained shall prevent the enforcement of the ordinances of said town, in the manner provided by the act to which this is a supplement, and the several supplements connected therewith, but every person against whom judgment may be obtained before him, for the violation of any of the ordinances of the said town, shall have the right of appeal in common with the town, to the higher courts, as in the case of civil suits before justices of the peace; and further, the said mayor is hereby authorized on witnessing any breach of the peace, forthwith to commit the offender for a hearing, without the issuing of any warrant or process; and further, to aid him in his duties aforesaid, the chief of police and all the members of the police force, shall (in addition to the authority conferred on them by the ordinances, by-laws, rules and regulations of the common council) possess and have all the powers of constables within the town limits, for the purpose of

Proviso.

preserving the peace and enforcing the ordinances of the town.

Officers to
give bond.

19. *And be it enacted*, That the town treasurer, street commissioner, town collector, town constable, and such other officers as the common council may require, shall before they enter on the duties of their respective offices, give bonds to the town, in its corporate name, in such sums and with such sureties as the council may approve for the faithful performance of their duties.

Officers to
take oath.

20. *And be it enacted*, That any person who shall be elected or appointed to any office in pursuance of this act, in all cases where the form of an oath is not prescribed by law, shall, before he enters upon the duties of his office, take and subscribe before the town clerk or mayor of the town an oath or affirmation in writing, that he will faithfully and impartially execute the trust reposed in him according to the best of his ability and understanding, which oath or affirmation shall be filed and preserved in the office of the town clerk.

Clerk of
council.

21. *And be it enacted*, That the town clerk shall be clerk of the common council, and shall attend every meeting of the council under a penalty of five dollars for every such non-attendance, unless excused by a majority of the whole number of council.

Quorum.

22. *And be it enacted*, That a majority of the whole number of the members of the common council shall be a quorum for the transaction of business, but a smaller number may adjourn from time to time and compel the attendance of absent members; every decision of the council in every ques-

Vote to be by
yeas and nays.

tion, shall be decided by yeas and nays, and the names of members voting in the affirmative or negative, shall be entered on the journal; the mayor shall not be a member of the council; the members by a majority of the whole number of council, shall elect one of their number as president; a copy of every ordinance and resolution passed by the council shall, before it takes effect, be presented to the mayor by the clerk of the council, duly certified by said clerk; if the mayor approve of it, he shall sign it, if not, he shall return it with his objections and file it with the town clerk, within ten days after he receives it, and the said common council shall, at its first regular meeting thereafter, enter the objections at length on its journal, and shall proceed to reconsider the same, and if two-thirds of all the members of the council shall agree to pass the same, it shall take effect, but in every

Mayor not a
member.

Ordinances.

such case, if the ordinance or resolution shall not be returned within ten days, as aforesaid, it shall take effect in like manner as if he had signed it.

23. *And be it enacted*, That the common council in addition to the powers conferred on them by the act to which this is a supplement, and the several supplements and acts relating thereto shall have the power within said town to establish ordinances and by-laws: May pass ordinances.

I. To prohibit the driving of any drove or droves of cattle, sheep, swine and horses through any of the streets of said town on the first day of the week, commonly called Sunday; To prevent driving on Sundays.

II. To locate, regulate, prohibit and remove slaughter houses and steam boilers; To regulate slaughter houses, &c.

III. To purchase land and erect thereon lodging houses for the relief of traveling paupers, to rent a suitable house or purchase land and erect thereon a house to be used as a hospital for the reception of paupers in said town, infected with any malignant contagious diseases; To provide for paupers.

IV. To regulate weights and measures in conformity with the standards of weights and measures established by law; To regulate weights

V. To prohibit the keeping of a greater number than twenty swine at one point or on the lands of one person, and to declare the same a nuisance. To prohibit keeping of swine.

24. *And be it enacted*, That all moneys hereafter collected on warrants for the collection of delinquent taxes, in the several wards of said town of Phillipsburg, for town purposes, shall be paid over from time to time by the collector executing said warrant, and at least once a month to the treasurer of said town, and to no other person; he shall, on or before the first day of April then next ensuing, make a return of said warrant to the justice who issued the same, with a full return of the proceedings thereon, and at the same time make a full return and statement to the common council of said town, setting forth the amount of money received by him thereon, the sum, if any, remaining unpaid, the names of all persons still in arrears, and the sums due from them respectively, which statement shall be verified by the affidavit of said collector; and if said collector shall neglect or refuse to collect the tax on said warrant of and from any taxable inhabitant named therein as directed in said warrant, who has goods and chattels within said town sufficient to make the same, he shall be liable to said town Collection of delinquent taxes.

for said amount he so neglects or refuses to collect, to be recovered by the treasurer of the town for the use of the town, in the manner prescribed by the twenty-third section of the act entitled "An Act concerning taxes," approved April fifteenth, eighteen hundred and forty-six.

Compensation
of officers to
be fixed by
council.

25. *And be it enacted*, That all officers appointed by the common council, and all officers appointed by the mayor, shall possess the powers, and be subject to the obligations imposed upon such officers by law, or by the ordinances, by-laws and regulations of the common council, and shall receive such compensation for their services as a majority of the whole number of the common council shall determine by ordinance or resolution.

Duties of the
auditor.

26. *And be it enacted*, That the auditor of accounts shall, before he enters upon the duties of his office, make and file an affidavit with the town clerk, that he will faithfully and honestly execute the office of auditor of accounts of the town of Phillipsburg, without prejudice or partiality; he shall receive such compensation for his services as the town council may by ordinance or resolution establish; he shall have free access, at least once in each month, to all papers, records, vouchers and books of the council, treasurer and other officers, to examine the same at the town hall, or wherever the same may be kept; he shall audit the accounts, and he shall register all notes, bonds or obligations issued by authority of the common council, stating opposite each note, bond or obligation, its number and amount, date of issue, when payable, and the true consideration of such note, bond or obligation, and shall publish at the beginning of each month, in a newspaper circulating in said town, a statement, over his own signature, of

I. The moneys of said corporation in the hands of the treasurer or other officers;

II. The value of, and location of the real estate owned by the corporation;

III. The amount of debts owing to the corporation, and how secured;

IV. The amount of debts owing by the corporation, specifying whether by notes, bonds or otherwise; and specifying separately the amount of said debt incurred for

1. The support of public schools;
2. The erection of school houses;
3. The purchase of real estate;

4 The relief of the poor ;

5. The internal improvements of the town ;

6. The cost of buildings erected for town purposes ;

and shall make a full statement as aforesaid, verified by his affidavit, and read or cause the same to be read to the citizens of the town of Phillipsburg, at the opening of the polls at the annual charter election.

27. *And be it enacted*, That the commissioner of streets shall in all things appertaining to his office, be under the control and direction of the street committee, and in addition to the duties imposed by law and ordinance, as an overseer of the highways, shall report in writing to the clerk of the town council, all obstructions and encroachments on the streets, public alleys and sidewalks of the town, all nuisances within the limits of the town, and all violations of the ordinances of said town relative to the streets, public alleys and sidewalks, as soon thereafter as the same shall come to his notice or knowledge.

Duties of the
street com-
missioner.

28. *And be it enacted*, That the mayor or the members of the common council or other town officers, shall not be concerned in interest, directly or indirectly, in any contract, work or purchase made by, or under the authority of the council, and if the mayor or any member of the common council, or other town officers, shall be so concerned he shall forfeit all time, labor, expense and profits incurred by and accruing to him under such contract ; and any judge of the court of common pleas of the county of Warren, upon complaint made to him verified by oath or affirmation that the mayor or a member of the common council, or other town officers, is or has been concerned in interest in such contract, work or purchase, setting forth the facts, shall have full power and authority to summon said officer before him, subpoena witnesses, hear and examine the evidence and decide the case, and if said complaint is sustained, he shall declare the office vacant, of which decision he shall give notice in writing under his hand and seal, within two days thereafter to the common council or town clerk, and file a copy of the same in the office of the county clerk ; and further, in case the town debt should be increased, by loan or otherwise, beyond the amount limited by the town charter, and supplements thereto, and in case any town or ward officer shall expend money or incur a debt chargeable to the town, beyond the appropriation made by the common council, any

City officers
nor members
of council not
to be inter-
ested in con-
tracts.

member of the common council who shall knowingly vote for any such increase, and any town or ward officer who shall knowingly expend such money or incur such debt, shall be individually responsible for such excess, to be recovered in a suit at law, in the name, and for the use of the inhabitants of the town of Phillipsburg.

Board of education not to be interested in contracts.

29. *And be it enacted*, That no member of the board of education shall be concerned in interest, directly or indirectly, in any contract for school purposes whatever, made by said board, or recommended by him, and if so concerned, shall forfeit all time, labor, expense and profits incurred by or accruing to him under said contract, and the office of a member of said board shall be declared vacant upon complaint made and proceedings had as prescribed in the last preceding section, against the mayor or member of the common council.

Bonds shall be signed by the mayor and attested by the clerk.

30. *And be it enacted*, That no note, bond or other obligation shall be issued by or under the authority of the common council unless the same is signed by the mayor, countersigned by the chairman of the committee on finance, for the time being, and attested by the clerk, each of whom, before the same is delivered, shall register in books of registry, prepared for that purpose, the number and amount of each note, bond or other obligation, the date of issue, when payable, and the true consideration of the same, and shall, within two days thereafter, deliver a copy of said registry to the auditor of accounts, certified as correct by said mayor and chairman of committee on finance and town clerk.

Taxes.

31. *And be it enacted*, That all the taxes assessed and levied for town purposes, including taxes for the support of public schools, exclusive of state and county taxes, shall not, in any year, exceed seven and a half mills on the dollar, exclusive of the capitation tax for school purposes.

Licenses.

32. *And be it enacted*, That no person shall follow, use or exercise the business or calling of a hawker, pedler or itinerant auctioneer within the limits of said town without a license first had and obtained for that purpose from the mayor; *provided*, this prohibition shall not apply to the sale and delivery of books, ice, milk, butter, eggs, poultry, charcoal, fruit, fish caught by the vender, and vegetables in said town.

Proviso.

33. *And be it enacted*, That the assessors of the several wards of said town shall finish making their assessments on

or before the first Monday of August in each year, and shall meet annually on the second Monday in August in each year, at the town hall, for the time being, and may, from time to time, adjourn, and when so met shall constitute a board of assessors, to review the several assessments made by the respective assessors of the several wards of the town, and to diminish, increase or alter any such assessments in order that the assessments on property, whether real or personal, in the several wards of the town may be made as just and as nearly equal as possible, which assessments so revised and approved by the said board shall be the assessments for the several wards of the town of Phillipsburg, subject, however, to the action of the town council, as commissioners of appeal in cases of taxation.

Board of assessors to meet annually and review assessments.

34. *And be it enacted*, That all and everything contained in the act to which this is a supplement, and the supplements and act connected therewith, and including the powers and duties of the common council and powers and duties of officers shall be of full force and virtue in all things not altered, changed or amended by this supplement.

Original act not affected by this supplement.

35. *And be it enacted*, That every agreement with the owner or owners of land and real estate authorized by the second and third sections of the act entitled "A Supplement to the act entitled 'An Act to incorporate the town of Phillipsburg, in the county of Warren,'" approved March the eighth, one thousand eight hundred and sixty-one, which supplement was approved March eighteenth, eighteen hundred and sixty-three, shall be in writing, and reported to common council, who shall enter the same upon the journal, and shall agree or disagree to the same, and shall furnish the owner or owners of the land and real estate with a full copy of said record, within three days thereafter, and until such copy is furnished said agreement shall not take effect.

Agreements to be in writing

36. *And be it enacted*, That the word "town" in the act to which this is a supplement and the supplements and acts connected therewith, shall be amended so as to read "ward" whenever necessary to conform to the intent and meaning of this act, and everything in said acts and supplements in conflict with this act be and the same are hereby repealed.

Repealer.

37. *And be it enacted*, That this act shall be a public act, and go into effect immediately, subject to amendment, modification or repeal by the legislature.

Approved March 17, 1870.

CHAPTER CCCCXXIX.

A Further Supplement to "An Act to provide for the appointment of Commissioners to devise plans and make estimates for the opening, construction, and maintenance of one or more prominent avenues or highways, in the county of Hudson," approved March eleventh, eighteen hundred and sixty-eight.

Electors to
vote for or
against ave-
nues.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the next charter and township elections to be held in the cities, towns and townships respectively, of the county of Hudson, the electors entitled to vote in either place, for city, town or township officers, may express their assent to or dissent from the act to which this is a supplement and all supplements thereto, and at said elections the voters assenting thereto, shall deposit a ballot, having thereon the words "For avenues," and those dissenting therefrom shall deposit a ballot having thereon the words "No avenues," and said words shall in either case be upon the general city, town or township ticket, voted for at said elections, and said votes shall be duly canvassed by the officers conducting said elections respectively, and a return thereof made within five days after said election, duly signed and certified as other election returns, made by such officers of the board of chosen freeholders of the county of Hudson, who shall declare the result by publishing the same in all the newspapers of the county of Hudson.

Proceedings if
majority be
against ave-
nues.

2. *And be it enacted*, That if a majority of those voting at said city, town and township elections dissent from the act to which this is a supplement and the supplements thereto, in the mode provided in section one of this act, that then the act to which this is a supplement and all supplements thereto shall be null and void, and have no further force and effect, and in that event the commissioners appointed under the provision of said act to which this is a supplement, shall transfer and surrender all maps, surveys, vouchers, books and papers pertaining to their office and proceedings to the

clerk of the board of chosen freeholders of the county of Hudson, and the said clerk is hereby authorized and directed to receive said maps, surveys, vouchers, books and papers, and keep the same on file in his office, and the said board of chosen freeholders of the county of Hudson, are then authorized and directed to pay all just claims against and charges incurred by said commissioners, and to include such sum of money as may be required therefor, in the next annual tax levy for county purposes of said county, and in case of the dissent of a majority of the electors as aforesaid, the map or maps of county avenues filed by the said commissioners under the provision of the supplement to said act, approved March twenty-sixth, eighteen hundred and sixty nine, in the office of the clerk of said county of Hudson, is hereby declared to be wholly inoperative and void, and the clerk of said county is directed to take the same from file, and surrender the same to the board of chosen freeholders of said county, to be by them kept and preserved as county property.

3. *And be it enacted*, That no further proceedings shall be had or taken by said commissioners or any other person or persons under and by virtue of the act to which this is a supplement or any supplement thereto, until after the board of chosen freeholders of Hudson county shall have declared the result of said elections, and if a majority of the electors express their dissent, as hereinbefore provided of this act, then no further proceedings shall ever be had or taken by said commissioners or any other person or persons under and by virtue of the act to which this is a supplement or any supplement thereto.

Commissioners shall not take further proceedings.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXXXI.

An Act to incorporate the Mercer and Somerset Railway Company.

Names of cor-
rators.Corporate
name.Amount of
capital stock.Election of
directors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ashbel Welch, Thomas Hanlon, William H. Gatzmer, Robert F. Stockton, John G. Stevens, A. L. Dennis, M. A. Howell and Benjamin Fish, and such other persons as may hereafter be associated with them, shall be and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Mercer and Somerset Railway 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 the courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient for the objects of this corporation.

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, but said company may increase the same to an amount not exceeding one million of dollars; the said capital stock shall be deemed personal property, and shall be transferable in such manner as the by-laws of said company shall direct.

3. *And be it enacted*, That the above named persons, or a majority of them, may open books and procure subscriptions to the capital stock of the said company, at such time or times, and place or places, as they, or a majority of them, may think proper; and whenever there shall be one thousand shares of the said stock subscribed, the said corporation, or a majority of them, may give notice for a meeting of the subscribers to choose eleven directors, and such election shall

be made at the time and place appointed in the said notice by such subscribers as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named corporators, or a majority of them, shall be inspectors of such election, and shall certify under their hands the names of the persons duly elected as directors, and deliver over the subscription books to the said directors at the first meeting of the said directors; and the said directors so chosen as aforesaid shall, at their first meeting, or annually, at the annual election of the said company, or as soon as may be after every such election, choose out of their own number a president, and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such powers and functions as the by-laws of the said company shall provide.

Vacancies,
how filled.

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

Not dissolved
by failure to
elect directors

5. *And be it enacted*, That six directors of said company shall be competent to transact all business of the said company, and they shall have power to call in the capital stock of said company by such installments not to exceed twenty dollars on each share at any one time, and at such times as they may direct; *provided*, that such installments shall not be called for at a shorter period than thirty days from each other, and in case of the non-payment of said installments, or any of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of the said company, and shall also have power to appoint a treasurer and secretary, and so many clerks and servants as to them shall seem meet,

Failure to pay
installments
to work for-
feiture.

Proviso.

and to establish and fix such salaries to them and also to the president as to the said board shall appear proper.

May survey,
lay out and
construct rail-
road.

6. *And be it enacted*, That the president and directors of the said company, be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some convenient point on the line of the Belvidere Delaware railroad, not more than six miles from Trenton, thence passing by some convenient route and within one mile of the villages of Pennington and Hopewell, to the present westerly terminus of the Millstone and New Brunswick Railroad with authority to build a branch railroad to connect with the New Jersey Central Railroad at Somerville or any point east of it; but such railway shall not exceed one hundred feet in width unless more land shall be required for the slopes of cuts and embankments, with as many sets of tracks and rails as said company may deem necessary; 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 waters for the purpose of exploring, surveying, leveling and laying out the route or routes of such railway, and of locating the same, and to locate and erect all necessary works, buildings, conveniences, appurtenances, and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such railway, and the location or locations of other works, buildings, conveniences, appurtenances and appendages thereof shall have been determined upon, and a survey of such route or routes, location or locations deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges and all other necessary works, lay rails, and to do all other things which may be suitable or necessary for the completion, management or repairs of said railways, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of payment of all damages for the occupancy of lands through or upon which the said railway and its conveniences, appurtenances and appendages may be laid out or located, be made before the said company, or any person under their direction or employ, shall enter upon or break

Proviso.

ground in the premises, except for the purpose of surveying and laying out said railway and its conveniences, appurtenances and appendages, and of locating the same, unless the consent of the owner or owners of such lands be first had and obtained.

7. *And be it enacted*, That if the owner of the land on which such survey or location for said company shall be made, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court, who is disinterested in the premises, upon the application of either party, and after given ten days notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners to assess the price or value of said lands, who shall be sworn or affirmed faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises and hear the parties and evidence if desired and thereupon make such decision and award, as to them shall appear just and proper, and transmit such decision and award, together with a description of the said land and the quantity taken, by whom owned and how situated and bounded, and described in writing under their hands and seals, or under the hands and seals of any two of them, to the justice who appointed them, and to be by him returned and filed in the office of the clerk of the county wherein the lands lie, together with all the papers before him relating thereto; there to be kept as a public record, and copies taken if required by either party, and if either party shall feel aggrieved by the decision and award of the said commissioners, the party so aggrieved may appeal to the circuit court at the next term after such decision and award, by proceeding in the form of petition to the said court, with five days notice in writing to the opposite party of such appeal, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and if required they shall award a venire in proper form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained; and if the said jury be demanded by the said company, and they shall find a greater sum than the said commissioners, then judgment

Proceedings
in case no
agreement can
be made with
owners of pro-
perty.

Proceedings
in case of ap-
peal.

shall be given with costs against the said company, and execution issued if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the cost shall be paid by the owner or owners, and shall be deducted out of the said sum awarded by the said commissioners, or execution issued therefor, as may be directed by the said court, and upon payment or tender of the sum so found by the said commissioners, or by the jury with costs, if any, the said company shall be deemed to be seized and possessed in fee simple of all such lands and real estate appraised as aforesaid.

Proceedings
in case of dis-
ability.

8. *And be it enacted*, That in case any owner or owners of such lands or real estate shall be feme covert, under age, non compos, out of the state or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said company to pay the amount of any award or report so made in behalf of any such person, into the court of chancery to the clerk thereof, subject to the order of the said court for the use of any such owner or owners, all of which said proceedings, as well under this as the preceding section of this act, shall be at the proper costs and charges of the said company, except in cases of appeal above provided for, and the said justice shall and may order, and direct, as to the amount of costs and charges of such valuation and appraisement, and witness fees, and as to the payment thereof in cases where an appeal is made.

Public cross-
ings to be
kept in repair

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient crossings, where any public or other road shall cross the same, so that the passage of carriages, horses and cattle, across the said railway shall not be impeded thereby.

Corporations
that may sub-
scribe for the
capital stock.

10. *And be it enacted*, That it shall and may be lawful for the Camden and Amboy Railroad and Transportation Company, the Delaware and Raritan Canal Company, and the New Jersey Railroad and Transportation Company, or either of the said companies, to subscribe to the capital stock of the said company herein above incorporated, or any part thereof, and also to endorse the bonds of said company and lease the road thereof upon such terms as may be agreed upon by the respective parties, and to make any other agreement or arrangement with the said company which the said

parties may deem expedient; and in case the said companies shall so endorse the bonds of said company hereby incorporated, and shall be obliged to pay the same or any part thereof, they shall have the benefit of any mortgage which may be given for the security of said bonds, and in case they, the said companies, or either of them, should lease the said road, it shall be lawful for them to operate and run the same, and to avail themselves of all the privileges and franchises granted by this act in relation to operating said road, and charging for the transportation of persons and property thereon.

11. *And be it enacted*, That the president and directors Dividends. shall, within one year after the said railway shall have been completed, declare and make such dividends as they may think prudent and proper of the net proceeds thereof, and shall in like manner semi-annually thereafter declare such dividends and pay the same to the stockholders of the said company in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

12. *And be it enacted*, That if any person shall wilfully Penalty for impair, destroy or obstruct the use of the railway constructed injuring under the provisions of this act by the said company, or any works, &c. of its necessary wharves, bridges, carriages, machines or appendages, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by it recovered in any court having competent jurisdiction in an action of debt, with costs, and further shall be liable for all damages.

13. *And be it enacted*, That as soon as the said railroad Statement of or any part of it is in operation, the president of the said costs and ex- company shall make under oath or affirmation, a statement penses to be of the amount of the cost of the said railroad including made and filed equipments, appendages and all expenses in the office of the secretary of state, and annually thereafter on the first Monday in January of each year, he shall under oath or affirmation make a statement to the secretary of state, of the cost of the equipment, appendages and expenses of said road; and after the said railroad or any part thereof shall be in operation the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, State tax. equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a

general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad, or any part thereof shall be in operation, the said corporation shall be regularly assessed, and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner, for the same purposes and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company; *provided*, that nothing herein contained shall be construed in any wise to release or exempt the said Camden and Amboy Railroad, the Delaware and Raritan Canal Company, the New Jersey Railroad and Transportation Company from the payment of taxes or revenue to the state of New Jersey now imposed by law.

Proviso

Proviso.

Legislature
may elect to
take railway
at an apprais-
ed valuation.

14. *And be it enacted*, That any time after fifty years from the completion of the said railway, the legislature of this state may cause an appraisement of the said railway 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 appraisement, 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 their appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or, in case the said six shall be appointed as aforesaid, and they cannot agree upon the seventh man, then, upon two weeks notice to the said company, the said chief justice shall appoint the seventh man as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege for three years of taking the said railway, upon the payment to the company of the amount of said report, within one year after electing to take said railway, which report shall be filed in the office of the secretary of state, and the whole property and interest of said railway, 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 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 cost of said railway and of all receipts and disbursements of the said company; *provided always*, that the aforesaid valuation ^{Proviso.} shall be made without reference to the receipts and disbursements of the company, or advance of the stock; and the said valuation shall in no case exceed the first cost of said railway with the appendages thereof.

15. *And be it enacted*, That when any part of the said railway shall be completed the said company may commence operating the same for the transportation of passengers and property, enjoying all the privileges and subject to the restrictions created by this act. ^{Restrictions and privileges}

16. *And be it enacted*, That the said railway shall be commenced within two years and completed within five years from the fourth day of July next ensuing otherwise this act shall be void. ^{Limitation.}

17. *And be it enacted*, That it shall be lawful for said company to make contracts and engagements with any other corporation or individuals for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of said contract; *provided*, that ^{May make contracts.} the rates of fare on the said railroad, except in sleeping, palace, or compartment cars, shall not exceed three cents per passenger per mile, but the company shall not be compelled to carry passengers any distance for less than ten cents, nor shall said company charge more than ten cents per mile per ton for the transportation of any description of property transported ten miles or over. ^{Proviso.}

18. *And be it enacted*, That the said corporation shall have power to borrow, from time to time, such sum or sums of money as shall be necessary to secure rights of way, make surveys, to construct or repair said railroad, and to furnish the said corporation with the necessary engines, machinery, cars, boats and buildings for the uses and objects of said corporation, and to secure the repayment thereof by bond and mortgage or otherwise, on the said road or roads, lands, property, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall ^{May borrow money and secure the same by bond and mortgage.} not be lawful for the said corporation to plead any statute or statutes of this state against usury, in any court of law or equity in any suit instituted to enforce the payment of ^{Proviso.}

any bond or mortgage executed under this section of this act.

Persons who
may travel
free.

19. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors and appeals of this state, the state superintendent of public schools and the principal of the normal school, whilst traveling for the purpose of discharging the duties of their offices, the members and officers of both houses of the legislature of this state during the year for which they were elected shall pass and repass on the railroad of said company free of charge.

Stocks and
bonds.

20. *And be it enacted*, That it shall and may be lawful for any corporation to subscribe for, purchase and hold the stock and bonds of the said railway company.

21. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXXXII.

An Act to enable the United Railway and Canal Companies to consolidate their stock, and to consolidate or connect with other companies.

Preamble.

WHEREAS, the Delaware and Raritan Canal Company, the Camden and Amboy Railroad and Transportation Company, and the New Jersey Railroad and Transportation Company, sometimes called the United Companies, and the United Railway and Canal Companies, are identified in interest, and have also an identity of interest with the Philadelphia and Trenton Railroad Company and other companies ; therefore,

Capital stock
may be con-
solidated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said United Companies, by and with the consent of two-thirds in interest of the stockholders of each expressed in writing and duly authenticated by affidavit, and filed in the office of the secretary of state, to consolidate their respective capital stocks, or to consolidate with any other railroad or

canal company or companies in this state or otherwise, with which they are or may be identified in interest or whose works shall form with their own continuous or connected lines, or to make such other arrangements for connection or consolidation of business with any such company or companies by agreement, contract, lease, or otherwise, as to the directors of said United Companies may seem expedient; *provided*, that if any stockholder or stockholders, being such at the time of making any such consolidation, agreement, contract, lease or other arrangement, shall be dissatisfied with the same, the said companies shall pay to such dissatisfied stockholder or stockholders the full value of his, her or their stock, immediately prior to such consolidation, agreement, contract, lease or other arrangement, to be assessed by three disinterested commissioners, appointed for that purpose by the supreme court or court of chancery of this state, on the application of either party, made upon twenty days' notice; but the said companies shall not be compelled to pay for stock of any such dissatisfied stockholder or stockholders unless he or they shall give written notice of such dissatisfaction to the president, secretary or treasurer of the company, whose stock shall be held by him or them, within three months after such consolidation, agreement, contract, lease or other arrangement shall have been made and consented to by the requisite number of stockholders; *provided further*, that no such consolidation, agreement, contract, lease or other arrangement shall have the effect, or be construed to release or discharge the said United Companies, or any or either of them, or any company or companies with which any such consolidation, agreement, contract, or lease, may be made, from any taxes, liabilities, obligations or duties, which they, or either of them, may be subject or liable to, either to this state or to any other person or persons.

2. *And be it enacted*, That this act shall take effect immediately, and shall be deemed a public act; and the said consent of stockholders herein and hereby required to be authenticated and filed in the secretary's office, when so authenticated and filed, together with the fact of the amount of stock held by each, the same being also authenticated by affidavit, shall be sufficiently proved in all courts and places where the same may come in question (unless the contrary be made to appear,) by the original affidavit so filed, or by a duly certified copy thereof made by the secretary of state.

Approved March 17, 1870.

CHAPTER CCCCXXXIII.

A Further Supplement to an act entitled "An Act to incorporate the International Life Insurance and Trust Company," approved April twenty-second, eighteen hundred and sixty-eight.

Number of directors may be increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the number of directors of said company, authorized by the act to which this is a supplement, may be increased to any number not exceeding twenty-one, whenever the board of directors shall by a resolution order such increase, and the directors who shall be ordered to be elected, shall be elected in the manner, possess the qualifications, and perform the duties prescribed by the act to which this is a supplement.

Repealer.

2. *And be it enacted*, That all parts of the act to which this is a supplement, inconsistent with the provisions of this act, be and the same are hereby repealed.

3 *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXXXIV.

An Act to incorporate the Hainesport Building and Loan Association.

Names of incorporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Bartram, John D. Johnson, Henry C. Herr, Barclay Haines, Robert Clark, Joseph Wilkins and George H. Ives, and such other persons as may be associated with them, shall be and they are hereby constituted and declared a body corporate and politic, in law

and fact, by the name of "Hainesport Building and Loan Association," and by that name, style and title shall have continued succession, and shall be capable of purchasing, leasing, mortgaging and conveying any lands, tenements, goods and chattels, and to let money at interest, and to secure the payment thereof by bond, mortgage or otherwise, and do all things necessary to carry out the objects of said corporation hereby created.

2. *And be it enacted*, That the capital stock of said association shall be twenty thousand dollars, with the privilege of increasing the same from time to time, to any sum not exceeding two hundred thousand dollars, divided into shares of one hundred dollars each, each stockholder being entitled, in person or by proxy, to as many votes as he or she holds shares of said stock, which shall be deemed personal property, and transferable on the books of the association only; that two dollars on each share of stock shall be paid into the association each and every month until the full amount of stock subscribed shall be fully paid, at such time in each month and place as the directors shall appoint, and that notice of said time and place of meeting shall be published in one newspaper published in the county of Burlington, at least one week previous to the time of such meeting; *provided*, that any stockholder may fully pay up his or her full amount of stock subscribed for at any time.

3. *And be it enacted*, That the property and business of said association shall be managed and directed by a board of seven directors, who shall be stockholders in said association, and shall be chosen annually at such time and place, in the county of Burlington, in such manner and upon such notice as the by-laws of said association shall direct, who shall serve for one year and until others are elected: that William Bartram, John D. Johnson, Henry C. Herr, Barclay Haines, Robert Clark, Joseph Wilkins and George H. Ives, shall be the first seven directors of this association under this charter, to continue in office until others are duly elected in their stead; that the directors of said association shall choose one of their number president, and may appoint such other officers and agents as they shall deem expedient, fill vacancies in their own board until the next annual election, make by-laws, collect installments on stock, let money on interest to members of said association offering the highest premium, and declare dividends to stockholders entitled to receive them.

- Initiation fee. 4. *And be it enacted*, That each member of said association shall pay the sum of one dollar initiation fee upon each share of stock taken in said association ; that if any member owning stock in said association, shall neglect or refuse to pay his or her installments, at the time and place appointed by the directors, for the payment thereof, said member so neglecting shall pay a fine to said association of twenty-five cents, on each share owned in said association by said delinquent ; and in case any member of said association shall neglect or refuse to pay any installment for the space of six months, after the same shall have become due, such delinquent shall forfeit to said association all profits on his or her stock, during the time such member shall so neglect to make such payment ; that any person may become a member of said association for the purpose of obtaining a loan, by paying to said association the sum of one dollar initiation fee, for every loan of one hundred dollars obtained from said association ; that no person shall be entitled to a vote in said association, or any profits or dividends, except upon stock owned by him or her upon which there has been no loan obtained from the association.
- Fines.
- Who may vote.
- Annual statement. 5. *And be it enacted*, That the directors shall at all times keep or cause to be kept proper books of accounts, in which shall be entered all the transactions of said association, and also books for the transfer of stock of the association, which shall at all times at reasonable hours be open for the inspection of the stockholders of said association ; that the directors shall make an annual report to the stockholders of the affairs of the association, of the amount of stock actually paid in, and assets and debts of the association ; and no dividend shall be declared, except from the actual profit of the association.
- How dissolved. 6. *And be it enacted*, That the said association may be dissolved at any time at a general meeting of the stockholders, specially called for that purpose ; *provided*, that the stockholders of said corporation representing at least two-thirds in value of the capital stock shall concur therein ; and upon such dissolution the directors for the time being, and the survivors of them, or such other persons as the stockholders shall appoint, shall be trustees for settling all the affairs of the association, collecting and disposing of its property and assets, paying its debts, and dividing the sur-
- Proviso.

plus among the stockholders in proportion to their respective interest in the stock.

7. *And be it enacted*, That it shall be lawful for the legislature of this state at any time hereafter to amend, alter or repeal this charter, and that this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXXXV.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the City of Newark," approved April eleventh, eighteen hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a reform school may be established in the city of Newark, for the reformation of boys under the age of sixteen years, who may be committed to it as hereinafter provided. Power to establish reform school.

2. *And be it enacted*, That six suitable persons shall be appointed in the manner hereafter mentioned, trustees of said reform school, not more than three of whom shall belong to the same political party, two of the number shall be members of the common council of said city, who shall be annually elected by said common council from their own body from different political parties, and the mayor of said city shall be ex-officio a member of the board of trustees. Trustees

3. *And be it enacted*, That Marcus L. Ward, Abraham M. Reynolds, James L. Hays and George Peters, together with two members of the common council selected as aforesaid, and the mayor of the city of Newark ex-officio, shall constitute the first board of trustees; said board shall elect annually one of their number to be president of the board; may make by-laws and regulations for their government not inconsistent herewith; the members elected from the common council shall be chosen annually and the terms of office of First trustees.

Terms of office the remaining members shall be as follows : two of them shall remain in office one year, and two of them two years, all to be computed from the first Tuesday after the first day of January next, and to be determined by lot or otherwise; a majority of said board shall constitute a quorum for the transaction of business, and all contracts, and engagements, acts and doings of said board within the scope of their duty or authority, shall be obligatory upon and be in law considered as done by the mayor and common council of the city of Newark, they shall receive no compensation for their services and may be removed by the common council for sufficient cause.

Powers and duties 4. *And be it enacted*, That the powers and duties of the said trustees with respect to the said reform school, shall be the same as are provided in the case of the trustees of the New Jersey State Reform School, with respect to that institution, in the sixth, seventh, eighth, ninth, twenty-first, and twenty-second sections of an act entitled "An Act to establish and organize the State Reform School for Juvenile Offenders," and in addition thereto they shall prescribe the duties of the superintendent, and other officers of said reform school.

Proceedings in case of commitment. 5. *And be it enacted*, That when a boy, resident in the city of Newark, and under the age of sixteen years is brought by a constable, police officer, or other inhabitant of this state, before any special police justice, appointed by the common council to hold his court at the police station house upon complaint that he is a vagrant, or has committed any offence which may be punished by imprisonment, except murder, manslaughter, arson, robbery, burglary, forgery or perjury, and if the said justice is of an opinion that he would be a fit and proper subject for the said city reform school, a decree to that effect shall be entered of record, and on written consent given by the trustees of the said reform school, the said justice shall thereupon proceed to issue a summons to the father, mother, or guardian of said boy, and all proceedings respecting the issue of said summons and the action of the said justice and other officers upon the same shall be had and taken as nearly as may be in conformity with the provision in similar cases made in the thirteenth, fourteenth, fifteenth, sixteenth, and eighteenth sections of an act entitled "An Act to establish and organize the State Reform School for Juvenile Offenders."

6. *And be it enacted*, That any boy ordered to be committed to the school may appeal to the court of oyer and terminer, and the appeal shall be had, entered, tried and determined in a summary manner. Appeal may be had.

7. *And be it enacted*, That every commitment to the said reform school, except such as shall be made on complaint of any parent or guardian, shall be until the boy attains to the age of twenty-one years, and no longer, but the trustees in their discretion may at any time after one year's service by their order, discharge a boy from said school as reward of good conduct, and upon satisfactory evidence of his reformation. Term of commitment.

8. *And be it enacted*, That every boy committed to the said reform school shall be personally liable for his maintenance and all necessary expenses incurred therein on his behalf; and the parent, guardian or relative, who would have been bound by law to provide for and support him if he had not been sent to the said school, shall be liable to pay for such maintenance and necessary expenses, and if the trustees shall so order, to be sued for and recovered in the name of the mayor and common council of the city of Newark, in any court having cognizance thereof; *provided*, that the trustees may in their discretion remit such liability, or any part thereof. Liability for maintenance and expenses.

9. *And be it enacted*, That the trustees shall have authority to receive in the name of the mayor and common council of the city of Newark by gift or purchase, a tract of land in a healthy location, and of sufficient area for the proper seclusion and employment of the boys, to erect suitable buildings thereon, and to enact needful by-laws for their own government; and the consideration money, costs and necessary expenses shall be paid by the city treasurer, upon lawful warrants to said trustees, when approved by the common council. Suitable buildings may be erected.

10. *And be it enacted*, That for the purpose of purchasing land, and the erecting of suitable buildings, as contemplated in this act, and for procuring the needful stock, tools, implements, furniture, food and clothing, and for the payment of wages and other incidental expenses, the common council are authorized to expend the sum of forty thousand dollars, and to provide for the same, it shall be lawful for the mayor and common council of the city of Newark, to issue bonds of the said city, under their corporate seal, and May issue bonds to raise money for erecting buildings, &c.

the signature of the mayor, for an amount not exceeding forty thousand dollars, to be designated as "Reform School Bonds," bearing interest payable semi annually, with coupons attached, not exceeding seven per centum per annum, and payable at such time or times as may be agreed upon by the common council, not exceeding twenty years from the date thereof, pledging the whole property of the city for the payment of the same, which said bonds the said mayor and common council may sell at public or private sale, for the best price they can obtain for the same, and for the payment of the principal of the debt created by virtue of this act, the common council shall annually include in the tax ordinance such sum as will, invested in a sinking fund, produce the amount of forty thousand dollars, and shall also annually provide for the payment of the interest on said bonds, and the payment of the principal and interest of the debt created under and by virtue hereof, shall be under the care and control of the commissioners of the sinking fund of the city of Newark, created by an act approved March tenth, eighteen hundred and fifty-nine.

Payment of
interest and
bonds.

Trustees to
make an esti-
mate yearly of
the amount
necessary for
support of the
school.

11. *And be it enacted*, That the said trustees shall prepare and transmit to the common council of the city of Newark, on or before the first Friday of February in each year, an estimate of the amount of money necessary for the support of the said reform school of said city during the year, which estimate shall specify particularly under the several heads of erection and repairs of buildings, salaries of officers and instructors, school books, school furniture, needful stock, tools and implements, food and clothing, stoves and fuel, and incidental expenses as nearly as may be, the several sums required for each branch of expenditure; and the said common council of the city of Newark shall determine by resolution the amount of moneys to be appropriated to the said reform schools during the year, and the said common council are hereby empowered to raise by tax such sum or sums of money for the support of the said reform school as they may deem expedient and necessary, and all moneys so raised and appropriated shall be expended by the said trustees for the support of the said reform school in the city of Newark, according to the provisions of this act.

Election of
trustees.

12. *And be it enacted*, That the next charter election to be held in said city in the year eighteen hundred and seventy-one, and every year thereafter, there shall be elected two

trustees of the said city reform school, each of whom shall hold his office for the term of two years ; no ballot shall be counted which shall contain the name of more than one person as a member of said board ; the said election shall be held and conducted in the same manner and subject to the same rules and regulations, and the persons to be so elected shall each be a resident and elector of the said city of Newark ; the two persons receiving the highest number of votes shall be declared members of said board and shall enter upon the discharge of their duties on the first Tuesday after the first day of January next succeeding such election ; any vacancies that shall occur in said board by death, resignation, or otherwise, shall be filled by the common council of the city of Newark, but the person or persons so appointed shall hold his or their offices only for the residue of the term for which they may be appointed.

13. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXXXVI.

An Act to incorporate the Hightstown and Allentown Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of cor-
porators.</sup> *the State of New Jersey*, That Andrew J. Smith, S. M. Schanck, John C. Ward, E. T. R. Applegate, John S. Reed, Thomas C. Pearce, Elwood C. Richardson, William A. Newell, George W. Fielder, George D. Hutchinson, Reuben Norris, Thomas J. Pullen, Enoch A. Ely, and James D. Hall, and such other persons as may be hereafter associated with them, shall be and are hereby constituted a body politic and corporate in law, by the name of "The Hightstown <sup>Corporate
name.</sup> and Allentown Turnpike Company."

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be twenty thousand dollars, with authority to increase the same to thirty thousand dollars, which stock shall be divided into shares of twenty-five dollars each, and shall be deemed personal estate, and transferable in such manner as the by-laws of said corporation shall direct.

Payment of
installments.

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for to the commissioners, or any two of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and the residue of the subscriptions shall be paid in installments, at such times and at such places, and to such persons as the president and directors of the company shall from time to time direct, or give public notice thereof in manner aforesaid; and upon failure of the 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 installments, or any of them, to and for the use of said company; *provided*,

Proviso

that if the number of shares subscribed for shall exceed the number of shares authorized by this act, 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 the stockholders shall, upon request, have the right to pay the stock subscribed, except the first installment, by work or labor upon said road, under such regulations, at such times and upon such notice by either party as the directors may determine; *provided also*, that no stockholder shall pay for his installments by labor for more than eight days;

Proviso.

Proviso.

Act, how
made void

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of the said company be not subscribed for within three years 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 in by them.

Election of
directors.

5. *And be it enacted*, That when fifty shares of said stock shall be 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 hereinbefore

directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot five directors, a majority of whom shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and 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 by ballot the same number of directors, a majority of whom shall be citizens of this state, as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share of the holder or holders thereof, either in person or by proxy.

6. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect from among their number a president of the said company, who shall be a citizen of this state, 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 may direct, and shall be the presiding officer at all meetings of said directors, and shall 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 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 powers and authority, and perform all the duties herein prescribed.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy in the interval between the annual elections, by death or resignation, removal or refusal to act of any president or director, and may appoint a treasurer, who shall be a citizen of this state, and all officers, agents, superintendents or other 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 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 trans-

fer of stock, and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or of the United States.

Annual statement. 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 said term.

Special meetings of stockholders. 9. *And be it enacted*, That special meetings of the stockholders may be called by order of said president or three of the 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 hereinbefore 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.

Failure to elect directors not to dissolve. 10. *And be it enacted*, That if from any cause any election hereinbefore named shall not be had at the time specified by this act, the same may be made at any other time upon notice as aforesaid, and that until such election be had the officers of the preceding year shall continue to hold their respective offices until others be elected in their stead, and that this charter shall not be defeated or avoided by reason of the irregularity or want of such election.

May construct turnpike road, and route. 11. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road along the public road, or any part thereof, from a point commencing at the beginning of the Hightstown and Perrineville Turnpike Company, and running along the public highway leading from Hightstown to the village of Allentown; and all damage which any land owners may sustain by reason of the constructing of said turnpike road, to be determined as nearly as may be in the manner hereinafter provided for ascertaining and determining the damages which any land owner shall sustain by taking of stone, gravel or other material for constructing and maintaining said turnpike road; and the public road as designated in this section shall be and the same is hereby vacated, to take effect immediately after

the completion of the turnpike road authorized to be built as aforesaid.

12. *And be it enacted*, That the width of said turnpike Width of road road shall not be less than thirty-two nor more than fifty feet, and sixteen feet of the same shall be sufficiently bedded and faced with stone, gravel or other material to make a solid, firm and even road, the said sixteen feet shall be so graded that in its progress no part of it shall rise above an angle of six degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain, and make good and sufficient bridges along the line of said road, not less than eighteen feet in width; and whenever said road shall be raised so much at the margin or side as to render carriages passing thereon liable to upset, the said company shall cause good and sufficient railings to be erected and maintained at the sides so as to prevent horses and carriages from running off.

13. *And be it enacted*. That it shall be lawful for said Proceedings when company and owners of land cannot agree. company, their officers, superintendents, engineers and workmen, with carts, wagons and other carriages, and with beasts of burden and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosure thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road; and that when said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or, when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of said company for the construction of said road 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 there be any, 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, or to one of the judges of the court of common pleas of the counties of Mercer or Monmouth, who shall cause said company to give notice thereof to the persons interested, if known and in this state, or, if unknown and out of this state, to make publication thereof as he shall direct for any term not less

than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time, 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, commissioners to examine and appraise such lands and materials and to assess the damages upon such notice to be given to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein not less than twenty days; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation faithfully to examine the matter in question, and 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 and materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by said company for such land and materials and damages aforesaid, and to make a report thereof under the hands and seals of said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the counties of Mercer and Monmouth, to remain on record therein, and shall be recorded by said clerk, 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 after the payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of the said valuation, with interest and costs, in an action 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 thirty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice or judge shall tax and allow such costs, fees and expenses to the justice, commissioners, clerk and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which, in all cases, shall be paid by the company.

14. *And be it enacted*, That as soon as the said company shall have constructed said road in a workmanlike manner, according to the several directions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates across said road, and to demand and receive toll for traveling each mile and all fractions over a half-mile of said road, not exceeding the following rates, to wit:

For every carriage, sleigh or sled drawn by one beast, Rates of toll.

one and a half cents;

For every additional beast, one and a half cents;

For every horse and rider, or led horse or mule, one and a half cents;

For every dozen of calves, sheep or hogs, two cents;

For every dozen of horses, mules or cattle, six cents;

and it shall and may be lawful for the toll gatherers to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure from passing through the said gates until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle said company to demand or receive toll from any one on the Sabbath day, or horses, carriages, sleighs or sleds carrying any persons to or from any funeral. "proviso."

15. *And be it enacted*, That before said company shall receive toll for traveling said road, they shall cause mile posts to be erected and maintained, one for each and every mile on said road, and on each and every post or stone shall be legibly and fairly marked the distance the said stone or post is from the borough of Hightstown, and shall cause to be fixed, and always to be kept up at the gates aforesaid, in a conspicuous place, a printed list of toll which may be lawfully demanded, and also a board on which shall be painted in large letters, "keep to the right as the law directs."

16. *And be it enacted*, That if any person shall wilfully break down, throw down or deface any of the mile posts so erected on said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gate or gates, such person or persons shall forfeit and Penalty for injuries.

pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by action of debt or other proper action in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or horse turn off the said road to pass a gate or gates, and enter again on said road with intent to avoid toll due by virtue of this act, such person or persons shall forfeit and pay one dollar, to be recovered by said company for the use thereof in an action of debt with costs of suit.

Penalty for
delaying trav-
elers.

17. *And be it enacted*, That if any toll gatherer shall unnecessarily delay or hinder any traveler passing at any of the gates, or shall receive more toll than is by this act established, the company shall for every such offence forfeit and pay the sum of ten dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably detained or hindered.

Drivers shall
keep to the
right.

18. *And be it enacted*, That all the drivers of the carriages, sleighs or sleds of every kind and description, whether of burthen or pleasure, or persons on horseback using the said road, shall keep their horses, carriages, sleighs, or sleds on the right hand of said road in the passing direction, leaving the other side of the road free and clear for carriages or persons on horseback, and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence to be recovered with costs of suit.

Proceedings
when road and
bridges are not
kept in repair

19. *And be it enacted*, That if said company shall not keep said roads, bridges and railings in repair, it shall be the duty of any judge of the court of common pleas of the counties of Mercer or Monmouth, who may be disinterested, upon complaint being made to him in writing stating the bridge or part of the road that is out of repair, specify the particular defect, and after four days notice in writing given to the president or any of the directors of said company, specifying parts complained of, and after hearing the parties, if the company have not repaired said bridge, road, or railing as specified, to appoint under his hand and seal, three judicious freeholders not interested in said road, being residents of said counties and non-residents of the townships through which the said road is located, who having been duly

qualified and sworn to act impartially in the case, shall proceed to view and examine the parts complained of, and report to said judge in writing, signed by them or any two of them, whether the said road is in such state as the law requires it to be kept; and if the report be unfavorable to said road, then said judge shall immediately, under his hand and seal, in writing, order the keeper of the gate or part complained of, to keep the said gate open until otherwise ordered, and if said keeper after service of a copy of said order upon him shall, notwithstanding the order of said judge to open said gates or turnpike, exact toll of travelers, the said company shall forfeit and pay twenty dollars for each offence, to be sued for by any person who shall prosecute for the same in an action of debt, with costs of suit, and the said judge shall be allowed for his services one dollar, and the persons appointed to view the road one dollar each, to be paid by the company, and upon due proof before said judge that said company repaired or mended said road, bridge or railing in the particular complained of, he shall by an order in writing, under his hand and seal, directed to the toll gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the same fee to be allowed and paid as before directed; but if upon the view as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fee shall be allowed as before prescribed, and shall be paid by the person or persons making the complaint.

20. *And be it enacted*, That when the said company shall have completed any one mile of said road according to the directions and true intent and meaning of this act, it shall be lawful for said company to erect a toll gate across said road, and demand and receive toll for traveling thereon agreeably to the foregoing rates. When toll may be demanded.

21. *And be it enacted*, That this act shall be taken and construed to be a public act, and that the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the supplements thereto as far as the same are applicable. General powers.

22. *And be it enacted*, That if the said road be not commenced within three years, and completed within six years Limitation.

from the passage of this act, that then and in that case this act shall be void.

Notice to be
given of the
opening of
subscription
books.

23. *And be it enacted*, That the above commissioners or a majority of them are hereby appointed to open subscriptions to the capital 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 a newspaper in the counties of Mercer and Monmouth.

24. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXXXVII.

An Act to incorporate the Deal and Sea Bright Horse Railroad Company.

Names of
corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Joseph H. Cooper, Henry Howland, Cornelius Vanderveer, Millin Paul, Francis Corlies, William W. Shippen and W. B. Osborn, and such other persons as may hereafter be associated with them, their successors and assigns, be, and they are hereby created a body corporate and politic, in fact and in law, by the name of the "Deal and Sea Bright Horse Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels, whatsoever, necessary or expedient for the object of said corporation.

Corporate
name.

Amount of
capital stock.

2. *And be it enacted*, That the amount of the capital stock of the said corporation shall be sixty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and be transferable in such manner as the said corporation by their by-laws shall direct.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving at least twenty days notice of the same in the newspapers published in the county of Monmouth, and that at the time of subscribing, ten per centum shall be paid for each share subscribed for to the commissioners, or some one of them, and as soon as twenty thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders, to choose seven directors, all of whom shall be stockholders, and a majority of whom residents of this state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named incorporators, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting all expenses previously incurred, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said incorporators named in the first section of this act, or a majority of them, and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number, a president who shall be a resident of this state, and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year, in which they may happen, by the said board of directors, or a majority of them, and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

4. *And be it enacted*, That in case it shall happen that an election of directors, shall not be made during the day, when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time in the manner provided by law in such cases, and the directors for the time

being shall continue to hold their office until others shall have been chosen in their places.

Failure to pay installments to work a forfeiture.

5. *And be it enacted*, That four directors of the said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company by such installments, and at such times as they may direct, and in case of the non-payment of said installments, or any one of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of the said corporation, and shall also have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

May survey, lay out and construct railroad.

6. *And be it enacted*, That the said corporation shall have power and authority to construct a railroad and necessary turnouts thereto, from some point on the southerly side of Long Pond, in the township of Ocean, in the county of Monmouth, to some point on the south or east shore of South Shrewsbury river, as they may deem expedient.

May have and hold real estate.

7. *And be it enacted*, That the said company may purchase, have and hold real estate along the line of their said railroad, at such place or places as may be deemed necessary, not exceeding two acres at each place, or six acres in the aggregate, and may erect and build thereon, houses, warehouses, stables, machine shops, and such other buildings and improvements, as they may deem expedient for the safety of property, the construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof.

Proceedings when company and owners cannot agree.

8. *And be it enacted*, That if the said company or its agents cannot agree with the owner or owners of such land as may be required for the use or purchase thereof, or if 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 so required shall be given in writing, under the oath or affirmation of some engineer or proper agent of said 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 judges of the court of common pleas

of the county of Monmouth, 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 this state, to make publication thereof as he shall direct, for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands and assess the damages, upon such notice, not less than ten days, to be given to the person interested, or otherwise, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly qualified to administer the same, faithfully and impartially to examine the matter in question and 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; the said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of said railroad, as the case may be, to the said owner or owners, and to make a just and equitable appraisal of the value of the same, and an assessment of damages to be paid by the said company, which report shall be made in writing, under the hands of the said commissioners, or any two of them, and be filed within twenty days thereafter, together with the aforesaid description of the lands, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the said county, to remain of record therein; which report, or in case of an appeal, the verdict of a jury and the judgment of the court, and a copy thereof, certified by the clerk of said county, (the damages and costs assessed and adjudged being first paid as hereinafter mentioned,) 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 lands; and either of the judges of the said court, shall on application of either party, on reasonable notice to the other, tax and allow such costs, fees and expenses to the judges of the said court, commissioners, clerks, and other persons performing any of the duties pre-

scribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Proceedings
in case of ap-
peal.

9. *And be it enacted*, That in case the said company, or owner or owners of the said lands, shall be dissatisfied with the report made by the said commissioners named in the preceding section of this act, the party so aggrieved may appeal to the circuit court of the said county of Monmouth, at the first term after filing the said report, by proceeding in the form of petition to said court which proceeding shall vest in said circuit court full, right and power to direct a proper issue for the trial of said controversy between the said parties, and order a jury to be empaneled and sworn as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of said court, to be holden in said county upon like notice, and in the same manner as other issues in said court are tried; and it shall be the duty of the jury to assess the value of the said land and the damages sustained, and if they shall find a greater sum than the commissioners have awarded, or the company may have offered to the said owner or owners, then judgment thereon, with costs shall be entered against the said company and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered, then the said costs shall be paid by the 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, but such application shall not prevent the company from taking the said land upon filing the said report; *provided*, that in no case whatever shall the said company enter upon, or take possession of the lands of any person or persons for the purpose of actually constructing said railroad, or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of the company until they have paid the party or parties entitled to receive the same the amount found by said commissioners as the value of said lands or damages, in case the report of the commissioners is not appealed from, or if appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal, or the amount found by the jury in case

Proviso.

of appeal shall refuse, upon tender thereof being made, to receive the same or shall be out of the state, or under any legal disability, the payment of the amount assessed or found as aforesaid, into the circuit court of the county of Monmouth shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being debarred thereby from an appeal from the report of the commissioners; and it shall be lawful for said company and they are hereby authorized with their road to cross the line of any other railroad; *provided*, that the grade of the road hereby authorized, at the point or points of crossing such other railroad, shall correspond with the grade of the railroad so to be crossed, or otherwise as such point or point shall be constructed a viaduct of such height as not to interfere with the passage of the trains upon such other railroad, and it shall also be lawful for said company and they are hereby authorized with their road to cross the line of the canal or water-course of any incorporated company, the consent in writing of the board of directors of said incorporated company, or a majority thereof, being first had and obtained.

10. *And be it enacted*, That the president and directors of the said corporation shall declare and make such dividends as they may deem prudent and proper from time to time out of the net profits of the said railroad. Dividends

11. *And be it enacted*, That the president and directors of the said corporation shall have power to construct, or have constructed, or to purchase with the funds of said corporation, all such machinery, horses, cars, wagons, carriages or other animals, or vehicles for the transportation of persons or any species of property on railroads, as they may deem necessary; *provided*, that no steam power shall be used as a motive or propelling power on said railroad, and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons or property thereon, as they may deem reasonable and proper; *provided*, that no more than five cents per mile for each passenger, and such reasonable rates as shall be fixed by the board of directors for all baggage and other property, shall be demanded or received by the said company for transporting or conveying the same from any one point to another on said road. Equipment of road.

12. *And be it enacted*, That if any person shall wilfully Proviso.

Penalty for
injury to
works.

impair, injure, destroy or obstruct the use of said railroad, or any of its necessary works, carriages or machines, such person so offending shall forfeit and pay to the said company the sum of twenty five dollars, to be by them recovered in any court of competent jurisdiction, in an action of debt, and further, shall be liable for all damages.

May borrow
money and
secure the
same by bond
and mortgage.

13. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct, repair or equip said road, to an amount not exceeding one-half of their paid up capital, and to secure the payment thereof by bond or mortgage, or otherwise, on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section.

Proviso.

14. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXXXVIII.

An Act to incorporate the Pine Vapor Bath Institute.

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry Smith, Klemens Schnell, Francis C. Kuett, Joseph A. Zutterkirch, Henry Hagadorn, Christian Braun, Martin Spreitzer, Paul Langhammer, Robert J. Hopper, and James Van Blarcom, and the survivors of them and such other persons as may hereafter be associated with them, be and they are hereby created a body politic and corporate, in fact and in law, by and under

the name of the "New Jersey Pine Vapor Bath Institute," ^{Corporate name and object.} for the purpose and with the power and authority of carrying on the business of establishing and conducting baths for medicinal, curative and other purposes, in the city of Paterson, in the county of Passaic and other places in the state of New Jersey, and by the said name shall have continued succession, and be capable of holding, purchasing, leasing, mortgaging and conveying any lands, tenements, goods and chattels necessary or proper for the purposes of the corporation hereby created; and the principal office of said company shall be at Paterson, in the county of Passaic.

2. *And be it enacted*, That the capital stock of said com- ^{Amount of capital stock.} pany shall be one hundred and fifty thousand dollars, with liberty to the directors to increase the same to any amount not exceeding three hundred thousand dollars, to be divided into shares of one hundred dollars each; and the persons named in the first section of this act or a majority of them are hereby authorized to open books of subscription, and take and receive subscriptions to such capital stock at such time or times, and in such manner and to such extent not exceeding the amount herein authorized, as they shall deem proper; and whenever the same shall be paid or satisfactorily secured to be paid to the extent called for, the said company may commence business; and the persons before named and the directors of said company may receive in payment for stock, any land, buildings, machinery or other property by them deemed necessary or proper for the use of said company, and at such valuation as a majority of said directors shall approve.

3. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by ^{Directors, how elected, &c.} not less than five nor more than thirteen directors, being stockholders, one of whom shall be president, to be appointed by said directors, who, after the first directors herein-after named, shall hold their office for one year and until others shall be elected in their stead; the number of directors may be fixed from time to time by the stockholders at their annual meeting; and the directors shall be annually chosen on the second Monday of January, or on such other day and at such place in the county of Passaic, as the directors shall by their by-laws or otherwise, from time to time, appoint, public notice for at least ten days previous of the time and place being given in two of the newspapers published in the said county, by such of the stockholders as shall

attend for that purpose, either in person or by proxy; and each stockholder shall be entitled, either in person or in proxy, to as many votes as he shall hold shares of the capital stock; and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors may appoint such officers, superintendents and agents, and assign such compensation, as a majority of said directors shall think fit; and if any vacancy by death, resignation or otherwise shall occur among the directors named in this act, or those to be hereafter elected, such vacancy may be filled by the remaining directors, or a majority of them; and the persons named in the first section of this act shall be the first directors of said company, and shall serve as such until the second Monday in January next, and until others are legally chosen.

Power to demand capital stock on pain of forfeiture.

4. *And be it enacted*, That it shall be lawful for the directors of said company to call in and demand from the subscribers to said capital stock, the amount subscribed by them, at such times and in such proportions as they shall deem proper, under the penalty of forfeiting the shares by them respectively subscribed, and all previous payments made thereon, if such payments shall not be made in thirty days after demand thereof by service of notice upon them, or publication thereof in one or more of the newspapers published in the city of Paterson.

Not dissolved on failure to elect directors

5. *And be it enacted*, That in case an election for directors shall not be made on the day specified in this act, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on such other day as may be provided by the by-laws of said corporation, or by resolution of the board of directors.

General powers.

6. *And be it enacted*, That a majority of the board of directors shall constitute a quorum for the transaction of the business of said corporation, and shall have power to ordain, establish and put into execution, such by-laws, ordinances and regulations, as they shall deem necessary and proper for the government, management or disposition of the stock, effects, profits and concerns of the said corporation; *provided*, that the same be not contrary to the constitution and laws of this state, or of the United States.

Stock transferable.

7. *And be it enacted*, That the stock and property of said corporation, of whatever name or kind, shall be deemed personal estate, and the said stock shall be transferable in such

manner as the directors may prescribe, but no transfer of stock shall be valid or effectual until such transfer shall be entered and registered in the book to be provided and kept by the president and directors for that purpose; and no dividends shall be declared except out of the net profits of the company.

8. *And be it enacted*, That the said corporation may be dissolved at any general meeting of the stockholders thereof, specially convened for that purpose by the president, upon twenty days notice in writing served upon each stockholder, or by publication thereof for the same time, in two newspapers of the county of Passaic; *provided*, at least three-fourths in value of the stock shall be present or represented by the said stockholders; and on such dissolution the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interests in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three, nor more than five in number, for such purpose, in which case the persons so appointed, and the survivor and survivors of them shall be trustees for the purposes aforesaid; and the said trustees may use the corporate name of the company in all proceedings necessary and proper in the settlement and prosecution of any claims or business, and the transfer and sale of any property of the company. How dissolved
Proviso.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXXXIX.

An Act to incorporate the Hightstown and Princeton Turnpike Company.

Names of cor- porators.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That Andrew J. Smith, S. M. Schanck, Joseph McMurran, A. Forman Jobs, Gilbert Leamer, Elwood Emily, A. M. Taylor, James Wyckoff, Thomas Jewell and Elisha Jewell, and such other persons as may be hereafter associated with them, shall be and are hereby constituted a body pody politic and corporate in law, by the name of "The Hightstown and Princeton Turnpike Com- pany."
Corporate name.	
Amount of capital stock.	2. <i>And be it enacted</i> , That the capital stock of the said corporation shall be twenty thousand dollars, with authority to increase the same to thirty thousand dollars, which stock shall be divided into shares of twenty-five dollars each, and shall be deemed personal estate, and transferable in such manner as the by-laws of said corporation shall direct.
Payment of installments.	3. <i>And be it enacted</i> , That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for to the commissioners, or any two of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and the residue of the subscriptions shall be paid in installments, at such times and at such places, and to such persons as the president and directors of the company shall from time to time direct, or give public notice thereof in manner aforesaid; and upon failure of the 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 installments, or any of them, to and for the use of said company; <i>pro- vided</i> , that if the number of shares subscribed for shall exceed the number of shares authorized by this act, 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; <i>provided also</i> , that the stockholders shall, upon request, have the right to pay the
Proviso.	
Proviso.	

stock subscribed, except the first installment, by work or labor upon said road, under such regulations, at such times and upon such notice by either party as the directors may determine; *provided also*, that no stockholder shall pay for his installments by labor for more than eight shares. Proviso.

4. *And be it enacted*, That if the number of shares herebefore made necessary for the incorporation of the said company be not subscribed for within three years 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 in by them. Act, how made void

5. *And be it enacted*, That when fifty shares of said stock shall be 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 hereinbefore directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot five directors, a majority of whom shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and 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 by ballot the same number of directors, a majority of whom shall be citizens of this state, as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share of the holder or holders thereof, either in person or by proxy. Election of directors.

6. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect from among their number a president of the said company, who shall be a citizen of this state, 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 may direct, and shall be the presiding officer at all meetings of said directors, and shall 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 stockholders, or in case of his death, Election of president.

absence, or inability so to do, the said directors shall appoint some other suitable person, who for the time being shall possess the same powers and authority, and perform all the duties herein prescribed.

Powers of directors.

7. *And be it enacted*, That the said directors, or a majority, may supply any vacancy in the interval between the annual elections, by death or resignation, removal or refusal to act of any president or director, and may appoint a treasurer, who shall be a citizen of this state, and all officers, agents, superintendents or other 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 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 transfer of stock, and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or of the United States.

Proviso.

Annual statement.

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 said term.

Special meetings.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of said president or three of the 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 hereinbefore 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.

Failure to elect not to dissolve.

10. *And be it enacted*, That if from any cause any election hereinbefore named shall not be had at the time specified by this act, the same may be made at any other time upon notice as aforesaid, and that until such election be had the officers

of the preceding year shall continue to hold their respective offices until others be elected in their stead, and that this charter shall not be defeated or avoided by reason of the irregularity or want of such election.

11. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road along the public road, or any part thereof, commencing at the borough line at Hightstown, and thence running along the public road to the borough of Princeton; and all damage which any land owners may sustain by reason of the constructing of said turnpike road, to be determined as nearly as may be in the manner hereinafter provided for ascertaining and determining the damages which any land owner shall sustain by taking of stone, gravel or other material for constructing and maintaining said turnpike road; and the public road as designated in this section shall be and the same is hereby vacated, to take effect immediately after the completion of the turnpike road authorized to be built as aforesaid.

May construct
turnpike road

12. *And be it enacted*, That the width of said turnpike road shall not be less than thirty-two nor more than fifty feet, and sixteen feet of the same shall be sufficiently bedded and faced with stone, gravel or other material to make a solid, firm and even road, the said sixteen feet shall be so graded that in its progress no part of it shall rise above an angle of six degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain, and make good and sufficient bridges along the line of said road, not less than eighteen feet in width; and whenever said road shall be raised so much at the margin or side as to render carriages passing thereon liable to upset, the said company shall cause good and sufficient railings to be erected and maintained at the sides so as to prevent horses and carriages from running off.

Width of road

13. *And be it enacted*, That it shall be lawful for said company, their officers, superintendents, engineers and workmen, with carts, wagons and other carriages, and with beasts of burden and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosure thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road; and

Proceedings
when no
agreement can
be made be-
tween compa-
ny and owners
of land

that when said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company for the construction of said road 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 there be any, 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, or to one of the judges of the court of common pleas of the county of Mercer, who shall cause said company to give notice thereof to the persons interested, if known and in this state, or, if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time, 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, commissioners to examine and appraise such lands and materials and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein not less than twenty days; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully to examine the matter in question, and 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 and materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, to be paid by said company for such land and materials and damages aforesaid, and to make a report thereof, under the hands and seals of said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the county of Mercer, to remain on record therein, and shall be recorded by said

clerk; 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 after the payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of the said valuation, with interest and costs, in an action 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 thirty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice or judge shall tax and allow such costs, fees and expenses to the justice, commissioners, clerk and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which, in all cases, shall be paid by the company.

14. *And be it enacted*, That as soon as the said company shall have constructed said road in a workmanlike manner, according to the several directions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates across said road, and to demand and receive toll for traveling each mile and all fractions over a half-mile of said road, not exceeding the following rates, to-wit:

For every carriage, sleigh or sled drawn	Rates of toll.
by one beast,	one and a half cents;
For every additional beast,	one and a half cents;
For every horse and rider, or led horse	
or mule,	one and a half cents;
For every dozen of calves, sheep or hogs,	two cents;
For every dozen of horses, mules or cattle,	six cents;

and it shall and may be lawful for the toll gatherers to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure from passing through the said gates until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle said company to demand or receive toll from any one on the Sabbath day, or horses, carriages, sleighs or sleds carrying any persons to or from any funeral.

15. *And be it enacted*, That before said company shall receive toll for traveling said road, they shall cause mile posts

Shall cause
mile stones to
be erected
and rates of
toll posted.

to be erected and maintained, one for each and every mile on said road, and on each and every post or stone shall be legibly and fairly marked the distance the said stone or post is from the borough of Hightstown, and shall cause to be fixed, and always to be kept up at the gates aforesaid, in a conspicuous place, a printed list of toll which may be lawfully demanded, and also a board on which shall be painted in large letters, "keep to the right as the law directs."

Penalties for
avoidance of
toll.

16. *And be it enacted*, That if any person shall willfully break down, throw down or deface any of the mile posts so erected on said road, or willfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gate or gates, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by action of debt or other proper action in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or horse turn off the said road to pass a gate or gates, and enter again on said road with intent to avoid toll due by virtue of this act, such person or persons shall forfeit and pay one dollar, to be recovered by said company for the use thereof in an action of debt with costs of suit.

Penalty for
delaying trav-
elers.

17. *And be it enacted*, That if any toll gatherer shall unnecessarily delay or hinder any traveler passing at any of the gates, or shall receive more toll than is by this act established, the company shall for every such offence forfeit and pay the sum of ten dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably detained or hindered.

Penalty for
obstructing
road.

18. *And be it enacted*, That all the drivers of the carriages, sleighs or sleds of every kind and description, whether of burthen or pleasure, or persons on horseback using the said road, shall keep their horses, carriages, sleighs or sleds on the right hand of said road in the passing direction, leaving the other side of the road free and clear for carriages or persons on horseback, and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be sub-

ject to an action for damages for every such offence to be recovered with costs of suit.

19. *And be it enacted*, That if said company shall not keep said roads, bridges and railings in repair, it shall be the duty of any judge of the court of common pleas of the county of Mercer, who may be disinterested, upon complaint being made to him in writing, stating the bridge or part of the road that is out of repair, specifying the particular defect, and after four days notice in writing given to the president or any of the directors of said company, specifying parts complained of, and after hearing the parties, if the company have not repaired said bridge, road, or railing as specified, to appoint under his hand and seal three judicious freeholders not interested in said road, being residents of said counties and non-residents of the townships through which the said road is located, who having been duly qualified and sworn to act impartially in the case, shall proceed to view and examine the parts complained of, and report to said judge in writing, signed by them or any two of them, whether the said road is in such state as the law requires it to be kept; and if the report be unfavorable to said road, then said judge shall immediately, under his hand and seal in writing, order the keeper of the gate or part complained of, to keep the said gate open until otherwise ordered, and if said keeper after service of a copy of said order upon him shall, notwithstanding the order of said judge to open said gates or turnpike, exact toll of travelers, the said company shall forfeit and pay twenty dollars for each offence, to be sued for by any person who shall prosecute for the same in an action of debt, with costs of suit, and the said judge shall be allowed for his services one dollar, and the persons appointed to view the road one dollar each, to be paid by the company, and upon due proof before said judge that said company repaired or mended said road, bridge or railing in the particular complained of, he shall by an order in writing, under his hand and seal, directed to the toll gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the same fee to be allowed and paid as before directed; but if upon the view as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fee shall be allowed as before prescribed, and shall be paid by the person or persons making the complaint.

Proceedings
when road and
bridges are
not kept in
repair.

When toll
may be de-
manded.

20. *And be it enacted*, That when the said company shall have completed any one mile of said road according to the directions and true intent and meaning of this act, it shall be lawful for said company to erect a toll gate across said road, and demand and receive toll for traveling thereon agreeably to the foregoing rates.

General pow-
ers.

21. *And be it enacted*, That this act shall be taken and construed to be a public act, and that the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the supplements thereto as far as the same are applicable.

Limitation.

22. *And be it enacted*, That if the said road be not commenced within three years, and completed within six years from the passage of this act, that then and in that case this act shall be void.

Notice to be
given of the
time for re-
ceiving sub-
scriptions.

23. *And be it enacted*, That the above commissioners or a majority of them are hereby appointed to open subscriptions to the capital 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 a newspaper in the county of Mercer.

24. *And be it enacted*, That this shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXL.

An Act to incorporate the Ocean County Savings Bank.

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That G. P. Smith, D. U. Brigham, Theodore Leavenworth, E. Dickenson, A. Jameson, David Perkins, S. Lewis, D. C. Litchfield, A. M. Bradshaw, Isaac A. Van Hise, M. L. Maine, A. H. Dashielle, F. M. Marsten,

C. H. Applegate, Robert Campbell and John Torrey, junior, be and they are hereby constituted a body, politic and co-operate by the name of "The Ocean County Savings Bank," ^{Corporate name.} and by that name shall be capable of purchasing, taking, holding, and enjoying to them and their successors, any real estate in fee simple or otherwise, and any goods and chattels and personal estate which shall be necessary for the purposes herein mentioned, and of selling, leasing, or otherwise disposing of the said real and personal estate or any part thereof at their will and pleasure; *provided always*, ^{Proviso.} that the clear annual value of such real and personal estate, exclusive of the profits that may arise from any investments in which the deposits may be made, shall not exceed the sum of twenty five thousand dollars.

2. *And be it enacted*, That the several persons named in ^{Election of managers.} the first section of this act, and their successors, shall be managers of said corporation, and any five members of said managers present at any meeting shall constitute a quorum for the transaction of all business; the managers shall meet annually on the first Monday in April in each year; they shall elect a president, vice president and such other officers as they may see fit from their own body, and all vacancies in the board of managers, or among the officers by death, resignation or otherwise, shall be filled by the board of managers at their first regular meeting after such vacancies shall occur, by ballot, and the persons having the majority of the whole number present and voting, shall be considered as duly elected, and not otherwise; all officers shall hold office for one year, or until others are appointed and qualified, and all officers shall be under oath for the faithful performance of the duties of their offices respectively, and shall give security if required, for the faithful execution of the duties of their office, in such sum or sums, and such securities as may be directed and approved by the board of managers.

3. *And be it enacted*, That the board of managers shall ^{May make by-laws.} from time to time have power to make, ordain and establish such by laws and regulations as they shall judge proper, for the election of their officers, for prescribing their respective duties, for regulating the times and places of meetings of the officers and managers, and for the transacting, managing and directing the affairs of the institution; *provided always*, ^{Proviso.} that such by-laws and regulations shall not be repugnant to the constitution and laws of this state, or of the United

States of America; and such by-laws and regulations shall be put up in some public and conspicuous place in the room where the business of said institution shall be conducted, and shall not be altered so as to affect injuriously any one who may have been a depositor previous to the alteration.

Deposits.

4. *And be it enacted*, That the said institution may receive as deposits in such amounts, and on such terms, and at such times, as the by-laws may prescribe, all sums of money which may be offered for the purpose of being invested, which shall be invested accordingly, and shall be repaid to the depositors at such times, and with such interest, and under such regulations as the board of managers shall from time to time prescribe; and the said institution may accept and execute all such trusts of every description as may be committed to them by any person or persons whatever, by will or otherwise, or transferred to them by order of any court.

Regulation of interest.

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion as near as may be, of the profits after deducting therefrom all necessary expenses and a reasonable surplus or contingent fund; *provided*, that said rates of interest may at the discretion of the managers, be so regulated as that the interest allowed to depositors having over one thousand dollars deposited shall be at least at the rate of one per centum per annum less than the interest allowed to other depositors.

Proviso.

No officer shall borrow money.

6. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the president or managers for their services, nor shall any officer or agent of the institution be allowed directly or indirectly to borrow any money from said institution or to use the same except to pay necessary expenses, nor shall the institution take or hold any bonds, mortgages or other securities for the payment of money, drawn or endorsed by, or existing against any officer or agent of the institution, as security for money loaned by it, unless the same shall have been received in payment of debts due from other parties.

Investment of deposits.

7. *And be it enacted*, That said corporation may invest the money left with them on deposit in no other way than in public stocks or bonds created and issued by the United States of America, or by the several states of the Union, or by the several counties and cities in this state under the laws

thereof, or upon bond and mortgage upon real estate, with good title, and worth at least double the amount invested over and above all encumbrances; *provided*, said corporation may make temporary loans upon personal securities, with pledges of collateral securities worth at least twenty per centum more than the amount loaned; but the amount thus loaned on personal security shall not at any time exceed twenty per centum of the whole amount of the assets and securities of the said corporation, and said corporation may legally reserve the interest on such loans, in advance.

8. *And be it enacted*, That all certificates of evidence of deposit made under the hand of the proper officer or officers of the institution, shall be as binding as if the same were made under their common seal. Certificates of deposit.

9. *And be it enacted*, That it shall be lawful for the institution at their discretion to pay to any depositor being a minor, such sum as may be due to such depositor, not exceeding one thousand dollars, in cases where no guardian shall have been appointed for such depositor, and that the receipt and acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *provided*, such deposit shall have been made personally by said minor, and not by any other person for his or her benefit, and in such case payment to the minor shall be good if no notice of the appointment of a guardian shall have been given to the institution; married women may deposit money in their own names, and receive their interest and dividends thereon, and receive and withdraw the same, and such deposits shall not be subject to the control of the husband nor liable for his debts, nor shall money deposited by single women be subject in case of marriage to the use or control, nor liable for the debts of the future husband. Deposits by minors.

10. *And be it enacted*, That a book shall be kept at the office of the institution in which any depositor shall be at liberty to appoint a person or persons to whom, in the event of his or her death, the money shall be paid, if not otherwise disposed of by will, and all payments made to the person or persons so appointed shall be a full discharge of said institution. Disposition of deposits in case of death.

11. *And be it enacted*, That the said institution shall not be required to receive on deposit a less sum than ten cents, nor to allow interest on a deposit until it amounts to five dollars, nor to allow interest on the fractional parts of five Interest not allowed on less than five dollars.

dollars, nor shall the institution be required to allow interest on the fractional parts of a month.

Deposits may
be refused. 12. *And be it enacted*, That the managers shall be at liberty at any time to refuse deposits, and, on giving one month's notice, to return such as have been made, with interest thereon to date of payment.

All deposits to
be entered. 13. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the institution, and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.

Office, where
located. 14. *And be it enacted*, That the office or place of business of said institution shall be at Bricksburg, in the county of Ocean, and the books of the institution shall be open at all times to the inspection and examination of such person or persons as the legislature may from time to time appoint for that purpose.

May contract
for state and
other taxes. 15. *And be it enacted*, That it shall and may be lawful for the said institution and the borrowers and lenders of any money secured by mortgage on real estate to enter into a contract or agreement whereby the borrower shall pay any part or all of the national, state, county or city taxes which may be assessed upon the money so lent or to be loaned and the securities for the repayment thereof, and all such contracts and agreements are hereby declared to be valid and effectual in law; and no such mortgage or other security shall be held or deemed in any court of this state to be usurious or invalidated by reason of any such contracts or agreements, anything in any existing law of this state to the contrary notwithstanding.

Annual state-
ment. 16. *And be it enacted*, That it shall be the duty of the said institution to make an annual report to the legislature of this state, under the oath or affirmation of the treasurer and a committee appointed for that purpose by the managers, or three or more of their number, of the state of its funds, and such statement shall be published in one or more newspapers published in the county of Ocean.

Act, how con-
strued. 17. *And be it enacted*, That this act shall be and is hereby declared to be a public act, and the same shall be construed in all courts favorably and benignly for every beneficial purpose therein intended, and that no misnomer of the said institution in any deed, grant, devise or other instrument of conveyance or contract shall vitiate or defeat the same; *pro-*

vided, the institution shall be sufficiently described so as to Proviso. ascertain the intention of the parties; *and provided also*, that the legislature may at any time hereafter amend or modify this act.

18. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXLII.

An Act to incorporate the Woodland Water Company.

1. BE IT ENACTED *by the Senate and General Assembly of* Names of cor-
porators. *the State of New Jersey*, That Francis B. Chetwood, William O. Giles, Robert E. Chetwood, Benjamin L. Curtis and Benjamin O. Wade, and all other persons who may hereafter be associated with them in the manner hereinafter provided, and their successors are hereby constituted and declared to be a body politic and corporate, by the name of "The Woodland Water Company," and by that name shall have continued Corporate
name and
powers. succession, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all manner of suits and actions whatever, have a common seal and change the same at pleasure, purchase and hold such real and personal estate and water rights and privileges as may be useful for the object of this incorporation, or may be taken in payment of debts; that the stock of said company shall be deemed personal property, and consist of fifty thousand dollars, divided into shares of twenty five dollars each; and the Amount of
capital stock. management of the concerns of said corporation shall be entrusted to five directors, being stockholders of said corporation, chosen every year at the annual meeting of the stockholders on the second Tuesday in May, at such time and Annual elec-
tion of direc-
tors. place in the township of Woodland, in the county of Burlington, as said directors shall from time to time appoint, notice of which election shall be published in a newspaper

published in said county, for three successive weeks next before such election, at least once in each week, and all such elections shall be by ballot, by the stockholders in person or by proxy, under the inspection and direction of three stockholders, neither of them being a candidate at such election, appointed by the directors, each stockholder having a vote for each share of stock owned by him or her, and the five persons voted for at such election having the greater number of votes shall be directors of said corporation for the succeeding year, and until others are elected in their stead, that if any two or more persons shall have an equal number of votes so that five directors shall not be elected, the stockholders shall again proceed in like manner to elect so many as shall complete the number of five directors, out of which number the said directors may by plurality of their votes elect a president and other officers, and fill any vacancy in the office of any of the directors, and a majority of the directors for the time being shall be a quorum for transacting business.

Failure to pay
installments
works a for-
feiture.

2. *And be it enacted*, That the persons named in the foregoing section, and the directors of said corporation are hereby authorized to procure subscriptions for the stock of said corporation at any time after the passage of this act, and five dollars on each share of stock subscribed for shall be paid at the time of subscribing therefor, and the balance to be paid by installments at such time and in such sum as the above named persons or the directors of said corporation shall think proper and direct; and whenever twenty thousand dollars of the capital stock shall be subscribed for, the corporations above named shall call a meeting of the stockholders within sixty days thereafter, by giving fifteen days' notice of the time and place of such meeting, to each of the stockholders, for the purpose of electing directors and transacting other business; and when directors are elected, the moneys received on subscriptions for stock shall be paid over to them, first deducting the actual expenses incurred, and upon the election of directors they shall have sole power to manage the affairs of said corporation, and authorized to call for the payment of stock subscribed for, and in case of non-payment, to forfeit the stock subscribed for, together with the installments paid thereupon.

Powers and
duties of the
directors.

3. *And be it enacted*, That the directors shall be authorized to appoint such officers, agents and servants from time to time, with such compensation as they think proper, to

carry into effect the powers and objects of said corporation, to establish rules, regulations and by-laws for and concerning the government and conduct of the directors, their officers, agents and servants, and to require such security from them for the faithful performance of their duties as they think proper, and concerning the transfer of stock and the government of persons and corporations with whom they contract for the use and preservation of water furnished by said corporation, and to restrain the waste thereof, and to impose penalties and forfeitures for a neglect to comply therewith, not exceeding fifty dollars, which shall be recoverable in the name and for the use of said corporation before any justice of the peace of the county of Burlington, with costs in an action of debt.

4. *And be it enacted*, That for the purpose of effectually supplying with water the inhabitants of the township of Woodland and other places, and manufacturing and other corporations, companies and associations desiring the use of water, it shall be lawful for the corporation created by this act to make contracts and agreements therefor, and to erect, construct and maintain all works and structures for the purposes of this act, and to lay down pipes, and construct hydrants and fire plugs in the streets and other places, and to do all things needful for supplying water as aforesaid; *provided*, that the public travel upon the streets and public places shall at no time be unnecessarily impeded in the laying or repairing of pipes, hydrants, or other proper work; and after the completion of any work the streets and public places shall be left in as good condition as before the commencement of such work, and no private lands shall be injured or defaced without permission first obtained from the owner thereof.

May contract
for supplying
water, erect
works, &c.

5. *And be it enacted*, That if any person shall wilfully do or cause to be done, or aid or assist in doing or causing to be done any act whatever to injure any machine, engine, pump, reservoir, pipe, hydrant, fire plug, or structure whatever, or any thing appertaining to the works of the said corporation, or whereby the same may be obstructed, stopped or injured, or shall wilfully and maliciously draw off or waste the water from any pipe, fire plug, hydrant, reservoir, or other work of said corporation, or shall wilfully put, or cause to be put into the reservoir or any of the works or structures of said corporation, or into the pond or stream or source from which

Penalty for
injury to pro
perty.

the said corporation shall take water for the purpose authorized by this act, anything that may render, or is liable or calculated to render the water offensive, unwholesome or impure, the person so offending shall be deemed guilty of a misdemeanor, and on being thereof convicted, shall be punished by fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months; and such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit; and the said corporation are hereby authorized to sue and recover for damages by civil suit for any such injury aforesaid, in the name of said corporation, in any court having cognizance of the same.

Dividends.

6. *And be it enacted*, That the directors of the said corporation shall declare and make such dividends as they deem prudent and proper, from time to time out of the net profits of said water works, and shall cause to be kept at their office proper books of account in which shall be truly entered all the transactions of the company, which books shall be at all times open within the usual hours of business for the inspection of the stockholders.

Streams from which water may be obtained.

7. *And be it enacted*, That to enable the said corporation hereby created to carry into effect the object and purposes thereof, they are hereby authorized and empowered to take and use the water from the streams in the said township of Woodland, and from the ponds at the mill sites in said township, which are commonly called Jones' Mill and Old Union; *provided*, that the water shall not be taken out of said ponds without the consent of the owners of said mill sites.

Proviso.

May issue bonds.

8. *And be it enacted*, That the said corporation is hereby authorized to issue their corporate bonds from time to time not exceeding the amount of their capital for the time being, not paid in, bearing interest not exceeding seven per cent per annum, and secure the payment of said bonds by a mortgage or mortgages of the said corporation upon all or any part of the real and personal property of said corporation.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXLIII.

An Act to create from the township of Washington, in the County of Burlington, and State of New Jersey, a new township, to be called the township of Randolph.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Boundaries.} *the State of New Jersey*, That all that part of the township of Washington, in the county of Burlington, contained within the following boundaries and lines, that is to say: beginning at the mouth of a stream upon which Samuel Weeks' saw mill formerly stood, called Cakes Spruto, where it empties into the Mullicus river on the northeasterly side thereof, between the farms of Peter Lane and the farm where Frederic Redagar now lives; thence running, first, up said stream by the several courses thereof to the southeasterly corner of Christianna Taylor's land; thence, second, north fifty-five degrees west to the west corner of the lower bank church-yard lot; thence, third, in a straight line to the middle of the public road leading from Sooy's mills to Bridgeport in the west line of William F. Cramer's place; thence, fourth, the general course of the road from William F. Cramer's to the middle of the public road at the southeasterly corner of Asa S. Cramer's homestead farm, where he now resides; thence, fifth, along said road to the middle of the public road where it intersects the road leading from Washington tavern to Tuckerton; thence, sixth, along said old Tuckerton and Hampton Gate road in a northerly direction to where the south line of Shamong township intersects said road; thence, seventh, along said Shamong township line to the west line of Woodland township; thence, eighth, along the said Woodland township line in a southerly direction to where it intersects the westerly line of Bass River township; thence, ninth, down said Bass River township line in a southerly direction by the several courses thereof to the mouth of Wading river, where it empties into Mullicus river by the several courses thereof; thence, tenth, up said river to the place of beginning; which shall be set off from the township

of Washington to be called and known by the name of the township of Randolph.

Corporate
name.

2. *And be it enacted*, That the inhabitants of the township of Randolph are hereby created a body politic and corporate in law, and shall be styled and known by the name of "The Inhabitants of the Township of Randolph, in the County of Burlington," and shall be entitled to all the rights powers, authority and privileges, and subject to the same laws, regulations, government and liabilities, as the inhabitants of the other townships in said county of Burlington are, or may be entitled or subject to by the existing laws of this state.

Time and
place of hold-
ing town
meeting.

3. *And be it enacted*, That the inhabitants of the said township of Randolph shall hold their first town meeting at the house of William F. Cramer, in the township of Randolph, on the second Tuesday in April, eighteen hundred and seventy, and afterwards in such place in the said township of Randolph as the inhabitants thereof shall determine in the manner prescribed by law, and are hereby authorized and required to elect by ballot, and not otherwise, at said town meetings, and at their annual town meetings thereafter, such officers as are authorized by law to be chosen in the other townships in the county of Burlington, and shall also vote on the same ballot for the amount of money to be raised for school purposes, for the repairing of roads in each and every district in said township, as set off by the committee of said township, and for such other purposes as may be authorized by law.

Election offi-
cers.

4. *And be it enacted*, That the election shall be opened and closed at the same hour as at state elections; and also, that at the first election held under this act, Reuben Cavalier shall be judge of election, Israel Broom and John F. McCoy shall be inspectors or associate judges, and Henry Johnson shall be clerk; *provided, however*, that in case of the absence or inability of any of the above named persons to act, the town meeting may fill the vacancy.

Proviso.

Township
committees to
allot and di-
vide property,
&c

5. *And be it enacted*, That the town committee of the township of Randolph shall consist of three persons, a majority of whom shall constitute a quorum for the transaction of business; and the said town committee, together with the town committee of the township of Washington, shall meet at such time and place, within three months after the passage of this act, as shall be appointed by the town committee of

the township of Randolph, of which meeting notice in writing shall be served on one of the members of the committee of the township of Washington at least ten days prior to such meeting, and may adjourn from time to time as a majority of them may direct, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the respective townships, respectively, all properties and moneys on hand, due or to become due in proportion to the taxable property and ratables as taxed by the assessor of the township of Washington at the last assessment; and the inhabitants of the township of Randolph shall be liable to pay their just proportion of debts; and the town committee of the township of Randolph, or a majority of them, are hereby authorized to sign and deliver the corporate obligations of the said township of Randolph for the payment of such debts, if any there should be, at such time as may be agreed upon between the respective committees, with interest, as may be agreed upon; and if any of the persons comprising either of the committees of said township shall neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decisions of a majority of those present shall be final and conclusive; *provided*, Proviso. *however*, that the number of the town committee of the township of Washington present and acting thereon at such meeting shall not exceed three in number for this purpose.

6. *And be it enacted*, That the person who shall at the first town meeting, held for the election of town officers, be elected or chosen superintendent of public schools for the said township of Randolph is hereby authorized and empowered to collect and receive from the superintendent of the township of Washington, within sixty days after his election, all moneys apportioned and due to the several public school districts, or parts thereof heretofore belonging to the township of Washington now included in the township of Randolph; and it shall be the duty of the township superintendent of the township of Washington to make out and deliver to the superintendent of the township of Randolph a statement of the amounts due to each school district in the township of Randolph. Duties of the school superintendent.

7. *And be it enacted*, That the said township of Randolph shall constitute a part of the fourth assembly district of the county of Burlington. Assembly district.

8. *And be it enacted*, That the township of Randolph shall

Surplus revenue.

be entitled to a fair and equitable portion of the funds now hereby or hereafter allotted to the county of Burlington as surplus revenue of the United States.

9. *And be it enacted*, That this act shall be considered a public act, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXLIV.

An Act to incorporate the Home Insurance Company of New Jersey.

Corporate name, and powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate, by the name and style of "The Home Insurance Company of New Jersey," and by that name shall be known in law, and have power to sue and be sued, to defend and be defended in all courts, whether in law or in equity, and by that name, may have, purchase, possess and enjoy to them and their successors, lands, tenements and hereditaments, goods, chattels and effects of what nature or kind soever, necessary for the purposes of this corporation, and the same to grant, devise, alien and dispose of at pleasure for the benefit of the said company; and may also have a common seal, and the same to alter and renew at pleasure; and also have perpetual succession; and also to create and establish such by-laws, rules and regulations, and appoint such officers and committees, and delegate to them such powers as they shall deem necessary and expedient for the government of the said corporation, and to put the same in execution; *provided*, the same be not contrary to the laws of this state.

Proviso.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, and shall be

divided into shares of fifty dollars each, with the privilege to increase the said capital stock to one million dollars, and the said company shall not commence business until fifty thousand dollars of said stock shall be paid in.

3. *And be it enacted*, That the business, property and affairs of said company shall be managed and conducted by such directors, not less than seven nor more than fifteen in number, a majority of whom shall be citizens of New Jersey, as may be elected for that purpose; a majority of said directors shall form a quorum, which directors shall hold their office for one year, and until others shall be chosen at the office of the company, public notice of which shall be given for one week in one or more of the papers published in Jersey City, and each share of stock shall entitle its owner to one vote at each election, which may be given either in person or by proxy.

Election of directors, &c.

4. *And be it enacted*, That the board of directors shall have power to appoint a president, vice president, treasurer and secretary, and such other officers and agents as they may deem necessary for carrying on the business of the company, and to allow them such compensation for their services as may in their judgment be deemed reasonable.

Officers.

5. *And be it enacted*, That James Soper, Delos E. Culver, Robert S. Smith, Daniel S. Sinclair and Waldron H. Dame are hereby appointed commissioners to receive subscriptions to the capital stock of said company, and that as soon as one thousand shares are subscribed, the said commissioners, or a majority of them, shall, by public notice, published in one or more of the papers published in Jersey City for one week, call a meeting of the stockholders for the purpose of choosing the first board of directors.

Commissioners to open subscription books.

6. *And be it enacted*, That it shall and may be lawful for said company to insure houses and other buildings and property against loss or damage by fire, upon such terms and conditions as shall be contained in the policy of insurance, and may also insure ships and other vessels, rights, interests and property against every description of casualty incident to marine and inland transportation.

Property that may be insured.

7. *And be it enacted*, That all policies or contracts founded thereon, which shall be made and entered into by said company, may be made under or without the seal thereof, and shall be subscribed by the president or vice-president, or by

Policies of insurance.

such other officer as may be designated for that purpose by the said company, and attested by the secretary, and being so subscribed and attested shall be obligatory upon the said company according to the tenor, intent and meaning thereof, and of such like policies or contracts.

May purchase
and hold real
estate.

8. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real estate as shall be necessary for their convenient accommodation in the transaction of their business, and also to take and hold any real estate or securities, bona fide mortgaged or pledged to said company, to secure the payment of any debt which may be contracted with them, and also to proceed on said mortgage or other securities for the recovery of the moneys thereby secured either at law or in equity, and to purchase on sales made under such proceedings or otherwise, to take and receive any real estate in payment toward satisfaction of any debt previously contracted with or due to said company, and the real estate to mortgage, sell, exchange or otherwise to dispose of, and said company may invest their capital and accumulating premiums, from time to time, in public stocks, bonds, notes, mortgages, and such other securities as the directors may approve.

Stock trans-
ferable.

9. *And be it enacted*, That the stock of said company shall be deemed to be personal property, and shall be assignable and transferable according to such rules and regulations as the directors may establish from time to time in the by laws of said company.

Dividends.

10. *And be it enacted*, That it shall be lawful for the directors to make dividends of so much of the profits of the company as shall appear advisable, among the stockholders, which dividends shall be paid out semi-annually to the parties entitled thereto, or to their legal representatives.

11. *And be it enacted*, That this act shall take effect from the date of its passage.

Approved March 17, 1870.

CHAPTER CCCCXLV.

An Act supplementary to "An Act to create a School District in the township of Clinton, in the county of Essex, to be called and known as the Irvington District," approved March seventeenth, eighteen hundred and sixty-nine.

WHEREAS, since the passage of the act to which this is a Preamble, supplement the boundary line between the city of Newark and the said township of Clinton has been altered by an act of the legislature, approved March twenty-fourth, one thousand eight hundred and sixty nine, and some part of the territory included within the bounds of said Irvington School District is now, by the operation of the last named act, included within the bounds of the said city of Newark, and it is desirable properly to define the boundaries of said school district; and whereas, the trustees of said school district desire further powers connected with the issuing of the bonds mentioned in the act to which this is a supplement; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boundaries of said school district shall be as follows: beginning at the bridge crossing Elizabeth river, below Drake's mill, on Union avenue; thence easterly along the county line to a lane leading from Prospect avenue past J. Best's house, and including said house; thence northeasterly to the west side of John Huffman's house, on Prospect avenue; thence easterly to Lyon's avenue, north of William Lyon's house, to the corner of a street opposite to said house; thence northeasterly to Hawthorn avenue, east of Philip Tillinghast's, to the boundary line between the city of Newark and said township of Clinton as established by the said act approved March twenty-fourth, eighteen hundred and sixty-nine; thence along said boundary line between Newark and Clinton until it strikes a point on South Orange avenue at the dividing line between Newark and Clinton and South Orange; thence along the boundary line between Clinton and South Orange to Springfield

Boundaries of
school district

avenue; thence passing on the west and south of William Avery's house, and including that house, to a point half way between the house of T. Shillingsford and J. M. Baker; thence southerly in a straight line to the beginning.

Interest on
bonds may be
paid semi-
annually.

2. *And be it enacted*, That it shall and may be lawful for the trustees of said district to insert in the bonds mentioned and referred to in the seventh section of the act to which this is a supplement conditions for the payment, semi-annually, of the interest on said bonds, and of all taxes which may be levied, assessed or imposed on the money mentioned in and intended to be secured by said bonds until the principal thereof be paid.

3. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXLVI.

An Act to incorporate the People's Savings Bank, of the City of Trenton.

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Frederick R. Wilkinson, Garret D. W. Vroom, John L. Murphy, Moses D. Naar, Baltes Pickel, Isaac Wood, Joseph MacPherson, Frank S. Katzenbach, Daniel B. Coleman, Henry T. Cox, Joshua S. Day, Alpheus Swayze, Caleb Baker, William H. Barton, Alfred Reed, Crowell Marsh, John H. Scudder, be and are hereby constituted a body corporate and politic by the name of "The People's Savings Bank, of the City of Trenton," and by that name shall be capable of purchasing, taking, holding and enjoying, to them and their successors, any real estate in fee simple or otherwise, and any goods, chattels or personal estate which shall be necessary for the purposes herein mentioned, and of selling, leasing or otherwise disposing of the said real and personal estate, or any part thereof at their will and pleasure; *provided always*, that the clear annual

Corporate
name.

Proviso.

value of such real and personal estate, exclusive of the profits that may arise from any investments in which the deposits may be made, shall not exceed one hundred thousand dollars.

2. *And be it enacted*, That the said institution shall be conducted by five managers, elected by ballot from among the number of the above named incorporators, three of whom shall be a quorum to transact business, and at least three shall be residents of the city of Trenton; and the seat of any manager who shall have neglected to attend for four consecutive meetings may be vacated by the board; the managers shall meet annually on the second Monday in April, and choose one of their number as president; they shall have power to appoint a secretary, treasurer and such other officers as to them shall appear necessary for conducting the business of the institution, which officers so chosen and appointed shall continue in office one year or until others are chosen; and all officers so chosen shall be under oath for the faithful performance of the duties of their offices, respectively, and shall give security, if required, for the faithful execution of the duties of their office, in such sum or sums and such securities as may be directed by the board of managers.

Election of
managers.

3. *And be it enacted*, That the board of managers shall, from time to time, have power to make, ordain and establish such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of meetings of the officers and managers, and for the transacting, managing and directing the affairs of the institution; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state and of the United States of America, and such by-laws and regulations shall be put up in some public and conspicuous place in the room where the business of the said institution shall be conducted, and shall not be altered so as to affect injuriously, any one who may have been a depositor previous to such alteration.

May make by-
laws.

Proviso

4. *And be it enacted*, That the said institution may receive as deposits, all sums of money which may be offered for the purpose of being invested, in such amounts, and at such times, and on such terms as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to the depositor at such times, and with such interest, and under such regulations as the board of managers shall, from time

May receive
and invest de-
posits.

to time, prescribe ; and the said institution may accept and execute all such trusts of every description as may be committed to them by any person or persons whatever, by will or otherwise, or transferred to them by the order of any court.

Rate of interest.

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion as near as may be of the profits, after deducting therefrom all necessary expenses and a reasonable surplus or contingent fund ; *provided*, that said rates of interest may at the discretion of the managers be so regulated as that the interest allowed to depositors having over one thousand dollars deposited shall be at least at the rate of one per centum per annum less than the interest allowed to other depositors.

Proviso.

No compensation to managers.

6. *And be it enacted*, That no emoluments whatever shall, directly or indirectly, be received by the managers or either of them for their services, except the president, secretary and treasurer, and the committee of examination of property offered as security for loans, who shall receive such compensation as may from time to time be established by a majority of the whole number of the managers of said corporation, nor shall any officer or agent of the institution be allowed, directly or indirectly, to borrow any money from said institution or to use the same, except to pay necessary expenses, nor shall the institution take or hold any bonds, mortgages or other securities for the payment of money drawn or endorsed by or existing against any officer or agent of the institution, as security for money loaned by it, unless the same shall have been received in payment of debts due from other parties.

Investment of deposits.

7. *And be it enacted*, That the said corporation may invest the money left with them on deposit in no other public stocks or bonds than such as are created and issued by the United States and by the several states, and by the several counties and cities in this state, under the laws thereof, nor upon bond and mortgage, except on unencumbered real estate, worth at least double the amount invested ; *provided*, said corporation may make temporary loans upon personal securities, with pledges of collateral securities worth at least twenty per centum more than the amount loaned ; but the amount thus loaned on personal security shall not at any time exceed twenty per centum of the whole amount of the assets and securities of the said corporation.

Proviso.

8. *And be it enacted*, That all certificates of evidence of deposit made under the hand of the proper officers of the institution shall be as binding as if the same were made under their common seal. Certificates of deposit.

9. *And be it enacted*, That it shall be lawful for the said institution, at their discretion, to pay to any depositor being a minor, such sum as may be due to such depositor, not exceeding one thousand dollars, in cases where no guardian shall have been appointed for such depositor, and that the receipt and acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person for his or her benefit; married women may deposit money in their own names and receive their interest and dividends thereon, and receive and withdraw the same; and such deposits shall not be subject to the control of the husband nor liable for his debts; nor shall moneys deposited by single women be subject in case of marriage, to the use or control, nor liable for the debts of the future husband. Minors may give acquittance for deposit.

10. *And be it enacted*, That a book shall be kept at the office of the institution, in which any depositor shall be at liberty to appoint a person or persons, to whom, in the event of his or her death, the money shall be paid, if not otherwise disposed of by will, and all payments made to the person or persons so appointed shall be a full discharge of said institution. Depositor may appoint person to receive moneys.

11. *And be it enacted*, That the institution shall not be required to allow interest on a deposit until it amounts to one dollar, nor to allow interest on the fractional part of one dollar, nor shall the institution be required to allow interest on the fractional parts of a month. Limitation.

12. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the institution, and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made. Depositors to have duplicate account.

13. *And be it enacted*, That it shall be the duty of the said institution to make an annual report to the legislature of this state, under the oath or affirmation of the treasurer and a committee appointed for that purpose by the managers of three or more of their number, of the state of its funds, and Annual report to legislature.

such statement shall be published in one or more newspapers published in the city of Trenton.

Vacancies how filled.

14. *And be it enacted*, That the managers shall have power to fill up by ballot, at a regular meeting, after notice of one month, any vacancy which may occur in their own body or officers, by a vote of a majority of the managers present.

Books shall be open to inspection.

15. *And be it enacted*, That the office or place of business of the said institution shall be in the city of Trenton, and the books of the institution shall be open at all times to the inspection and examination of such person or persons as the legislature may from time to time appoint for that purpose.

Act. how construed.

16. *And be it enacted*, That this act shall be and is hereby declared to be a public act, and the same shall be construed in all courts favorably and benignly for every beneficial purpose therein intended, and that no misnomer of the said institution in any deed, grant, devise, or other instrument of contract or conveyance shall vitiate or defeat the same; *provided*, the institution shall be sufficiently described so as to ascertain the intention of the parties; *and provided also*, that the legislature may at any time hereafter amend or modify this act.

Proviso.

Proviso.

17. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXLVII.

A Supplement to an act entitled "An Act for the further revising and amending the act to incorporate the City of Paterson." approved March twenty-fifth, eighteen hundred and sixty-nine.

Salary of aldermen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of each alderman

shall not exceed four hundred dollars per annum, and that no member of the board of aldermen shall, during the period for which he was elected, be competent to hold any other office, the salary or emoluments of which are paid from the city treasury; and if any person shall hold any such office at the time of his accepting the office of alderman, the said office shall thereby immediately become vacant; and if any member of the board of aldermen shall, after his election, accept of any such office, either by election or appointment, his office of alderman shall thereby immediately become vacant, and may be filled according to law; *provided*, that this Proviso. shall not apply to any appointment heretofore made under the one hundred and seventieth section of the act to which this is a supplement.

2. *And be it enacted*, That it shall be the duty of the city Clerk to keep record of bonds. clerk of the city of Paterson to record in a proper book to be provided by the mayor and aldermen of the city for that purpose all official bonds given to the said "The Mayor and Aldermen of the City of Paterson," and in case of the loss or destruction of any of the said bonds the record so made, or a duly certified copy thereof shall be received as evidence in all the courts of this state.

3. *And be it enacted*, That section one hundred and seventy-five, of the act to which this is a supplement, be and the same is hereby repealed. Repealer.

4. *And be it enacted*, That the collector of revenue of said city hereafter appointed shall receive such annual compensation in lieu of that now fixed by the act to which this is a supplement, as the board of aldermen before his appointment shall by resolution fix and determine; *provided*, Proviso. such compensation shall not exceed one per centum of all moneys collected by him for the city in said year, and that said collector of revenue shall receive no further compensation for services for or on account of the sale of any property, real or personal, for the non-payment of taxes or assessments, and shall make no charge therefor, except for actual legal disbursements, which the purchaser shall be required to pay as heretofore.

5. *And be it enacted*, That all city bonds to be issued Bonds to be taxed. under any law hereafter to be passed, shall be subject to taxation in the hands of the holders thereof.

6. *And be it enacted*, That the said board of aldermen Commissioner of sewerage. shall hereafter make no appointment under the one hundred

and seventieth section of the act to which this is a supplement, but after the expiration of the term of the respective commissioners of sewerage now in office, the said board shall appoint one competent person to be commissioner of sewerage for said city, at a salary not to exceed twelve hundred dollars a year, who shall hold his office for one year and until his successor shall enter into office.

Aldermen not
to have inter-
est in con-
tracts.

7. *And be it enacted*, That no member of the board of aldermen shall hold any other office under the city government, the salary or emoluments of which shall be paid from the city treasury, or be in any way pecuniarily interested in any contract, the cost or expense of which shall be payable out of the city treasury, nor become surety for any contractor under the city government, and if any member of the board of aldermen shall be elected or appointed to any such office, and shall accept the same, or be, or become interested pecuniarily in any such contract, or shall become surety as aforesaid, his office of alderman shall immediately thereupon become vacant, and shall be filled in the manner prescribed by law.

Overseer of
the poor.

8. *And be it enacted*, That the overseer of the poor in and for the city of Paterson shall be appointed by the board of aldermen, and not elected as heretofore, but the rights, powers, duties and obligations of the said overseer of the poor shall be the same as are now conferred or imposed by law.

Collector to
serve tax no-
tices.

9. *And be it enacted*, That the collector of revenue of said city shall serve tax notices upon all persons assessed, residing in said city, in the manner heretofore required to be done by ward collectors of said city.

Proceedings
when no
agreement can
be made for
purchase of
lands.

10. *And be it enacted*, That when, in the opinion of the board of aldermen, any land may be necessary for carrying out and perfecting any public improvement, except for streets, avenues or public highways, and the mayor and aldermen cannot agree with the owner or owners of said lands or real estate for the use or purchase thereof, or if by reason of any legal incapacity or absence of such owner or owners no such agreement can be made, the said mayor and aldermen shall give notice to the person or persons interested, if known and in the state, or if the owner or owners be unknown, out of the state, or cannot be found, by publication in one or more newspapers printed and published in said city of Paterson, that they intend to make application to one of the judges of the supreme court of the state of New Jersey, on a day and

at a place to be named in said notice, and not less than twenty days from the service or publication thereof, for the appointment of three commissioners, and on said day, and at the place named in said notice, the said judge shall make said appointment, under his hand and seal; and it shall be the duty of said commissioners, having first taken an oath or affirmation before some person authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding, to meet at such time and place as they shall designate, giving at least fifteen days' notice of their said meeting, as heretofore directed; and on the day so appointed, to proceed to view and examine the said land and premises, and make a just and equitable estimate of the value of the same, and assess the damages which will accrue from taking the same; and the said commissioners shall report in writing, to the parties interested, the whole amount which the mayor and aldermen must pay each owner, with whom no agreement has previously been made, stating in said report the metes and bounds of the lands assessed, which said report shall be filed in the clerk's office of the said city of Paterson, to remain of record therein, and a copy thereof, certified by the clerk of said city, shall at all times be considered as plenary evidence of the right of the said city to hold, use, occupy, possess and enjoy the land so described; and it shall be the duty of the treasurer of said city to pay the owner or owners the amount assessed as aforesaid; and in case the owner or owners refuse to receive the same, live out of the state, cannot be found, or are incapacitated by law to receive the same, then the said sum shall be placed or deposited in like manner as directed by the one hundred and eighth section of the act to which this is a supplement, and thereupon the title of the premises mentioned in the said award, and so paid for, or the money deposited as aforesaid, shall be vested in the said mayor and aldermen.

11. *And be it enacted*, That if said owner or owners or any of them are dissatisfied with the report of the commissioners under the preceding section the said party so dissatisfied may appeal to the circuit court, in the county of Passaic at its next term, whereupon the said court shall proceed to hear and determine the whole matter in the same manner as if said owner had summoned the said mayor and aldermen to appear before them, and if the jury upon the trial of the

Proceedings
in case of ap-
peal.

cause shall find a greater sum than the commissioners have awarded or the mayor and aldermen offered in favor of said owner or owners then judgment thereon with costs shall be entered against the mayor and aldermen; but if the said jury shall find the same or a less amount than the mayor and aldermen shall have offered or the said commissioners awarded, then the person or persons appealing shall pay the costs in such manner as the court shall direct.

Election of
commission-
ers of excise.

12. *And be it enacted*, That at the annual charter election to be held in said city of Paterson on the second Monday in April next, and at each annual charter election to be held in said city hereafter, there shall be elected from among the residents and voters therein, three persons to be commissioners of excise, who shall be freeholders in said city, and who shall constitute a court of excise in and for the city of Paterson, and shall hold their courts on the first Monday in each month from and after their election, and they shall have the same powers, perform the same duties, and be subject to the same liabilities, as the excise commissioners in said city now have, perform and are subject to, under the provisions of the act to which this is a supplement, but the said commissioners shall not receive any compensation for their services, nor shall any license hereafter be granted by the present board of excise of said city,

Term of office
of city clerk.

13. *And be it enacted*, That the city clerk elected on the second Monday in April next shall hold his office for the term of two years, and thereafter the city clerk shall be elected and serve for the term of two years instead of one year as heretofore.

Repealer.

14. *And be it enacted*, That all acts and parts of acts heretofore passed, so far as the same are inconsistent with the provisions of this act, be and the same are hereby repealed.

15. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXLVIII.

An Act to incorporate the Elwood Manufacturing and Building Company.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of cor-
porators.</sup> *the State of New Jersey*, That Francis W. Strong, S. R. Colwell, Albert F. Hall, Elias Wright, Charles B. Thompson, John McNeil, James B. Wright, George W. Rich, Thomas Irving, John B. Mick, Foster F. Sweet, Andrew Clelland and Silas G. Pierce, and their associates and successors, be and they are hereby constituted and declared a body corporate and politic in law, by the name of "The Elwood Manufac- <sup>Corporate
name.</sup> turing and Building Company," with all the rights, powers and privileges incident to a corporation, for the purpose of conducting the business of manufacturing and building, and by that name the said corporation shall have power to agree for and purchase so much land as shall be deemed necessary and expedient by them in the conduct of their business, and to erect such buildings as shall be required for the use of said corporation, and shall also have power to purchase, hold, convey, lease, improve and otherwise dispose of any lands, tenements, hereditaments, goods and chattels whatsoever, and do all other acts and things necessary and proper to effect the objects of said corporation.

2. *And be it enacted*, That the capital stock of this com- <sup>Amount of
capital stock.</sup> pany shall consist of thirty-four shares of a par value of one hundred dollars each, with the privilege of increasing the same to four hundred shares, all of which shall be personal property, and shall be transferable in such manner and subscribed and paid for at such times as the said corporation shall direct, and in case of a failure by any stockholder to pay his or her installments at the time and place appointed for the payment thereof, such stockholders may at the option of the board of directors of said company incur a forfeiture of his or her share or shares, and all previous payments thereon to the said corporation.

3. *And be it enacted*, That the said corporators, Francis <sup>Names of
managers.</sup> W. Strong, S. R. Colwell, Albert F. Hall, Elias Wright,

Charles B. Thompson, John McNeil, James B. Wright, George W. Rich, Thomas Irving, John B. Mick, Foster F. Sweet, Andrew Clelland and Silas G. Pierce shall manage the affairs of said corporation until it shall have been organized as hereinafter provided.

Election of directors.

4. *And be it enacted*, That it shall be the duty of said corporators immediately after the passage of this act, or as soon thereafter as it can consistently be done, to hold a meeting and appoint a time, place and manner in which subscriptions to the capital stock of said corporation may be made, and that so soon as thirty shares shall be subscribed they shall call a meeting of the stockholders, who shall organize the said corporation by electing from their number nine directors, and the adoption of a constitution and by-laws for the said corporation, and at the said election and at all subsequent elections, each stockholder shall have one vote for each share of stock held by him or her, and no more, and a majority of the votes cast shall determine the election.

Powers of directors.

5. *And be it enacted*, That thereafter the said board of nine directors (any five of them shall constitute a quorum) shall manage the affairs of said corporation in accordance with the provisions of this act, and the constitution and by-laws adopted by the stockholders aforesaid; and that the said directors may make such dividends as the profits, plans and rules of the said corporation will allow.

Annual statement.

6. *And be it enacted*, That it shall be the duty of the directors of the said corporation to call an annual meeting of the stockholders, at the time fixed in the constitution adopted as aforesaid, and to make a report at each annual meeting setting forth the affairs of the company, and that if required by any of the stockholders, shall produce the books, accounts and papers of the company; and if the directors shall neglect or refuse to call an annual meeting of the stockholders at the time prescribed, then said meeting may be called at any time thereafter by any number of stockholders holding not less than ten per cent. of the stock paid in.

Acts legalized

7. *And be it enacted*, That so far as said company, consisting of the aforesaid persons and their associates, is already incorporated and organized and has executed its business in conformity to the foregoing provisions of this act, such incorporation and organization, and such business transactions shall be and are hereby declared to be legal and

valid, the same as though the organization and transactions of its business had been executed subsequent to the passage of this act.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCXLIX.

An Act to incorporate the Middletown and Holmdel Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and hereby are ordained, constituted and made a body corporate and politic, in fact and in law, by the name of "The Middletown and Holmdel Turnpike Company," and that the following named persons, to wit: Richard Crawford, Peter S. Golden, Charles Magee, Daniel Bray, Doctor Henry Cooke, John B. Story, Edward Beekman, Gilber H. Vermater, George S. Jones and Joseph J. Osborn, or a majority of them, are hereby appointed commissioners to open subscription books and receive subscriptions to the capital 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 a newspaper published in the county of Monmouth.

2. *And be it enacted*, That the capital stock of the said company shall be six thousand dollars, with power to increase the same to fifteen thousand dollars, and shall be divided into shares of twenty dollars each; that at the time of subscribing to the said stock, one dollar shall be paid in cash upon each share subscribed for to the said commissioners, or any of them, which money shall be paid over to the treasurer

of said company as soon as one shall be appointed; that the residue of said stock shall be paid to the treasurer in such installments, and at such times and places, as the board of directors of said company shall, from time to time, direct; that upon the failure of the payment thereof as so directed, the said board shall have power to forfeit the shares of each and every person so failing to pay said installments, or any of them, to and for the use of said company.

Election of
directors.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, three of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; that when one hundred and fifty shares of said stock shall be subscribed for the said commissioners, or a majority of them, shall call a meeting of the said stockholders, giving at least ten days' notice of the time and place of said meeting, in a newspaper aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors for the term of one year, who shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be the judges; and that at the expiration of said term, and annually thereafter, upon like notice being given by the existing board of directors, the stockholders shall elect, by ballot, seven directors, who shall be citizens of this state, and the judges of such election shall be appointed by the president; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share of stock by the holder thereof, in person or by proxy; and in case it shall happen that any election of directors shall not be made on the day when, pursuant to this act, it ought to be made, said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

Election of
president.

4. *And be it enacted*, That so soon as conveniently may be after the first and subsequent annual election of directors, they shall elect from their number a president of said company for the term of one year and until another shall be elected, who shall receive such compensation for his services as the board of directors may direct; he shall keep the seal of said company and preside at all meetings of said board,

and in case of his absence, the said board shall appoint one of their number, who, for the time being shall possess the same power and authority and perform the like duties; and the board of directors may fill any vacancy that may occur therein until the next annual election and may exact from the president, treasurer, and other officers and agents of said company such security for the due performance of their respective trusts as they may deem expedient, and special meetings of said stockholders may be called by the said board, 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 and the object for which the meeting is called.

5. *And be it enacted*, That at the annual meeting of the stockholders the board of directors for the preceding year shall exhibit to them a full and complete statement of the affairs of the company during their said term; and the said company shall have the privilege of erecting toll-houses, and collecting toll as soon as one mile or more of said road is completed.

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from the village of Middletown to the village of Holmdel in the county of Monmouth, and the said company may by their officers, agents or other persons in their employ enter from time to time and at all times upon all lands necessary to make said road, and also to search for stone, gravel, sand or clay for constructing and keeping up said road, doing no unnecessary damage to said land; *provided*, that before said company shall construct the said turnpike road aforesaid, they shall pay to the respective owners of the land selected for constructing the said turnpike road, all damages which the said owners will sustain by reason of the construction of the said turnpike road; and in case the said company and any of the said owners cannot agree upon the amount of the said damages, then the said damages shall be ascertained and determined as nearly as may be in the manner hereinafter provided for ascertaining and determining the damages which any land owner or owners shall sustain by the taking of stone, gravel, sand or clay from his or her lands for the constructing or maintaining of said turnpike road.

7. *And be it enacted*, That the width of said turnpike road shall be governed by the width of the road along which it

may be constructed, and shall be sufficiently arched and drained to make and keep the same dry, and at least fourteen feet six inches thereof shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon, and the said company shall make good and sufficient bridges along the line of the said road, and the bridges already constructed on said route shall be deemed of sufficient width for the purposes of this act; and whenever the said road in passing over low ground shall be raised so much at the margin or side as to render carriages passing thereon liable to upset, the said company shall cause good and sufficient railings to be erected and maintained on the sides so as to prevent horses and carriages from running off.

Proceedings
when no
agreement can
be made be-
tween compa-
ny and owners
of land

8. *And be it enacted*, That it shall be lawful for said company, their agents, superintendents, engineers and all persons employed by them, with carts, wagons and other carriages, and with beasts of burden and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosure thereof, and make any ditches and underdrains across and through said lands as are necessary for the proper drainage of said road, and to take and carry away stone, gravel, clay or sand, or other material therefrom, suitable for making or repairing said road; and if the said company or their agents, and the owner or owners of such required land or materials, cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or judge of the court of common pleas, of the county of Monmouth, upon application of either party, and after six days' notice in writing to the opposite party of such application, and after hearing the parties to appoint three disinterested, impartial and judicious freeholders, residents of the state, commissioners to assess the price or value of such lands or materials, as may be required by said company, and all damages that may be sustained by reason of the appropriation of the same to the use of said company, who shall before they enter upon the duties of their appointment be duly qualified, according to law, faithfully and impartially to execute the duties thereof, and after six days notice in writing to both parties of the time and place, shall meet, view the premises, hear the parties, and evidence if desired, and

thereupon make such decision and award as to them may appear just and equitable, and transmit such award and decision, in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the county of Monmouth, to be by him filed as a public record, and certified copies taken if desired by either party; and upon payment or tender of the sum so awarded by the commissioners, the said company or their agents may enter upon the said lands, or remove all such materials as have been appraised as aforesaid, and when by reason of any legal incapacity, or the absence of the owner or owners of said land or materials, no agreement can be made with said company, then it shall be the duty of said company to pay the amount of any awards made in behalf of any such persons by commissioners appointed as aforesaid, into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of said owner or owners.

9 *And be it enacted*, That as soon as the said company shall have constructed said road according to the directions of this act, and the true meaning and intent thereof it shall and may be lawful for them to erect toll houses upon, and gates or turnpikes across the same, and to demand and receive toll for traveling each mile, and all fractions over half a mile of the said road at the following rates to wit:

For every carriage, sleigh or sled drawn by		Rates of toll.
one beast,	one cent;	
For every additional beast,	one cent;	
For every horse and rider, or led horse or mule,	one cent;	
For every dozen calves, sheep or hogs,	one and a half cents;	
For every dozen of horses, mules or cattle,	four cents;	

and it shall and may be lawful for the toll gatherers to stop all persons riding, leading, or driving any horses, cattle, mules or sheep, calves or hogs, or carriages of burthen or pleasure, at the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of, or from any person passing to or from public worship on the sabbath day, or horses, carriages, sleighs or sleds, carrying persons to or from a funeral or any person passing from any part of his farm to any other part of the same on the common business thereof.

10. *And be it enacted*, That before the said company shall receive toll for traveling said road they shall cause mile-

Shall cause
mile stones to
be erected
and rates of
toll posted.

stones or posts to be erected and maintained, and on each stone or post shall be fairly and legibly marked the distance said stone or post is from Middletown, and shall cause to be fixed at the gates or turnpikes aforesaid in some conspicuous place a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be painted in large letters, "keep to the right as the law directs, penalty ten dollars."

Penalties for
avoidance of
toll.

11. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the mile-stones or posts so erected on said turnpike road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of ten dollars, besides being subject to an action for damages for the same, to be recovered by the said company by action of debt or other proper action in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or vehicle turn out of said road to pass a gate or gates upon private grounds adjacent thereunto, with the intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay five times as much as the legal toll would have been for passing through said gates, to be recovered by said company, for the use thereof in an action of debt, with costs of suit.

Penalty for
taking illegal
toll

12. *And be it enacted*, That if the said company shall demand more toll than is by this act established, it shall for every such offence forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so defrauded.

Penalty for
obstructing
road.

13. *And be it enacted*, That all drivers of carriages, sleighs or sleds, of every description, whether of burden or pleasure, or persons on horseback, using the said road shall keep their horses or vehicles on the right hand side of the road, free and clear from other vehicles or persons on horseback to pass; and if any person shall offend against this provision such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage and will sue for the same, and shall also be subject to an action for damages for every such offence to be recovered with cost of suit.

14. *And be it enacted*, That if the said company shall not keep the road and bridges in repair, it shall be the duty of any judge of the court of common pleas of the county of Monmouth, upon complaint being made to him in writing, stating the bridge, or part of the road that is out of repair, specifying the particular defect; and after four days' notice in writing to said company, specifying the particular part of the road or bridge, the particular defect complained of, and after hearing the parties, if the said company should not have mended or repaired the bridge or part of the road complained of, to appoint under his hand and seal three judicious, disinterested freeholders of the county of Monmouth, not residing in any township through which said road passes, who, having been duly qualified according to law to act impartially in the case, shall proceed to view and examine the said part of the turnpike road, or bridge so complained of, and report to the said judge in writing under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept; and if the report be unfavorable to the said road, said judge shall immediately in writing, under his hand and seal, order the keeper of the gates or turnpikes established on the division complained of, to keep open the same until otherwise ordered, and if the said keeper shall, notwithstanding the order of the said judge to open said gate or turnpike, exact toll of travelers, the said company shall, for each offence, forfeit and pay twelve dollars, to be sued for by any person who shall prosecute for the same in an action of debt, with costs of suit; and the said judge shall be allowed for his services one dollar, and the persons appointed, one dollar each, to be paid by the company; and upon due proof before said judge that said company have repaired or mended said road or bridge in the particular complained of, he shall by license under his hand and seal directed to the toll-gatherers, permit the gates or turnpikes to be shut and the toll to be collected as before, and the same fee shall be allowed and paid as before directed; but if on view as before mentioned, the report of the persons appointed or a majority of them should be in favor of the company, the same fees shall be allowed as before prescribed, and be paid by the person or persons making the complaint.

15. *And be it enacted*, That the said company may construct their said turnpike on and over the following route:

Proceedings
when road and
bridges are
not kept in
repair.

Route of
turnpike.

beginning at or near where the Keyport turnpike ends, in the village of Middletown, in the county of Monmouth, and running thence along or near the most direct public road to the village of Holmdel, in said county of Monmouth, ending at or near the turnpike leading from Holmdel to Keyport in the village of Holmdel; *provided*, that so much of any and all public roads as are followed and taken between the aforesaid termini of "The Middletown and Holmdel Turnpike road," be, and the same are hereby vacated as soon as this turnpike is organized.

General powers.

16. *And be it enacted*, That this act shall take effect immediately, and that the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," so far as the same are applicable.

Approved March 17, 1870.

CHAPTER CCCCL.

An Act to incorporate the Dover Land and Building Association.

Names of incorporators.

Corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Richards, Columbus Beach, William H. Lambert, James H. Simpson, Henry D. Van Nostrand, and all such persons as may hereafter be associated with them, their successors and assigns, shall be and the same are hereby constituted and declared a body corporate and politic, in fact and in law, by the name of the "Dover Land and Building Association," and by that name shall be capable in law of purchasing, using, letting, holding, improving, disposing of and conveying any lands, tenements, hereditaments and appurtenances thereto belonging, in the township of Randolph, county of Morris, goods and chattels, and of performing all other acts necessary or proper for accomplishing the objects of the said corporation hereby granted, and may receive and make all deeds, transfers, conveyances,

covenants, grants, contracts, agreements and bargains whatsoever necessary for the said purposes.

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each; but as soon as twenty-five thousand dollars of said stock shall have been subscribed and shall be paid in, or secured to be paid in, it shall be lawful to carry into effect the objects of said corporation, and it shall be lawful for the directors of said company to call and demand from the stockholders thereof, respectively, such installments, and at such times and in such proportions, and upon such notice as they may deem proper; and in case of failure by any stockholder to pay his or her installment or installments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall, if the association shall so direct, incur a forfeiture of his or her share or shares, and of all previous payments made thereon for the use of the association.

Amount of
capital stock

3. *And be it enacted*, That the capital stock shall be deemed personal property, and the said shares shall be transferable only on the books of the association, in such manner as the board of directors by their by-laws may direct, and every share of stock shall entitle the holder thereof to one vote, either in person or by proxy.

Stock trans-
ferable.

4. *And be it enacted*, That the affairs of said association shall be managed by a board of not less than five nor more than nine directors, to be chosen by the stockholders annually, at such time and place, and in such manner as by the by-laws of said association may be directed, and who shall serve for one year and until others shall be chosen in their stead, notice of which election shall be given previously for two weeks at least in one of the newspapers published in the county where said election is to be held; that a majority of said board shall be a quorum to transact business; that the said directors shall from time to time elect a president out of their body, and shall also elect and employ such other officers as they may deem necessary; that said directors may fill vacancies in said board until the next annual election, and that the incorporators named in this act shall be the first directors of said association, who, or a majority of them, shall as soon as convenient after the passage of this act assemble and organize

Annual elec-
tion of direc-
tors.

said association, and shall continue in office until others, as hereinbefore directed, shall be chosen in their stead.

Not dissolved
by failure to
elect directors

5. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of said corporation shall direct.

How dissolved

Proviso.

6. *And be it enacted*, That the said association may be dissolved by a general meeting of the stockholders specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being, and the survivor or survivors of them, or such persons as the stockholders shall appoint, shall be trustees for settling all the affairs of the association, collecting or disposing of its property, paying its debts, and dividing the surplus among the stockholders in proportion to their respective interests in the stock.

Limitation.

7. *And be it enacted*. That this act shall continue in force for thirty years, and it shall be lawful for the legislature of this state to alter, modify or repeal the same whenever the public good may require it.

Powers and
restrictions.

8. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, as far as applicable.

Principal of-
fice.

9. *And be it enacted*, That the principal office of said corporation shall be in Dover, in the county of Morris.

10. *And be it enacted*, That this shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLI.

A Further Supplement to "An Act to revise and amend the charter of the town of Orange," approved March third, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the sums of money, which the common council of the said town of Orange, under and by virtue of the twenty-first section of said act, are now authorized to borrow, in anticipation of taxes and assessments for improvements, the said council shall have power to borrow the further sum of ten thousand dollars, in anticipation of the taxes for any current year, and also the further sum of twenty thousand dollars in anticipation of any assessment or assessments for any improvement mentioned in said section; and may secure the repayment thereof, in the same manner, and subject to the same proviso.

2. *And be it enacted*, That for the purpose of improving the streets and highways of said town, the said council shall have power, from time to time, to borrow any sum or sums of money not exceeding, in the whole, the sum of twenty thousand dollars; and to secure the repayment of the same, with legal interest thereon, in such manner, and upon such terms, as to the said council may seem proper, by the issuing of bonds, to be signed by the mayor, and countersigned by the town clerk, and to be sealed with the common seal of said town; and that the principal and interest moneys shall be paid and extinguished in the same manner as any other indebtedness of said town.

3. *And be it enacted*, That in case any street shall have heretofore been, or shall hereafter be conveyed by the owner or owners thereof unto the said town, by its corporate name, for the purposes of a public highway, it shall be lawful for the said council, by ordinance, to accept and to lay out and open the same in the usual mode; *provided, however*, that no compensation shall be made therefor to said owner or owners.

4. *And be it enacted*, That whenever any building, or any

Proceedings
for removing
buildings on
the line of
streets, &c.

part of any building, shall stand within the lines of any street, highway or alley, which shall have been laid out and opened, or which shall have been straightened, altered or widened, by any ordinance of the said council, and the owner or owners of said building, or said part of a building, shall have neglected to remove the same, it shall be the duty of the board of assessment, or of any three of them, to sell and dispose of the same, to the highest bidder, at a public auction, of which they shall have given at least two weeks' notice in a newspaper printed in the town; and that they shall have power to adjourn said sale from time to time, as they may seem fit, by making public proclamation thereof at the time of such adjournment; and that they may undertake to deliver possession of said building, or said part of a building, to the purchaser thereof, at any time thereafter which they may determine to be just and fair to the former owner or owners thereof; and that it shall be the duty of such former owner or owners, or his, her or their tenant or tenants, to vacate and yield up the possession of the same, at the time so determined; and that the amount for which the same shall be so sold, after deducting the expenses of said sale, shall be deemed and taken to be the true and actual value thereof, and shall be added to and form a part of the damages to be assessed by said board for the lands and real estate of said owner or owners to be taken for or damaged by the improvement, and, in making the assessment of the benefits of said improvement, shall be deducted from the amount of damages for which said assessment; and that, when the proceeds of said sale shall be collected, the same shall be paid over unto the collector of taxes for said town, and be credited by him on account of the moneys to be received for said improvement.

Collection of
assessments.

5. *And be it enacted*, That in addition to the remedies already provided by said act for the collection of any assessment, it shall be lawful for said council to direct, by resolution, that any assessment, whether heretofore made or hereafter to be made, under and by virtue of said act, or of any supplement or supplements thereto, shall and may be collected in and by an action at law; and that said action may be brought in any court of competent jurisdiction, in either debt or assumpsit, against the owner or owners of the lands and real estate assessed, for the amount of such assessment, with interest and costs; and that in such action it shall be lawful to declare generally, and to give the special matter in

evidence; and that either party may have the same remedy against the judgment to be rendered in said action, by appeal or otherwise, as though said parties were private individuals.

6. *And be it enacted*, That all collectors, constables, or other officers having any taxes for any year or years, previous to the passage of said act, remaining in their hands uncollected and unpaid, shall, within thirty days after the passage of this supplement, and also every collector of taxes for said town, now or hereafter to be appointed, shall, within thirty days after the expiration of his term of office, severally make out a list or statement of all taxes remaining in their hands uncollected and unpaid, together with the names of the delinquents, and with the sums due from them respectively thereto annexed, and shall return and deliver the same to the town clerk, who shall lay the same before the next meeting of the common council; and that it shall then be lawful for said council, by resolution, to order a warrant or warrants to be issued, in the name and under the seal of the town, signed by the mayor and attested by the town clerk, and directed to the collector of taxes of said town, or to any other person or persons whom the said council may appoint, requiring him or them to levy the taxes so in arrear, with interest thereon as was reserved in and by the several acts under which said taxes were assessed, and with costs, in the same manner that the taxes in the townships of the county of Essex are levied; and that said warrant or warrants shall correspond as closely as may be to the warrant mentioned in the eighteenth section of the act entitled "An Act concerning taxes," approved April fourteenth, anno domini eighteen hundred and forty-six; and that the person or persons to whom said warrant or warrants may be directed, shall perform the same duties, and have the same powers, receive the same compensation, and be subject to the same forfeitures and penalties, as constables or collectors under such last mentioned act, or any supplement or supplements thereto; and that when said warrant or warrants shall not be fully executed, it shall be lawful for the said council to order a new warrant or warrants to be issued in the same manner, and for the like purpose, to the same or to any other person or persons; and that when said taxes are liens upon any real estate, the payment of the same, with interest and costs, shall and may be enforced in the same manner as the payment of other taxes which are liens

Return and
collection of
delinquent
taxes.

Proviso.

upon real estate, under and by virtue of the act to which this is supplement; *provided*, that it shall not be necessary to make the abstract of such taxes, and to enter the same in "the record of unpaid taxes," until such time as the said council shall by resolution appoint.

Commissioners to make assessments according to benefits received by lands.

7. *And be it enacted*, That the commissioners of assessment, in making any assessment for either the benefits or the expense attending any improvement mentioned in the thirtieth section of the act to which this is a supplement, or in any former supplement to said act, shall assess said benefits, or said expense, as the case may be, upon the owner or owners of any lands and real estate on the line of said improvement, which, in the opinion of said commissioners, or any three of them, will be peculiarly benefited thereby, and in such proportions as they may consider such lands and real estate to be so benefited, and to the extent of such benefit; and that any excess of said benefits or expense, as the case may be, shall be assessed by the said commissioners on the town at large, and shall be levied and collected as a part of the tax for the contingent expenses of said town; and that the common council, in considering the report and maps made by the said commissioners, shall and may adopt and ratify the said report, with or without alteration as to them may seem proper, and that in any alteration of any part of such assessment, the said council shall make such new assessment upon the same principle as the assessment already made by the commissioners, and shall not be limited as to the proportion which is to be assessed upon the town at large.

President of council.

8. *And be it enacted*, That the common council may, at their convenience, from time to time, elect any one of their own number to act as president at their meetings, for the year then current and ending with the fourth Tuesday in March; that such president shall always preside in the absence of the mayor, or if both be absent, then the council may choose another of their own number to preside pro tempore.

Approved March 17, 1870.

CHAPTER CCCCLII.

An Act to regulate the Fishing with Seines in Dennis township,
county of Cape May.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be ^{Penalty for fishing with seines over a certain length} lawful for any person or persons to use, set, haul or fish any seine or net of any description of more than twenty-five fathoms in length in the waters of Dennis township, in the county of Cape May, under a penalty of fifty dollars for each offence, to be sued for and recovered in an action of debt, by any person who shall sue for the same, before any justice of the peace of this state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLIII.

An Act to incorporate the Dea's Point and New York Ferry
Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Brown, Howard Potter, F. C. Cossett, John S. Schultze, John Crosby Brown, Samuel S. Osborne, Clarence S. Brown and such other persons as may become associated with them, by becoming stockholders as herein provided, and their successors and assigns are hereby created a body corporate and politic, by the name of "The Dea's Point and New York Ferry Company," for the purpose of establishing and maintaining a steamboat ferry ^{Names of corporators.} ^{Corporate name.}

between some suitable point at or near Dea's Point, on the Hudson River, in Weehawken township, Hudson county, state of New Jersey, and some suitable point or points in the city of New York; with power to build boats, wharves, piers, bulk-heads and all other improvements necessary to carry out the objects of this corporation; and they and their successors and assigns, in their corporate name, shall be and are hereby empowered to have, purchase, receive, lease, hold and enjoy all such real and personal estate and property as may be necessary and useful for the purposes of said ferry, and the same to grant, demise, alien, pledge, convey and dispose of, and to have and enjoy, and exercise all the rights, powers and privileges pertaining to corporate bodies, for the purposes of this act; and at any time during the continuance of its charter, the said corporation shall be empowered to make contracts and engagements with any other corporation, or with individuals for transporting or carrying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contract.

Commission-
ers to receive
subscriptions

2. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and at such place or places as they or a majority of them may think proper, by giving ten days' previous notice, in two newspapers published and circulated in Hudson county.

Directors,
how chosen,
&c.

3. *And be it enacted*, That the affairs of said company shall be managed and directed by a board of five directors, one of whom shall be president, being stockholders, who shall hold their office for one year, and until others are elected in their stead; the first directors shall be elected at a meeting of the stockholders, to be called for that purpose by the commissioners, or a majority of them, on like notice as above; and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president; and after the first election, the directors shall be elected annually by the stockholders, on like notice; every stockholder shall be entitled to one vote for each share of stock held by him, and may vote in person or by proxy.

General pow-
ers.

4. *And be it enacted*, That the president and directors shall have power to make and establish such laws, rules and regulations for the management and disposition of the affairs and

property of the company, as may be deemed meet and necessary for the purposes of this act, not inconsistent with the laws and constitution of this state or of the United States, and the same to alter and repeal; they shall have power to appoint such officers and agents as they may think proper, and to remove them at pleasure, and also to fill any vacancy which may occur among the said president and directors, by death, resignation or otherwise, and to have and use a common seal, and to alter and change the same at pleasure.

5. *And be it enacted*, That the capital stock of said company shall be two hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, to be divided into shares of one hundred dollars each; that the sum of ten dollars shall be paid on each share at the time of subscribing, and the remainder in monthly installments of ten dollars, until the whole be paid; and it shall be lawful for the said company to grant certificates of stock in full, or in part payment, for the real or personal estate that may be purchased or leased by them; and the said company may commence operations as soon as fifty thousand dollars is subscribed; and thereafter the said president and directors may receive subscriptions for such part of the balance of said capital stock as they may deem necessary; and may ask and demand from the subscribers payment for the same, in monthly installments, as aforesaid, upon the penalty of forfeiting the shares and all previous payments made thereon.

6. *And be it enacted*, That the capital stock of said company shall be deemed personal estate, and shall be transferable in such manner as the by-laws of the said company shall direct.

7. *And be it enacted*, That in case an election of president or directors shall not be made at the time when, pursuant to this act, it ought to be made, the said company shall not in that case be deemed to be dissolved, but it shall be lawful to make such election at such time as may be provided by the by-laws of the company.

8. *And be it enacted*, That the said president and directors shall at the annual meeting of the stockholders make out and exhibit a full and true account of the operations and of the affairs of the company, and from time to time make a dividend of the profits arising therefrom.

9. *And be it enacted*, That said company shall be entitled to ask and receive such reasonable rates of toll for transpor-

tation over said ferry as by the by-laws of said company may be established, such tolls not to exceed the following:

Rates of toll.	For each passenger,	five cents ;
	For each one horse wagon and driver,	twenty cents ;
	For each two horse wagon and driver,	twenty-five cents ;
	For each man and horse,	ten cents ;
	For each horse or mule,	five cents ;
	For neat cattle,	five cents ;
	For sheep, lambs and swine,	three cents ;
	For all other kinds of merchandise,	

five cents per hundred pounds.

Penalty for
injury to prop-
erty.

10. *And be it enacted*, That if any person or persons shall wilfully injure, impair, destroy or obstruct the wharves, slips, bridges, piers, boats, buildings, fences, gates, or any other of the works, engines or machines of said company, 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 recovered before any justice of the peace in this state, and shall also be liable, in addition to the above penalty, to double the amount of damages sustained thereby, to be recovered in an action of trespass, or other proper form of action, in any court of competent jurisdiction.

Limitation.

11. *And be it enacted*, That this act shall continue in force for thirty years, and that unless said company within five years from the passage of this act shall have established a ferry, this act shall be void.

12. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLIV.

A Supplement to "An Act to incorporate the Irvington and South Orange Horse Railroad Company," approved March thirty-first, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Amendment.} *the State of New Jersey,* That so much of the act incorporating the Irvington and South Orange Horse Railroad Company, of which this is a supplement, be so amended as to authorize and empower said company to operate their road with dummy engines or steam power.

2. *And be it enacted,* That all acts and parts of acts to ^{Repealer.} which this is a supplement, and which conflict or are inconsistent therewith, be, and the same are hereby repealed, and this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLV.

A Further Supplement to "An Act to make taxes a lien on real estate, and to authorize sales for the payment of the same," approved March seventeenth, eighteen hundred and fifty-four.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Term of years within which lands sold for taxes may be redeemed.} *the State of New Jersey,* That in all cases of sale hereafter made of any lands, tenements, hereditaments and real estate, situated in the township of Mullica, in the county of Atlantic, in this state, in pursuance of the act to which this is a supplement, and the supplement to said act, approved

March twenty-fifth, eighteen hundred and sixty-three, the said lands, tenements, hereditaments or real estate so sold, shall be sold, not for a term of years, but absolutely forever, in fee simple, but may be redeemed by the owner or owners, or by any other person for and on behalf of the owner or owners of such lands, tenements, hereditaments or real estate, at any time within three years after the time of such sale, by paying to the purchaser thereof, or his or her legal representative, the amount paid therefor by such purchaser, together with any other sum or sums paid for taxes or assessments which the said purchaser may have paid, chargeable on said lands, tenements, hereditaments or real estate, and which he or she is hereby authorized to do, with interest thereon, at the rate of twelve per centum per annum in addition thereto; and upon such payment being made to such purchaser, or his or her legal representative, he, she or they, shall re-convey and restore to the owner or owners, such lands, tenements, hereditaments and real estate, and on failure of such redemption money being paid within the time above limited for such redemption, the right of redemption shall cease, and such sale shall vest in said purchaser an absolute and fee simple title.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be, and the same are hereby repealed, so far as they apply to the township of Mullica.

3. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLVI.

Supplement to the act entitled "An Act to incorporate the Plainfield Gas Light Company," approved March thirteenth, eighteen hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said Plainfield Gas Light Company to borrow money not exceeding two-thirds of their capital stock paid in, and to secure the same by bonds or other evidences of debt, bearing interest not exceeding seven per centum per annum, and by a first mortgage upon their property, franchises and privileges, and by such other assurances as they may deem expedient; *provided*, the same shall be done by a vote of the majority of the stock of the said company.

May borrow money and issue bonds.

2. *And be it enacted*, That the management of the concerns of the said company shall be vested in five directors, three of whom shall be residents in Union county, to be selected from the stockholders, in the same manner, and subject to the same provisions as hereinbefore provided.

Directors.

3. *And be it enacted*, That all acts and parts of acts consistent with the provisions of this act, be and the same are hereby repealed.

Repealer.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLVII.

An Act to incorporate the American Odorless Sink Evacuating Company.

Names of corporators.

Corporate name.

May hold real and personal estate.

May make contracts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Leonhardt Schmidt, John G. Berger, Adam Gaertner, Jr., George Joeckel, Charles Spielmann, Michael Beisbarth, Ernst Heppe, and such other persons as may hereafter be associated with them, be and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law by the name of "The American Odorless Sink Evacuating Company," and by that name they and their successors may have perpetual succession and by that name shall in law be capable of suing and being sued in any court whatsoever, and may have a common seal, with power to alter the same; and by that name shall have all the rights, powers and privileges incident to a corporation, for the purpose of evacuating sinks, cesspools, and other places, containing substances, injurious to health and comfort, and removing therefrom such substances in an odorless manner by means of machinery, invented by the said John G. Berger, and secured to him by letters patent of the United States of America, bearing date November second, eighteen hundred and sixty-nine; or by means of any other improved or newly invented machinery or apparatus, or otherwise.

2. *And be it enacted*, That said corporation, its successors and assigns, shall have power to purchase and hold in fee simple, or otherwise, and to hire, lease, sell, convey and otherwise dispose of such lands, tenements, hereditaments, buildings and appurtenances thereof, and such machinery, goods and chattels, effects and other personal property, as may be necessary or convenient for its purpose, and to carry on its business.

3. *And be it enacted*, That said corporation may receive from any person or corporation for services rendered in its said business, such reasonable compensation as it shall fix from time to time; and may authorize any other per-

son or persons, corporation or corporations, to exercise the whole or any part of its rights, powers and privileges, in certain cities, towns, or districts, as may be agreed upon between them by contract, and any and all corporations are hereby authorized to enter into any such contract with the said corporation hereby created.

4. *And be it enacted*, That the said corporation is hereby authorized to issue five thousand shares of stock at ten dollars each, with the privilege of extending the number of such shares to fifty thousand. Shares of stock.

5. *And be it enacted*, That as soon as one thousand of such shares shall be subscribed for, and ten per centum of the amount thereof paid in, the said corporators and their associates shall call a meeting of such shareholders, by advertisement in one paper for the space of thirty days, to elect seven directors, five of whom shall be residents of New Jersey ; and such directors, when so chosen, shall elect from among their number a president, a secretary and a treasurer, and shall fix their duties and powers, and shall make and establish by laws for their guidance and government, and shall fix the salaries of their officers and all others employed by the said corporation. Election of directors.

6. *And be it enacted*, That all documents shall be signed by the president and treasurer, sealed with the common seal and attested by the secretary. Documents.

7. *And be it enacted*, That said corporation may issue bonds and other certificates of indebtedness to creditors, or in trust, and secure the payment of the same by mortgage on its real and personal property, patent and chartered rights or otherwise. May issue bonds and secure the same by mortgage.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLVIII.

A Further Supplement to the "Act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven.

Extension of
Nicholson
street.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of the city of Newark are hereby authorized to open and extend Nicholson street in said city, from its present terminus to Market street, notwithstanding any provision in the act entitled "An Act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Newark," approved March twentieth, eighteen hundred and fifty-seven, or any supplement thereto.

Proceedings
for opening
streets.

2. *And be it enacted*, That the proceedings of the common council in opening and extending said street, shall be the same as now provided by law for opening streets in said city.

3. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLIX.

An Act to incorporate the Caledonian Club of Hudson County.

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Reekie, John McInnes, Thomas Walker, John Kerr, Alexander Robertson, Alexander R. Myddleton, William Cranstown, Robert Craig, William Wardross, Duncan Lowrie and Thomas Kerth, and

such other persons as may become members of the corporation hereby created, are constituted and declared to be a body politic and corporate by the name and style of "The Caledonian Club of Hudson County," and by that name they and their successors shall have perpetual succession and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts, and places whatsoever, and may have a common seal and alter and change the same at pleasure, and that they and their successors by the said name shall be capable in law to purchase, take, receive and hold any estate, real or personal, either by devise or otherwise, to the use of them, their successors and assigns, and to lease, sell, convey, or otherwise dispose of the same as to them shall appear necessary for promoting the interests of their incorporation; *provided*, the yearly income of such real and personal estate shall not at any time exceed the sum of five thousand dollars. Corporate name. Proviso.

2. *And be it enacted*, That the said corporation is hereby created for the purpose of preserving the ancient literature, costumes and games of Scotland, establishing a lecture room and library, and for such charitable purposes as the members of said association, or a majority of them, may by their constitution and by-laws direct; and the estate and funds of the said corporation after paying all proper charges and expenses shall be exclusively used for the objects aforesaid; so far as they may deem it expedient, to apply their funds to the purchase of real estate and the improvement and erection of buildings thereon for the benefit, accomodation and use of the members of said corporation, which real estate they may again sell, and reinvest the proceeds thereof as they may deem expedient. Objects.

3. *And be it enacted*, That the said corporation shall have power from time to time to make and establish such constitution, by-laws, rules and regulations as they shall judge proper, to provide for and regulate the election of officers and members of said body, for the imposing and collection of admission fees, fines and contributions from the members, for regulating the times and places of meeting, for suspending or expelling such members as refuse or neglect to comply with said constitution, by-laws and regulations, and generally for the management and direction of the said corporation. General powers.

4. *And be it enacted*, That the officers of said corporation shall consist of a president, a vice president, a treasurer, a Officers.

recording secretary, and a corresponding secretary, who shall be elected annually at such time as they by their constitution appoint, and shall hold their respective offices for one year, or until successors are elected.

Directors.

5. *And be it enacted*, That the business affairs of said corporation shall be transacted by a board of eleven directors, who shall be elected annually and shall hold their office for the term of one year, and that a majority of said board shall have power to make contracts and to buy and sell property for the use of and in the name of the said corporation, and that all acts and deeds made and done by a majority of said board of directors in their official capacity, shall be deemed the act and deed of the said corporation.

First directors

6. *And be it enacted*, That the incorporators named in the first section of this act shall constitute the board of directors for one year from the twenty-fourth day of September last and until successors are appointed or elected.

Treasurer to
give bond.

7. *And be it enacted*, That the treasurer of said corporation may be required to give bond in such sum as the board of directors may require, with approved security, to said association by their corporate name, conditioned for the faithful performance of the duties of his office, and said bond shall be valid in law.

Act may be
repealed.

8. *And be it enacted*, That the legislature reserve the right at any time hereafter to repeal, alter or modify this act.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLX.

A Supplement to the "Act to incorporate the City of Bergen," approved March eleventh, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all roads, streets and avenues,

or any part thereof now used by the public within the corporate limits of the city of Bergen owned or used by any corporate body either by right of purchase or grant, it shall be lawful for the mayor and board of aldermen of said city by resolution to widen and straighten the same, to improve by grading, curbing, flagging, and paving all or any part of said roads, streets and avenues, when widened and straightened at any time whether said roads, streets and avenues are under contract or not, and all costs and expenses of said widening and straightening, and for grading, curbing, flagging and paving the full width of said roads, streets and avenues when completed shall be assessed and collected according to the provisions of the charter of the city of Bergen and the supplements thereto, and all improvements made and work done under the provisions of and in accordance with this section shall be legal and in nowise affect the legality of the assessment to be levied for the same notwithstanding any provisions in said charter of the city of Bergen to the contrary.

May widen
and straighten
roads and ave-
nues.

2. *And be it enacted*, That the mayor and board of aldermen of the city of Bergen are hereby authorized, if in their judgment they deem it to the interest of the city and property owners to change the grade of any portion of any road, street or avenue in said city, by resolution upon the application in writing of three-fourths of the property affected by said change of grade, and the mayor and board of aldermen shall not levy any assessment therefor unless they are satisfied that damage has been done to the property where such change of grade is proposed and made; this provision shall also apply to any road, street or avenue now under contract, and shall in no way affect the legality of the proceedings or assessments to be levied for the grading, rock excavation, curbing, flagging, and paving, or improving the same.

May alter and
change grade
of streets, &c.

3. *And be it enacted*, That the mayor and board of aldermen of the city of Bergen shall cause to be paid the sum of twenty thousand dollars in addition to the amount already authorized for the paving of the Jersey City and Bergen Point plank road (or Grand street) from the centre of Mill creek to Colden place; the Newark and New York plank road from Colden place to Ocean street, and on said plank road from Ocean street to Bergen avenue; also eight thousand dollars in part payment of the assessment or assessments made or to be made for improvements already authorized in

Payments to
be made for
paving certain
streets and
roads.

Washington avenue between the Morris canal and West Grand street; said additional amounts to be paid from the proceeds of improvement coupon or registered bonds to be issued as provided for in forty-first section of the charter of the city of Bergen, and the amount of said improvement bonds outstanding at any one time shall not exceed the sum of two hundred thousand dollars.

Width of carriage way.

4. *And be it enacted*, That the width of the carriage way on Monticello avenue, now under contract to improve, from the Newark and New York plank road to a point one hundred and forty-six feet north of Columbia Place, shall be of the uniform width of forty-one feet, and no stoop or enclosed area shall be built on said avenue beyond the avenue side line between the points heretofore mentioned; and all change of width of carriage way, changes of grades and proceedings on said Monticello avenue are hereby declared legal and shall in no way affect the assessment to be made for the improvement now under contract; and the width of the sidewalks on Grove street, between Bergen avenue and Ocean street, and on Bergen avenue, from the southerly line of the Newark and New York plank road to the northerly line of the proposed westerly boulevard intersects said avenue, the width of the sidewalks shall be of a uniform width of ten feet on which no fence, stoop or enclosed area shall be built; also on Westview avenue, from Bergen avenue to the Hackensack river, and Academy street, west of Mill road.

Width of sidewalks.

Change of name to be designated on map.

5. *And be it enacted*, That the mayor and board of aldermen of the city of Bergen are hereby authorized to change the name of any road, street, avenue or place in said city, and to designate the name of the same, and to cause the said names to be placed on the map filed by the commissioners appointed to lay out into blocks and streets all lands not already laid out, and when said map is confirmed and approved the names as designated shall not be changed.

Mayor and aldermen are empowered to direct any gas company to lay mains.

6. *And be it enacted*, That the mayor and board of aldermen of the city of Bergen are hereby empowered to direct any gas company to lay mains under the sidewalks on both sides of Monticello street, Grand street, Newark plank road and Montgomery street, before the same are paved, and in any road, street, or avenue, where the carriage way is of less width, to lay mains and run connections from said mains to one foot inside of the curb lines, said connections not to be over fifty feet apart on both sides of the above road, street or avenue,

before the same are about to be paved, notwithstanding any provisions in this charter to the contrary ; and upon the failure of said gas companies to lay said mains and to run said connections, upon two weeks notice of the passage of a resolution directing said mains and connections to be laid, then the said mayor and board of aldermen are empowered to have said mains and connections laid by contract or otherwise, and the expenses incurred in laying and furnishing of said mains and connections, shall be a lien upon any property, goods and chattels in said city, owned by said gas companies, and they are further empowered to order connections to be made with the sewers and water pipes, when the same are laid in the carriage way before being paved, said water pipe and sewer connections to be laid one foot inside the curb line, and at such distances as the mayor and board of aldermen may by resolution adopt, and upon the failure of the owners of property to lay said water and sewer connections to be made within two weeks after notice being published in the corporation papers of the passage of a resolution directing that the same shall be done, then the mayor and board of aldermen may direct the same to be done by contract or otherwise, and the expenses incurred in furnishing and laying of said connections, shall be charged and collected as in the assessment for the improvement of any road, street or avenue on which the same may be ordered done, and a separate column shall be made in each assessment, showing how much is charged to each person or persons who have failed to make said connections ; and on any road, street or avenue, south and west of Bramhall avenue and Clendeny avenue, where the same is crossed or may be crossed by the tracks of any steam railroad, the tracks shall be laid at the grades of said roads, streets and avenues, or at a sufficient distance below the grade of said roads, streets or avenues, so as to give room for the building of an arch of masonry the full width of said road, street or avenue, the underside of said arch to be at least six feet below the grade, and to be filled in with earth so as to give room for the laying of gas and water pipes and for the construction of sewers, and to be improved in the same manner as the balance of the street, on both sides of the cut made for any railroad company, all of the above to be done at the expense of any railroad company crossing said roads, streets and avenues, and to be com-

pleted within at least six months after the railroad company shall carry passengers on the road.

Acts of mayor
and aldermen
heretofore
done declared
valid.

7. *And be it enacted*, That all acts and proceedings of the present mayor and board of aldermen of the city of Bergen, heretofore done in accordance with the provisions of the charter of the city of Bergen, are hereby declared to be legal and have the same force and effect as if a certain act entitled "An Act to consolidate and make into one city, to be called Jersey City, the cities of Jersey City, Hudson city, Hoboken and Bergen, the town of Union and the townships of North Bergen, Union, West Hoboken, Greenville, Bayonne and Weehawken and part of the township of Kearney" had never been passed or become a law; and further, that the said mayor and board of aldermen of the city of Bergen are hereby authorized to continue to act under the provisions of said charter of the city of Bergen and supplements thereto until and including the first Monday in May next.

Bridge to be
erected.

8. *And be it enacted*, That a proper bridge shall be constructed on Montgomery street, where the same crosses the line of Cornelison avenue; and the cost of said bridge to be levied and collected by the mayor and board of aldermen in the assessment for the improvement of Montgomery street, as provided in section sixty-one of the "Act to incorporate the city of Bergen."

Proceedings
for taking cer-
tain land.

9. *And be it enacted*, That the triangular piece of land at the intersection of Palisade, Hudson and Washington avenues, and the triangular piece of land at the intersection of Montgomery Park and Bergen avenue, shall be taken by the mayor and board of aldermen of the city of Bergen and thrown into the public streets; and they are hereby empowered to purchase the same if they can agree with the owners on the price of said lands, or if they fail to agree, then the above described premises are to be condemned for public use, and the commissioners of assessment of the city shall at once, after notification from the mayor and board of aldermen proceed to appraise the value of the lands taken, and upon filing their report the mayor and board of aldermen shall pay to the owner or owners of said lands taken the amount of the appraised award by said commissioners, and in case the owner or owners will not accept the same, or if they cannot be found, or if an idiot, lunatic or incapacitated to receive the amount to be paid as estimated by said commissioners, then the city shall cause said amounts to be paid into

the city treasury or some bank, to the credit of said owner or owners, and upon complying with the above the title to said lands shall be vested in the city of Bergen and dedicated for the public use.

10. *And be it enacted*, That section seven of an act entitled "A Further Supplement to the act entitled 'An Act to incorporate the city of Bergen,'" approved April second, eighteen hundred and sixty-nine, be amended as to Academy street therein mentioned, by adding thereto: "*provided*, that on the northerly side of said Academy street from the easterly side of Mill road, now Cornelison avenue, to the line of Jersey City, there shall be no sidewalk, and on the southerly side of said Academy street, between the said points, the sidewalk shall be fifteen feet in width," and so much of said section as is inconsistent herewith is hereby repealed. Amendment. Proviso.

11. *And be it enacted*, That section eight of said act entitled "A Further Supplement to the act entitled 'An Act to incorporate the City of Bergen,'" approved April second, eighteen hundred and sixty-nine, be amended by adding after the words, "and Hudson avenue from Palisade avenue to the Bergen Point plank road," the words "and Academy street from the line of Jersey City to Palisade avenue," and by adding to the said section the words "and the mayor and aldermen of the city of Bergen are hereby authorized and empowered to remove, or cause to be removed, all projections, encroachments and encumbrances, on or upon said Academy street, in the manner provided for by section thirty eight, subdivision five, of the charter of the said City of Bergen;" *provided*, that the provisions of this section shall not apply to any property fronting on Summit street and High street, east of Summit street, and assessed for the improvement of said street. Amendment. Proviso

12. *And be it enacted*, That any assessment to be assessed for the improvement of Grand street and the Newark plank road from Bergen avenue to Mill creek, and for the improvement of Montgomery street from Bergen avenue to Mill creek, shall be made payable in five annual installments, and it shall be lawful for the mayor and board of aldermen to charge and receive interest on said installments as follows: for the first installment at the rate of eight per centum per annum, and for each succeeding installment at the rate of nine per centum per annum, and on all assessments remaining unpaid at the expiration of five years from the date of the confirmation of Payment of assessments to be made in annual installments.

said assessments, it shall be lawful for the mayor and board of aldermen to proceed to collect the same as now provided for in the act to which this is a further supplement, and the mayor and board of aldermen are hereby authorized to borrow the amount of the cost of said improvements, in either registered or coupon bonds for not less than five nor more than ten years, said bonds to bear interest at and after the rate of seven per centum per annum, and payable semi-annually, the bonds to be designated upon their face for what improvement they are issued, and shall not be sold for less than ninety-five per centum of their par value, and the proceeds of the sale of said bonds shall not be used for any other purpose; all assessments on the improvements above named collected shall be paid over to the sinking fund commissioners to be by them invested in United States bonds or state bonds, or improvement certificates of the city, and held for the payment of said improvement bonds when they become due.

13. *And be it enacted*, That this act shall be declared a public act, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXI.

Supplement to an act entitled "An Act to incorporate the Elizabeth City Horse Railroad Company," approved April second, eighteen hundred and sixty-nine.

May constr ct
railroad from
Elizabeth to
Springfield.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company shall have power and authority to lay down and construct a railroad, with the necessary turnouts and switches, from a point in Morris avenue, at or near the railroad depot in the city of Elizabeth, and along Morris avenue and the road of the Morris Turnpike Company to Springfield, in the county of Union, subject to the restrictions and conditions imposed by the act to which this is a supplement.

Right of way.

2. *And be it enacted*, That the said company be and they

are hereby authorized and empowered to negotiate with and purchase the right of way over the said route, from any persons or corporations owning the same, which said persons and corporations are hereby authorized and empowered to convey the same to the said company.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXII.

An Act to incorporate the Medford and Tuckerton Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas D. Armstrong, Jarvis Names of corporators. H. Bartlett, Henry P. Ely, Josephus Sooy, Benjamin F. Shreve, Henry Budd, W. W. Greenland, Levi French, William Sooy, Richard Harris, John R. Slack, Samuel Crowley, Nathan Wright, Edward Thompson, Richard Haines, and such other persons as may be hereafter associated with them, shall be and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Medford and Tuckerton Railroad Company," Corporate name. and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary and expedient for the objects of this corporation.

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

3. *And be it enacted*, That the above named persons, or a Commissioners to receive subscriptions. majority of them, shall be commissioners to open books to re-

Election of
directors.

ceive subscriptions to the capital stock of the said corporation at such time and place as they, or a majority of them, may think proper, giving at least ten days' notice in one of the newspapers published in Burlington county, and that at the time of subscribing ten per centum shall be paid on each share subscribed to the commissioners, or some of them, and when one hundred thousand dollars are subscribed to the capital stock of the said corporation, the persons holding the same shall be and they hereby are incorporated into a company, and the commissioners shall give like notice for a meeting of the stockholders to choose not less than seven directors, a majority of whom shall be residents and citizens of this state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named commissioners, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and moneys paid in to the said directors, deducting a reasonable compensation for their services; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners, or a majority of them.

Vacancies,
how filled.

4. *And be it enacted*, That the directors chosen at such a meeting, and at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their number a president who shall hold office until after the next succeeding election and until another shall be appointed; and they shall have power to fill any vacancy which at any time may exist in the board, by death or otherwise, until the next succeeding annual election.

Failure to
elect not to
dissolve.

5. *And be it enacted*, That the annual election for directors shall be held at such times and places as the board of directors shall hereafter direct, of which election public notice as above mentioned shall be given, and such election shall be made as hereinbefore directed; and in case it shall happen that an election of the board of directors shall not be made when it ought to be made the said corporation shall not for that cause be deemed to be dissolved, but the said election shall be held as soon thereafter as possible, and public notice shall be given as before directed; five directors shall be a

quorum to transact all business of the said corporation, and the directors shall be authorized to call in the remaining capital stock of said company by such installments and at such times as they may direct; *provided*, that such payment shall not exceed twenty dollars on each share per month, and in case of the non-payment of the said installments or any one of them they shall have power to forfeit such share or shares upon which said default shall arise, to and for the use of said corporation, and also to make and prescribe such by-laws and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of said corporation and also to appoint such officers, clerks and servants as to them shall seem meet, and to establish and affix such salaries to them and also to the president as to the said directors shall appear proper.

6. *And be it enacted*, That the president and directors of the said corporation, be, and the same are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point at or near Medford, in the county of Burlington, to the village of Tuckerton, in said county, passing en route through or near the village of Atsion, the said road not to exceed one hundred feet in width with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for said president and directors, their agents, superintendents, engineers and others in their employ, to enter at all times, upon all lands and waters, for the purpose of exploring, surveying, leveling, or laying out the route of such railroad, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary damage to private or other property, and when the route of said road shall have been determined on and a survey of such route 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 their employ, to enter upon, take possession of, hold, have, use and occupy any such lands, and to erect embankments, bridges, piers and all other work necessary to lay rails, and do all other things that shall be suitable or necessary for the construction, completion and repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment, or

Payment of
installments.

Proviso.

May lay out
and construct
railroad.

Proviso.

the tender of the payment, of all damages for the occupation of land through which the said railroad may be laid out, be made, and if the owner or owners of said land shall not see fit to receive such award, the amount of such award shall be paid into the circuit court of the county of Burlington, before the said company, or any person under their direction or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying or laying out said road, unless the consent of the owner or owners of such land be first had or obtained.

Proceedings
when compa-
ny and owners
cannot agree.

7. *And be it enacted*, That if the said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or if 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 said road, shall be given in writing, under oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if there be any, 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 corporation to give notice thereof to the persons interested, if known or in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter mentioned, at which time, upon satisfactory evidence to him of the service or the publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, resident in the state in which the lands and materials in controversy lie, commissioners to examine and appraise the said lands or materials, and to assess the damages, upon such notice, not less than ten days, to be given to the persons interested, as shall be directed by the justice making such appointment; and it shall be the duty of said commissioners (having first taken an oath or affirmation before some person duly authorized to administer the same, 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 to 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 which shall be paid by the company for such lands and materials, and damages aforesaid; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removal of fencing on the line of the route of said road through any improved lands over which the same may run, which report shall be made in writing under the hands and seals of said commissioners or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the supreme court, to remain on record therein; which report or a copy thereof, certified by the clerk of said court, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy said lands or materials, or of the said owner or owners to recover the amount of said valuation, with interests 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 said corporation in the nature of a mortgage, and the said justice of the supreme court shall upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the said justices, commissioners, clerks and other persons performing any of the duties prescribed in this section as he shall think equitable and right, and direct to whom the same shall be paid by the said corporation.

8. *And be it enacted*, That in case the said corporation, or owner or owners of the said lands or materials shall be dissatisfied with the report of the commissioners named in the preceding section, the parties so aggrieved may appeal to the circuit court of the county wherein the lands or materials in controversy lie, at the first or second term after the filing of the said report, by a proceeding in the form of a petition to said court, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same and to direct a proper issue for the trial of the 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

Parties aggrieved may appeal.

the said issue to be tried at the next term of the said court, to be holden in 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 jury to assess the value of the said lands or materials and damages sustained, and if they shall find a greater sum than the said commissioners have awarded in favor of said owner or owners, then judgment thereon, with costs, shall be entered against said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find the same or a less sum than the company shall have offered or the commissioners awarded, then the said costs shall be paid by the said applicant or applicants, and either deducted out of said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said lands or materials upon filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid, into the court of chancery.

Shall make
good and suffi-
cient bridges.

9. *And be it enacted*, That it shall be the duty of said corporation to construct and keep in repair, good and sufficient bridges or passages, over or under the said railroad where any public or other road now or hereafter laid shall cross the same, so that passages of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair, suitable and convenient wagon ways over and under said railroad, and shall also construct and maintain suitable and proper cattle guards at all road crossings.

May purchase
equipments,
&c.

10. *And be it enacted*, That the president and directors of said corporation shall have the power to have constructed, or to purchase with the funds of the corporation, and to place on the said railroad all machinery, engines, cars, wagons, carriages or vehicles, for the transportation of persons or property; and they are hereby authorized to demand and receive such sums of money for the transportation of persons and property thereon as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of four cents per mile for carrying such passenger, but no charge shall be required to be less in the

Proviso.

aggregate than ten cents; nor shall the said corporation charge more than ten cents per ton per mile for the transportation of any description of property; the said railroad with its appendages and the lands over which it shall pass and all the works, improvements and all other property whatsoever, belonging to the corporation are hereby vested in the said corporation and their successors for and during the continuance of their charter.

11. *And be it enacted*, That the president and directors Dividends. shall declare and make such dividends of the net profits thereof as they may deem prudent and proper from time to time.

12. *And be it enacted*, That the said company may purchase, have and hold real estate at or near the commencement and termination of said road, or at any other point on the line of said road where the directors may think proper to establish depots, and may also erect thereon houses, warehouses, workshops, and such other buildings and improvements as they may deem expedient for the safety of their property and for other necessary uses appertaining to their business, and may receive the rents and emoluments thereof, and may build and maintain over such rivers and streams as the road may cross, such piers and bridges as they may deem expedient; *provided*, that suitable and sufficient draws shall be made over any navigable stream, so as not to obstruct the navigation thereof. May purchase and hold real estate.

13. *And be it enacted*, That it shall be lawful for the said company at any time during the continuance of its charter to make contracts and engagements with any other corporation, or with individuals, for transporting or conveying any kinds of goods, produce, freight, merchandise or passengers, and enforce the fulfillment of such contracts. May make contracts, &c.

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the railroad enjoined under the provisions of this act, or any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction in an action of debt, and further, shall be liable for all damage. Penalty for injuring works

15. *And be it enacted*, That as soon as the said railroad or any part of it is in operation, the president of the said company shall file under oath or affirmation, a statement Statement of costs and expenses to be filed.

of the amount of the costs of the said railroad including equipments, appendages and all expenses in the office of the secretary of state, and annually thereafter on the first Monday in January in each year, he shall under oath or affirmation make a statement to the secretary of state, of the cost, equipments, appendages and expenses of said road; and after the said railroad or any part thereof shall be in operation the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad, or any part thereof shall be in operation, the said corporation shall be regularly assessed, and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner, for the same purposes and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

State tax.

May borrow money.

16. *And be it enacted*, That said Medford and Tuckerton Railroad Company shall have power to borrow such sum or sums of money from time to time, as shall be necessary to build, construct or repair said road and furnish said corporation with all the necessary engines, cars and machinery, for the uses and objects of said company, and to secure the payment thereof by bond and mortgage or otherwise, on said road, lands, privileges, franchises and appurtenances, of, or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum.

May lease railroad.

17. *And be it enacted*, That the said railroad is hereby authorized to lease its railroad to any other railroad company, which is hereby authorized to take such lease and operate the same for such term or times and on such terms as the said parties may agree upon.

Bonds may be guaranteed by any railroad company.

18. *And be it enacted*, That any railroad company is hereby authorized to endorse or guarantee, the bonds of the said Medford and Tuckerton Railroad, and in any other way

which the parties may agree upon, aid the said company in the construction of its said railroad.

19. *And be it enacted*, That if the said railroad shall not Limitation. be commenced within five years and completed within ten years from the fourth day of July next ensuing, then and in that case this act shall be void.

20. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXIII.

An Act for the relief of Phebe Burroughs, widow of Enoch Burroughs, of the county of Mercer.

WHEREAS, Enoch Burroughs, a private of the war of eighteen Preamble. hundred and twelve, in the company of Captain Garret D. Wall, did during his lifetime receive from the United States government, a land warrant for sixty acres of land, for services rendered in said war; and whereas, said Enoch Burroughs, died on the twenty-eighth day of December, eighteen hundred and fifty-seven, leaving an aged and infirm widow, dependent upon her friends for support; and whereas, said widow, did after his death receive from the United States government a warrant for sixty acres of land; and whereas, neither he nor his widow has ever received anything further for said services; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* Pension. *the State of New Jersey*, That the treasurer of the state is hereby authorized and required to pay to Phebe Burroughs, widow of Enoch Burroughs, deceased, of the county of Mercer, the sum of one hundred dollars per annum, to be paid half yearly, on the first day of April and the first day of October; and that the receipt of said Phebe Burroughs, or her order, shall be a sufficient voucher for the treasurer for all moneys paid by virtue of this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXIV.

An Act to authorize the Trustees of School District Number Twenty-two, in the County of Essex, to borrow money to erect a School House.

May borrow
money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number twenty two, in the county of Essex, be, and they are hereby authorized to borrow any sum of money not greater than fifteen hundred dollars, that they may find necessary for the purpose of erecting a school house upon the lot of ground now belonging to said school district.

May issue
bonds and se-
cure the same
by mortgage.

2. *And be it enacted*, That for the purpose of securing the payment of said loan, the said trustees are authorized to make and execute in their corporate name to the lender or lenders of said money, a bond conditioned for the payment of said money in three years from the date thereof, in annual installments of not more than five hundred dollars each, with interest at the rate of seven per cent. per annum, payable half-yearly, and may secure the payment of the same by executing a mortgage in their corporate name upon the land now owned by said district, which bond shall be a valid subsisting debt against said district, and which said mortgage shall be a valid lien upon real property.

Interest and
installments
to be raised
by tax.

3. *And be it enacted*, That the trustees of said school district, or a majority of them, shall and must on or before the twentieth day of May, in each and every year, hereafter certify under their hands to the assessor of taxes for the township of Livingston, in Essex county, the amount which will be necessary to pay the interest money, as well as any installment of principal money which will become due upon

said bond during the then ensuing year; which sum the said assessor is hereby authorized and required, when making his yearly assessment of taxes, to assess as a special tax upon the personal property of the inhabitants of said school district, and upon the real estate situate within said district, in the same manner as other township taxes are, or shall be, assessed; which special tax shall be, by the officer now or hereafter provided by law for the collection of other taxes for said township, collected at the same time and in the same manner as other township taxes are or shall be collected, and shall be by him separately accounted for and paid over by him, immediately, to the trustees of said district.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXV.

An Act to divide School District Number Six, in the township of Oxford, and county of Warren, and create a New District.

WHEREAS, school district number six, in the township of Oxford, and county of Warren, does not afford sufficient accommodations for the large number of scholars residing in said district; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That school district number six, in the township and county aforesaid, be and the same is hereby divided into two school districts, thereby creating a new district to be known as school district number thirteen, of the township of Oxford aforesaid; the boundaries of which shall be as follows: commencing on the top of the hill northwest of Oxford Furnace; thence running along the middle of the highway by lands of Thomas Buckley and others to the line of the school district known as the Little York District;

Boundaries of
school district

thence in a northerly direction to the Buttsville District; thence along the line of the Buttsville District, in a westerly course, to the intersection of the Bridgeville road and the Oxford Furnace road; thence in a southerly course to the line of the Little York District, and thence to the beginning; and the inhabitants of said district shall be subject to all the laws of this state relative to schools not inconsistent with this act.

Trustees.

2. *And be it enacted*, That Lewis Hausman, Morris R. Temple and Joseph McConnell, be and they are hereby appointed trustees of said school district, and shall hold their office until the first Monday in September next, when said district shall proceed to elect new trustees in conformity with the general school law of this state; the trustees hereby appointed shall perform all the powers and duties, and be subject to the same restrictions as is contained in the act entitled "An Act to establish a system of public instruction," approved March twenty-first, eighteen hundred and sixty-seven.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXVI.

An Act for the Improvement of the Town of Keyport, in the County of Monmouth.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the limits of the town of Keyport, in the county of Monmouth, for the purposes of this act, shall be as follows, viz: beginning at Mattawan creek, on the line dividing the townships of Mattawan and Raritan, running along said line to the road leading to Mechanicsville; thence along said road to Mechanicsville; thence along the road to Union until it strikes Chingarora creek or brook; thence along said creek or brook until it

reaches the Raritan bay ; thence westerly along said bay and Mattawan creek to the place of beginning.

2. *And be it enacted*, That it shall and may be lawful for such of the legal voters of the said town of Keyport as may reside within the aforesaid limits, on the first Monday of May next, to assemble at the public hall or such place in the town of Keyport as may be designated by the inspectors of election (printed notices of which shall be previously put up in at least twenty-five of the most public places in said town, and in which printed notices the aforesaid boundaries shall be specified), on the said first Monday in May next, and then and there by ballot and by a plurality of the votes, elect five commissioners and three inspectors of election, only two of whom shall belong to the same political party ; and as soon after said election as the said commissioners shall be sworn into office as hereinafter provided, they shall be denominated "The Board of Commissioners of the Town of Keyport," and by that name they and their successors forever hereafter, shall and may have perpetual succession, shall be capable of suing and being sued in all courts of this state, and by that name may make contracts and agreements, and make regulations and ordinances for the purpose of carrying out and effecting the objects and purposes of this act.

3. *And be it enacted*, That at the election hereinbefore mentioned, Wilson Brown, James Henry Bedle and Sidney H. Sproul, or such of them as may consent to act, or the survivors or survivor of them shall act as inspectors, and Richard H. Ogden shall act as clerk ; that at such election the polls shall be opened at twelve o'clock, m., and close at four o'clock, p. m., that the persons elected shall hold their offices for one year from the said first Monday of May next, and until their successors are elected and sworn into office ; that on the first Monday of May, yearly and every year thereafter, the legal voters aforesaid shall and may hold a like election at such place in said town as may be designated by the said board of commissioners, who shall by ordinance prescribe the time of opening and closing the polls at such election ; and the mode and manner of conducting it ; *provided*, however, that said election shall be by ballot, and the polls at said election shall be open at least from twelve o'clock, m., until four o'clock, p.m., of all which public notice shall be given by the said board of commissioners at least ten days before such election ; *provided, also*, that in case of the death,

Election of
commission-
ers and in-
spectors of
election.

Name.

Time of open-
ing and clos-
ing the polls.

Annual elec-
tion.

Proviso.

Proviso.

absence or refusal, or any disability preventing any of the before mentioned persons from serving, the same shall and may be appointed by the board of commissioners, and shall hold his office until his or their successor or successors is or are elected and qualified; at all elections held in pursuance of this act, the town clerk shall act as poll clerk.

Commissioners shall take oath.

4. *And be it enacted*, That the said board of commissioners, and inspectors of election, who shall be elected as hereinbefore provided, shall, before entering on the duties of their respective offices, and within five days after they shall be notified of their election, take and subscribe an oath or affirmation before some person authorized by the laws of this state to administer an oath, that they will faithfully discharge the duties of their respective offices, and in default thereof the election of the person or persons in default shall be deemed void and of no effect; and such vacancies, with all others that may occur, shall be filled by the preceding board of commissioners.

Powers of the commissioners.

5. *And be it enacted*, That within thirty days after said commissioners shall have been sworn into office as aforesaid, they shall meet in some suitable place and organize, and appoint one of their number as chairman, and when so organized they shall have power to pass and enact such by-laws and ordinances, not repugnant to the constitution and laws of this state as they may consider proper for opening, altering, regulating and fixing the grade of the roads, streets and sidewalks, for keeping the same in repair, and for preventing or removing obstructions therein, for preventing and suppressing riots and disturbances of the peace, for suppressing vice and immorality, and all such other laws and ordinances as they may think adapted to promote the welfare, good order, health and prosperity of the said town and the inhabitants thereof; *provided*, that no fine shall exceed ten dollars for the first offence, nor more than twenty dollars for each offence thereafter, and no imprisonment shall exceed thirty days for any offence; *provided also*, that no by-laws or ordinances affecting the rights or property of said inhabitants shall be valid or binding, unless the same shall receive the votes of at least three of the said board of commissioners, nor shall the same go into operation until it shall be regularly recorded in a book kept for that purpose, and a copy thereof signed by the chairman of said board of commissioners, and attested by the clerk, shall have been posted,

Proviso.

Proviso.

for at least twenty days, in the room where the said board of commissioners shall usually assemble, and in at least three other public places in said town.

6. *And be it enacted*, That the said board of commissioners shall appoint a town treasurer from among their number, a town marshal, a town clerk, and a street superintendent whose duties shall be the same as the overseer of the roads, under the laws of this state, and who shall be under the direction and control of said board of commissioners, each of whom shall give security, in such sums as said board of commissioners may require, for the faithful discharge of the duties of their respective offices; they shall hold their offices during the pleasure of the board, and receive such compensation as may be allowed by the said board of commissioners.

Treasurer and
other officers.

7. *And be it enacted*, That one person shall be appointed and commissioned, by the said board of commissioners, as a police justice, who shall have and exercise the same power and jurisdiction within said limits in criminal cases as justices of the peace now or hereafter may be authorized to exercise in this state, and shall be entitled to take fees as justices of the peace now or hereafter may be entitled to for like services; the courts held by said justice shall be courts of record, and said justice shall have full power to cause to be kept all ordinances that may be made by said board of commissioners, for the preservation of the public peace, and for the good government of the said town; and all recognizances taken by or before said justice, shall be by him forthwith sent to the court of general quarter sessions of the peace of said county.

Police justice.

8. *And be it enacted*, That it shall be the duty of the marshal to preserve the peace and good order of said town, and he is hereby empowered to arrest any person or persons offending against any of the ordinances of said board of commissioners, or behaving in a disorderly manner and disturbing the public peace and quiet, and forthwith bring such person or persons before the said police justice, who is hereby authorized and required to hear and investigate the charges preferred (which in all cases shall be preferred under oath and taken in writing before said justice), and on conviction the said justice shall impose such punishment as to him shall seem just and proper, and in accordance with the ordinances of said board of commissioners, and shall enforce the same by his warrant of commitment, directed to the said marshal,

Duties of the
marshal.

commanding him to convey the offender to the common jail of the county of Monmouth, there to remain and be kept and dealt with as is provided in said ordinance, and until the fine and costs are paid; and further as regards criminal offences against the laws of this state committed within the limits of said town, the said marshal is hereby empowered and required to discharge like duties as now are or hereafter may be required of constables under the laws of this state.

County jailor
shall keep of-
fenders
against ordi-
nances.

9. *And be it enacted*, That the jailor of the county of Monmouth for the time being shall receive and safely keep all such offenders as shall be committed to the jail of the said county by the said justice for the term of his, her or their imprisonment, as expressed in the warrant of commitment, and the expenses of keeping offenders so committed for transgression against such ordinances as may not be crimes or misdemeanors by the laws of this state, shall be borne and paid by the board of commissioners of the town of Keyport, and in the case of offenders committed for crimes or misdemeanors the expenses shall be paid as in the case of other offenders in the county of Monmouth.

Prosecutions
for penalties
to be in the
name of the
commission-
ers.

10. *And be it enacted*, That all actions for the recovery of any penalties created or imposed by any ordinances passed by said board of commissioners, shall be brought and prosecuted in the name of "The Board of Commissioners of the Town of Keyport," or in the name of the treasurer of the town for the time being, and in such actions, as well as in all complaints for the violation of any of said ordinances, the records of the board of commissioners shall be received as conclusive evidence of the passage of all ordinances recorded therein and signed by the chairman and clerk of said board, and the due publication of said ordinances, in the manner hereinbefore required, shall in all cases be presumed to have been made, unless the contrary is proved; no person shall be deemed incompetent as a witness or juror in any trial in which the board of commissioners of the town of Keyport, or treasurer of the town, is a party, by reason of his being an inhabitant of or tax payer in said town.

Assessments
for street im-
provements.

11. *And be it enacted*, That the said board of commissioners shall make an estimate of the probable cost of grading and paving the sidewalks where they cross other streets, and making such other crossings of streets as may be necessary, as said commissioners shall deem proper, and other expenses incurred under this act; except the cost of paving in

front of each owner's land, and shall assess the amount necessary for such purpose within the limits of said town, in the same manner in which assessors are now or hereafter may be authorized by law to assess for township and county taxes, and subject to the same appeal to the commissioners of appeal of the township of Raritan; and the amount so assessed shall be paid to said commissioners within sixty days after written demand thereof shall be made by said commissioners, and in case of neglect or refusal, said commissioners shall make out a list of delinquents, and place the same in the hands of the police justice of said town of Keyport, who shall issue a precept in the nature of a tax warrant, directed to the marshal of the town, who shall proceed to collect the amount due from such delinquent, in the manner in which township and county taxes now are or hereafter may be authorized by law to be collected; *provided*, that before said warrant shall be issued such police justice shall be satisfied by the oath of one of the said board of commissioners that the amount claimed against such delinquent is justly due and unpaid, and the same has been demanded as required by this act.

Proviso.

12. *And be it enacted*, That as soon as said assessment shall be made, the said commissioners shall cause the sidewalks where the same cross other streets, and such other crossings as may be necessary, to be graded and paved with suitable stone, and of such width as they may deem proper, shall procure all necessary material for the doing thereof, shall make all necessary drains and culverts and other necessary passages for water in the manner herein provided, and the expense thereof shall be paid by the treasurer of said town, out of the moneys in his hands collected for that purpose, under the direction of said board of commissioners.

Grading and paving of sidewalks, &c.

13. *And be it enacted*, That each and every land owner, in front of whose lands sidewalks shall have been or may hereafter be made, in pursuance of this act, and every occupant of such lands, shall, at all seasons of the year, clear and remove all snow, slush, ice or mud that may be thereon, and shall at all times, also, clear out and keep open, for the free and easy passage of and flow of water, the drains and gutters in front thereof, and if any such land owner or occupant shall neglect or refuse to do so for the space of six hours after being notified by the said commissioners, the said commissioners shall have the same done, and the expenses

Obstructions shall be removed from sidewalks.

thereof may be recovered in the manner prescribed heretofore.

Proceedings
to be had for
opening
streets, &c.

14. *And be it enacted*, That whenever the land owners on any street that is or may hereafter be opened, or on any parts of the streets within the limits described in the first section of this act, shall determine, by a majority of votes of the land owners in said streets (each land owner to be entitled to one vote for every forty feet of land owned by him or her on such street, and each land owner to be entitled to one vote at least), to grade and pave the sidewalks on one or both sides of such street, any land owner on such street or part of street may call a meeting of land owners, by giving a written notice, put up in three public places in said town five days previous to said meeting, and designating the time and place of such meeting; and the said land owners, when assembled, shall choose a chairman and secretary, who shall determine the number of votes to which each land owner is entitled, receive orally and count the votes, and their certificate of determination shall be evidence thereof; and such certificate of their determination shall be filed with the board of commissioners, and when so filed, the said street or parts of a street shall be subject to the provisions of this act, and said board of commissioners shall proceed to have the sidewalks of such street or parts of a street graded and paved in the manner herein prescribed.

Taxes received within
town limits
for road purposes not to be
applied outside the boundaries.

15. *And be it enacted*, That the taxes which shall hereafter be assessed, levied and collected by the officers of the township of Raritan, within the limits of said town of Keyport, for roads, or for the improvement or repairs of roads, shall not be applied to roads without the boundaries of said town, but that the assessor and collector of said township shall hereafter assess and collect upon and from the taxable inhabitants of said town, and on all lands liable to be taxed therein, the road tax which shall have been ordered to be raised at the previous annual township election of the township of Raritan, in the same manner as the same have been heretofore assessed, levied and collected, and it shall be the duty of the collector of the township to pay over the amount of the road tax by him received, which shall have been assessed and collected within the limits of said town of Keyport, to the treasurer of the said board of commissioners, to be expended and applied under the direction of said commissioners in repairing and improving the streets of the afore-

said town of Keyport, and for this purpose the said assessor of said township shall, by some convenient mark in his duplicate, designate the road taxes assessed within the limits of said town of Keyport, and in case of any dispute respecting such designation on the apportionment of said road taxes, the same shall be determined by the commissioners of appeal in cases of taxation for said township.

16. *And be it enacted*, That all acts relating to the election of overseers of the highways in the township of Raritan, so far as they relate to the parts of said township embraced within the aforesaid limits of the town of Keyport, are hereby repealed. Repealer.

17. *And be it enacted*, That it shall and may be lawful for the legal voters of said town, at their annual election for town officers as hereinbefore provided, or at any special election appointed by the board of commissioners for that purpose, by printed notices, set up in at least twenty-five public places in said town, for at least ten days before the day appointed for holding such special election, to vote by ballot for such sum or sums of money for the then ensuing year, as they may think necessary for any special purposes for the improvement of said town of Keyport, other than is hereinbefore provided for in this act; *provided*, that such sums in the aggregate shall not exceed in any one year fifteen cents on each hundred dollars of the valuation of the taxable property liable to assessment under this act, which sum or sums of money so voted shall be assessed and levied and collected under the direction of the board of commissioners, in the same way and manner as is hereinbefore provided for the collection of the moneys for street crossings, etc. Money for improvements to be voted upon. Proviso.

18. *And be it enacted*, That no compensation shall be paid to any of said commissioners; that no moneys shall be paid by the treasurer of said board of commissioners for any purposes under this act, except upon resolution of the board upon bills countersigned by the chairman; and that the town clerk of said town shall keep minutes of the proceedings of said board, and record the same in a book provided for that purpose; and further, that no ballot cast at any annual election in said town shall contain thereon the names of more than three persons of the same political party, in which case all such ballots shall be void and of no effect. Commissioners not to receive compensation.

19. *And be it enacted*, That there shall be a tax levied upon all dogs owned or harbored within the limits of the said Dogs to be taxed.

town of Keyport of not less than one dollar nor more than two dollars, and upon all bitches of not less than three dollars nor more than five dollars, and the moneys so collected shall be applied to school purposes.

Fire apparatus
to be provided

20. *And be it enacted*, That it shall and may be lawful for the legal voters of said town of Keyport, at their annual election for town officers as hereinbefore provided, or at any special election appointed for that purpose by the board of commissioners in the manner hereinbefore provided, to decide by a two-thirds vote to procure a fire apparatus and purchase the necessary land and erect the necessary building for the safe storing of the same, and otherwise provide for the preservation of property against fire, the cost of procuring and operating the same to be provided for in the same manner as hereinbefore provided in section seventeen of this act, and they may also, if they deem it expedient, erect a building suitable for a town hall, court room, lock-up, and so forth, and for purposes of economy may use a part of the same for the storing of their fire apparatus; *provided*, the cost of the building does not exceed ten thousand dollars in addition to such sums as may be subscribed; *and also provided*, that at least one-third of the cost be defrayed by private subscription.

Proviso.

Proviso.

Lighting the
streets.

21. *And be it enacted*, That it shall and may be lawful for the legal voters of said town, at their annual election for town officers as hereinbefore provided, or at a special election called by the commissioners as hereinbefore provided, to decide by a two-thirds vote to make provision for lighting the streets or parts of streets of said town, the cost of the same to be provided for in the same manner as is hereinbefore provided for street crossings and other improvements.

School dis-
tricts may be
consolidated.

22. *And be it enacted*, That the several school districts, by a majority of the votes of the legal voters of said town, at a meeting regularly called or advertised by the county superintendent, may be consolidated into one district, and in a central locality a graded school established, said school to be governed by a board of trustees to be composed of one trustee from each district, and subject to such regulations as they may prescribe; *provided*, none of the regulations prescribed by said board of trustees be in conflict with the laws of this state.

Proviso.

Annual state-
ments to be
made of mo-
neys collected
and expended.

23. *And be it enacted*, That said commissioners shall render full and detailed statements of all moneys collected and expended by virtue of this act on the day of each annual elec-

tion for officers under said act; and at the place of holding such election; before such election takes place, and by publishing at least one week before said annual election, a synopsis of said statements by printed notices in twenty-five of the most public places in said town.

24. *And be it enacted*, That nothing in this act shall be construed to make the persons mentioned in the third section of this act, as well as all other subsequent officers of said town, ineligible to any position at any election hereafter.

25. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXVII.

A Supplement to an act entitled "A Supplement to an act entitled 'An Act to incorporate the Hamilton Horse Car Railroad Company,'" approved April second, eighteen hundred and sixty-eight, approved March thirtieth, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of* Repealer.
the State of New Jersey, That the fourth section of the act to which this is a supplement be and the same is hereby repealed.

2. *And be it enacted*, That the time for the commencement of the railroad authorized by the act entitled "An Act to incorporate the Hamilton Horse Car Railroad Company," approved April second, eighteen hundred and sixty-eight, be extended for five years from the time fixed by said act; and also that the said corporation shall have power and authority to construct the said railroad, and the branches thereof, from time to time, and in such portions or sections as may be found necessary or expedient. Time for the commencement of railroad extended

3. *And be it enacted*, That such parts of the act to which Repealer.

this is a supplement as in anywise conflict with the provisions hereof be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXVIII.

An Act vesting the title to real estate in the County of Bergen in Bridget Lyons, widow of Lawrence Lyons, deceased.

Preamble. WHEREAS, Lawrence Lyons, late of the township of Hackensack, in the county of Bergen, deceased, departed this life in the month of October, eighteen hundred and sixty-eight, seized of a lot of land and premises of small value, situate at Fort Lee, in said county of Bergen, being known and distinguished on a certain map filed in the office of the clerk of the county of Bergen, entitled "Map of Property of Charles Ebbes, Hackensack township, County of Bergen," as lots number nine (9) and ten (10), which taken together form one tract fifty feet front and rear by one hundred feet deep, and fronting on the Palisade road; and whereas, the said Lawrence Lyons died intestate and without issue, leaving Bridget Lyons, his widow, him surviving; and whereas, said Lawrence Lyons has left no lawful heirs, by reasons whereof said lands and premises must escheat to the state; and whereas, said lands and premises were acquired by the personal industry of said Bridget Lyons; and whereas, the said Bridget Lyons is very infirm and unable to earn her support, and the value of her dower in said premises very trifling, and the title to the said lands and premises, if vested in her, would relieve her from penury;

Title vested. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the right, title, estate and interest of the said Lawrence Lyons, deceased, at the time of his death, of, in and to the lands and premises above de-

scribed, shall be vested in the said Bridget Lyons, her heirs and assigns; *provided*, that no estate shall so vest until said Bridget Lyons shall pay all the just debts and liabilities contracted and incurred by said Lawrence Lyons, deceased, during his lifetime, and all the proper costs incurred in the orphans' court of the county of Bergen, and shall record in the office of the clerk of said county a decree of the said court certifying to such payment, which decree shall be founded on like proceedings as if said court had jurisdiction to sell the said lands and premises for the payment of the debts of the said intestate.

2. *And be it enacted*, That this act shall have immediate effect.

Approved March 17, 1870.

CHAPTER CCCCLXIX.

A Supplement to "An Act to incorporate the Ocean Cranberry Company," approved March fourteen, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Amendment} *the State of New Jersey*, That the first section of the act to which this is a supplement is hereby amended by adding after the word "Burlington" the words "or elsewhere in this state," and that the words "of Ocean," at the end of the fourth section, shall be stricken out, and the words "where their lands are located, or in the city of Trenton," be added.

2. *And be it enacted*, That the capital stock of said cor- ^{Capital stock} _{reduced.} poration be reduced to twenty-five thousand dollars, with the liberty to increase the same, as is now provided for in said act.

3. *And be it enacted*, That this act shall have immediate effect.

Approved March 17, 1870.

CHAPTER CCCCLXX.

An Act appointing Commissioners in School District Number One, of Linden township, Union County, for the purpose of purchasing ground and erecting a School House thereon, etc.

Names of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David C. Stiles, Benjamin W. Tucker, Moses O. Winans, Ferdinand Blancke, Frank B. Munsell, Meeker Wood and John C. Rose, and their successors, residents of the township of Linden in the county of Union, are hereby appointed, constituted and declared to be a board of commissioners, for the purposes and with the power hereinafter defined and granted.

Powers of the commissioners.

2. *And be it enacted*, That said commissioners, or a majority of them, shall have power and authority, and are hereby empowered to expend a sum not exceeding twelve thousand dollars for the sole and exclusive purpose of purchasing a suitable plot of land within the limits of school district number one of said township of Linden, and for erecting thereon a public school building with the necessary out-buildings and fences, and for providing the necessary furniture and apparatus, and a well and cistern, and for paving and flagging so much of the ground or walk as may be deemed desirable in order to protect the health and secure the comfort and cleanliness of the children, and in order to provide the said sum of twelve thousand dollars, it shall and may be lawful, and the township committee of said township of Linden, are hereby authorized, empowered and directed whenever called upon by the board of commissioners by reason of this act, to issue the bonds of said township, the said bonds when issued, to be disposed of by the said board of commissioners, for the purposes named in this section.

Payment of interest on bonds.

3. *And be it enacted*, That said bonds shall be issued in sums of one hundred dollars each, with interest at the rate of seven per centum payable annually, five of which said bonds shall be payable in one year from the date of their issue, and five of said bonds shall annually thereafter become

due and shall be paid, with the interest as above provided at maturity, and all the said bonds shall be exempt from taxation for county and township purposes.

4. *And be it enacted*, That the said township committee shall have power and authority, and are hereby directed to provide for the payment of said bonds and the interest thereon as the same shall become due and payable, by taxation on the estates of the inhabitants of said school district number one, and on all lands liable to be taxed therein, in the same manner as township taxes are raised. Bonds and interest to be paid by tax.

5. *And be it enacted*, That the said board of commissioners shall assemble on the first Monday in May next, at three o'clock in the afternoon, and at such times as they shall deem necessary to carry out the provisions of this act, and at their first meeting they shall organize the board by electing a president and secretary, and a majority of the commissioners shall constitute a quorum for the transaction of business, and shall make such rules and regulations as may be necessary to govern said board; before proceeding to business each of said commissioners shall take and subscribe an oath before a justice of the peace of said county, to faithfully and impartially execute the duties imposed upon them by the provisions of this act, according to the best of their knowledge and ability; any vacancy that may occur by reason of death, resignation or otherwise, shall be filled by a majority of said commissioners. Commissioners shall take oath.

6. *And be it enacted*, That the power of said commissioners appointed by this act shall cease on the first day of May eighteen hundred and seventy-three. Limitation.

7. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXXI.

Supplement to an act entitled "An Act to establish a new township in the county of Union, called the township of Linden."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Linden, in the county of Union, shall be divided into four road districts, said districts to be bounded as follows: road district number one, beginning at a point in the line of the track of the Central Railroad of New Jersey, eight hundred feet easterly in the same from the easterly line of Spruce street as designated on a certain map on file in the clerk's office of said county of Union, entitled map of "The Roselle Land and Improvement Company;" thence running southerly at right angles to said railroad track to a point four hundred feet southerly from the south line of Ninth avenue as designated on said map; thence westerly parallel with said railroad track to a point two hundred feet westerly from the west line of Pine street as designated on said map; thence northerly, parallel with said line of Pine street to said railroad track; thence easterly along the same to the beginning; district number two, beginning at a point which is five hundred feet southerly in a line at right angles thereto, from the southerly line of a road called "The Forty Acre Road," and also two hundred feet easterly in a line at right angles thereto from the easterly line of the Edgar turnpike road; thence running northerly parallel with said Edgar turnpike road to a point five hundred feet southerly from the public road leading from the Edgar turnpike road to George W. Roll's; thence northwesterly at right angles to said last course, to a point one thousand feet southeasterly in the continuation of said line from the easterly line of the road called Saint George's avenue; thence southerly parallel with the same to a point which would be intersected by a line drawn through the beginning point, and westerly at right angles to the first course; thence easterly and at right angles to the first course to the beginning; district number three to embrace all that part of said township lying north of the track of the New Jersey Rail-

road and Transportation Company's railroad, which is not included within the boundaries of said district number one and district number two as above defined; and district number four to include all that part of said township lying south of said track of the railroad of the New Jersey Railroad and Transportation Company, which is not included within the boundaries of district number two as above defined.

2. *And be it enacted*, That the township committee shall have the control of the expenditure of all moneys which shall be assessed and collected by the township or any of the road districts thereof, by general or special tax, for the working or repairing of the roads, or the construction or repairs of sidewalks; and also to appoint an overseer of the highways in and for each of said road districts, whose duties and compensation shall be fixed by said township committee, and there shall be no other overseers of highways in said township; and the committee shall expend in each district not less than two thirds of the amount of money assessed and collected therein under the general tax for roads in said township, and they shall expend in each district the whole amount of money assessed and collected therein, by special tax authorized to be raised as hereinafter provided, for the working and repairing of roads, and the building or repairing of sidewalks.

3. *And be it enacted*, That whenever a petition in writing shall be presented to the township committee of the said township of Linden, signed by the owners of one-half of the number of lineal feet upon one side of any road, street or avenue, in said township, or upon so much of one side thereof as lies between two points named in said petition, requesting to have so much of the sidewalk of said street as lies between the said points named, and upon that side of the street named in said petition laid with stone, plank or composition in such manner as to make a firm and dry sidewalk, and setting forth the material to be used, and the width of walk to be made, which said width shall not be less than four feet; the township committee shall immediately issue or cause to be issued a call for a meeting of the legal voters of the district in which such walk or walks shall be petitioned for as aforesaid, signed by the township clerk, which shall be posted in five of the most public places in said district for at least seven days before such meeting shall be held, stating the time, place and object of the meeting, at which time the legal voters so convened, or a majority of them then present, shall be autho-

Number four.

Township committee to have control of all expenditures.

Money for laying sidewalks to be levied and collected by township committee.

rized and empowered to raise by tax, such sum or sums of money in said district as they may determine, for the purpose of working and repairing the roads, streets, highways or avenues in said district, and such additional sum or sums of money in said district as they may determine for the construction of sidewalks therein, said tax to be assessed, levied and collected by the township committee, in the same manner as other township taxes are assessed, levied and collected; and as soon as the township committee have received notice that such money has been directed to be raised for the construction of sidewalks as aforesaid, they shall ascertain the cost of constructing the sidewalks petitioned for as aforesaid, and shall, without delay, proceed to lay the same, or cause the same to be laid in accordance with the request of such petition; and said township committee shall pay therefor from moneys in their hands three-sixths of the cost of said sidewalk from the amount authorized to be raised for that purpose; and the said township committee shall assess upon the owners of the lands upon the side of the road, street, avenue or highway, upon which the same is located, three-sixths of the whole cost of constructing said sidewalk; and shall assess against the owner or owners of land on the opposite side of said street, road, avenue or highway, two sixths thereof and the remaining one-sixth of the whole cost of constructing the same, to be assessed on the district at large; *provided*, that in case the sidewalks shall have been already constructed of stone, plank or composition on any part of the ground embraced in the terms of the petition, which in the judgment of the township committee, shall be as good as that in said petition requested to be laid, they shall not take up such previously constructed sidewalk, nor make any assessment against the owner of the land on the side of the highway where the same was laid; but the owners of the land on the opposite side of the said highway therefrom, shall not in consequence thereof, be relieved from his or her proportion of the said assessment.

Proviso

Assessment to be based upon the number of lineal feet in front of land where sidewalk is to be laid.

4. *And be it enacted*, That the basis of the above assessment shall in all cases be the number of lineal feet owned by each person in front of whose land the said sidewalk shall be laid upon said highway, and between points named as aforesaid, whether upon the same or opposite side from said walk, and all land owners between the points named in the petition and upon that side of the street for which such side-

walk is requested, may be petitioners, whether excepted from the assessment or not; the township committee shall deliver to the township collector a copy of the said assessment, when made, and the said collector shall include in the tax bills of the persons against whom such sums shall have been assessed by virtue of this act, the respective sums so assessed against them which are hereby made payable and collectable at the same time, and in the same manner, and by the same means as the township taxes are; and the said township committee is hereby authorized, on the credit of the township, to negotiate for the use of such sums of money, from time to time, as it may be necessary for them to employ in carrying out the purposes of this act as above set forth.

5. *And be it enacted*, That whenever a petition in writing shall be presented to the township committee, signed by ten freeholders and voters, in any one of said road districts, for that purpose, the township committee shall immediately issue, or cause to be issued, a call for a meeting of the legal voters, resident in said district, signed by the township clerk, which shall be posted in three of the most public places in said district for at least five days before such meeting shall be held, stating the time, place and object of the meeting, at which time the legal voters so convened, or a majority of them then present, shall be authorized and empowered to raise by tax, such sum or sums of money in said district as they may determine for the purpose of employing policemen, watchmen and patrolmen for the said road district, said tax to be assessed and levied against and collected from the inhabitants of such road district by the township committee in the same manner as other township taxes are assessed, levied and collected; and as soon as such township committee have received notice that such money has been directed to be raised for the purpose of employing policemen, watchmen and patrolmen for such road district, they shall without delay employ such number of such policemen, watchmen and patrolmen, and such persons to act as such, as may seem to them advisable and shall regulate the compensation of such policemen, watchmen and patrolmen, and shall designate and assign a certain district to each one of them in said road district, and shall also have power to dismiss from such employment at any time, any person or persons so employed by them; and said policemen, watchmen and patrolmen when so employed shall have the same powers for the pre-

Money for employing policemen, &c., to be raised by tax.

servation of the public peace as constables now have by law.

Manner in which roads shall be laid out.

6. *And be it enacted*, That all public roads which shall hereafter be laid out in said township of Linden, under and by virtue of any law or statute of this state, north of the road called Saint George's avenue, in said township, shall be laid out at right angles to or parallel with the railroad track of "The New Jersey Central Railroad Company," and all public roads that shall be so laid out south of said road called Saint George's avenue, shall be laid out at right angles to and parallel with the railroad track of "The New Jersey Railroad and Transportation Company" in said township.

Powers of the township committee.

7. *And be it enacted*, That the rights, powers, authority, privileges and advantages conferred on the township committee of the township of Mullica, in the county of Atlantic, in and by an act entitled "An Act to authorize the township committee of the township of Mullica, in the county of Atlantic, to open, lay out and straighten, work and repair the public roads, streets, avenues and sidewalks in the said township," approved April eighth, eighteen hundred and sixty-eight, be and the same are hereby conferred on the township committee of the township of Linden, who are hereby authorized and empowered to have, hold, use, enjoy and exercise all such powers, subject to the regulations and provisions of said act, so far as the same are not modified by the provisions of this act.

Election of township committee.

8. *And be it enacted*, That the township committee of said township of Linden shall hereafter consist of eight persons, who shall be qualified in all respects as heretofore, two of whom shall be elected from each of said road districts; and that at the next township election there shall be chosen from each of said road districts two township committeemen, one of whom shall hold such office for one year only, and the other one shall hold such office for two years, and that at each succeeding township election there shall be one township committeeman only chosen from each of said road districts, and that such committeeman shall hold such office for the term of two years.

Proceedings for the redemption of lands sold for taxes.

9. *And be it enacted*, That in all cases of sale hereafter made of any lands, tenements, hereditaments and real estate in the said township of Linden, in pursuance of an act entitled "An Act to make taxes a lien on real estate," approved March seventeenth, eighteen hundred and fifty-four, and the

supplement to said act approved March twenty-fifth, eighteen hundred and sixty-three, the said lands, tenements, hereditaments or real estate so sold may be redeemed by the owner or owners or by any other person for and in behalf of the owner or owners of such lands, tenements, hereditaments or real estate at any time within two years after the time of such sale, by paying to the purchaser or purchasers thereof, or his, her or their legal representatives, the amount paid therefor by such purchaser or purchasers, together with any other sum or sums paid for taxes or assessments, which the said purchaser or purchasers may have paid, chargeable on said lands, tenements, hereditaments or real estate, and which he, she or they are hereby authorized to do with interest thereon at the rate of twelve per centum per annum in addition thereto, and upon such payment being made to such purchaser, or his or her or their legal representatives, he, she or they shall reconvey and restore to the owner or owners of such lands, tenements, hereditaments and real estate the same, and on failure of such redemption money being paid within the time above limited for such redemption, the right of redemption shall cease.

10. *And be it enacted*, That all acts and parts of acts in- Repealer.
consistent with the provisions of this act be and are hereby repealed, and that this act shall be a public act and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXXII.

An Act to incorporate the North Hudson County Ferry Company.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of cor-
rators.</sup> *the State of New Jersey*, That John Morgan, D. P. Westervelt, Nicholas Pflaum, Henry J. Rottmann, Casper Engelhard, Daniel Lake, Alfred E. Gregory, Nathan T. Madden, P. M. Wellon, Frederick J. Bantz, George Bruce, Charles Pinnell, E. E. Johnson, James K. Silleck and William H.

Danielson, and such other persons as may hereafter be associated with them, shall be, and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The North Hudson County Ferry Company," for the purpose of establishing, maintaining, conducting and managing a ferry or ferries from some suitable point on the shore of the Hudson river, between the Delaware and Hudson Canal Company's coal docks and the northerly line of the Venango Oil Dock, in the township of Weehawken, in the county of Hudson, and the city of New York, for the use of the public, with power to ask and receive such reasonable rates of toll as by the by-laws of said company may be established, such tolls not to exceed the rates now taken at the Hoboken ferry; and with the privileges and immunities hereinafter described and granted, and said company shall run a boat at least every hour during the day and evening, and by the name of "The North Hudson County Ferry Company," they and their successors and assigns shall and may have continual succession, shall and may sue and be sued, implead and be impleaded in all courts of justice and elsewhere, and shall have power to make and use a common seal, and the same to change and renew at pleasure; and they and their successors shall have power and authority to lease, purchase or receive by gift, and to hold, enjoy or lease, convey, grant, demise and sell all such lands, tenements, hereditaments, water privileges or rights, goods, chattels and effects of every description whatever, as may be necessary or expedient for the objects of this incorporation; and that the said company shall have power to adopt, establish and carry into execution such laws and regulations, as shall by its managers be judged necessary or convenient for the government and management of the said company, and the same to change, alter, repeal and re-enact; *provided*, the same be not contrary to the constitution and laws of the United States, or of the state of New Jersey.

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

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to

Corporate name and object.

General powers.

Proviso.

Amount of capital stock.

Commissioners to receive subscriptions.

receive subscriptions to the capital stock of the said corporation, at such time or times, place and places, as they or a majority of them may think proper, giving at least thirty day's notice of the same in two of the newspapers published in the county of Hudson, and one in the city of New York, and that at the time of subscribing ten per centum shall be paid upon each share subscribed for, to the commissioners or some one of them, and when one hundred thousand dollars of said stock are subscribed for, and the first installment paid thereon, the said commissioners, or a majority of them, shall thereupon give notice in the manner aforesaid of a meeting of the stockholders to choose nine directors, a majority of whom so chosen shall be residents of this state, and such election shall be made at the time and place appointed in the said notice, by such stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote, and the above named commissioners, or a majority of them, shall be inspectors of the first election of directors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books to the said directors, and the moneys paid to them for subscription to said capital stock after defraying the expenses of subscription and incidental expenses, and that annually thereafter upon like notice being given by the directors for the time being, the stockholders shall in the same manner elect the same number of directors, and the time and place of holding the first meeting of directors shall be fixed by the said persons who act as inspectors as aforesaid, and the first directors, and, yearly, the directors chosen at any election for that purpose, shall, as soon as may be after the election, choose out of their own number a president, and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the board of directors or a majority of them, and in case of the absence of the president, the said board of directors or a majority of them, may appoint a president pro tempore, who shall have such powers and functions as the by-laws of the said company shall provide.

Election of
directors.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be held at the time when, according to this act it should have been held, said corporation

Not dissolved
by failure to
elect directors

shall not for that cause be deemed dissolved, but such election may be held at any other time on notice as aforesaid, and the officers and directors for the time being shall continue in office until others shall be elected in their stead.

Failure to pay
installments
to work for-
feiture.

5. *And be it enacted*, That a majority of the directors of said corporation shall constitute a quorum, and be competent to transact all business, and they shall have power to call in the remainder of said capital stock by installments not to exceed twenty per centum on each share, at any one time, by giving thirty days' previous notice thereof as aforesaid, but no two installments shall be required to be paid within four weeks of each other; and in case of the nonpayment of such installments, they may forfeit the shares upon which such default shall arise to and for the use of said corporation.

May construct
docks and
wharves.

6. *And be it enacted*, That the president and directors of said corporation be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to locate and construct docks, piers, wharves, bulkheads, and such other improvements as may be necessary in constructing and establishing such ferry, and for no other purpose whatever, at such point or location on the shore of the Hudson river in said township of Weehawken, as they may deem expedient, within the limits mentioned in section first of this act, said improvement to be constructed on or in front of any lands leased by said company, or to be acquired by the said company as hereinafter provided; to erect ferry houses and other buildings, and to keep and maintain the same on the lands now covered by water in front of the lands to be acquired by the said company as hereinafter provided; *provided*, the said piers, docks, wharves and bulkheads, shall not obstruct the navigation of the Hudson river, or in any way impair the rights of the state to such lands under water; and for the purpose of enabling said company to determine where said docks, piers, wharves and bulkheads can be located and constructed to the best advantage for the purpose aforesaid, it shall be lawful for the said company by its agents, engineers, officers or other persons in their employment to enter upon all lands lying along the Hudson river between the said points mentioned in said section first, whether the same may be covered by water or not, for the purpose of exploring, surveying and locating said piers, docks and wharves or other improvements, doing no unneces-

Proviso.

sary damage to private property ; and when the location of said piers, wharves, docks and bulkheads shall be determined and a survey of the same deposited in the office of the clerk of Hudson county, it shall be lawful for the said company by any of its officers, agents, superintendents, engineers, contractors or other persons in their employ, to enter upon, take possession of, have, hold, use and occupy any such lands not exceeding three hundred feet in width, and to build docks, piers, wharves and bulkheads, and all other necessary works and structures for the purpose aforesaid, which may be necessary to carry into effect the purposes contemplated by this act ; *provided*, that where such lands are not purchased by or given to said company payment or tender of payment of all damages for the occupancy of said lands, to be determined as hereinafter provided, shall be made before the said company shall enter upon or occupy said lands except for the purpose of surveying the same as hereinbefore mentioned.

7. *And be it enacted*, That if the said company, or its officers or agents, cannot agree with the owner or owners of such required lands or water rights, for the use or purchase thereof, or if by reason of the incapacity or the absence of such owner or owners, no such agreement can be made, as particular a description as the case will admit of the land or water, or other rights so required for the use of the said company, shall be given in writing under the oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupants or owner, if known, to one of the justices of the supreme court, who shall require the said company to give notice of said application to the persons interested, if known and in this state to make publication as he shall direct for any term not less than ten days in two newspapers published in Hudson county, and the said justice shall appoint a time and place for the appointment of three disinterested commissioners, residents of the state of New Jersey, to view said lands ; and at the time and place appointed upon satisfactory evidence of the service or publication of said notice, the said justice shall appoint three disinterested commissioners to appraise the value of said lands and water rights and the damages which may be sustained by the owner by the taking of the same by said company ; and said commissioners, having first taking an oath in writing before a justice of the supreme court, faithfully and impartially to execute the duties of said appointment, shall,

Proviso.

Proceedings
in case no
agreement can
be made with
owners of prop-
erty.

Proceedings
in case of ap-
peal.

after giving ten days' notice to both parties where said parties reside in this state, view the premises and hear the parties and their evidence, if so desired, and thereupon make such appraisement of the value of said lands or water rights and of the damages sustained by the owner, as to them shall appear just and proper, and shall transmit such appraisement and award in writing, under their hands and seals, to the justice who appointed them, to be by him returned and filed in the office of the clerk of said county of Hudson, together with all the papers before him, there to be kept as a public record, and said commissioners shall immediately notify both parties that they have made their report relating thereto; and if either party shall feel aggrieved by the said appraisement and award of the said commissioners, the party so aggrieved may appeal to the circuit court of the said county of Hudson at the next term after said appraisement and award shall be returned and filed as aforesaid by a proceeding in the form of a petition to said court, and the party appealing shall give to the opposite party five days' notice in writing of said appeal, and the filing of such petition in said circuit court shall vest in said court full power to hear and adjudge the same; and if required by either party said court shall award a venire for a jury who shall view the premises and hear and determine said appeal subject to the right of writs of error to the supreme court and court of errors and appeals; the said jury shall assess the value of the land or water rights taken by said company and all damages sustained or that may be sustained by the owner; and if said jury shall find a greater sum than was awarded by the commissioners, judgment shall be given therefor against the company, with costs, and execution may be issued thereon, but if the said jury shall be demanded by the owner or owners, and shall find the said sum or a less sum than the commissioners awarded, the costs shall be paid by the owner or owners and shall be deducted out of the sum so found by the jury or considered a payment thereon, or an execution may issue therefor by order of the court, and on payment or tender of payment of the sum so awarded by the commissioners or found by the said jury or that may be finally determined on an appeal with costs, where costs are adjudged, said company, their successors and assigns shall have the right to hold, use, occupy, possess and enjoy the water rights and lands described in the report of said commissioners for the

uses and purposes authorized by this act, *provided*, that the said company may take possession of said lands and water rights and use the same for the purposes contemplated by this act at any time after the appraisement and award of said commissioners, and notwithstanding any appeal therefrom, having first tendered to the owner or owners the amount of said award, or, in case of refusal, to receive the same, or in case of any disability on the part of the owner, or in his absence from the state, having paid the same into the circuit court of said county for the use of such owner or owners.

8. *And be it enacted*, That the said company be and they are hereby authorized to borrow such money not exceeding one-half the amount of the capital stock of said company as may be necessary for the construction of said docks, wharves, piers and bulkheads, for the purpose aforesaid, and for furnishing the necessary boats, engines, machinery and for constructing buildings and other improvements for the use and objects of said corporation and to secure the repayment thereof with interest not exceeding seven per centum per annum by executing bonds and mortgages or otherwise, on the said water rights, personal property, franchises and appurtenances of or belonging to the said corporation; and it shall not be lawful for the said corporation to plead any statute or statutes of this state against usury, or in any suit in law or equity instituted to enforce the payment of any bond or mortgage executed under this section.

9. *And be it enacted*, That it shall not be lawful at any time hereafter for any owner, captain or other person having control of any steamboat or other boat or vessel, to touch or to land at said docks, wharves, piers, or bulkheads of said corporation, constructed for the purposes aforesaid, or to receive or to land or discharge any passengers or freight at said docks, wharves, piers or bulkheads, or such other improvements as may be made thereon by said corporation unless in cases where any boat or other vessel shall be in distress, without consent first had and obtained from said corporation.

10. *And be it enacted*, That if the said ferry shall not be established and in public use at the expiration of two years from the fourth day of July next ensuing, then and in that case this act shall be void; *provided*, that any time said company shall be delayed by judicial proceedings shall form no part of said two years.

11. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXXIII.

A Further Supplement to "An Act to incorporate the Cape Island Turnpike Company," approved March first, eighteen hundred and fifty-one.

May increase
capital stock. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for "The Cape Island Turnpike Company," whenever the necessities of said company shall in the opinion of its directors seem to require it, to increase its capital stock to an amount not exceeding in the aggregate the sum of sixty thousand dollars, and the directors of the said company may, for the purpose of increasing said stock, open books for the subscription therefor, in which case they shall proceed in the same manner as the commissioners appointed by the act to which this is a supplement were directed to proceed, or, at their option, said directors may dispose of said stock in such other manner as the interest of said corporation may require; and upon every increase of the capital stock of said corporation to be made as aforesaid, it shall be the duty of the president and treasurer of said corporation, within ten days after such increased stock has been issued and paid in, to file in the office of the secretary of state, a certificate in writing, under their hands, and attested by the seal of said corporation, setting forth the amount of stock then outstanding, the number of shares of the increased stock issued, and the amount paid in therefor.

Annual elec-
tion of direc-
tors. 2. *And be it enacted*, That it shall be lawful for the stockholders of said corporation, at their next annual meeting, and annually thereafter, to elect by ballot from among the stockholders nine directors, a majority of whom shall be citizens

of the county of Cape May, who shall hold their offices for one year, or until others shall be elected.

3. *And be it enacted*, That so much of the tenth section of the act to which this is a supplement, as requires said corporation to make and keep in repair good and sufficient fences on both sides of said road, when it passes through improved land, be, and the same is hereby repealed. ^{Repealer.}

4. *And be it enacted*, That the said corporation shall have power and authority to survey, lay out, and construct a railroad, not exceeding fifty feet in width, with one or more tracks, from some point in the city of Cape May to some point at or near the Cape Island turnpike, and from thence on or near the said turnpike road to some point at or near the crane post or the steamboat landing on the Delaware bay, and there to end; and it shall be lawful for the said corporation, their agents, engineers, superintendents and workmen, to enter at all times upon all lands and waters, for the purpose of exploring, surveying, leveling, laying out or locating the said railroad, doing no unnecessary injury to private or other property; and when the route of said railroad shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for the said corporation, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges and all other works necessary to lay rails, and to do all other things necessary or proper for the completion or repair of said railroad, subject to such compensation as is hereinafter provided for; *provided*, that payment, or tender of payment of all damages for the occupation of such lands shall be made before the said corporation, or any person in their employ, or under their direction, shall enter upon or break ground in the premises, except for the purpose of surveying and locating said railroad as aforesaid, unless the consent of the owner or owners of such lands shall be first had and obtained; *and, provided, also*, that the said railroad shall not be constructed along any street of said city of Cape May, without the consent of the city council first had and obtained; but no damages or other compensation shall be demanded therefor by said city, or by the owners of land along said streets, other than that said corporation shall maintain and keep in good repair the said streets where said railroad passes ^{May survey, lay out and construct railroad.} ^{Proviso.} ^{Proviso.}

Proviso

for at least ten feet in width for each track of railroad in each street; and the said railroad, and the rails thereof, shall be constructed in such manner, and of such gauge, size and pattern, as to impair or obstruct as little as practicable the ordinary travel on streets; and said railroad shall be constructed of the same width that vehicles and carriages are now required by law to be built, and the rails shall be laid in such manner that ordinary vehicles and carriages can be driven upon said road; *and, also, provided further*, that in crossing the railroad of "The Cape May and Millville Railroad Company," the said railroad, hereby authorized to be constructed, shall be made at such intersection on the level of said railroad, and the cuts in the rails thereof, and the crossings and connections shall be made in the best and most approved manner, and so as not materially to interfere with or obstruct the travel thereon.

Proceedings
when compa-
ny and own-
ers of land
cannot agree

5. *And be it enacted*, That when said company or its agents cannot agree with the owner or owners of such required land, for the use or purchase thereof, or when by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of said company in the construction of said road, 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 and out of this state, to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of 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, residents in the county in which the land in controversy lies, or the owners reside, commissioners to examine and appraise the said land, 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 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 land, said commissioners at the same time taking into consideration all the benefits to be derived from, or in consequence of the said railroad, to the said owner or owners, and to make a just and equitable estimate and appraisement of the value of the same, and assessment of damages as shall be paid by the company for such lands 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, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land is 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 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 upon 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, as they or he shall think equitable and right, which shall be paid by the company; *provided always*, that should ^{Proviso.} the said company, or the owner or owners of any of the land feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said lands may lie.

6. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section shall be made in writing, and in the form of a petition ^{Proceedings in case of appeal.}

Proviso.

to said court, and filed with the clerk of the said circuit court of the county wherein the lands appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next term of the said court to be holden in 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 and damages sustained, 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 said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered or the said commissioners shall have awarded, then 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 said court shall direct, but such application shall not prevent the company from taking the said land upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons, for the purpose of actually constructing said railroad or making any erection or improvements whatever, or otherwise appropriating said lands to the use of said company, until they have paid to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal, or in case of appeal found by the jury, shall refuse upon tender thereof being made to receive the same, or shall be out of this state, or under any legal disability, then the payment of the amount assessed, or found as aforesaid, into the circuit court of the county where the said land lies, shall be deemed a valid and legal payment;

and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred from his, her or their appeal from the report of the commissioners.

7. *And be it enacted*, That the president and directors of said company shall have power to have constructed or to purchase with the funds of said company, all such machinery, engines, cars, wagons, carriages, or other vehicles, for the transportation of persons or any species of property on railroads, as they may think fit, reasonable, expedient or right; but no steam power shall be used as a motive or propelling power on said road, except the steam engine known as the dummy engine; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and property thereon as they, from time to time, may think reasonable and proper.

8. *And it be enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of any railroads enjoyed under the provisions of this act, or any of their necessary works, wharves, bridges, carriages or machines, such persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction in an action of debt, and further, shall be liable for all damages.

9. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time as shall be necessary to rebuild their turnpike road or to build, construct or repair said railroad, and to furnish the said corporation with all the necessary engines and machinery for the uses and objects of said company, and to secure the payment thereof by promissory notes, bond, mortgage, or otherwise on the said roads, lands, privileges, franchises, and appurtenances of, or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury in any suit, in law or equity, instituted to enforce the payment of any promissory notes, bond or mortgage, executed under this section; *and provided further*, that the moneys so borrowed shall not exceed in the aggregate fifty per centum of the capital stock of said company actually paid in.

10. *And be it enacted*, That as soon as the said railroad

Statement of
costs and ex-
penses to be
made and filed

State tax.

Proviso.

Limitation

or any part of it is in operation, the president of the said company shall file under oath or affirmation, a statement of the amount of the costs of the said railroad including equipments, appendages and all expenses in the office of the secretary of state, and annually thereafter on the first Monday in January in each year, he shall under oath or affirmation make a statement to the secretary of state, of the cost, equipments, appendages and expenses of said road; and after the said railroad or any part thereof shall be in operation the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad, or any part thereof shall be in operation, the said corporation shall be regularly assessed, and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner, for the same purposes and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

11. *And be it enacted*, That the act to which this is a supplement, and all other supplements thereto, heretofore passed, and now in existence unrepealed, shall continue in operation and effect for the full term of twenty years from the first day of March, anno domini, eighteen hundred and seventy-one, and that this act shall take effect immediately, and shall continue in operation and effect for the same period of time, and that all acts and parts of acts heretofore passed relating to said "The Cape Island Turnpike Company," inconsistent with the provisions of this act be and the same are hereby repealed.

Approved March 17, 1870.

CHAPTER CCCCLXXIV.

An Act to incorporate the Hackettstown Savings Bank.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of cor-}
the State of New Jersey, That Caleb H. Valentine, William ^{porators.}
 L. Johnson, John Tims, Jacob Welsh, George Haszen, Wil-
 liam Holt, Thomas McCauley, J. R. Bryan, Archibald Price,
 Isaac W. Crane, Joshua H. Curtis, Eli W. Osmun, John
 White, Robert Q. Bowers, Abram R. Day, John B. Fisher,
 Robert S. Price, Robert Rusling, David Shields, William
 Dellicker, George W. Johnson, Stephen C. Larison, Peter
 Churchfield, William McCracken, Silas M. McClellan, Aaron
 Robertson, Henry R. Tunison, William W. Marsh, L. C.
 Bowlby, Isaac Dill and John S. Labar, and their successors,
 shall be and are hereby constituted a body corporate and
 politic by the name of "The Hackettstown Savings Bank," ^{Corporate}
 to be located in Hackettstown, Warren county. ^{name.}

2. *And be it enacted,* That the business of the said corpo- ^{Election of}
 ration shall be conducted by nine managers, five of whom ^{managers}
 shall constitute a quorum; and the seat of any manager who
 shall have neglected to attend for six successive meetings
 may be vacated by the board, and when the seat of any mem-
 ber of the board of managers shall from any cause become
 vacant, the other members may fill such vacancies by the
 vote of the majority of the board, such vacancies to be filled
 at the first regular meeting of the board held after such va-
 cancy having occurred; the first managers shall be elected
 from the persons named in the first section of this act, by a
 majority of the votes, the said incorporators having the right
 to vote by proxy; the board of managers shall meet at least
 once in every three months to attend to the business of the
 corporation, and there shall be an annual meeting of the
 board held on the first Monday in May for the purpose of
 choosing one of their number president, and appointing a
 cashier and such officers or agents as may appear to them neces-
 sary for conducting the business of the bank, which officers
 so chosen and appointed shall continue in office for one year,
 and until others are chosen and appointed in their place, and

they shall be under oath, and if necessary required to give security for the faithful and honest performance of the duties of their respective offices.

May make by-laws.

3. *And be it enacted*, That the board of managers shall have the power from time to time to make, ordain and establish such by-laws, rules and regulations as they shall judge proper for the receiving of deposits, and paying out of the same by drafts, orders or otherwise, as the depositors may direct, and for the transacting, managing and directing all the affairs of the corporation; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state or of the United States, and shall not at any time be altered so as to affect any deposit of money previously made.

Proviso.

Deposits.

4. *And be it enacted*, That the said corporation may receive on deposit, all sums of money which may be offered for the purpose of being invested, in such amounts and at such times, and on such terms as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to the depositors, or their order, at such times, and with such interest, and under such regulations as the board of managers shall, from time to time, prescribe; and the said institution may accept and execute all such trusts of every description as may be committed to them by any person or persons whatever, by will or otherwise, or transferred to them by order of any court.

Investment of deposits.

5. *And be it enacted*, That the said corporation may invest the money left with them on deposit in no other public stocks or bonds other than such as are created and issued by the United States and by the several states of the Union, or by the several counties, cities and towns in this state, under the laws thereof, nor upon bond and mortgage, except on encumbered real estate, worth at least double the amount invested; *provided*, said corporation may make temporary loans upon personal securities, or with pledges of collateral securities worth at least thirty per centum more than the amount loaned; but the amount thus loaned on personal security shall not at any time exceed fifty per centum of the whole amount of the assets and securities of the said corporation.

Proviso.

Regulation of interest.

6. *And be it enacted*, That it shall be the duty of the board of managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a just proportion of

the profits of the business of the said corporation, after deducting therefrom all necessary expenses and a reasonable surplus or contingent fund; *provided*, that the rate of interest ^{Proviso} may at the discretion of the managers be so regulated as that the interest allowed any depositor having more than one thousand dollars deposited shall be at least one per centum less than the rate allowed to other depositors; *and provided* ^{Proviso.} *also*, that the said corporation shall not be required to allow interest upon any deposit of a less amount than five dollars, nor upon the fractional parts of one dollar, nor upon the fractional parts of a month; and that no interest or dividends on account of any surplus or contingent fund shall be allowed for moneys which have been withdrawn from deposit.

7. *And be it enacted*, That it shall be lawful for the said ^{Deposits by} corporation at their discretion to pay any depositor being a ^{minors.} minor, such sum not exceeding five hundred dollars as may be due to such depositor, in cases where no guardian shall have been appointed in his or her behalf, and that the receipt or acquittance of such minor shall be as valid as though the same were executed by his or her guardian duly appointed; *provided*, such deposit shall have been made per- ^{Proviso.} sonally by such minor, and not by any other person for his or her benefit.

8. *And be it enacted*, That in case the said corporation ^{Deposits made} shall receive any deposit or deposits from any married female, ^{by females} or from any single female who may afterwards marry, it shall ^{not to be con-} be lawful for the said corporation to hold the same, together ^{trolled by} with the interest or dividends which may accrue thereon, as ^{husband.} the sole and separate property of such female as though she were single, not subject to the control nor liable for the debts of her husband, and to repay the same and the interest and dividends, or any part thereof, upon her check, order or receipt or demand, without the concurrence of her husband; and such payment shall exonerate and discharge the said corporation from any further liability by reason thereof.

9. *And be it enacted*, That the said corporation may pur- ^{May hold real} chase and hold, in fee simple or otherwise, any real estate ^{estate} or personal property, and the said corporation may sell, lease or otherwise dispose of the said real estate or personal property, or any part thereof, at their will and pleasure.

10. *And be it enacted*, That a book shall be kept at the ^{Disposition of} office of the institution, in which any depositor shall be at ^{deposits in} liberty to appoint any person or persons to whom in the event ^{case of death.}

of his, or her death, the money shall be paid, if not otherwise disposed of by will, and all payments made to the person or persons so appointed shall be a full discharge of the claims against said institution.

Annual statement.

11. *And be it enacted*, That it shall be the duty of the said institution to make an annual report to the legislature of this state, under the oath or affirmation of the treasurer or cashier, and a committee appointed for that purpose by the managers of three or more of their number, of the state of its funds, and such statement shall be published in the Hackettstown Gazette or some paper published in Hackettstown.

No compensation to managers.

12. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the managers or either of them for their services, except the cashier or treasurer, and the committee on the examination of property offered as security for loans, who shall receive such compensation as from time to time may be established by a majority of the whole number of the managers of said corporation.

Act. how construed.

13. *And be it enacted*, That this act shall be and hereby is declared to be a public act, and the same shall be construed in all courts favorably and benignly for every beneficial purpose therein included, and that no misnomer of the said institution in any deed, grant, devise, or other instrument of contract or conveyance shall vitiate or defeat the same; *provided*, the institution shall be sufficiently described so as to ascertain the intention of the parties; *and provided also*, that the legislature may at any time hereafter amend, modify or repeal this act.

Proviso.

14. *And be it enacted*, That this act shall continue in force until repealed, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXXV.

Supplement to "An Act to incorporate the City of Plainfield,"
approved April second, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said common council, by ordinance, to lay out or open any street, road or highway in any part of the said city, and to cause any street, road, highway or alley, already laid out in any part of said city, to be vacated, opened, altered or widened, whensoever and so often as they shall judge the public good requires the same to be done; and the said common council shall give notice to the owner or owners of any lands or other real estate, with the appurtenances necessary to be taken for either of said purposes, or to his, her or their legal representatives of their intention to take such land or other real estate and appurtenances, and appropriate it for such street, road, highway or alley, and shall treat with such person or persons for the same; and if any such person or persons shall refuse to treat for any such land or other real estate, with the appurtenances, or the said common council cannot agree with such person or persons for the same, then it shall be lawful for the said common council to appoint three judicious and disinterested citizens of said city as commissioners, to make an estimate and assessment of the damages that any such owner or owners will sustain by opening, laying out, altering or widening any such street, road, highway or alley, and in estimating and assessing such damages, the said commissioners shall have due regard as well to the value of the land and other real estate, with the appurtenances, as to the injury or benefit of the owner or owners thereof, by laying out, altering or widening any such street, road, highway or alley; and after making their award of damages, they shall deduct from the same the amount of the estimated benefits, if any, to the owner or owners or occupiers; and if in any case the commissioners shall estimate the said benefits to be greater than the said damages, they shall so declare it in their report; *pro-Provided*, that no street, road, highway or alley in said city shall

Proviso.

be laid out, opened or extended, against the written remonstrance of those persons owning a majority in interest of the frontage land lying on that portion of the street, road, highway or alley proposed to be laid out or opened; *and provided further*, that no street, road, highway or alley, that is now or may hereafter be opened, shall be altered or widened against the written remonstrance of those persons owning one-half of the frontage land lying on the street, road, highway or alley proposed to be widened or altered, said remonstrance to be presented and filed with the city clerk within twenty days after he shall have published in the city newspapers the intention of the said common council, to pass ordinances authorizing such improvements to be made; and the filing of said remonstrance with the city clerk shall be deemed and taken as sufficient evidence of such remonstrance having been made.

Commissioners shall take oath.

2. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall be sworn or affirmed before the mayor, or any person authorized by law to administer oaths, to make the assessment and estimate submitted to them, fairly and impartially, according to the best of their skill and judgment.

Notice of intention to open streets to be given.

3. *And be it enacted*, That the said common council shall appoint a time and place within the said city for the said commissioners to meet, notice whereof shall be given by advertising the same in two newspapers printed in the city of Plainfield, if so many there be, two weeks before the time of meeting, which notice shall specify the street, road, highway or alley proposed to be laid out, altered or widened, the alterations proposed to be made, and the lands or other real estate with the appurtenances intended to be taken for such purposes, and the said commissioners, or a majority of them when met, shall have power to swear and examine witnesses, and shall view the premises if necessary, and make just and true estimates and assessments, and file the same with the clerk of said city; and the same being ratified by the common council, shall be binding and conclusive, upon the owner or owners of any such lands or other real estate, with the appurtenances subject only to the appeal hereafter given; and upon payment of the damages so awarded, or upon a tender and a refusal thereof, it shall be lawful for the commissioners to cause the same land or other real estate, with the appurtenances to be converted and used for the pur-

poses aforesaid; *provided, however*, that any person or persons conceiving himself, herself or themselves aggrieved by the proceedings of said common council, or of the said commissioners may appeal therefrom to the circuit court of the county of Union, within sixty days from the time of making the final order of the common council, and the said circuit court shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof shall be conducted as in other cases of trial by jury; *provided*, that any person intending to appeal as aforesaid, shall notify the city clerk of such intended appeal, within ten days after the ratification by the common council of the assessment, from which such appeal is intended.

Parties aggrieved may appeal.

Proviso.

4. *And be it enacted*, That in case of nonpayment on demand of any damages estimated and assessed as aforesaid, with interest from the date of the assessment, in case of no appeal to the said circuit court as aforesaid, the person or persons entitled thereto, may sue for and recover the same from the said city in an action of debt, with costs, in any court having cognizance thereof, and the said proceedings of the said commissioners and common council, or the award of said jury, as the case may be, shall be conclusive evidence against the defendants.

City may be sued for non-payment of damages.

5. *And be it enacted*, That in order to provide for the payment of the damages assessed as aforesaid, for the laying out and opening of any street, road or highway in the said city, or for the altering or widening of any street, road, highway or alley already laid out in said city, and of all other necessary expenses incident to such laying out, altering or widening, the said common council shall ascertain the whole amount of such damages and expenses, and shall cause to be made a just and equitable assessment thereof among the owners and occupants of all houses and lots benefited thereby, in proportion, as nearly as may be, to the advantages each shall be deemed to acquire, and the common council shall appoint three judicious and disinterested citizens of said city to make every such assessment, who, before they enter upon the execution of their trusts, shall be sworn or affirmed before any person residing in said city authorized by law to administer oaths, to make said assessment fairly, according to the best of their skill and judgment; and a certificate in writing of such assessment, signed by a majority of such persons, being returned to the common council and ratified by

Damages to be ascertained and paid by assessment.

them, shall be binding and conclusive upon the owners and occupants of such houses and lots to be assessed respectively; and such owners or occupants shall, also, respectively on demand pay, to such persons as shall be authorized by the said common council to receive the same, the sums at which such houses and lots shall be assessed, to be applied to the payment of the damages and expenses of laying out, altering or widening the said street, road, highway or alley as aforesaid; and on default of such payment, or any part thereof, it shall be lawful for the mayor of said city, by direction of the common council, to issue a warrant under the common seal, to levy the same by distress and sale of the goods and chattels of such owner and occupant, refusing or neglecting to pay the same, rendering the overplus, if any, after deducting the charges of such distress and sale, to such owner or occupant, or his or her legal representatives; *provided, always*, that nothing in this section contained shall affect any agreement between landlord and tenant respecting the payment of any such charges, but they shall be answerable to each other in the same manner as if this supplement had not passed; and further, if any such assessment, or any part thereof, shall be paid by any person, when by agreement or by law, the same ought to have been borne or paid by some other person, then it shall be lawful for the person paying the same, to sue for and recover the same, with interest and costs of suit before any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the assessment aforesaid and proof of payment shall be conclusive evidence in said suit; and in all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed the person who ought in law to bear and pay every such assessment.

Proviso.

Houses and
real estate
may be sold to
satisfy assess-
ment.

6. *And be it enacted*, That in case any assessment made as aforesaid shall not have been complied with, by payment of the sums thereby assessed, it shall be lawful for the common council to cause the same to be advertised in one or more public newspapers printed in said city, for at least one month, requiring the owner or occupant of such houses and lots and real estate respectively, to pay the sums at which the same shall have been assessed to the treasurer of said city; and in default of such payment such houses and lots and real estate will be sold at public auction, to satisfy such

assessment, and the interest, costs, charges and expenses thereof; and if notwithstanding such notice the said owners or occupants shall refuse or neglect to pay such assessment, and the expenses of such advertisement, then it shall and may be lawful for the said common council to cause to be collected the amounts of said assessment, for the benefits so made as aforesaid upon any lands or real estate; with interest, costs, charges and expenses, by a sale of said lands and real estate as hereinafter provided; and to cause public notice thereof to be given for the space of four weeks, by setting up advertisements of such sale in five public places in said city, and publishing the same in one or more public newspapers printed and published in said city, for the term above mentioned, being the four weeks next preceding such sale, which notices shall be signed by the city clerk, and shall contain a brief description of the premises to be sold, and for what purpose, and the amount of said assessment against the same, with the cost, charges and expenses, and the day, hour, and place of such sale; and it shall be lawful to sell said land and premises at public auction, for the shortest term, not exceeding fifty years, for which any person or persons will agree to take the same and pay such assessment, interest, cost, charges and expenses, and to cause to be executed under the common seal of said city a certificate of said sale, and deliver the same to the purchaser or purchasers thereof, within ten days after such sale; *provided*, that it shall not be lawful to sell the same until six months after the completion and return of said assessment, nor until the owner or owners of said real estate be personally notified to pay said assessment, if non-resident, and their place of residence may be found with reasonable diligence. Proviso.

7. *And be it enacted*, That the owner, mortgagee, occupant, or any person or persons having a legal or equitable interest in any lands or real estate sold for assessments as aforesaid, may redeem the same at any time within two years from the time of such sale, by paying to the city treasurer, for the use of the purchaser, his heirs or assigns, the said purchase money, together with any other assessment properly chargeable thereon and which the purchaser may have paid, with the interest on said purchase money at the rate of twelve per centum per annum from the time of such sale, or from the time of such payments; and the certificate of such treasurer, stating the payment and showing what property Redemption
of lands sold
for assess-
ments.

such payment is intended to redeem, shall be evidence of such redemption, which sum of money so paid the said treasurer shall cause to be refunded to the purchaser, his heirs and assigns.

Declaration of
sale may be
made in case
of non-re-
demption.

8. *And be it enacted*, That if any lands and real estate so sold shall not be redeemed as by this act provided, the common council shall execute to the purchaser, his legal representatives or assigns, a declaration of sale under their common seal, signed by the mayor, attested by the city clerk, containing a description of the premises, the fact of assessment, advertisement and sale, the date of the sale and the period for which the premises were sold, which declaration shall be recorded in the office of the city clerk, and until the same shall have been recorded, such lands and real estate may be redeemed as hereinbefore provided, notwithstanding the period of two years may have expired from the time of said sale; and such declaration of sale shall be presumptive evidence that such sale and proceedings were regularly made according to the provisions of this act, and such purchaser or purchasers, and his and their legal representatives, shall by virtue thereof lawfully hold and enjoy such lands and real estate, with the rents, issues and profits thereof, for his and their own proper use against the owner or owners thereof, and all persons claiming under him or them, until the term shall be completed and ended for which the purchaser or purchasers may have agreed to take the same; and at the expiration of said term shall peaceably and quietly yield up such lands and real estate to the lawful owner or owners thereof, and shall be liable for any injury or waste by him or them done or committed therein, in the same manner as the tenant for a term of years; *provided*, that whenever satisfactory evidence shall be produced to the common council that any lands so sold belong to an idiot, lunatic or infant for whose estate no guardian shall have been appointed, the said common council shall direct the mayor and city clerk to postpone the execution of a declaration of sale of such lands until at least four months after they shall have evidence that such disability has been removed, or guardian or trustee to their estate appointed, and until the expiration of said four months such guardian or trustee or person whose disability has been removed may redeem such lands as hereinbefore provided.

Proviso.

9. *And be it enacted*, That it shall be the duty of the city

clerk to record in proper books kept for that purpose, all certificates of sale and assignments thereof; to give certificates of search in relation thereto, to any person applying for the same, and to cancel such certificates of sales and assignments thereof, so recorded, when the land and real estate for which they were given shall be redeemed on certificate of the city treasurer of such redemption, and to file such certificate in his office; it shall be the duty of the city treasurer to make out two receipts for all property redeemed, one for the person redeeming, and one to be filed in the office of the city clerk.

Certificate of sale to be recorded.

10. *And be it enacted*, That all real estate lying within the limits of the city shall be liable to be assessed and taxed for city purposes.

Real estate taxed for city purposes.

11. *And be it enacted*, That the amount of any assessment shall be and remain a lien on the lot or lots assessed from the time of the completion and return of such assessment in manner aforesaid, until the same shall be paid and satisfied, and that it shall be lawful for the said common council, instead of the remedies herein above provided, if they shall see fit, in case of a refusal or neglect to pay any assessment made as aforesaid, to sue for and recover the amount of such assessment from the person or persons, who, under the provisions of this supplement ought to pay for the same, or his, her or their legal representatives, with interest and costs of suit, in any court of this state having cognizance thereof in an action on the case for so much money by them paid, laid out and expended for such person or persons, his, her or their legal representatives; and the said assessment shall be conclusive evidence for the plaintiff in every such action.

Assessments to be a lien.

12. *And be it enacted*, That no street, road, highway or alley hereafter to be laid out or opened in said city shall be recognized, considered or treated as a public street, highway, road or alley unless the same be laid out and opened under the direction of the said common council in manner aforesaid.

Public streets

13. *And be it enacted*, That in case any owner or owners of any land or real estate necessary to be taken for the laying out, opening, altering or widening any street, road, highway or alley in the said city shall be non compos mentis, or out of the state, or cannot be found on reasonable inquiry, and no agent or legal representative of such owner can on

Proceedings in case of disability of owners of land.

like inquiry be found in this state, then it shall be lawful for the common council of said city to proceed to the appointment of the commissioners mentioned and provided for in the first section of this act, after publishing in a newspaper printed in said city, for the space of two weeks, at least once in each week, a notice of the intention of said common council to take such land or real estate, and appropriate it for such street, road, highway or alley.

Agreement for
lands.

14. *And be it enacted*, That in case the common council and the owner of any such land or real estate shall agree upon the sum to be paid therefor; such sum shall constitute a part of the whole amount of damages and expenses to be assessed under and in pursuance of the provisions named in section five of this supplement.

Proceedings
in case of dis-
ability of own-
ers of house,
&c.

15. *And be it enacted*, That in case the owner or owners of any lot or lots, or house and lot, mentioned in the fifth section of this supplement, be under age, non compos mentis out of the state, or cannot be ascertained on reasonable inquiry, made under the directions of the common council; and the assessment made on such lot or lots in pursuance of the provisions of said fifth section remain unpaid for the space of thirty days after the same shall be made, it shall be lawful for the common council without demand of such owner or owners to proceed to the advertisement first mentioned in the sixth section of this act, and the sale provided for in said section, in the manner in said section pointed out.

Street ending.

16. *And be it enacted*, That it shall be no valid objection against laying out or opening any highway, street, or road in said city, that the ending point of the same is not in a public highway; *provided*, the same be laid out or opened in conformity with the provisions of this supplement.

May establish
ordinances for
paving streets
&c.

17. *And be it enacted*, That it shall and may be lawful for the common council of said city to make and establish ordinances and regulations for the paving or macadamizing of any street, or section of a street, and for the curbing, grading, paving, flagging, graveling, cementing, or planking of any sidewalks, in any street, or section of a street in said city, by the owners or occupants of lands, tenements or real estate fronting on or adjoining such street, or section of a street, and to appoint one or more discreet and skillful person or persons to superintend the said work, and prescribe the manner in which the same shall be performed, and to enforce such ordinances and regulations, by enacting penalties

for non-compliance therewith; *provided*, that before any Proviso. such ordinance or regulation shall be adopted by the said common council, notice of such intended action shall be published by the city clerk, in two newspapers printed in said city, if so many there be, for the period of at least fourteen days.

18. *And be it enacted*, That if the owner or owners of any Proceedings lands, tenements, or real estate, in front whereof the street when owners of land front- shall by such ordinance or regulation be directed to be paved ing on street or macadamized, or the sidewalk curbed, graded, paved, refuse or neg- flagged, graveled, cemented, or planked, shall neglect to com- lect to comply with ordi- ply with such ordinance or regulation, it shall be lawful for the said common council to cause an estimate of the expense of conforming to such ordinance or regulation, with respect to such lands, tenements or real estate to be made, assessed and certified by three citizens, to be appointed by the said common council; and if such assessment be approved by the common council, they may cause the same to be paid for out of any money in the hands of the treasurer of said city, and shall cause an advertisement to be inserted in two newspapers, printed in said city, if so many there be, for three weeks at least, stating the amount of such assessment, and requiring the owner or owners of such lands, tenements, or real estate to pay the same to the treasurer of said city, appointing a day and place when and where such lands, tenements or real estate will be sold at public auction, if default shall be made in such payment, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum assessed as aforesaid; and if, notwithstanding such notice and demand, the owner or owners of such lands, tenements, or real estate shall neglect to pay such assessment, with cost and charges thereof, and of the said advertisement or advertisements, it shall be lawful for the said common council to cause such lands, tenements, or real estate to be sold at public auction for a term, at the time, for the purposes, and in the manner expressed in said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of said city; and such purchaser, his or her executors, administrators or assigns, shall by virtue thereof and of this act, from and after the expiration of the term hereinafter named for redemption, lawfully hold and enjoy the same for his, her and their own proper use against the owner or owners, and

all claiming under him, her or them, until his, her or their term therein shall be fully completed and ended, and be at liberty to remove all buildings and materials which he, she or they shall erect or place thereon; but he, she or they shall leave such lands, tenements or real estate at the expiration of the term in sufficient fence, and the sidewalk in front thereof in the order required by such ordinance or regulation; *provided*, that if, after defraying the actual expense of paving or macadamizing the street, or of curbing, grading, paving, flagging, graveling, cementing or planking the sidewalk in front of any lands, tenements or real estate so sold as aforesaid, in the manner directed by such ordinance or regulation, and deducting all reasonable charges attending the sale, a surplus of the purchase money shall remain in the hands of the treasurer of said city, the same shall forthwith be paid to the owner or owners of such lands, tenements or real estate, or his, her or their legal representatives; *and*

Proviso. *provided further*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or person interested therein, or by any other person, for or in behalf of the owner, mortgagee or claimant of such lands, tenements or real estate, at any time within two years after the sale for assessments, by paying to the treasurer of said city, for the use of said purchaser, the purchase money, together with any other sum paid for taxes or assessments which the said purchaser may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of said city, stating the payment, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption.

Assessments may be recovered by suit at law. 19. *And be it enacted*, That the amount of the assessment or estimate to be made as aforesaid on any lands, tenements or real estate in said city, shall be and remain a lien thereon from the time of the completion and return of such assessment or estimate in manner aforesaid, until paid or otherwise satisfied; and that it shall be lawful for the common council of said city, instead of the remedy thereinabove stated, if they shall see fit, in case the owner or occupant of any lands, tenements or real estate within the said city shall neglect to comply with such ordinance or regulation in respect to the street or the sidewalk in front thereof, to sue for and recover

in the name of the treasurer of said city the amount of such assessment or estimate and costs thereof from the owner or owners of such lands, tenements or real estate, or his, her or their legal representatives, with interest and costs before the mayor or any one of the aldermen of said city, or in any court having cognizance thereof, in an action on the case for so much money by them paid, laid out and expended, to and for the use of such owner or owners, or his, her or their legal representatives; and in every such action the said assessment or estimate, with the proof of the amount paid, shall be conclusive evidence for the plaintiff.

20. *And be it enacted*, That if the tenant or tenants of any lands, tenements or real estate within said city, shall cause the street in front thereof to be paved or macadamized, or the sidewalks to be curbed, graded, paved, flagged, gravelled, cemented or planked in obedience to such ordinance or regulation, at his, her or their own expense, it shall be lawful for him, her or them to deduct the same out of the rent, or to recover the same from the landlord, or owner or owners, or his, her or their legal representatives, with interest and costs, in an action on the case, before the mayor or either one of the aldermen of said city, or in any court having cognizance thereof, for so much money by him, her or them paid, laid out and expended to and for his, her or their use; *provided*, that nothing in this act shall affect any contract or agreement made or to be made between landlord or tenant respecting such charges or expenses.

Tenants may curb, grade and pave sidewalks and deduct the expense from rent.

21. *And be it enacted*, That it shall and may be lawful for the common council of said city to cause stone walks to be laid across any street at the general expense of said city.

Stone crossings.

22. *And be it enacted*, That section twenty-three of the act to which this is a supplement, and all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

Repealer.

23. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXXVI.

An Act for the Improvement of the Town of Red Bank, in the
County of Monmouth.

Boundaries. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the limits of the town of Red Bank, in the county of Monmouth, for the purposes of this act shall be as follows: beginning at a point where the middle of the public road leading from Red Bank to Shrewsbury intersects the middle of Irving street; thence westwardly on a line with the middle of Irving street continued straight to the North Shrewsbury river; thence northwardly and eastwardly along the said river to the north-east corner of the land of the heirs of Edmund Throckmorton, deceased; thence southwardly to a point where the middle of the public road leading from Red Bank to Port Washington intersects the middle of the road leading from the last mentioned road to Parkersville by lands of David N. Byram and William L. Borden; thence southwardly along the middle of said Parkersville road to a point where the line of the middle of Irving street continued eastwardly intersects the middle of the last named road; thence westwardly to the place of beginning.

Election of commissioners and inspectors of election. 2. *And be it enacted*, That it shall and may be lawful for such of the legal voters of the township of Shrewsbury as may reside within the aforesaid limits, on the first Monday of May next, to assemble at the Globe hotel in the town of Red Bank on the said first Monday in May next, and then and there by ballot and by a plurality of votes, elect a commissioner and four assistant commissioners, a town clerk and two inspectors of election; and as soon after said election as the said commissioner and assistant commissioners shall be sworn into office, as hereinafter provided, they shall be denominated "The Board of Commissioners of the Town of Red Bank," and by that name they and their successors forever hereafter, shall and may have perpetual succession, shall be capable of suing and being sued in all the courts of this state, and by that name may make contracts and agreements, and make regu-

Name.

lations and ordinances for the purpose of carrying out and effecting the objects and purposes of this act.

3. *And be it enacted*, That at the election hereinbefore mentioned, Samuel T. Hendrickson, James P. Allen and John Sutton, or such of them as may consent to act, or the survivors or survivor of them shall act as inspectors, and Thomas H. Applegate shall act as clerk; that at such election the polls shall be opened at one o'clock, p. m., and close at four o'clock, p. m., that the persons elected shall hold their offices for one year from the said first Monday of May next, and until their successors are elected and sworn into office; that on the first Monday of May, yearly and every year there after, the legal voters aforesaid shall and may hold a like election at such place in said town as may be designated by the said board of commissioners, who shall by ordinance prescribe the time of opening and closing the polls at such election, and the mode and manner of conducting it; *provided*, ^{Time of opening and closing the polls.} *however*, that said election shall be by ballot, and the polls at such election shall be open at least from one o'clock, p. m., until four o'clock in the afternoon, of all which public notice shall be given by the said board of commissioners at least ten days before each election; *provided, also*, that in case of the death, absence or refusal to serve of the person herein named as clerk of said first election, a clerk shall be appointed by the inspectors or inspector, as the case may be; and in case of the death, resignation or refusal to serve of any persons elected from time to time, as town clerk or inspectors of election, or any disability preventing him or them, or either of them, from serving, such town clerk or inspector shall and may be appointed by the board of commissioners, and shall hold his office until his or their successor or successors is or are elected and qualified; at all elections held in pursuance of this act, except the first, the town clerk shall act as poll clerk. ^{Annual election.} ^{Proviso.}

4. *And be it enacted*, That the said board of commissioners, town clerk and inspectors of election, who shall be elected as hereinbefore provided, shall, before entering on the duties of their respective offices, and within five days after they shall be notified of their election by the inspectors of election, take and subscribe an oath or affirmation before some person authorized by the laws of this state to administer an oath, that they will faithfully discharge the duties of their respective offices, and in default ^{Commissioners shall take oath.}

thereof the election of the person or persons in default shall be deemed void and of no effect; in case such default shall occur on the part of the commissioner or one or more of the assistant commissioners elected at the first election, a new election shall be held at such time as may be appointed by the said inspectors; and if at any subsequent election at such time as may be appointed by the commissioners for the time being, at least ten days' public notice being given of such new election; if such default shall occur on the part of any person elected as town clerk, his default shall be considered as a refusal to serve, and the office shall be filled as hereinbefore provided.

Powers of the
commission-
ers.

5. *And be it enacted*, That within thirty days after said commissioner and assistant commissioners shall have been sworn into office as aforesaid, they shall meet in some suitable place and organize, and the said commissioner shall be chairman; and when so organized they shall have power to pass and enact such by-laws and ordinances, not repugnant to the constitution or laws of the state as they may consider proper for altering, regulating and fixing the grade of the roads, streets and sidewalks, and lighting the same within the aforesaid limits, for improving and keeping the same in repair, and for preventing or removing obstructions therein; for preventing and suppressing riots and disturbances of the peace; for suppressing vice and immorality, and all such other laws and ordinances as they may think adapted to promote the welfare, good order, health and prosperity of the said town and the inhabitants thereof; to revoke, alter and amend the same in their discretion, and to enforce obedience to the same by fines and imprisonments; *provided*, no fine shall exceed ten dollars for the first offence, nor more than twenty dollars for each offence thereafter, and no imprisonment shall exceed thirty days for any offence; *provided also*, that no by-laws or ordinances affecting the rights or property of said inhabitants shall be valid or binding, unless the same shall receive the votes of at least three of the said board of commissioners, nor shall the same go into operation until it shall be regularly recorded in a book kept for that purpose, and a copy thereof signed by the chairman of said board of commissioners, and attested by the clerk, shall have been posted, for at least twenty days, in the room where the said board of commissioners shall usually assemble, and in at least three

Proviso.

other public places in said town, and shall be published the same length of time in at least one of the newspapers of said town.

6. *And be it enacted*, That the said board of commissioners shall appoint a town treasurer, a town marshal, and one or more assistants, and a street superintendent whose duties shall be the same as the overseer of the roads, under the laws of this state, and who shall be under the direction and control of said board of commissioners, each of whom shall give security, in such sums as said board of commissioners may require, for the faithful discharge of the duties of their respective offices; they shall hold their offices during the pleasure of the board, and receive such compensation as may be allowed by the said board of commissioners.

7. *And be it enacted*, That two persons shall be appointed and commissioned, by the said board of commissioners, as police justices, who shall at the time of their appointment be acting justices of the peace, elected under the laws of this state, and shall hold their office for the same term as justices of the peace elected under the laws of this state, and shall have and exercise the same power and jurisdiction within said limits in criminal cases as justices of the peace now or hereafter may be authorized to exercise in this state, and shall be entitled to take fees as justices of the peace now are or hereafter may be entitled to for like services; the courts held by said justices shall be courts of record, and said justices shall have full power to cause to be kept all ordinances that may be made by said board of commissioners, for the preservation of the public peace, and for the good government of said town; and all recognizances taken by or before said justices, or either of them, shall be by them forthwith sent to the court of general quarter sessions of the peace of said county.

8. *And be it enacted*, That the said board of commissioners of the town of Red Bank shall have power and authority to build or provide a town prison for the detention and imprisonment of any person who shall be arrested or committed for any breach of any of the by-laws or ordinances of said town, or for any breach of the peace or any offence against the laws of this state.

9. *And be it enacted*, That it shall be the duty of the marshal and his assistants to preserve the peace and good order of the said town, and they are hereby empowered to arrest any person

or persons offending against any of the ordinances of said board of commissioners, or behaving in a disorderly manner and disturbing the public peace and quiet, and forthwith bring such person or persons before either of the said police justices or any justice of the peace residing within the limits of said town, who is hereby authorized and required to hear and investigate the charges preferred (which in all cases shall be preferred under oath and taken in writing before said justice), and on conviction the said justice shall impose such punishment as to him shall seem just and proper, and in accordance with the ordinances of said board of commissioners, and shall enforce the same by his warrant of commitment, directed to the said marshal, or assistant marshal, commanding him to convey the offender to the town prison or to the common jail of the county of Monmouth, there to remain and be kept and dealt with as is provided for in said ordinance, and until the fine and costs are paid; and further as regards criminal offences against the laws of this state committed within the limits of said town, the said marshal and his assistants are hereby empowered and required to discharge like duties as now are or hereafter may be required of constables under the laws of this state.

County jailor
shall keep of-
fenders
against ordi-
nances.

10. *And be it enacted*, That the jailor of the county of Monmouth for the time being shall receive and safely keep all such offenders as shall be committed to the jail of the said county by the said justices for the term of his, her or their imprisonment, as expressed in the warrant of commitment, and the expenses of keeping offenders so committed for transgression against such ordinances as may not be crimes or misdemeanors by the laws of this state, shall be borne and paid by the said board of commissioners of the town of Red Bank, and in the case of offenders committed for crimes or misdemeanors the expenses shall be paid as in the case of other offenders in the county of Monmouth.

Prosecutions
for penalties
to be in the
name of the
commission-
ers.

11. *And be it enacted*, That all actions for the recovery of any penalties created or imposed by any ordinances passed by said board of commissioners, shall be brought and prosecuted in the name of "The Board of Commissioners of the Town of Red Bank," or in the name of the treasurer of the town for the time being, and in such actions, as well as in all complaints for the violation of any of said ordinances, the records of the board of commissioners shall be received as conclusive evidence of the passage of all ordinances recorded

therein and signed by the chairman and clerk of said board, and the due publication of said ordinances, in the manner hereinbefore required, shall in all cases be presumed to have been made, unless the contrary is proved; no person shall be deemed incompetent as a witness or juror in any trial in which the board of commissioners of the town of Red Bank, or the treasurer of the town, is a party, by reason of his being an inhabitant of or tax payer in said town.

12. *And be it enacted*, That the said board of commissioners as aforesaid, shall make an estimate of the probable cost of grading and paving the sidewalks where they cross other streets, and making such other crossings of streets as may be necessary, also the cost of lighting said streets or parts of said streets, as said commissioners shall deem proper, and other expenses incurred under this act; except the cost of paving in front of each owner's land, and shall assess the amount necessary for such purpose within the limits of said town, in the same manner in which assessors are now or hereafter may be authorized by law to assess for township and county taxes, and subject to the same appeal to the commissioners of appeal of the township of Shrewsbury; and the amount so assessed shall be paid to said commissioners within sixty days after written demand thereof shall be made by said commissioners, and in case of neglect or refusal, said commissioners shall make out a list of delinquents, and place the same in the hands of one of the police justices of the said town of Red Bank, who shall issue a precept in the nature of a tax warrant, directed to the marshal or one of the assistant marshals of the town, who shall proceed to collect the amount due from such delinquent, in the same manner as township and county taxes now are or hereafter may be authorized by law to be collected; *provided*, that before said warrant shall be issued such police justice shall be satisfied by the oath of one of the said board of commissioners that the amount claimed against such delinquent is justly due and unpaid, and the same has been demanded as required by this act.

Assessments
for street im-
provements.

Proviso.

13. *And be it enacted*, That as soon as said assessment shall be made, the said commissioners shall cause the sidewalks where the same cross other streets, and such other crossings as may be necessary, to be graded and paved with suitable stone, and of such width as they may deem proper, shall procure all necessary material for the doing thereof, shall

Lighting the
streets.

make all necessary drains and culverts and other necessary passages for water; and shall also make the necessary arrangements for lighting said streets in the manner hereinafter provided, and the expenses thereof shall be paid by the treasurer of said town out of the moneys in his hands collected for that purpose, under the direction of said board of commissioners.

Streets to be paved at cost of owner.

14. *And be it enacted*, That it shall be the duty of the said board of commissioners to cause the sidewalks on both sides of Broad street, from Front street to a point on Broad street on a line with the south side of Mary Borden's house, now occupied by Rev. C. E. Hill, and on both sides of Front street from the most eastwardly end of said street to the southwest corner of William A. Worroll's lot, to be paved, and that each land owner on the streets thus designated shall, at his or her own cost, pave not less than four feet wide, with a gradual slope toward the street, with good stone flagging, as said board of commissioners may approve, the sidewalks in front of his or her land on the street above designated, and shall conform to the grade established by said commissioners under whose direction the work shall be done.

Proceedings if owner neglects to pave sidewalks.

15. *And be it enacted*, That if any land owner shall neglect or refuse to pave the sidewalks of his or her lands aforesaid, within three months after he or she shall be notified by said commissioner to do so, the said commissioners shall proceed to have the same done, and they shall recover in the name of the treasurer or board of commissioners, the expenses thereof (which shall include the cost of material, carting and labor,) from such land owner in an action of debt, before any court having cognizance thereof, and the declaration in any such action may be general, stating the demand is for so much money paid, laid out and expended, in paving the sidewalks in front of his or her land by virtue of this act, and that the special matters may be given in evidence under it.

Sidewalks to be kept in repair.

16. *And be it enacted*, That after said sidewalks shall be graded and paved as aforesaid, each land owner shall thereafter keep the same in good and sufficient repair in front of his or her land, and in case of neglect or refusal said commissioners shall cause the same to be so kept and the expenses thereof shall be by them recovered against such land owner so refusing or neglecting in the manner provided in the next preceding section.

17. *And be it enacted*, That each and every land owner, in front of whose lands sidewalks shall have been or may hereafter be made, in pursuance of this act, and every occupant of such lands, shall, at all seasons of the year, clear and remove from said sidewalks all snow, slush, ice or mud that may be thereon, and shall also at all times, clear out and keep open, for the free and easy passage of and flow of water, the drains and gutters in front thereof, and if any such land owner or occupant shall neglect or refuse to do so for the space of six hours after being notified by the said commissioners, the said commissioners shall have the same done, and the expenses thereof may be recovered in the manner prescribed in the fifteenth section of this act.

Obstructions shall be removed from sidewalks.

18. *And be it enacted*, That whenever the land owners on any street that is or may hereafter be opened, or on any parts of the streets mentioned in the fourteenth section of this act, within the limits described in the first section of this act, shall determine, by a majority of votes of the land owners in said streets, or the unprovided part of the said streets mentioned in section fourteen of this act, (each land owner to be entitled to one vote for every fifty running feet of land owned by him or her on such street, and each land owner to be entitled to one vote at least), to grade and pave the sidewalks on one or both sides of such street, any land owner on such street or part of street may call a meeting of land owners, by giving a written notice, put in three public places in said town five days previous to said meeting, and designating the time and place of such meeting; and the said land owners, when assembled, shall choose a chairman and secretary, who shall determine the number of votes to which each land owner is entitled, receive orally and count the votes, and their certificate of determination shall be evidence thereof; and such certificate of their determination shall be filed with the board of commissioners, and when so filed, the said street or parts of street so designated shall thereafter be subject to the provisions of this act, and each land owner on such street or parts of street shall, at his or her own cost, pave not less than four feet wide, with a gradual slope toward the street, with good flagging of stone, hard merchantable brick or concrete pavement, as said board of commissioners may approve, the sidewalks in front of his or her land on the street above designated, and shall conform to the grade established by said commissioners, under whose direction the work shall be done.

Grading and paving of sidewalks, &c.

To establish
and maintain
lights.

19. *And be it enacted*, That it shall be the duty of the said board of commissioners, within a reasonable time after said board is organized, to set up, establish and maintain lights in the streets, and parts of streets, designated in the fourteenth section of this act; and further, that it shall be their duty from time to time to set up, establish and maintain lights in such other streets, or parts of streets, that are or hereafter may be laid out within the aforesaid limits of said town whenever the land owners on said streets, or parts of streets, shall determine, in the manner provided in the next preceding section, to pave the sidewalks of the same; and so soon as the main pipes of the Red Bank Gas Light Company shall be laid in such streets, and for defraying the expenses of lighting said streets, keeping the streets and crossings in order, making new crossings, and for other expenses contemplated by this act, the said board of commissioners shall have power annually to assess and collect said expenses in the same manner as is hereinbefore provided in section twelve of this act for assessing and collecting moneys necessary for the purposes of this act.

Taxes received within
town limits
for road purposes not to be
applied outside the boundaries.

20. *And be it enacted*, That the taxes which shall hereafter be assessed, levied and collected by the officers of the township of Shrewsbury, within the limits of said town of Red Bank, for roads, or for the improvement or repairs of roads, shall not be applied to roads without the boundaries of said town, but that the assessor and collector of said township shall hereafter assess and collect upon and from the taxable inhabitants of said town, and on all lands liable to be taxed therein, the road tax which shall have been ordered to be raised at the previous annual township election of the township of Shrewsbury, in the same manner as the same have been heretofore assessed, levied and collected, and it shall be the duty of the collector or collectors of said township to pay over the amount of the road tax by him or them received, which shall have been assessed and collected within the limits of said town of Red Bank, to the treasurer of the said board of commissioners, to be expended and applied under the direction of said commissioners in repairing and improving the streets of the aforesaid town of Red Bank, and for this purpose the said assessor of said township shall, by some convenient mark in his duplicate, designate the road taxes assessed within the limits of said town of Red Bank, and in case of any dispute respecting such designation or the apportionment of said road taxes,

the same shall be determined by the commissioners of appeal in cases of taxation for said township.

21. *And be it enacted*, That all acts relating to the election ^{Repealer.} of overseers of the highways in the township of Shrewsbury, so far as they relate to the parts of said township embraced within the aforesaid limits of the town of Red Bank, are hereby repealed.

22. *And be it enacted*, That it shall and may be lawful ^{Money for im-} for the legal voters of said town, at their annual election for ^{provements to} town officers as hereinbefore provided, or at any special elec- ^{be voted upon} tion appointed by the board of commissioners for that purpose, by notice in writing, set up in at least five public places in said town, for at least ten days before the day appointed for holding such special elections, to vote by ballot for such sum or sums of money for the then ensuing year, as they may think necessary for any special purposes for the improvement of said town of Red Bank, other than is hereinbefore provided for in this act; *provided*, that such sums in ^{Proviso.} the aggregate shall not exceed in any one year fifteen cents on each hundred dollars of the valuation of the taxable property liable to assessment under this act, which sum or sums of money so voted shall be assessed and levied and collected under the direction of said board of commissioners, in the same way and manner as is hereinbefore provided for the collection of the moneys for street crossings, lighting streets, and so forth.

23. *And be it enacted*, That no compensation shall be paid ^{Commission-} to any of said commissioners; that no moneys shall be paid ^{ers not to re-} by the treasurer of said board of commissioners for any ^{ceive compen-} purposes under this act, except upon resolution of the board upon bills countersigned by the chairman; and that the town clerk of said town shall keep minutes of the proceedings of said board, and record the same in a book provided for that purpose..

24. *And be it enacted*, That said commissioners shall render ^{Annual state-} full and detailed statements of all moneys collected and ex- ^{ment.} pended by virtue of the provisions of this act on the day of each annual election for officers under said act; and at the place of holding such election, before said election takes place, and by publishing at least one week before said annual election, a synopsis of said statements in the newspaper printed and published in said town of Red Bank.

25. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXXVII.

An Act to incorporate the Randolph Land Improvement Company.

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| Names of corporators. | 1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That J. Warburton King, Joseph S. Kendall, Edward B. Southworth, Allen L. Bassett, James S. Edwards, Theodore Mace and Henry Harmah, and such other persons as they may hereafter associate with them, be and they are hereby constituted and declared a body corporate and politic in fact and in law by the name of "The Randolph Land Improvement Company," to have a corporate seal to sue and be sued by their corporate name, and in their corporate name to purchase, hold, improve and sell real estate or any interest therein, establish on such real estate as they may purchase and hold, a settlement, or colony of settlers with educational and religious institutions. |
| Corporate name. | |
| Amount of capital stock. | 2. <i>And be it enacted</i> , That the capital stock of said company shall consist of five thousand shares of fifty dollars each, with the liberty to increase the same from time to time not exceeding ten thousand shares, which shall be deemed personal property, and transferable in such manner as the company may by their by-laws direct. |
| Election of directors. | 3. <i>And be it enacted</i> , That the property and affairs of the said company shall be managed and conducted by a board of seven directors, shareholders in said company, a majority of whom shall be residents of this state, who shall be chosen annually at such place in the county of Essex, and at such times and in such manner and upon such notice as the by-laws of said company shall direct, each share of the capital stock entitling the holder to one vote, either in person or by proxy, and that J. Warburton King, Allen L. Bassett, Ed- |

ward B. Southworth, James S. Edwards, Joseph S. Kendall, First directors Henry Harmah and Theodore Mace, shall be first directors under this charter, to continue in office till others are elected or appointed in their stead, and they shall have power to fill any vacancy which at any time may exist in the board by death or otherwise until the next succeeding annual election.

4. *And be it enacted*, That the directors of said company, Officers. a majority of whom shall constitute a quorum competent to transact all business, shall choose one of their number to be president and may appoint such other officers and agents as they may deem expedient.

5. *And be it enacted*, That the president and directors of said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to purchase, hold, use, and improve, sell and dispose of real estate or any interest therein in the state of New Jersey, to survey such real estate as they may purchase, to lay it out in such lots, to lay out and establish or locate thereon such streets or lines of division and to sell it in such lots and at such prices as shall to said company seem best calculated to improve and build up said settlement. May purchase, hold and sell real and personal estate.

6. *And be it enacted*, That any conveyance, deed, lease, agreement or other instrument signed by the president and secretary of said company and duly acknowledged according to the laws of the state of New Jersey, shall have full force and effect to bind said company to all the covenants and conditions therein contained. Conveyances, &c., to be signed by president and secretary.

7. *And be it enacted*, That for the purpose of restricting nuisances and of compelling a uniform system of improvement in said settlement, the said company are hereby authorized and invested with full power to incorporate into any deed of conveyance made by them, whether fee simple or otherwise a clause or condition forbidding the sale upon the premises so conveyed by said company, of any spirituous or intoxicating liquors and forbidding any nuisance which the said company may deem detrimental to the interests and prosperity of said settlement, and to require any grantee of said company to make and maintain such style and character of improvements on said lots so conveyed or on the streets fronting thereon as to the said company may seem most expedient for securing a uniform system of development and improvement throughout the said settlement. System of improvement to be uniform.

8. *And be it enacted*, That for the purpose of enforcing

Penalty may
be enforced
for non-com-
pliance.

the provisions of the last section, the said company are hereby authorized and invested with power to attach to said clause to restrict nuisances and regulate improvements a penal sum, which said grantee shall forfeit upon any non-fulfillment or non-compliance therewith, and said sum the said company may recover in any court of record having competent jurisdiction in actions of debt.

Dividends

9. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the profits of said company.

May borrow
money and se-
cure the same
by bond and
mortgage.

10. *And be it enacted*, That the said company shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to carry out the objects of said company, and to secure the repayment thereof by the execution and negotiation of any bond or bonds, and secured by mortgage on the said lands, privileges, franchises and appurtenances of and belonging to said company, said bonds bearing not more than seven per centum interest per annum.

How dissolved

11. *And be it enacted*, That the said corporation may be dissolved at any time by a general meeting of the stockholders, specially summoned for that purpose, by the president of said corporation, by direction of the board of directors, or a majority of them; *provided*, that at least two thirds in value of the stock be represented therein, and upon such dissolution the directors for the time being, or the survivors or survivor of them, shall be the trustees for settling all the affairs of said corporation, and dividing the surplus among the stockholders in proportion to their respective interest therein, unless the stockholders at such meeting shall appoint one or more persons for such purpose, in which case the person so appointed shall be trustee for the purpose aforesaid.

Proviso.

12. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXXVIII.

An Act to incorporate the Bergen City Savings Bank.

1. BE IT ENACTED *by the Senate and General Assembly of* Names of corporators.
the State of New Jersey, That John R. Mullany, William Brinkerhoff, Stephen D. Harrison, William H. Bumsted, Delos E. Culver, Samuel C. Nelson, James Soper, Daniel L. Holden, Menzies R. Case, John M. Corneilson, James M. Barrows, James A. Alexander, George W. Helm, Peter Henderson, John A. Bouker, Michael S. Allison and Humphrey Price, and their successors, shall be and are hereby constituted a body corporate and politic by the name of "The Corporate name. Bergen City Savings Bank."

2. *And be it enacted,* That the business of the said corporation shall be conducted by nine managers, five of whom Election of managers shall constitute a quorum ; and the seat of any manager who shall have neglected to attend for four successive meetings may be vacated by the board, and when the seat of any member of the board of managers shall from any cause become vacant, the other members may fill such vacancies by the vote of the majority of the board, such vacancies to be filled at the first regular meeting of the board held after such vacancy having occurred ; the first managers shall be elected from the persons named in the first section of this act, by a majority of the votes, the said incorporators having the right to vote by proxy ; the board of managers shall meet at least once in every three months to attend to the business of the corporation, and there shall be an annual meeting of the board held on the first Monday in May for the purpose of choosing one of their number president, and appointing a cashier and such officers or agents as may appear to them necessary for conducting the business of the bank, which officers so chosen and appointed shall continue in office for one year, and until others are chosen and appointed in their place, and they shall be under oath, and if necessary required to give security for the faithful and honest performance of the duties of their respective offices.

3. *And be it enacted,* That the office or place of business

of the said institution, shall be in the city of Bergen, and the books of the institution shall be open at all times to the inspection and examination of such person or persons as the legislature may from time to time appoint for that purpose.

May make by-laws.

Proviso.

4. *And be it enacted*, That the board of managers shall have power from time to time to make, ordain and establish such by-laws, rules and regulations as they shall judge proper for the receiving of deposits, and paying out of the same by drafts, orders or otherwise, as the depositors may direct, and for the transacting, managing and directing all the affairs of the corporation; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state or of the United States, and shall not at any time be altered so as to affect any deposit of money previously made.

May receive and invest deposits.

5. *And be it enacted*, That the said corporation may receive on deposit, all sums of money which may be offered for the purpose of being invested, in such amounts and at such times, and on such terms as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to the depositors, or their order, at such times, and with such interest, and under such regulations as the board of managers shall, from time to time, prescribe; and the said institution may accept and execute all such trusts of every description as may be committed to them by any person or persons whatever, by will or otherwise, or transferred to them by order of any court.

Investment of deposits.

6. *And be it enacted*, That the said corporation may invest the money left with them on deposit in no other public stocks, than such as are created under the laws of the United States, or of the states of New Jersey, New York, Pennsylvania, Ohio, or in the stocks or bonds of either of the cities or counties of the state of New Jersey, nor in bonds and mortgages, except on unincumbered real estate worth at least double the amount of the sum invested; *provided*, said corporation may make temporary loans upon personal securities, with pledges of collateral securities worth at least thirty per centum more than the amount loaned; but the amount thus loaned on personal security shall not at any time exceed thirty per centum of the whole amount of the assets and securities of the said corporation.

Rate of interest.

7. *And be it enacted*, That it shall be the duty of the board of managers to regulate the rate of interest to be

allowed to the depositors, so that they shall receive a just proportion of the profits of the business of the said corporation, after deducting therefrom all necessary expenses and a reasonable surplus or contingent fund; *provided*, that the rate of interest may at the discretion of the managers be so regulated as that the interest allowed any depositor having more than one thousand dollars deposited, shall be at least one per centum less than the rate allowed to other depositors; *and provided also*, that the said corporation shall not be required to allow interest upon any deposit of a less amount than five dollars, nor upon the fractional parts of one dollar, nor upon the fractional parts of a month; and that no interest or dividends on account of any surplus or contingent fund shall be allowed for moneys which have been withdrawn from deposit.

8. *And be it enacted*, That it shall be lawful for the said corporation at their discretion to pay any depositor being a minor, such sum not exceeding five hundred dollars as may be due to such depositor, in cases where no guardian shall have been appointed in his or her behalf, and that the receipt or acquittance of such minor shall be as valid as though the same were executed by his or her guardian duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person for his or her benefit.

Minors may give acquittance for deposit.

9. *And be it enacted*, That in case the said corporation shall receive any deposit or deposits from any married female, or from any single female who may afterwards marry, it shall be lawful for the said corporation to hold the same, together with the interest or dividends which may accrue thereon, as the sole and separate property of such female as though she were single, not subject to the control nor liable for the debts of her husband, and to repay the same and the interest and dividends, or any part thereof, upon her check, order or receipt or demand, without the concurrence of her husband; and such payment shall exonerate and discharge the said corporation from any further liability by reason thereof.

Deposits made by females not to be controlled by husband.

10. *And be it enacted*, That a book shall be kept at the office of the institution, in which any depositor shall be at liberty to appoint any person or persons to whom in the event of his or her death, the money shall be paid, if not otherwise disposed of by will, and all payments made to the

Depositor may appoint person to receive moneys.

person or persons so appointed shall be a full discharge of the claims against said institution.

Annual report
to legislature.

11. *And be it enacted*, That it shall be the duty of the said institution to make an annual report to the legislature of this state, under the oath or affirmation of the treasurer or cashier, and a committee appointed for that purpose by the managers of three or more of their number, of the state of its funds, and such statement shall be published in one or more newspapers published in Hudson county.

No officer
shall borrow
money.

12. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the managers or either of them for their services, except the cashier or treasurer, and the committee on the examination of property offered as security for loans, who shall receive such compensation as from time to time may be established by a majority of the whole number of the managers; and that no officer or manager shall be allowed, whether directly or indirectly, to hire or borrow any money from said corporation, or to become in any way security for any hirer or borrower of any such money, or to use the funds or other property of such corporation for his own purposes in any way whatever; and that said corporation shall not take or hold any bond, mortgage or other security, for the payment of money drawn or endorsed by, or existing against any of its officers or managers as security for any money loaned by said corporation, unless the same shall have been received in payment of debts due from other parties.

Proviso.

13. *And be it enacted*, That this act shall be and hereby is declared to be a public act, and the same shall be construed in all courts favorably and benignly for every beneficial purpose therein included, and that no misnomer of the said institution in any deed, grant, devise or other instrument of contract or conveyance shall vitiate or defeat the same; *provided*, the institution shall be sufficiently described so as to ascertain the intention of the parties; *and provided also*, that the legislature may at any time hereafter amend, modify or repeal this act.

May purchase
and hold real
estate.

14. *And be it enacted*, That it shall be lawful for said corporation to purchase, hold and convey real estate: first, such as shall be requisite for its accommodation in the convenient transaction of its business; second, such as shall have been mortgaged to it in good faith for money loaned, in pursuance of the provisions of this act: third, such as shall have

been purchased at sales upon judgments or decrees obtained or rendered for money so loaned, and the said corporation shall not purchase, hold or convey real estate in any other case or for any other purpose, and the said corporation shall not directly or indirectly deal or trade in, buying or selling any goods, wares or commodities whatever, except in cases where it is authorized to do so by the terms of this act, and except such personal property as may be requisite for its proper accommodation in the transaction of its business.

15. *And be it enacted*, That this act shall continue in force ^{Limitation.} twenty years, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXXIX.

An Act to change the corporate name of the First Presbyterian Church at Craneville.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Corporate} *the State of New Jersey*, That the corporate name of "The ^{name.} First Presbyterian Church at Craneville," is hereby changed to "The First Presbyterian Church of Cranford."

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXXX.

An Act to repeal an act entitled "An Act to incorporate the Newark and Mount Pleasant Turnpike Company," approved February twenty-seventh, anno domini one thousand eight hundred and six.

Preamble. WHEREAS, the said turnpike has been for some time past virtually abandoned by the said turnpike company in neglecting to make any repairs upon the same, thereby rendering it not only difficult but dangerous to travel upon; and whereas, the stock of said turnpike having become nearly worthless, it is the wish of the stockholders that the charter be repealed, and the said turnpike declared to be a public road; therefore,

Declared to be a public road. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to incorporate the Newark and Mount Pleasant Turnpike Company, approved February twenty-seventh, anno domini one thousand eight hundred and six, be and the same is hereby repealed, and that the said turnpike shall be deemed and taken to be a lawful public road, and shall be kept in repair in the same manner, and by the same means, and shall be subject to the same penalties as other public roads are in the several townships through which the same may pass.

2. *And be it enacted*, That this shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXXXI.

An Act for the relief of John Taylor, of the county of Monmouth,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Pension.} *the State of New Jersey*, That the treasurer of this state be and is hereby authorized and required to pay to John Taylor, of the county of Monmouth, who was a soldier in the war of eighteen hundred and twelve, or to his order, the sum of one hundred dollars per annum during the term of his natural life, in equal semi-annual payments of fifty dollars each, the first payment to be made upon the first day of June, eighteen hundred and seventy.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXXXII.

An Act to authorize the building of a Private Wagon Bridge over the North Branch of the Rancocas Creek at Mount Holly, Burlington county.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Authorized to} *the State of New Jersey*, That it shall and may be lawful for ^{build bridge} Thomas F. Keeler, and such other persons as may be associated with him, to construct and build a private wagon bridge over and across the north branch of the Rancocas creek, at Mount Holly, in the county of Burlington, the abutments of said bridge on either side of said creek to be on the property of the said Thomas F. Keeler or his associates, and said bridge to contain a draw of sufficient size to

admit the free navigation of said creek, and in no wise to obstruct the same.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXXXIII.

AN Act entitled a further supplement to an act entitled "An Act to incorporate the New Brunswick Insurance Company in the Counties of Middlesex and Somerset," approved December, the twenty-seventh, eighteen hundred and twenty-six.

Provisions
extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions of the act to which this is a supplement be and the same is hereby continued and extended, and shall continue in force until it shall be altered, amended, modified or repealed by the legislature at any time hereafter, when in their opinion the public good may require it.

Annual elec-
tions.

2. *And be it enacted*, That hereafter the annual elections for directors shall be held on the second Monday of May in every year, in the manner prescribed in said act; and in case it should happen that an election for directors should not be held on the day when, pursuant to this supplement, it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful on any other day to hold such election.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXXXIV.

A Further Supplement to "An Act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the powers and duties connected with and incident to the police government and discipline of the city of Hoboken shall be as hereinafter specially provided, vested in and exercised by a board of police commissioners, officers of police, and such number of policemen as the said police commissioners may appoint, not exceeding the number of thirty-five. Police commissioners.

2. *And be it enacted*, That the said board of police commissioners shall consist of the mayor of said city of Hoboken, for the time being, August Bente, William H. Child, William P. Judge and John E. McWhorter; which said persons, other than the mayor, shall at their first meeting determine by lot which one of their number shall serve until the first Monday in May, eighteen hundred and seventy-one, which one for one year thereafter, which one for two years thereafter, and which one for three years thereafter, and the mayor of the said city, by and with the advice and consent of the common council shall thereafter fill all vacancies for any unexpired term, and appoint a member for a full term of four years within one month of the expiration of any member's term of office, and at the expiration of each term the full term succeeding shall be for four years, and the said commissioners shall receive no pay or compensation for their services. Term of service to be determined by lot.

3. *And be it enacted*, That on or before the first Monday in May, eighteen hundred and seventy, each of the said members of the said board, other than the mayor, shall take an oath, to be administered by the city clerk of the said city of Hoboken, to faithfully and impartially discharge and perform all the duties of such member of said board, which said affidavits shall be filed in the office of the said city clerk, upon the filing of which the said member or members shall be fully Commissioners to take oath.

qualified to enter upon the duties of the said office, and the said board shall enter upon and discharge the duties of said board as vested by this act on and after the said first Monday of May, eighteen hundred and seventy.

General powers.

4. *And be it enacted*, That the said board of police commissioners shall have power to make such rules and regulations as to them may seem proper for the government of their own body, and for the government, direction and order of the police department of the said city of Hoboken.

Chief of police

5. *And be it enacted*, That the said board of police commissioners shall hold meetings at least twice in every month, and shall promulgate all orders through the chief of police, who shall be appointed by the said board, and who shall be the executive head of the whole police force of the city, subject to the rules and regulations of the board.

Commissioners to aid the mayor, &c

6. *And be it enacted*, That the said board of police commissioners shall at all times aid and assist the mayor and city council of the city of Hoboken in the execution of all laws and ordinances in force in said city.

Police not discharged for political reasons.

7. *And be it enacted*, That the present police organization of the city of Hoboken shall continue until altered by the board of police commissioners in accordance with the provisions of this act; that the officers and members of the police force shall hold their offices during good behavior, and no person shall be removed from said force for political reasons, or on any grounds save incapacity, non-residence or disobedience of the rules and regulations of the department; the members of the force shall receive such compensation as shall be fixed by the said commissioners, and which shall not be diminished within one year after the same shall be determined upon.

Record of proceedings to be kept.

8. *And be it enacted*, That the commissioners shall keep a complete record of all their proceedings in a book or books provided for the purpose, which shall be taken and deemed as a public record, and they shall annually on or before the first day of May, submit a full report of their transactions, together with a financial statement to the common council of Hoboken, which report shall by them be ordered to be published in the same manner as the mayor's message and other public documents, and a copy shall be filed in the office of the city clerk.

Payment of salaries.

9. *And be it enacted*, That in paying salaries a pay roll shall be made out by said board of police commissioners, and

submitted to the common council, who shall order a warrant drawn on the city treasurer therefor, to the order of the president of said board of police commissioners, whose duty it shall be to pay the men according to said pay roll; and no moneys shall be drawn from the city treasury for the board of police commissioners except by warrant ordered by the common council, in pursuance of a requisition by said board of police commissioners.

10. *And be it enacted*, That the members of the force are hereby invested with all the powers applicable to sheriffs and constables of the state, except to serve civil process; they shall also have all the powers conferred on the policemen of the city of Hoboken by the act to which this a supplement; they shall also be exempt from duty as jurymen, and from military service during the time they shall remain members of said force. Police to have constabulary powers.

11. *And be it enacted*, That each of said police commissioners shall have full power to arrest, without warrant, for breaches of the peace committed in their presence, and in every such case of arrest the person arrested shall be forthwith taken before a proper judicial officer to be dealt with according to law. Commissioners may make arrests.

12. *And be it enacted*, That the mayor of the city of Hoboken, for the time being, shall always be ex-officio a member of the said board, and shall be presiding officer of the said board; and the city clerk of the said city shall be clerk of the said board; and the city physician shall be police surgeon of said city; and that said clerk and police surgeon to receive no extra pay or compensation for their services by virtue of this act. Mayor to be, ex officio, a member of the board.

13. *And be it enacted*, That a majority of all the members of the board shall constitute a quorum for the transaction of business, and no policeman shall be appointed or dismissed from the police force of the said city unless by the vote of the majority of the said board. Quorum.

14. *And be it enacted*, That the council of the city of Hoboken shall proceed to settle up the business and affairs of the commissioners appointed under "An Act to provide for the drainage of certain low lands lying in the city of Hoboken and the township of Weehawken," approved April fourteenth, eighteen hundred and sixty-six, and the various supplements thereto, and for that purpose shall be vested with all the rights and powers of the commissioners appointed Collection of unpaid assessments.

under said act and its various supplements ; and they shall receive and collect all unpaid assessments on property assessed by said commissioners ; and the mayor and council of Hoboken may sue any of said commissioners and recover from them any sums of money illegally taken by them for fees or compensation for their services as commissioners ; and the said council from the money received from the payments of assessments and otherwise shall pay all the outstanding unpaid improvement certificates issued by said commissioners for work done by contractors, and also interest thereon from the date of said certificates at the rate of seven per centum per annum, and to pay such other legal indebtedness as may have been incurred by said commissioners ; and said council shall have power to cancel all liens and assessments upon property imposed by said commissioners upon payment to said council or the city clerk of the said assessments on the said property.

Tax to be
raised for spe-
cial purposes.

15. *And be it enacted*, That the mayor and council of the city of Hoboken shall have power to raise by tax upon all the real and personal property in the city of Hoboken a sum of money not exceeding twenty thousand dollars, to pay the claim of Charles Devlin against the city of Hoboken, for construction of main sewer in Third street in said city, and said sum shall be inserted in the general tax ordinance of said city for the year eighteen hundred and seventy.

Repealer.

16. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall be deemed a public act and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXXXV.

An Act to incorporate the New Jersey Construction Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Columbus B. Guthrie, Joseph C. Potts, Robert M. Henning, William F. Drake and Robert F. Wilson, and their associates and successors be, and they are hereby incorporated a body politic and corporate in fact and in law, by the name of the "New Jersey Construction Company," and as such they shall have perpetual succession, and may sue and be sued, plead and be impleaded, and may have a common seal, which they may alter at their pleasure.

Names of corporators.

Corporate name.

2. *And be it enacted*, That the said corporators may at such time and place as a majority may agree upon, giving public notice for at least thirty days in two newspapers published in Jersey City, open books of subscription to the capital stock of said company and may keep the same open until fifty thousand dollars shall be subscribed, which shall be divided into five hundred shares of one hundred dollars each, and as soon as the same is subscribed and five per centum thereon paid in, the said corporators shall proceed to organize said company by giving a notice in writing to each of the stockholders of the time and place at which an election will be held for directors of the company, which notice shall be served at least ten days prior to said election.

Amount of capital stock.

3. *And be it enacted*, That the said company shall be managed by five directors, a president, treasurer and secretary, and such other officers as the said board may appoint, and said board may make such by-laws for the government of the company as they may deem best, not inconsistent with the laws of the United States or of this state.

Directors.

4. *And be it enacted*, That the said corporation shall have power to contract, to build, construct, excavate, erect or equip any public or private work of whatever character or description, and to that end may employ agents, superintendents, engineers, draughtsmen, mechanics, laborers and servants, and may purchase all materials necessary for their purposes; the principal office of said corporation shall be at Jer-

Principal office.

sey City, but they may have such subordinate offices as the directors may see fit at other places.

May have and
hold real es-
tate.

Proviso.

5. *And be it enacted*, That said corporation may purchase and hold such real estate as may be necessary for their purposes, and the same may mortgage or sell at their discretion, and may increase their capital stock from time to time as their business may require; *provided, however*, that the written consent of three-fourths in value of the stockholders, shall be first had and obtained before any such increase shall be made.

6. *And be it enacted*, That this act shall take effect immediately after the passage thereof.

Approved March 17, 1870.

CHAPTER CCCCLXXXVI.

An Act to repeal the act entitled "An Act to incorporate the Burlington and Columbus Turnpike Company," approved April second, eighteen hundred and sixty-nine.

Repealer.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to incorporate The Burlington and Columbus Turnpike Company," approved April second, eighteen hundred and sixty-nine, be, and the same is hereby repealed.

2. *And be it enacted*, That this act shall be considered a public act and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXXXVII.

An Act to incorporate the Park Street Opera House Association,
of the City of Bordentown.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of cor-
porators</sup> *the State of New Jersey,* That Leo H. Delange, Frederick J. Weise, Moses R. Wolf, James C. Parker, and their associates and all other persons, who shall become subscribers and owners of the capital stock, hereby created shall be, and they and their successors are, hereby made and declared to be a corporation and body politic in fact and in law, by the name of "The Park Street Opera House Association, of the City <sup>Corporate
name and
powers.</sup> of Bordentown," and by that name shall have power to lease or purchase, and hold real estate in the city of Bordentown, in the county of Burlington, and state of New Jersey, and to erect thereon a hall and other improvements for the use of societies, lyceums, public meetings, concerts, exhibitions, and for other public uses, subject to the by-laws and regulations of said corporation.

2. *And be it enacted,* That the said corporation shall have <sup>Amount of
capital stock.</sup> power to raise by subscription, a capital stock of six thousand dollars, with the liberty to increase the same hereafter, whenever a majority of the directors of the said corporation shall so determine to any sum not exceeding twelve thousand dollars.

3. *And be it enacted,* That the capital stock of said cor- <sup>Stock trans-
ferable.</sup> poration shall be divided into shares of ten dollars each, and shall be transferred in such manner as the by-laws of said corporation shall direct, and each share of the capital stock shall entitle the bona fide holder thereof to one vote at all the meetings of the stockholders.

4. *And be it enacted,* That the said Leo H. Delange, <sup>Commission-
ers to receive
subscriptions.</sup> Frederick J. Weise, Moses R. Wolf and James C. Parker, shall be and are hereby appointed commissioners to open the books and receive subscriptions of the stock in said corporation, and shall meet for that purpose in the city of Bordentown, after giving due notice of the time and place of such meeting, and the said Leo H. Delange, Frederick J. Weise, ^{First directors}

Moses R. Wolf and James C. Parker, shall be and are hereby appointed the first board of directors for said corporation, to hold their office for one year from the time of organizing the same, and until others shall be elected by the stockholders to fill their places.

Directors to
be stockhold-
ers.

5. *And be it enacted*, That the said directors shall be elected from among the stockholders, in such manner as the by-laws of said corporation shall direct, and shall not be less than five in number, and shall, with all other officers of said corporation, hold their offices until others are elected and duly qualified in their stead.

Capital not to
be withdrawn.

6. *And be it enacted*, That no part of said capital stock at any time, or in any manner or under any pretense whatever shall be withdrawn from the legitimate business of said corporation or refunded to the stockholders until all debts and liabilities of the said corporation are duly paid.

Debts not to
exceed capital

7. *And be it enacted*, That the whole amount of debts which the said corporation shall owe at any one time shall not exceed the capital stock subscribed for and paid in.

Annual state-
ment.

8. *And be it enacted*, That annually in the month of May, the directors shall submit to the stockholders of said corporation a written statement of the capital stock paid in, the amount of all debts existing against said corporation, specifying to whom such debts are due, and the receipts and credits of said corporation, and no dividends shall be paid to the stockholders, except only from and out of the surplus profits arising from the business of the corporation.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXXXVIII.

A Further Supplement to the act entitled "An Act constituting Courts for the trial of Small Causes," approved April sixth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever an appeal to the court of common pleas of the county of Essex shall have been, or shall hereafter be, dismissed for non-payment of the filing fees, pursuant to the third section of the act approved March twenty first, eighteen hundred and fifty-seven, and supplementary to the act to which this is a further supplement, it shall be the duty of said court, or of the president judge thereof, to order such appeal to be reinstated, and proceedings on the appeal bond to be stayed, upon application by, or on behalf of the appellant, at any time before the first day of the next term after such dismissal, and upon such terms as to the said court or judge shall seem just; *provided*, Proceedings on appeal bond may be stayed for non-payment of fees. Proviso. that it shall appear to the said court or judge that the non-payment of said filing fees was owing to mistake, surprise or inadvertence, or that the ends of justice require such reinstatement.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCLXXXIX.

Supplement to "An Act incorporating the New York and Fort Lee Railroad Company," approved March fourteenth, eighteen hundred and sixty-one.

Time for completing road extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for the completion of the railroad of said corporation is hereby extended five years.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXC.

An Act to incorporate the Hightstown and Robbinsville Turnpike Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew J. Smith, S. M. Schanck, John C. Ward, James M. Pullen, Charles C. McMichael, William Wilson, James McManus, William I. Burtis, Ezekiel Gordon, John B. Perrine, Amos Hutchinson, George Cole, and such other persons as may be hereafter associated with them, shall be and are hereby constituted a body politic and corporate in law, by the name of "The Hightstown and Robbinsville Turnpike Company."

Corporate name.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be ten thousand dollars, with authority to increase the same to twenty thousand dollars, which stock shall be divided into shares of twenty-five dollars each, and

shall be deemed personal estate, and transferable in such manner as the by-laws of said corporation shall direct.

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for to the commissioners, or any two of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and the residue of the subscriptions shall be paid in installments, at such times and at such places, and to such persons as the president and directors of the company shall from time to time direct, or give public notice thereof in manner aforesaid; and upon failure of the 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 installments, or any of them, to and for the use of said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, 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 the stockholders shall, upon request, have the right to pay the stock subscribed, except the first installment, by work or labor upon said road, under such regulations, at such times and upon such notice by either party as the directors may determine; *provided also*, that no stockholder shall pay for his installments by labor for more than eight shares.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of the said company be not subscribed for within three years 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 in by them.

5. *And be it enacted*, That when fifty shares of said stock shall be 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 hereinbefore directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot five directors, a majority of whom shall be citizens of this state,

to manage the affairs of said company for one year, of which election the said commissioners, or a majority of them shall be judges; and 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 by ballot the same number of directors, a majority of whom shall be citizens of this state, as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share of the holder or holders thereof, either in person or by proxy.

Election of
president

6. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect from among their number a president of the said company, who shall be a citizen of this state, 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 may direct, and shall be the presiding officer at all meetings of said directors, and shall 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 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 powers and authority, and perform all the duties herein prescribed.

Powers of
directors.

7. *And be it enacted*, That the said directors, or a majority, may supply any vacancy in the interval between the annual elections, by death or resignation, removal or refusal to act of any president or director, and may appoint a treasurer, who shall be a citizen of this state, and all officers, agents, superintendents or other 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 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 transfer of stock, and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or of the United States.

Proviso.

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 said term. Annual statement.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of said president or three of the 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 hereinbefore 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 of stockholders.

10. *And be it enacted*, That if from any cause any election hereinbefore named shall not be had at the time specified by this act, the same may be made at any other time upon notice as aforesaid, and that until such election be had the officers of the preceding year shall continue to hold their respective offices until others be elected in their stead, and that this charter shall not be defeated or avoided by reason of the irregularity or want of such election. Failure to elect directors not to dissolve.

11. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road along the public road, or any part thereof, from a point commencing at the borough line of Hightstown, and running along the public road through the village of Windsor to the village of Robbinsville; and all damage which any land owners may sustain by reason of the constructing of said turnpike road, to be determined as nearly as may be in the manner hereinafter provided for ascertaining and determining the damages which any land owner shall sustain by taking of stone, gravel or other material for constructing and maintaining said turnpike road; and the public road, as designated in this section, shall be and the same is hereby vacated, to take effect immediately after the completion of the turnpike road authorized to be built as aforesaid. May construct turnpike road

12. *And be it enacted*, That the width of said turnpike road shall not be less than thirty-two nor more than fifty feet, and sixteen feet of the same shall be sufficiently bedded Width of road

and faced with stone, gravel or other material to make a solid, firm and even road, the said sixteen feet shall be so graded that in its progress no part of it shall rise above an angle of six degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain, and make good and sufficient bridges along the line of said road, not less than eighteen feet in width; and whenever said road shall be raised so much at the margin or side as to render carriages passing thereon liable to upset, the said company shall cause good and sufficient railings to be erected and maintained at the sides so as to prevent horses and carriages from running off.

Bridges to be constructed and kept in repair.

Proceedings when no agreement can be made for purchase of lands.

13. *And be it enacted*, That it shall be lawful for said company, their officers, superintendents, engineers and workmen, with carts, wagons and other carriages, and with beasts of burden and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosure thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road; and that when 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 land or materials so required for the use of said company for the construction of said road 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 there be any, 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, or to one of the judges of the court of common pleas of the county of Mercer, who shall cause said company to give notice thereof to the persons interested, if known and in this state, or, if unknown and out of this state, to make publication thereof as he shall direct for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time, 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, commis-

sioners to examine and appraise such lands and materials and to assess the damages upon such notice to be given to the persons interested, as shall be directed by the justice or judge making such appointment, to be expressed therein not less than twenty days; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath or affirmation, faithfully to examine the matter in question, and 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 and materials, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages to be paid by said company for such land and materials and damages aforesaid, and to make a report thereof under the hands and seals of said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the county of Mercer, to remain on record therein, and shall be recorded by said clerk, 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 after the payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of the said valuation, with interests and costs, in an action 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 thirty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice or judge shall tax and allow such costs, fees and expenses to the justice, commissioners, clerk and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which, in all cases, shall be paid by the company.

14. *And be it enacted*, That as soon as the said company shall have constructed said road in a workmanlike manner, according to the several directions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates across said road, and to demand and receive toll for traveling each mile and all

May demand
and receive
toll.

fractions over a half-mile of said road, not exceeding the following rates, to wit :

Rates of toll.	For every carriage, sleigh, or sled	
	drawn by one beast,	one and one half cents ;
	For every additional beast,	one and one half cents ;
	For every horse and rider, or led horse or mule,	one and one half cents ;
	For every dozen of calves, sheep or hogs,	two cents ;
	For every dozen of horses, mules or cattle.	six cents ;

and it shall and may be lawful for the toll gatherers to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure from passing through the said gates until they shall have paid the toll as above specified ; *provided*, that nothing in this act shall be construed so as to entitle said company to demand or receive toll from any one on the Sabbath day, or horses, carriages, sleighs or sleds carrying any persons to or from any funeral.

Proviso.

Shall cause mile stones to be erected.

15. *And be it enacted*, That before said company shall receive toll for traveling said road, they shall cause mile posts to be erected and maintained, one for each and every mile on said road, and on each and every post or stone shall be legibly and fairly marked the distance the said stone or post is from the borough of Hightstown, and shall cause to be fixed, and always to be kept up at the gates aforesaid, in a conspicuous place, a printed list of toll which may be lawfully demanded, and also a board on which shall be painted in large letters, "keep to the right as the law directs."

Penalty for injuries.

16. *And be it enacted*, That if any person shall wilfully break down, throw down or deface any of the mile posts so erected on said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gate or gates, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by an action of debt or other proper action in any court of competent jurisdiction, with costs of suit ; and if any person with his or her carriage, team or horse turn off the said road to pass a gate or gates, and enter again on said road with intent to avoid toll due by virtue of this act, such person or persons shall forfeit and pay one dollar, to be re-

covered by said company for the use thereof in an action of debt with costs of suit.

17. *And be it enacted*, That if any toll gatherer shall unnecessarily delay any traveler passing at any of the gates, or shall receive more toll than is by this act established, the company shall for every such offence forfeit and pay the sum of ten dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably detained or hindered. Penalty for delaying travelers.

18. *And be it enacted*, That all the drivers of the carriages, sleighs or sleds of every kind and description, whether of burthen or pleasure, or persons on horseback using the said road, shall keep their horses, carriages, sleighs or sleds on the right hand of said road in the passing direction, leaving the other side of the road free and clear for carriages or persons on horseback, and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence to be recovered with costs of suit. Drivers shall keep to the right.

19. *And be it enacted*, That if said company shall not keep said roads, bridges and railings in repair, it shall be the duty of any judge of the court of common pleas of the county of Mercer, who may be disinterested, upon complaint being made to him in writing, stating the bridge or part of the road that is out of repair, specifying the particular defect, and after four days notice in writing given to the president, or any of the directors of said company, specifying parts complained of, and after hearing the parties, if the company have not repaired said bridge, road, or railing as specified, to appoint under his hand and seal, three judicious freeholders not interested in said road, being residents of said counties and non-residents of the townships through which the said road is located, who having been duly qualified and sworn to act impartially in the case, shall proceed to view and examine the parts complained of, and report to said judge in writing, signed by them or any two of them, whether the said road is in such state as the law requires it to be kept; and if the report be unfavorable to said road, then said judge shall immediately, under his hand and seal, in writing, order the keeper of the gate or part complained of, to keep the said gate open until otherwise ordered, and if Proceedings when road and bridges are not kept in repair.

said keeper after service of a copy of said order upon him shall, notwithstanding the order of said judge to open said gates or turnpike, exact toll of travelers, the said company shall forfeit and pay twenty dollars for each offence, to be sued for by any person who shall prosecute for the same in an action of debt, with costs of suit, and the said judge shall be allowed for his services one dollar, and the persons appointed to view the road one dollar each, to be paid by the company, and upon due proof before said judge that said company repaired or mended said road, bridge or railing in the particular complained of, he shall by an order in writing, under his hand and seal, directed to the toll gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the same fee to be allowed and paid as before directed; but if upon the view as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fee shall be allowed as before prescribed, and shall be paid by the person or persons making the complaint.

When toll
may be de-
manded

20. *And be it enacted*, That when the said company shall have completed any one mile of said road according to the directions and true intent and meaning of this act, it shall be lawful for said company to erect a toll gate across said road, and demand and receive toll for traveling thereon agreeably to the foregoing rates.

General pow-
ers.

21. *And be it enacted*, That this act shall be taken and construed to be a public act, and that the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty six, and the supplements thereto as far as the same are applicable.

Limitation.

22. *And it be enacted*, That if the said road be not commenced within three years, and completed within six years from the passage of this act, that then and in that case this act shall be void.

Notice to be
given of the
opening of
subscription
books.

23. *And be it enacted*, That the above commissioners or a majority of them are hereby appointed to open subscriptions to the capital 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 a newspaper in the county of Mercer.

24. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXCI.

An Act to incorporate the Allentown Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of* Names of corporators.
the State of New Jersey, That William A. Newell, Nathaniel S. Rue, George Middleton, Bennington Gill, Jonathan Fisk, Charles Meirs, Aaron Robbins, Forman Hendrickson, Asher Borden, Josiah Borden, A. A. Taylor, John C. Vanderbeck, Chillion Robbins, George R. Buzby, William C. Jimison, W. J. Hendrickson, Abel Cafferty, Garret Wykoff, William Bunting, William C. Norton, W. D. Konover, S. C. Davis, Daniel P. Tilton, Charles Blake, and Isaac Rogers, and such other persons as may hereafter be associated with them, shall be and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of the "Allentown Railroad Company," Corporate name. and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation.

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

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places as they or a majority of them may think proper, giving at least twenty days' Election of directors.

notice of the same, in two of the newspapers published in the county of Monmouth, and that at the time of subscribing, ten per centum shall be paid upon each share subscribed for, to the commissioners or some one of them; and when four hundred shares are subscribed, the commissioners shall give like notice for a meeting of the stockholders to choose nine directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote, and the above named commissioners, or a majority of them, shall be inspectors of the first election of directors of said corporation, and shall certify under their hands the names of the persons duly elected, and deliver over the subscription books and moneys paid in to the said directors, deducting all expenses previously incurred, and the time and place of holding the first meeting of said directors shall be fixed by said commissioners or a majority of them.

Vacancies,
how filled.

4. *And be it enacted*, That the directors chosen at such meeting, and at the annual election of such corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state, who shall hold office until after the next succeeding election and until another shall be appointed; and in case of the death, resignation or removal of the president or any of the directors, such vacancy or vacancies may be filled for the remainder of the year in which they happen by the said board of directors or a majority of them.

Failure to
elect not to
dissolve.

5. *And be it enacted*, That annual elections for directors shall be held at such times and places, as the board of directors shall hereafter direct, of which elections public notice, as above mentioned, shall be given, and such election made as hereinbefore directed, and in case it shall happen that an election of directors shall not be made on the day when it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held as soon thereafter as possible, in the manner above directed, and the directors for the time being shall continue to hold their offices until others have been chosen in their places; five directors shall constitute a quorum to transact all business of said corporation; and the directors shall be authorized to call in the remaining capital stock of

said company by such installments, and at such times as they may direct; *provided*, that such payment shall not exceed ^{Proviso.} five dollars on each share per month, and in case of the non payment of the said installments, or any of them, they shall have power to forfeit such share or shares upon which such default shall arise; and the said directors shall also have power to make and prescribe such by-laws rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation, and also to appoint such officers, clerks and servants as to them may seem meet, and to give and provide such salaries for them, and also for the president as to the said directors shall appear proper.

6. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary for the construction, completion or repair of said road, and for furnishing the necessary engines, cars, machinery and buildings for the uses and objects of the said company, and to secure the repayment thereof, with interest, by bond and mortgage, or otherwise, on the railroads, lands, personal property, privileges, franchises and appurtenances of, or belonging to the said corporation.

7. *And be it enacted*, That the president and directors of the said corporation be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad, from some point at or near Imlaystown station, on the Pemberton and Hightstown railroad, to a point to be determined on, in or near the village of Allentown, in the county of Monmouth, running through the township of Upper Freehold in said county, in as near a direct line as may be; the said road shall not exceed one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president, directors, their agents, superintendents, engineers, and others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, leveling, or laying out the route of said railroad, 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 and location of said road shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for said com-

May borrow money to equip road.

May survey, lay out and construct railroad.

pany, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and to erect embankments, bridges and other necessary works thereon, and to lay rails, and to do all other things which may be suitable and necessary for the construction, completion or repair of the said road, subject to such compensation, and upon such terms as are hereinafter provided for.

Proceedings
when no
agreement can
be made be-
tween compa-
ny and owners
of land

8. *And be it enacted*, That if the said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or if, 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 said road, shall be given in writing, under oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if there be any, and of the owner or owners, if known, and their residence, if known, to one of the justices of the supreme court of this state, who shall cause the said corporation to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter mentioned, 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, residents in the county in which the lands or materials in controversy lie, commissioners to examine and appraise the said lands or materials, and to assess the damages, upon such notice, not less than ten days, to be given to the persons interested, as shall be directed by the justice making such appointment; and it shall be the duty of said commissioners (having first taken an oath or affirmation before some person duly authorized to administer the same, 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 which shall be paid by the company for such lands and materials, and damages aforesaid, which report shall be made in writing under the hands and seals of said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the supreme court, to remain on record therein ; which report, or a copy thereof, certified by the clerk of said court, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy said lands or materials, or of the said owner or owners to recover the amount of said valuation, with interests 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 said corporation in the nature of a mortgage, and the said justice of the supreme court, shall, upon application of either party, and on reasonable notice to the parties, tax and allow such costs, fees and expenses to the said justice, commissioners, clerks and other persons performing any of the duties prescribed in this section as he shall think equitable and just, and shall order and direct by whom the same shall be paid.

9. *And be it enacted*, That in case the said corporation, or owner or owners of the said lands or materials shall be dissatisfied with the report of the commissioners named in the preceding section, the parties so aggrieved may appeal to the circuit court of the said county of Monmouth, at the first or second term after the filing of the said report, by a proceeding in the form of a petition to said court, which proceeding shall vest in said court full right and power, upon good cause shown, to direct a proper issue for the trial of the 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 term of the said court, to be holden in 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 jury to assess the value of the said lands or materials and damages sustained, and if they shall find a greater sum than the commissioners have awarded in favor of said owner or owners,

Proceedings
in case of ap-
peal.

then judgment thereon with costs shall be entered against said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find the same or a less sum than the company shall have offered or the commissioners awarded, then the said costs shall be paid by the said applicant or applicants, and either deducted out of said sum found by the jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the said company from taking the said lands or materials upon filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

Rates of fare
and transpor-
tation

Proviso.

Dividends.

May purchase
and hold real
estate.

10. *And be it enacted*, That the president and directors of said corporation shall have the power to have constructed, or to purchase with the funds of the corporation, and to place on the said railroad all machines, engines, cars, wagons, carriages or vehicles, for the transportation of persons or property; and they are hereby authorized to demand and receive such sums of money for the transportation of persons and property thereon as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of four cents per mile for conveying each passenger, but no charge in the aggregate shall be required to be less than ten cents; nor shall the said corporation charge more than eight cents per ton per mile for the transportation of any description of property; and whenever not less than two miles of said road shall be completed they may operate the same with all the powers and privileges conferred by this act.

11. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they shall deem proper and prudent from time to time out of the net profits of said railroad, and pay the same to the stockholders of the said company or to their legal representatives, in proportion to the number of shares held by them respectively.

12. *And be it enacted*, That the said company may purchase, have and hold real estate at the termini of their railroad, and at any other point on the line of said road where the directors may think proper to establish a depot, not exceeding six acres at each place; and may also erect and

build thereon houses, warehouses, workshops, and such other buildings and improvements as they may deem expedient for the safety of their property and for other necessary uses appertaining to their business, and may receive the rents and emoluments thereof, and may build and maintain over such rivers, streams and canals as the said railroad may cross, such piers, bridges and other facilities as they may deem expedient and necessary for the full enjoyment of all the benefits conferred by this act.

13. *And be it enacted*, That the company may at any time during the continuance of its charter, make such contracts May make contracts. and engagements with any other corporation, or with individuals, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and enforce the fulfillment of such contracts.

14. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the said road, or any buildings, bridges, carriages, machinery, or any works or property of said corporation, such person or persons shall forfeit or pay therefor to the said corporation three times the amount of damages sustained by means of such injury, to be recovered in the name of said corporation with costs of suit, in any court having cognizance thereof. Penalty for injury to property.

15. *And be it enacted*, That if the said railroad be not commenced within three years and completed within six years from the fourth day of July next ensuing, then and in that case this act shall be void. Limitation.

16. *And be it enacted*, That as soon as the said railroad or any part of it is in operation, the president of the said company shall file under oath or affirmation, a statement of the amount of the costs of the said railroad including equipments, appendages and all expenses in the office of the secretary of state, and annually thereafter on the first Monday in January of each year, he shall under oath or affirmation make a statement to the secretary of state, of the cost, equipments, appendages and expenses of said road; and after the said railroad or any part thereof shall be in operation the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, Statement of costs and expenses to be filed. equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legis- State tax.

lature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad, or any part thereof shall be in operation, the said corporation shall be regularly assessed, and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner, for the same purpose and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Proviso.

17. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXCII.

An Act to change and fix the location of a portion of the track of the Paterson Horse Railroad Company, in the City of Paterson.

Location of
track changed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Paterson Horse Railroad Company be and are hereby required to change and remove their track and road in that part of Congress street, in the city of Paterson, between Mill and Spruce streets, from its present location, to within ten feet of the raceway along said part of Congress street, and so as to leave a free and sufficient space for wagons and vehicles to pass each other between said railroad track and the curb along the southeasterly side of the said street.

May be prosecuted for neglect to remove

2. *And be it enacted*, That if the said company shall neglect to remove and locate their said track as required by the first section of this act, for three months after the passage of this act, the same may be so removed and located by authority of the board of aldermen of the city of Paterson,

at the expense of said company, and the said company shall also for such neglect be liable to be prosecuted and indicted as for nuisance.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXCIII.

A Supplement to an act entitled "An Act to facilitate judicial proceedings in the County of Hudson," approved March seventeenth, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the costs heretofore taxed or ^{Taxed costs to be paid by the state.} hereafter to be taxed, in each case of conviction and sentence for crime by the court, constituted by the act entitled "An Act to facilitate judicial proceedings in the county of Hudson," approved March seventeenth, eighteen hundred and sixty-eight, shall be paid in the same manner, as in cases of conviction and sentence, for like crimes under indictments in the court of oyer and terminer and general jail delivery.

2. *And be it enacted*, That the provisions of any act inconsistent with this act are hereby repealed, and that this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXCIV.

A Supplement to an act entitled "An Act to authorize and empower the Consistory of the Reformed Church of Acquackanonk, in the county of Passaic, and state of New Jersey, to assess the pews of said Church," approved February ninth, eighteen hundred and sixty-nine.

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proviso to the first section of the said act, to which this is a supplement, be and the same is hereby repealed.

Assessments. 2. *And be it enacted*, That the assessments provided for and authorized by the said act, shall not exceed the sum of thirty-five hundred dollars.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXCVI.

An Act to incorporate the First Veteran Independent Kearney Rifle Zouaves of Paterson.

Names of corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry Milnes, John R. Brown, William Milnes, James Driscoll and John Sanderson, and such other persons as are now or may hereafter be associated with them by becoming members, and their successors, are hereby created a body corporate and politic, in fact and in name, by the name of "The First Veteran Independent Kearney Rifle Zouaves of Paterson," and by that name they

Corporate name and powers.

and their successors shall, and may at all times hereafter, be capable in law of suing and being sued, purchasing, holding, possessing, mortgaging and conveying any lands, tenements, hereditaments and personal estate, purchased, devised, bequeathed or given, by any person or persons, body politic or corporate, capable of making the same; *provided, always,* ^{Proviso.} that the said corporation or body politic hereby created, shall not at any time hold or possess property, real, personal or mixed, the value of any of which shall exceed the sum of five thousand dollars a year.

2. *And be it enacted,* That the persons named in the first section of this act as incorporators, or a majority of them, shall after ten days' notice thereof, in writing, served upon the present members of said company, proceed to hold an election for a board of five directors of said corporation, which board shall be composed of members of the company, and shall hold their offices until the first Tuesday of October next; and all persons who are now members of the said company, or who may become members thereof before such an election, shall be entitled to a vote at such election for said directors; and a majority of all votes cast shall be necessary for a choice of such directors. ^{Election of directors.}

3. *And be it enacted,* That the board of directors shall, immediately after every election, proceed to elect a president, vice president, secretary and treasurer, from among their number; and the directors shall hold their office for the term of one year after such election, and until others are duly elected in their stead; but the first board of directors shall continue in office as provided in the second section of this act. ^{Election of officers.}

4. *And be it enacted,* That hereafter the annual election of the board of directors shall be held on the first Tuesday in October, in each and every year, of which election due notice shall be given as to the time and place as is required in the second section of this act, and members in good standing in said company shall be entitled to vote at such election. ^{Annual election of directors.}

5. *And be it enacted,* That the objects of this corporation shall be to provide for the temporal welfare of the members thereof by affording relief in case of accident or sickness, assisting in the expense of the burial of the deceased members, for benevolent and charitable purposes appertaining to said company, and such other purposes appertaining to the affairs and business of said company, as may be prescribed by the by-laws of said corporation. ^{Object.}

May make
by-laws.

6. *And be it enacted*, That the said corporation shall have power to make such by-laws, rules and regulations for its control and management, the election of its members, and its business affairs, as shall be necessary and proper, and not inconsistent with the laws of this state or of the United States.

Vacancies how
filled.

7. *And be it enacted*, That any vacancy occurring in said board of directors shall be filled by the remaining members of said board, who shall hold office until others are duly elected in their stead.

Act not to in-
terfere.

8. *And be it enacted*, That nothing in this act contained shall in any way interfere with said company as it now exists, and until the same may be organized in accordance with the provisions of this act.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1879.

CHAPTER CCCCXCIX.

A Further Supplement to an act entitled "An Act to set off the township of Belleville, in the county of Essex, approved February twenty-third. eighteen hundred and thirty-nine.

Township
committee
may issue
township
bonds

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That, in addition to the powers now in them vested, the township committee of the township of Belleville, in the county of Essex, shall have power to issue township notes or bonds, payable at any time not exceeding five years from the date thereof, with interest, for the purpose of raising any sum or sums of money voted or granted by the inhabitants of said township, in manner and form, and for any of the purposes mentioned in the eleventh section of the act to which this is a supplement, or to secure any indebtedness of the township arising from any cause whatever, and said notes or bonds, when signed and sealed by at least

a majority of said committee, and attested by the clerk of the township, shall be valid, binding and effectual against said township, and said committee shall determine the amount of bonds or notes to be paid off yearly, and shall notify the assessor accordingly, and said committee shall also have power to order any additional amount of money to be raised for township purposes, when in their judgment the interests of the township require it; *provided*, the amount so ordered Proviso. does not exceed twenty-five per cent. of the amount of taxes voted or granted by the inhabitants of said township in any one year, and said committee may also allow and pay such additional compensation to any township officer, for any extra or additional duties required of them by this or any other act as they may deem reasonable and just.

2. *And be it enacted*, That the inhabitants of the road districts in said township, as the same may be arranged from time to time by the township committee, shall have power and they are hereby authorized, by and with the consent of two-thirds of the legal voters present at a meeting duly held for that purpose, to vote any sum of money, not exceeding fifty per cent. of the amount of general road tax raised in the township, as a special road tax in and for said district, upon ten days' notice of the time, place and object of said meeting being posted up in five of the most public places within said district, and when any money is so ordered by a two-third vote, as herein required, the chairman and secretary of said meeting shall make out and certify, in writing, to the township committee, a copy of the determination of said meeting, and the said committee shall direct the assessor of the township to assess upon the inhabitants of such district, their estates and the taxable property therein, the amount of money so ordered, which amount shall be paid to the collector in money, and shall be expended under the supervision of said committee, in the district ordering the same, and not elsewhere.

3. *And be it enacted*, That the clerk of said township shall act as clerk of the commissioners of appeals in cases of taxation in said township, and shall make a copy of the proceedings of said commissioners, to be certified as correct by said commissioners, and within two days after the final adjournment of the said commissioners, deliver the same to the township collector, and in case said clerk is absent or refuses to serve, said commissioners may appoint a clerk, who shall per-

Inhabitants of road districts to vote the amount to be raised by special tax.

Duties of the township clerk.

form all the duties herein required, at the same remuneration the township clerk would have received.

Assessor and collector to deliver copies of tax duplicate, &c

4. *And be it enacted*, That the assessor and collector of said township shall, on the demand of the township committee of said township, at any time after the first day of November in each year, deliver to said committee their respective copies of the tax duplicate, the tax warrant or warrants, and all other papers in their possession relative to the assessing and collecting of the taxes for the time being, and the same shall be filed with the township papers.

Collection of unpaid taxes

5. *And be it enacted*, That upon the delivery of the tax warrant or warrants to the committee, as provided for in section five, said committee may, and they are hereby authorized to appoint some suitable person to collect any balance of taxes, with the costs and penalties thereon still due on said warrant or warrants, and the person so appointed shall have all the power and authority to enforce the payment of the same, and shall be subject to the same penalties that the collector has or may be subject to in the premises, and the person so appointed shall receive such fees for his services as the township committee may think reasonable and just.

When collector shall perform his duties.

6. *And be it enacted*, That the duties now required of the collector to be performed on the twentieth and twenty-second days, respectively, of October, shall be performed by him on the first and third days respectively, of November in each year, except when said days happen on a Sunday, and then said duties shall be performed on the next day following; and the duties now required of the commissioners of appeals in cases of taxation to be performed on the second Tuesday of September, shall be performed on the first Tuesday in October in each year.

Deductions allowed.

7. *And be it enacted*, That upon all taxes paid to the collector in said township before the first day of November in each year, a deduction of two per centum may be made, and the collector is hereby empowered to make and allow such deduction on all taxes received by him prior to said date.

Compensation to assessor and collector.

8. *And be it enacted*, That the assessor shall receive fifteen cents for each name upon his duplicate for assessing and levying the general taxes, and five cents additional for every name assessed with a special tax, subject to revision by the township committee; the collector shall receive one per centum of all the taxes collected by him on said duplicate, which shall be in lieu of all other fees; and said collector

shall account for and pay over to the township committee, on demand, all interests, fees and costs collected by him on any tax warrant or warrants; and the township committee and commissioners of appeals shall receive two dollars for each day's services rendered as commissioners as aforesaid.

9. *And be it enacted*, That upon the application of a majority of the taxable property affected thereby the town commissioners shall establish a fire district, through which water pipes may be laid and hydrants erected, and the said committee shall then proceed to assess the property affected thereby at a distance either side of said pipes not to exceed eight hundred feet in the same manner as provided in section two of this act; and said township committee shall have power to contract with the Newark Aqueduct Board for the furnishing of water pipes and hydrants at such rates of interest as may mutually be agreed upon, not to exceed eight per cent. on the actual cost above the water rent.

Fire district
may be estab-
lished

10. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and they are hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved March 17, 1870.

CHAPTER D.

A Supplement to an act entitled "An Act to incorporate the Guttenburg Ferry Company," approved March twenty-sixth, eighteen hundred and sixty-nine.

WHEREAS, it was the intention of the legislature, by supplements to said act, approved April second, eighteen hundred and sixty-nine, to extend the privileges of said charter to a line of Hudson county, known as the Venango Oil Docks, in said county, and in the township of Weehawken; therefore,

Preamble.

Provisions of
charter ex-
tended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said ferry company shall have the right, under the act to which this is a supplement, to take in so much of the township of Weehawken, in the county of Hudson, as lies between the southerly line of the Venango Oil Docks and the Elysian Fields, and that the provisions of said charter shall extend to the front of the Hudson river, as far north as the points at present known as the Venango Oil Docks, and as far south as the northerly line of Elysian Fields, in said township of Weehawken.

Approved March 17, 1870.

CHAPTER DI.

An Act to incorporate the New Jersey Wood Paving Company.

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William W. Crane, Benjamin Williamson, James S. Green, George W. Tubbs, Anthony W. Dimmock, Augustus C. Kellogg, Amos Clark, junior, Andrew Dutcher, Aaron Woodruff Kellogg, John Davidson, Edward G. Brown and Archibald S. Woodruff, and all other persons who shall become subscribers to the capital stock according to the mode hereinafter prescribed, and their successors be, and they are hereby created a body politic and corporate, in fact and in law, by the name of "The New Jersey Wood Paving Company," for the purpose of constructing and laying wood and other pavements in the state of New Jersey, and for that purpose may manufacture or purchase all materials to be used in the construction or laying of the same, also all patents or patent rights the said company may deem of advantage to its business, and shall have power to secure all debts that may become due to said company.

Corporate
name, and
powers.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, which stocks

shall be transferable according to the by-laws of the said company, and shall be considered personal property, and the said company shall not commence business until ten thousand dollars of the capital stock shall have been subscribed and paid in, in cash.

3. *And be it enacted*, That the persons above named shall constitute a board of directors who shall manage the business of the company, all of whom shall be stockholders, one of whom shall be president, seven of whom shall reside in the state, and shall hold their office one year and until others are elected in their stead; and an election of directors shall be held yearly at such time and place, and upon such notice as the by-laws shall direct, at which election each stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock by him or her respectively owned; and all vacancies in the board of directors may be filled for the unexpired term by appointment to be made by the remaining directors. ^{Directors, when and how chosen.}

4. *And be it enacted*, That said directors shall have power, on behalf of said company, to receive any property, patent or patent rights suitable for the purposes of the company at a valuation to be agreed upon, and in lieu of cash subscriptions, and shall have authority from time to time to open books for further subscriptions until the whole capital stock is taken; and the directors may call on the subscribers for the payment of instalments, in such sums and at such times, and under such forfeiture as they may deem expedient. ^{Powers of directors.}

5. *And be it enacted*, That the directors shall have power to make by-laws for the management and government of said corporation, and may appoint such subordinate officers as the business of said corporation may require. ^{May adopt by-laws.}

6. *And be it enacted*, That transfer books of said corporation shall be kept in the office of the said company in the city of Elizabeth, and shall be open to the inspection of the officers and stockholders thereof at all reasonable times. ^{Books shall be open to inspection.}

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER DII.

An Act to revise the charter of the city of Perth Amboy.

TITLE I.

BOUNDARIES, NAME AND CORPORATE TITLE.

Boundaries. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Middlesex contained within the boundary lines of the city of Perth Amboy, as the same now extends, and is laid out, shall continue to be a city by the name of the city of Perth Amboy, and citizens of this state, from time to time, inhabitants within said city shall be and constitute forever hereafter a body politic and corporate, in fact and in name; they shall have all the powers necessary for carrying out the objects and purposes of this act, and may have a common seal; and by the title

Corporate name. of "The Mayor and Council of the City of Perth Amboy," may sue and be sued in any of the courts of this state.

TITLE II.

CITY OFFICERS, HOW ELECTED, TERM OF OFFICE AND HOW APPOINTED.

City officers. 2. *And be it enacted*, That the officers of said city shall consist of a mayor, who shall be the keeper of the city seal, a recorder, three aldermen, six councilmen, a city clerk, a controller, a treasurer, an assessor, a collector of revenue, an overseer of the poor, a chief engineer of the fire department, a street commissioner, a city marshal, two chosen freeholders, one or more city surveyors, a superintendent of schools, three commissioners of appeals, three judges of election, one or more

Terms of office constables, and one or more pound-keepers; at the next charter election after the passage of this act the mayor and recorder shall be elected for the term of two years, the aldermen for the term of three years, the councilmen for the term of two years,

the controller, assessor, superintendent of schools, commissioners of appeals, chosen freeholders, constables and judges of election for the term of one year; and the treasurer, collector of revenue, city clerk, city marshal, overseer of the poor, city surveyors, street commissioner, pound keeper, and such other officers as are hereinafter provided for shall be appointed annually by the mayor and council as herein provided, and a majority of the votes of the council shall be necessary in all cases to elect; the chief engineer of the fire department shall be elected annually by the fire department, subject to the approval of the mayor and council; the election of justices of the peace, to which said city may be entitled, from time to time, shall be held in accordance with the laws of the state at the annual charter election; *provided*, that all officers elected in pursuance of this section shall be residents of said city, and qualified to vote at the election at which they shall have been so elected.

3. *And be it enacted*, That at the next charter election after the passage of this act, one alderman shall be elected for three years, one alderman shall be elected for two years, and one alderman shall be elected for one year, who shall be designated upon the ballot accordingly, and at every subsequent election one alderman shall be elected for the full term of three years in place of the one whose term expires; and the ballots shall specify in like manner, which three of the councilmen shall be elected for two years, and which three of the councilmen shall be elected for one year, and every year thereafter three councilmen shall be elected in place of those whose terms expire; there shall be six school commissioners elected at the next charter election, after the passage of this act, three of whom shall be elected to serve two years, and three for one year, who shall be designated upon the ballots accordingly, and every year thereafter there shall be three school commissioners elected in the place of those whose terms expire.

4. *And be it enacted*, That the charter election shall be held on the second Tuesday in April in each year, at the place designated and appointed for that purpose by the judges of election, between the hours and in the same manner and under the same regulations in all things as prescribed by law for state elections for members of the legislature; *provided*, that all the duties, as above, of judges of elections shall be performed, as to the first election held after the passage

of this act, by the judges of elections elected at the preceding spring election.

Qualification
of voters.

5. *And be it enacted*, That every person entitled to vote by the existing laws of this state at an election for members of the legislature, if held on that day, and who shall have been a resident of the city thirty days before said election, shall be entitled to vote for all officers elective under this act, and the person or persons receiving the greatest number of votes of those given in the city for any city office to be voted for, shall be deemed elected to that office.

State and na-
tional elec-
tions.

6. *And be it enacted*, That all future elections to be held within said city for members of the senate and general assembly of this state, for sheriff, county clerk, surrogate, and coroners of the county of Middlesex, and for members of congress and electors of president and vice president of the United States, or for any other office of the general or state

Same judges of
election shall
act.

government, or officer of the said county of Middlesex, to be elected by the people, shall be held by the judges of election, at the place appointed for holding the city election by said judges, on the day or days which now are or hereafter may be designated by law for holding such elections; and such elections shall be conducted by said judges in all things pursuant to the laws of this state, applicable to such elections in this state, and the said judges of elections in said city of all elections hereafter to be held, shall be liable to the same obligations, duties and penalties imposed upon the like officers of elections in the townships of this state; and they shall be entitled to the same compensation for their services at all elections as the like township officers are entitled to receive, except as otherwise provided in this act or by ordinance; and in case of absence, disqualification or inability of any of them, the vacancy shall be supplied in the manner prescribed by the laws of this state in such cases; and any person voting illegally or offering illegally to vote at any such election, shall be subject to the same pains, penalties and forfeitures incurred by persons so offending at such elections in the townships of this state.

Illegal voting.

Judges of
election to
make state-
ment of the
votes cast.

7. *And be it enacted*, That in all elections for city officers of said city, the judges of election, in addition to the other duties required of them by law, shall make and sign a statement of the election in said district, for what officers, the number of votes cast for each person voted for any office, specifying the names of the persons so voted for, with the

number of votes rejected, which statements shall, within forty-eight hours after the closing of the polls, be filed in the office of the city clerk, who shall, within five days thereafter, file a true copy of such election returns in the office of the clerk of the county of Middlesex.

8. *And be it enacted*, That in case any vacancy shall occur in any of the city offices by resignation, disqualification or death of the incumbent of said office, or in any other manner whatsoever (except in the office of mayor, recorder, aldermen or councilmen) the council shall fill, by appointment, such office for the unexpired portion of the term; and in case of any such vacancy, happening as aforesaid, in the office of recorder, aldermen or councilmen, the said vacancy shall be filled by a special election, to be ordered by the council, upon a day to be fixed by them, and the same notice shall be given of such special election as is required to be given of a general city election; *provided*, that in case of a vacancy as aforesaid, in the office of the recorder, it shall be lawful for the council, on the nomination of the mayor, to designate any justice of the peace of said city to act as recorder until such vacancy is filled, as herein provided; and such justice of the peace when so designated by resolution of the council, shall have and exercise all the powers and possess all the jurisdiction of the recorder, while acting as such, as well of cases pending in said court and not decided, as of all new matter in said court; and all his official acts as such recorder shall have the same force and virtue, and be as valid as if the same had been performed by the recorder himself.

Vacancies,
how filled

Special elec-
tions in cer-
tain cases.

Council to fill
vacancy for
recorder.

9. *And be it enacted*, That the mayor shall be elected every two years; and it shall be his duty to preside at the meetings of the council, and he shall have a casting vote only; he shall see that the laws of the state and the ordinances of the city are faithfully executed therein, and shall recommend to the council such measures as he may deem necessary or expedient for the welfare of the city; he shall be the head of the city police force, and as such shall maintain peace and good order in said city, and shall have power to suppress all riots and tumultuous assemblies, and cause to be arrested, without process or warrant, and to commit for trial, all persons violating, or whom he has reason to believe have violated the laws of this state or the ordinances of the city; all warrants on the treasurer, all contracts or agreements made under the direction or on behalf of said city shall, before

Powers and
duties of the
mayor.

Mayor to sign contracts and warrants.	they become valid or binding on the city, be signed or approved by him; and in case of his absence from the city, or his inability to perform the duties of his office, the vice-president of the council shall, during the continuance of such absence or disability, be vested with the powers and exercise the duties of mayor; and in case of the death or resignation of the mayor, his powers and duties shall devolve upon the
Vice president of council.	vice-president of the council until a successor is elected and qualified; and in case of the death, resignation or removal of the mayor, a special election shall be ordered by the council
Proviso.	for the election of a mayor; <i>provided</i> , three months or more of the term of office is unexpired; <i>and provided</i> , that the mayor thus elected shall only be so for the unexpired portion
Mayor to nominate policemen	of said term; it shall be the duty of the mayor to nominate to the council all policemen or watchmen of said city; and he shall have power to suspend any policemen or watchmen, and he shall report such suspension to the council at its next meeting thereafter, with the reasons therefor, and such officer may then be restored or removed by said board.
Powers and duties of the recorder.	10. <i>And be it enacted</i> , That the recorder shall be elected at the next charter election after the passage of this act, and every second year thereafter, and he shall hold his office for two years; he shall have all powers in criminal matters that justices of the peace in and for the several counties of the state now have, and shall have like powers as are given to the mayor, to cause to be arrested and committed without process, any person guilty, or that he may have reason to believe guilty of any crime or misdemeanor, or breach of the peace, and to try all causes or complaints arising from the violation of any ordinance of said city.
Jurisdiction of recorder.	11. <i>And be it enacted</i> , That the recorder shall have jurisdiction, and is hereby empowered, on oath, affirmation or affidavit made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances
Nature of process.	of said city, to issue a process either in the nature of a summons or of a warrant, as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when of the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than three nor more than six days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated, and then on the return

of such process, or at the time to which the recorder shall have adjourned the same, the said recorder shall proceed to hear the testimony, and to determine and give judgment in the matter without the filing of any pleadings; and that the recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels, and against the body of defendant or defendants; *provided*, that Proviso. in all cases when the fine or penalty shall exceed twenty dollars, or where the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases now Trial by jury. triable by jury in courts for the trial of small causes, and also an appeal as in cases where appeal may now be had from judgments in courts for the trial of small causes; *and pro.* Proviso. *vided also*, that in all cases an appeal may be made to the council for the remission of any penalty that may be inflicted or adjudged; *provided further*, that no fine shall be Limitation of penalty. imposed exceeding fifty dollars for such offence, and no term of imprisonment imposed as a penalty shall exceed sixty days for each offence; *and also provided*, that all cases and Proviso. matters pending in the recorder's court at the expiration of his term, or resignation, or death, or inability to serve, shall be continued before his successor, who shall have jurisdiction of the same as if such recorder were personally present; all books and records of said court shall be the property of the city, and as such shall be preserved and transferred by the recorder to his successor.

12. *And be it enacted*, That the officers empowered to Officers to serve process. serve process issued by the recorder shall be, besides the city marshal and constables elected or appointed within said city, the policemen of the city, and that said process shall be returned in the same manner, so far as circumstances may permit, as warrants for the arrest of persons, issued out of the courts for the trial of small causes are returned, and that the defendant or defendants named therein shall, if the recorder Defendant may enter into recognizance. sees fit to adjourn the hearing of the charge made, and so orders, enter into recognizance as near as may be in the manner directed in the courts for the trial of small causes, in the amount of penalty named in the process, or any proceedings to be brought for the recovery of the same, with such surety as may be approved by the recorder unto the mayor and council of the city of Perth Amboy, for his or their appearance on the day to which said hearing may be adjourned, and in default of such appearance, the said recognizance may

be prosecuted and collected in the same manner as the same might have been if the said recognizance had been taken in a proceeding in courts for the trial of small causes.

Certiorari.

13. *And be it enacted*, That in all cases in which persons shall bring certioraries to remove the order, proceedings or judgment given or made by the said recorder, it shall be lawful for the said recorder to charge and receive before delivery of the return thereto at the rate of ten cents per folio for the same

Party applying for certiorari must give bonds.

14. *And be it enacted*, That no justice of the supreme court shall grant or allow any certiorari to remove any order, proceeding or judgment to be had or made by the recorder of said city, unless the party applying for such certiorari shall enter into bond with the mayor and council of the city of Perth Amboy in the sum of one hundred and fifty dollars, with one or more good surety or sureties, conditioned that such applicant shall prosecute such certiorari in the supreme court, shall pay the penalty recovered before the said recorder, with interest and costs, if the judgment be affirmed, and shall in all things stand by and abide the judgment of the supreme court respecting the order, proceeding or judgment given or made by said recorder, which said bond shall be tendered to said justice granting such certiorari, to be by him filed with the clerk of the supreme court for the benefit of said mayor and council, and on failure thereof no certiorari shall be allowed.

Costs in cases of certiorari.

15. *And be it enacted*, That if any proceedings of the said recorder shall, on removal by certiorari, be affirmed by the supreme court, the plaintiff in certiorari shall pay to the defendant all costs on such suit in the supreme court; but if such proceedings be reversed, then the plaintiff in certiorari shall not be entitled to pay any costs; the provisions of this section and of the last preceding section shall extend to the circuit court of the county of Middlesex.

Duties of treasurer.

16. *And be it enacted*, That the treasurer shall receive, safely keep and disburse, under the direction of the council all money collected for said corporation, and shall pay out the same only upon the warrant of the council, signed by the mayor and countersigned by the city clerk; and no warrants on the city treasurer shall be authorized except in pursuance of an order of said council, passed at a stated meeting, and entered in their minutes; it shall be the duty of the clerk before he delivers any warrant so drawn, to enter in the mar-

gin of a book, to be called the "warrant book," opposite the said warrant, the number, date and amount of the same, the date of the order or resolution authorizing it to be drawn, the purpose for which it was ordered, and the name of the person or persons to whose order the same is made payable, and to take his or their receipt in said book, at the end of said marginal entry, for the said warrant. Warrant book

17. *And be it enacted*, That the controller shall audit all bills and accounts against the city, examine them and ascertain whether they are correct, and determine what amount, if any, should be allowed thereon, and report the same to the council, who shall then have full power and authority to reject, reduce or pay the same; he shall audit the accounts of the board of education; he shall audit the general account, and sign the same before it is published; he shall also examine the treasurer's accounts, compare it with the vouchers and sign the treasurer's report; he shall audit the accounts of the collector of revenue, and report the same to the council; he shall keep a book of all bills and accounts audited by him, with the name of the claimant, the nature of the claim, material furnished, work done or service rendered, which book shall at all times be open to the inspection of the members of the council. Duties of controller.

18. *And be it enacted*, That the city clerk shall, in addition to the duties required of him in this act, or any other act of this state, have charge of all the records, books and documents of the city; except when the council shall otherwise direct by ordinance; he shall keep a record of the proceedings of the council, he shall engross all ordinances in a book to be provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinance, and each ordinance shall be signed in said book by the mayor, or acting mayor, and said clerk; copies of all papers duly filed in the office of the city clerk, and transcripts thereof, and of the records and proceedings of the council, and copies of the laws and ordinances of said city, certified by said clerk, under the corporate seal, shall be evidence in all courts and places; and all the books in which the said council have caused their ordinances and by laws to be recorded, and such other book or books, record or records as shall be by them provided, shall be taken and received as evidences in all courts and places of the due passage by said council of any and all ordinances and by-laws recorded Duties of city clerk.
Ordinances to be engrossed.

therein; and until the contrary be proven, all ordinances and by-laws so recorded shall be presumed to have been regularly introduced, passed and published according to the requirements of the provisions of this act; that the city clerk shall receive and pay over to the collector of revenue all moneys which by any law or usage may be paid to the clerk of said city, and all the records and minutes of proceedings aforesaid shall at all convenient times be open to the inspection of any citizen of said city.

Overseer of
the poor.

19. *And be it enacted*, That the overseer of the poor shall perform such duties as by the laws of this state, now appertain to and devolve upon overseers of the poor in the townships of this state, subject to the provisions of this act, or any ordinance or ordinances passed by virtue thereof; and they shall in addition thereto perform such other duties as the said council shall fix, designate and establish; the street commissioner and city surveyors shall respectively perform such duties as are provided by law and the provisions of this act, and by the ordinances, by-laws or regulations of said council adopted by virtue thereof.

Street com-
missioner and
city surveyor.

Collector of
revenue.

20. *And be it enacted*, That there shall be appointed by said council, a collector of revenue for said city, whose duty it shall be to receive and collect all moneys due to said city, whether for taxes, assessments, arrears of taxes or otherwise, and shall do and perform all other duties which the said council may by ordinance, prescribing his duties, ordain; and it shall be his duty to keep a record of all his proceedings affecting the revenue of the city, and at the end of each and every current year, the said proceedings shall be filed in the office of the city clerk, and the said collector of revenue shall pay over all moneys received by him for the city, as soon as collected, to the treasurer of said city, who shall pay over to the treasurer of the state, or to the collector of Middlesex county, the full quota of taxes required by law to be raised in said city, for state and county purposes, so far as the same may have been collected.

Constables,
commission-
ers of appeals,
&c.

21. *And be it enacted*, That the constables, chosen freeholders, surveyors, pound keepers, commissioners of appeals, judges of elections and assessors, shall perform the duties required of such officers by law in the several townships of this state and the ordinances of said city.

City officers
must take
oath within
ten days.

22. *And be it enacted*, That no person elected or appointed to any office in pursuance of this act, or any law or ordi-

nance of the council, shall enter upon the discharge of his duties unless within ten days after his election or appointment, he shall take and subscribe before the mayor or city clerk, or some other person authorized to administer oaths, an oath or affirmation, faithfully, fairly and impartially to execute the duties of his office according to the best of his knowledge, skill and ability, and shall file said oath or affirmation with the city clerk, who shall keep all such oaths or affirmations on file in his office, and the oath of the city clerk shall be filed by the mayor; and if any such person shall neglect to take such oath or affirmation for ten days after his election or appointment, or shall neglect within said ten days to give such security as may be required of him, he shall be considered as having declined such office, and the same shall be deemed vacant.

23. *And be it enacted*, That the official term of the several persons who shall be elected in pursuance of this act, shall commence on the last Monday of April next after their election, and they shall continue in office unto the end of their term; and that the official term of the several officers who shall be appointed by virtue of this act for said city, shall commence on the first Monday of May every year, except in cases otherwise provided for in this act; and they shall continue in office until the end of their term, and until others are appointed and qualified in their place, unless removed as herein provided.

Official term
of office.

24. *And be it enacted*, That the city clerk, treasurer, collector of revenue, and such other officers as the council may require, shall, before they enter on the duties of their office, give bonds to the city in its corporate name, in such sums and with such sureties as the said council may approve for the faithful performance of their duties; and the city marshal and all constables shall give bonds to the city in the manner required by law, with sureties to be approved by said council.

Bonds to be
given by cer-
tain officers.

25. *And be it enacted*, That the assessor, before entering upon the discharge of his duties, shall take and subscribe the oath required of other officers of said city; and said assessor shall make a complete and accurate record in a proper book for that purpose to be provided at the expense of the said city, and to be kept in the office of the said collector, of all the real estate in the said city; which said record shall contain the names of the owners of the said real estate, at the time the

Duties of as-
sessor.

Record of valuation of property to be made by assessor.

said record is made, the names of the streets, avenues or highways on which situated, and the numbers or other sufficient description of the said real estate by which the same may be identified, and the said assessor shall possess all the powers and perform all the duties of the like officers in townships of the said county of Middlesex, so far as such powers and duties shall be consistent with the provisions of this act; and the said assessor shall receive such compensation for his services as are now and may hereafter be provided by the laws of this state, and such other compensation as the council may provide for extra services performed by the said assessor.

Fines.

26. *And be it enacted*, That all fines inflicted by ordinances shall, when received, be paid into the city treasury.

All property, books, &c., to be delivered over to successor in office

27. *And be it enacted*, That if any person having been an officer of said city, shall not, within ten days after he shall have vacated or been removed from the office, and upon notification and request by the city clerk, or within such reasonable time thereafter as the council shall allow, deliver over to his successor in office, all property, books and papers belonging to the city or appertaining to such office in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs.

TITLE III.

OF THE POWERS AND DUTIES OF THE COUNCIL.

Legislative power vested in the council

Vice president to be elected annually.

Council may appoint times and places of meeting.

28. *And be it enacted*, That the legislative power of the city of Perth Amboy shall be vested in the mayor, aldermen and councilmen, who shall constitute the council; the council shall annually elect one of their number to be vice president, who shall preside in the absence of the mayor, and in case of the absence of the mayor and vice president the council may elect one of their number to preside for the time being; they shall appoint the times and places of meeting, determine and establish the rules of their own proceedings, be the sole judges of the qualifications of their own members, keep a journal of their proceedings, pass ordinances, by-laws and resolutions pertaining to the purposes and objects of said corporation, and necessary and proper for carrying out the provisions of this act, and may expel a mem-

ber for disorderly conduct or a violation of their rules, but no expulsion shall take place, except by a vote of two-thirds of all the members elected, nor until the delinquent member shall have had an opportunity to be heard in his defence.

29. *And be it enacted*, That every ordinance and every resolution of the council affecting the interests of the city shall, before it takes effect, be presented duly certified, to the mayor, and the report of the clerk shall be conclusive evidence that the said ordinance or resolution has been so presented to the mayor; if he approve of it he shall sign it, if not he shall return it with his objections, and file the same with the clerk within ten days after he received it, and the said council shall, at its first regular meeting thereafter, order the objections to be entered at large on its journal, after which it shall proceed to reconsider the same, and if seven of the members of council shall vote for the same, it shall take effect as a law, but in every such case the vote shall be taken by ayes and noes and entered on the journal, and if such ordinance or resolution shall not be so returned by the mayor within ten days after he has received it, it shall become a law in like manner as if he had signed it; provided always, that each and every ordinance so passed as aforesaid, shall be published for the space of two weeks in a newspaper published in said city, and if no newspaper be published in said city, then in some newspaper published in the county of Middlesex and circulated in said city, before such ordinance shall go into effect; *provided also*, that no ordinance or by-laws shall be enacted or passed by said council, unless the same shall have been introduced before the said council at a previous stated meeting, and shall have been agreed to by six members of said council.

30. *And be it enacted*, That every alderman shall have the power, and it shall be his duty, without warrant, to arrest, or cause to be arrested, any person or persons engaged in his presence in disturbing the public peace or violating any law of the state or ordinance of the city, for the preservation thereof, or of good order or morality, and to bring or cause such person or persons to be brought before the recorder, or, in his absence, a justice of the peace, to be dealt with according to law.

31. *And be it enacted*, That the said council shall, on the first Monday of April in each year, cause to be printed a full statement of all receipts and expenditures of every descrip-

tion for the fiscal year preceding, which statement shall include all moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of revenue and the amount received under each, with all such other information as may be necessary for a full understanding of the financial concerns of the city, and that it shall be the duty of the city clerk to distribute such printed statements among the people of the said city, or to furnish a copy of said statement to every citizen upon his applying for the same.

Quorum.

32. *And be it enacted*, That a majority of the council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of absent members; the said council shall hold stated meetings at least once in each month, at such times and places as they may appoint in said city, but the mayor or any two members of the council may call special meetings, by written notice to each of the members, served personally, or left at his usual place of abode, at least twenty-four hours previous to the time appointed for such meeting.

Special meetings.

Resignations.

33. *And be it enacted*, That resignations of any office held under the provisions of this act may be made to the council, and said council may fill vacancies in office, as provided in this act; that any officer, except the mayor, may be removed from office for cause by resolution of the said board; *provided*, that no such removal shall take place until the party sought to be removed has had an opportunity to be heard in his defence, nor unless two thirds of all the members elected vote therefor, and in cases of any such removal the ayes and nays shall be entered upon the minutes.

Removal from office.

Aldermen or councilmen not to be interested in contracts.

34. *And be it enacted*, That all contracts in which said aldermen or councilmen, or any one of them, shall be interested as individuals, either directly or indirectly, or in which any one of them may be surety for the faithful performance thereof, shall be null and void; and no member of said council shall become security for any public officer elected or appointed in said city, and no member shall, during the period for which he was elected, be appointed to or competent to hold any other city office in the city of Perth Amboy, the pay or emoluments of which would come from the city treasury.

Salaries of officers.

35. *And be it enacted*, That the council shall have power to fix the pay, salary or compensation of the city clerk, re-

corder, controller, treasurer, collector of revenue, commissioners of assessments, overseer of the poor, street commissioner, surveyors, city marshal, constables, pound keepers, commissioners of appeals, assessors, judges of election, policemen and such other officers as may be appointed from time to time by the council under the provisions of this act; and the mayor, aldermen and councilmen shall not receive any compensation, and the salary or compensation of any officer or officers which has once been fixed as aforesaid, shall not be increased during the continuance of his term of office.

36. *And be it enacted*, That it shall be the duty of said council, by ordinance or ordinances, to prescribe and define the duties, and establish all needful regulations for the government of all officers in the different departments of said city corporation, and to require any of them to make returns and reports at stated periods during the year, and the payment into the city treasury of all money, fines, penalties, or from any other source not herein otherwise provided for.

Council to define duties of departmental officers.

37. *And be it enacted*, That the said council shall by their title, "The Mayor and Council of the city of Perth Amboy," have power to pass, enforce, alter, modify, amend and repeal ordinances to take effect within said city, for the following purposes, to wit:

Power to pass ordinances.

I. To lay out, open, widen, vacate, alter, grade, fill up, refill, establish, alter and regulate the grade and grading of all streets, avenues, public alleys, parks and roads, side and crosswalks; to ascertain and establish the boundaries of all streets, avenues, public squares or parks, public alleys and roads in said city, and to authenticate any and all of said improvements by maps or otherwise;

Street improvements.

II. To pave, macadamize, gravel, curb and gutter the streets, avenues and roads; to construct and build and repair sewers and drains in and from any, or in and from any parts of the public streets, roads, alleys, places and public or private grounds in said city, and to construct and repair receiving basins;

Paving and guttering, and sewers.

III. To lay sidewalks of flagstone or other materials, to lay out crosswalks of stone, to reset the curbs and gutters in the streets and roads, or any part thereof;

Sidewalks

IV. To lay and regulate, or prohibit the laying of water or gas pipes in or under the streets and roads, or any part thereof, in said city;

Water or gas pipes.

V. To declare what shall be considered nuisances in streets,

Nuisances.

roads, lots and places in said city ; to prevent and remove all encroachments, incumbrances and nuisances in and upon any street, road, sidewalk, lot or enclosure, place or places in said city, and to provide for the sale or other disposition of such incumbrance in or upon the streets or roads ;

Securing
streets to
public uses.

VI. To secure in every respect, to the public and the adjoining owners, the safe and convenient use of all streets, sidewalks and public places, for the purpose for which they are or may be laid out or dedicated in said city ; to compel the owners and occupiers of houses and lots to keep the sidewalks and gutters opposite their lots swept and clean, and clear of snow and ice and other impediments ;

Driving cattle

VII. To regulate and control the driving of cattle, mules or other animals, in droves, through such streets or roads, only as they shall prescribe ;

Docks and
piers.

VIII. To order and regulate the building of all docks, piers and wharves in and about said city, and the use thereof, when built, and the rates of wharfage, and to make such by-laws and regulations touching the same, not inconsistent with the laws of this state and of the United States, as to said council may appear proper and necessary ; and in the building of any such docks, piers or wharves, if more land is thus filled in than may be necessary for the use of such wharf, as a wharf or dock, to lay out proper streets upon the same ;

Assessment
map.

IX. To make and adopt an assessment map, whereby to describe lands assessed for taxes and improvements ;

Sewerage and
drainage.

X. To make and adopt a general plan of sewerage and drainage for said city, or any part or parts thereof, conformably to which all sewers, drains, receiving basins, and all other appurtenances of public drainage shall be constructed, and to alter and vary the same ;

To prevent
cattle running
at large.

XI. To prevent horses, cattle, sheep, swine, dogs, goats, geese and all other animals from running at large, and to provide for the impounding and sale of the same ;

Fast driving.

XII. To prevent immoderate and fast driving in the streets, cruelty to animals, and driving over or upon sidewalks, and to regulate the planting and protecting of shade trees ;

Suppression of
vice and im-
morality.

XIII. To prevent riots, disturbances and disorderly assemblages in the streets, or in any house or place in said city, to prevent and suppress all gaming houses, and to prohibit gaming, and to restrain and punish all mendicants, va-

grants, street beggars and common prostitutes; to suppress vice and immortality;

XIV. To license and regulate or prohibit inns and taverns, restaurants and beer saloons, and to prohibit all traffic in or sale of intoxicating drink or drinks; to license, regulate and prohibit hawkers, hucksters, butchers, public cartmen, draymen, teamsters, hack drivers, porters and auctioneers, slaughter houses and markets, on such terms and under such regulations or penalties as the said council shall by ordinance impose, and no other license for such purpose, within said city, granted by any other authority, shall be lawful except licenses granted by the governor to hawkers and pedlars;

Licensing of inns and taverns, &c.

XV. To prescribe the duties and compensation of all officers herein named, not already fixed by statute;

Compensation of officers.

XVI. To manage, regulate, control and protect the finances and property of the city, and all public buildings, and the erecting and maintaining the same;

Control of city property.

XVII. To establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and compensation; to provide a suitable and proper police station and lock up, and all necessary rooms and cells for the safe keeping of criminals, offenders, or persons under arrest;

Police.

XVIII. To establish, regulate and control a fire department, with power to exempt its members from militia duty in time of peace and from serving as jurors in courts for the trial of small causes, and the mode of their appointment and removal; to provide fire engines, apparatus and houses therefor, and for the purpose of guarding against fire and protecting the safety of firemen, to regulate the manner of building dwelling houses and other buildings, and of constructing and placing engines, chimneys, ovens, flues, pipes and all other matters connected therewith, and the keeping of lights in stables, and the manufacture and keeping of gunpowder, petroleum, fire works and all other dangerous and combustible articles; to provide water for extinguishing fires, and to limit the height, and prevent in certain limits, to be from time to time prescribed by ordinance, the erection of wooden buildings, to raze and demolish any building or erection, or remove or destroy any material when necessary to prevent the extension of a conflagration, and to provide

Fire department.

Apparatus.

Erection of buildings.

Storage of combustibles.

Destruction of buildings or materials.

- for the ascertainment and payment of just compensation to the owners of property destroyed or damaged in such cases ;
- Street lamps. XIX. To provide street lamps for and to light the streets either by gas or other material ;
- Health laws. XX. To provide health laws, and to establish a board of health ;
- Shooting of birds. XXI. To prevent the shooting or trapping of birds within the limits of said city, to punish by fine or imprisonment, or both, in the lock-up of said city, all violations of any ordinance authorized by this act, and to provide all means which they may judge necessary to carry into effect the objects and purposes of said city corporation, and to have and exercise all the powers provided in this act, or any other law of this state ;
- Interments. XXII. To regulate or prohibit interments within the city, and bathing within adjacent waters ; the exhibition of shows, caravans, circuses or all other like matters ; the firing of guns, fire crackers or other fireworks in said city ;
- Workhouse. XXIII. To provide for the relief of the poor, and for the establishment and maintenance of an almshouse or workhouse, and to direct and order what persons shall be placed therein, and for what length of time ;
- Weights and measures. XXIV. To inspect weights and measures, for the gauging of casks of liquors and liquids ; to regulate the commerce of said city, the goods, wares and merchandise necessary to be gauged, measured or weighed ; the inspection of vessels, passengers or goods, the fares and rates of ferriage to and from the said city ; the anchoring and mooring of vessels within the harbor of said city ; to regulate wharfing and wharfage ; to order and cause the removal of obstructions within the harbor, and to appoint a harbor master ;
- Wharfage. XXV. To establish, regulate and control one or more public markets ;
- Markets. XXVI. To control the construction of railroads in the streets of said city, railroad depots, horse car railroads, and the speed and running of locomotive engines and railroad cars through said city ;
- Railroads. XXVII. To provide for the recovery of all fines, forfeitures, amercements and penalties not provided for by this act or other statute of this state ;
- Fires. XXVIII. To make provision for supplying the city with pure and wholesome water, construct aqueducts or water
- Supply of water.

ways, and make and regulate wells, cisterns and pumps, in the streets and public places.

38. *And be it enacted*, That the council may provide, by ordinance, that the city shall pay one-third of the expense and cost of paving the streets of said city with Belgian block, macadamizing, or with such other substantial material as the property holders on the line of the street may desire, and such payment shall be made out of the proceeds of improvement bonds or stock to be issued by the city, with interest thereon, not to exceed seven per centum per annum, payable semi annually, to run not less than ten nor more than twenty years.

39. *And be it enacted*, That in all cases in which persons shall bring writs of certiorari to remove the proceedings of the council, it shall be lawful for the city clerk to charge and receive from the parties bringing such certiorari at the rate of ten cents per folio for the necessary return thereto, and said parties bringing said certiorari shall pay said sum to said clerk before the return day of said certiorari, and in default thereof the court shall dismiss said certiorari; no costs shall be allowed the prosecutor in certiorari on his setting aside any ordinance, assessment or proceeding of said council.

40. *And be it enacted*, That no ordinance, assessment or proceeding of the council of said city of Perth Amboy shall be set aside on certiorari by reason of the return to said certiorari failing to show that all the requirements of the city charter have been complied with, but after the filing by the prosecutor of the reasons in certiorari, the clerk of said city may make a further return to said writ of certiorari, stating such additional facts as he may be advised are proper and necessary to state in answer to any of said reasons, and said city may take proofs with reference to said facts, and if the same are established to the satisfaction of the court, then the court shall affirm the ordinance, assessment or proceeding in question, the same as if such facts had properly appeared in the minutes, records and proceedings of said council; whenever any assessment is set aside, the said council may appoint new commissioners to make a new assessment.

41. *And be it enacted*, That no certiorari shall be allowed or granted to set aside any ordinance for any improvement in said city after the contract therefor shall have been awarded by the council of said city, and no certiorari shall

be allowed or granted to set aside any assessment for any improvement in said city after three months shall have elapsed from the date of the confirmation of said assessment by the council of said city.

Assessments
paid may be
refunded.

42. *And be it enacted*, That in case any assessment is set aside on certiorari after a portion of the said assessment has been collected by the corporate authorities of said city, in that case all sums of money so collected shall be refunded, and paid to the then owners of the lots or parcels of land so assessed, and upon which said payments were so made, and the new assessment for said improvement shall be made without any reference to the fact that any sums of money have been heretofore paid under the said assessment so set aside on certiorari; the sums herein provided to be refunded shall be paid out of the first sums of money collected under the new assessment for said improvement.

Changing lo-
cation of
streets.

43. *And be it enacted*, That whenever said commissioners shall change or alter the location of any street, lane or avenue now laid out or open for public use, the commissioners appointed for the purpose of assessing benefits and damages shall have the power to take into consideration the land or premises which revert to the front owner on said street, lane or avenue so vacated in awarding benefits or damages to the property benefited or damaged by said alteration of location of said street, lane or avenue so changed, and the lands so made to revert to the said front owners shall be held by said front owners in fee, and the said commissioners shall file a description of the said lands so reverted, in the office of the county clerk of Middlesex county, which said description shall be deemed and taken to be a deed of conveyance to the said front property owners, and this shall apply to all alterations now being made or hereafter to be made.

TITLE IV.

OF TAXES AND THEIR COLLECTION.

Levying taxes

44. *And be it enacted*, That it shall be lawful for the council to raise by tax every year, so much money as they may deem expedient for the purpose of lighting the streets, supporting a day and night police; for repairing streets and roads, maintaining the poor, supporting and maintaining public schools, a city prison and lock-up, for contingent ex-

penses, and all other purposes authorized by this act, and that the ordinances directing the raising of said tax shall set forth the amount required for each object, and that the expenditures for such specification shall be confined to the objects therein specified, and be appropriated to no other, which tax shall not exceed in any one year fifteen mills on the dollar Limit of tax. of the actual valuation of the property assessed, except obligations for war purposes and improvement bonds or stock, and every male resident of said city, over the age of twenty-one years, shall be assessed the sum of one dollar, as a poll tax, and said council may borrow such sum or sums of money Loans in anticipation of taxes. as may be necessary in anticipation of the payment of taxes, and may secure the payment thereof by bond or other instrument under the common seal and signature of the mayor, attested by the city clerk, but it shall not be lawful for said council to raise any such sum of money by loan unless the repayment thereof shall be provided for from taxes to be raised in said city, in the same year; *provided*, that in all Proviso. cases where the said council are authorized to make or levy any assessment for any improvement in said city, they shall be authorized to borrow the amount of any such assessment in anticipation thereof.

45. *And be it enacted*, That all taxes for the purposes of Mode of assessment and collection. the city shall be assessed by the assessor, in the manner and within the time directed by the laws of this state, and in accordance with the provisions of this act, for assessing township, county and state taxes, and all taxes so assessed for city purposes shall be collected by the collector of revenue, in the same manner as he is by law directed to collect township, county and state taxes, and shall be paid over by him to the city treasurer as soon as collected, and all taxes shall be paid to said collector at his office in said city, upon his giving notice through a newspaper, published and circulating in said city, and if no newspaper be published in said city, then in a newspaper published in the county of Middlesex, and circulating in said city, and by notices posted in ten public places, that such taxes are due and payable.

46. *And be it enacted*, That if any person or persons from Deductions for advance payment of taxes. whom any tax shall hereafter be due and payable to said city for state, county or city purposes, shall pay the same, or any part thereof, to the collector of the said city, before the time appointed by law for the said collector to return a list of delinquent taxpayers, it shall be lawful for the said collector to

allow and deduct from the amount of said tax so paid, interest thereon, to be computed at the rate of six per centum per annum, from the time when the said tax shall be received by the said collector, until the time appointed by law to make such return of the list of delinquents aforesaid; *provided*, that nothing herein shall be so construed as to exempt the said council, or treasurer of said city, from paying over to the treasurer of this state, or the collector of Middlesex county, the full quota of taxes required by law to be raised in said city for state and county purposes.

Proviso 47. *And be it enacted*, That the collector of revenue in said city, in case of the non-payment of taxes, on or before the twentieth day of November in each year, shall make out a list of the names of all delinquents with the sum due from them respectively, and shall deliver the same to the clerk of the city on or before the thirtieth day of November in each year, except when the said day shall fall on Sunday, and then on the next day following; and it shall be the duty of the said clerk to lay the same before the council at a meeting thereof, held next after the same shall be delivered to him, and thereupon the said council shall deliver the same to a justice of the peace of the city, who shall proceed and issue a tax warrant thereon, as provided by law in cases of taxes in townships, which shall be directed and delivered to the collector of revenue, who shall have power to collect the same, in like manner, in all things, as the constables in townships are directed by law, but such collector shall, before he delivers such list to said clerk, take and subscribe an oath or affirmation before the mayor, recorder, city clerk or a justice of the peace in said city, that the moneys in said list mentioned have been duly demanded, or due notice given at the usual places of residence of such delinquents who could be found, or may then reside in said city.

Delinquent taxes. 48. *And be it enacted*, That whenever, within the said city, any tax shall remain unpaid after the twentieth day of November in each year, it shall be lawful for and shall be the duty of the collector of revenue to charge, receive and collect, in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum from said twentieth day of November until the same is paid, and such interest shall be paid over by the said collector of revenue to the treasurer of the city, in like manner, at the same

Tax warrant.

Interest added to unpaid taxes.

time as he may be required to pay over to said treasurer all taxes by him collected.

49. *And be it enacted*, That all taxes and assessments ^{Taxes a lien on real estate.} which shall hereafter be levied, assessed or made upon any lands, tenements or real estate situate in the city of Perth Amboy, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereon; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed by the said council for the payment thereof, it shall be lawful for the said council to cause such lands, tenements or real estate to be sold at public auction for the shortest term which any person will agree to take the same, and pay such tax or assessment, or the balance thereof remaining unpaid, with the interest thereon and all costs, charges and expenses, and to execute under the common seal of said city a declaration of such sale, to be signed by the mayor and city clerk, and to deliver the same to the purchaser, and such purchaser, his executors, administrators or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate for his and their proper use against the owner or owners thereof and all persons claiming under him or them, until his said term shall be completed and ended, but said council shall first have caused said sale to be advertised at least sixty days in a newspaper ^{Sale must be advertised.} published and circulated in said city, and if no newspaper be published in said city, then in a newspaper published in Middlesex county and circulating in said city, or by advertisements put up in at least five public places in said city, or by both, which advertisements shall describe said lands, tenements or real estate, and specify the amount of the assessment or tax, and the recitals in such declarations of sale shall be prima facie evidence, in all courts and places, of the assessment, advertising and sale; *provided*, that the lands, ^{Redemption by owner.} tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or person interested therein, or by any other person for or on behalf of the owner, mortgagee or claimant of such lands, tenements or real estate, at any time within two years after the sale, for either taxes or assessments, or for both, by paying to the treasurer of the city, for the use of the said purchaser, the purchase money, together with any other sums paid for taxes or assessments which the said purchaser may have paid chargeable on such

Notice to absent owners.

lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum in addition thereto, and the certificate of the city treasurer, stating such payment, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; a mortgagee shall have power to redeem at any time until the expiration of the six months' notice herein specified; no mortgagee whose mortgage shall have been recorded before sale for any tax or assessment shall be affected by such sale; unless six months' notice in writing shall have been given to him by the purchaser, or those claiming under him, either personally, or if not to be found in said city, then such notice shall be deposited in the post office in said city, directed to him at his last known place of residence, or at the post office nearest thereto; but nothing herein contained shall be so construed as to impair the lien created by such tax, assessment or sale; that the said term of time for which any land, tenement or real estate so sold as aforesaid shall not commence, nor shall said purchaser or those claiming under him have a right of possession to said land, tenement or real estate, until the two years limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of such a declaration of sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted.

Adjournment of sale.

50. *And be it enacted*, That the said sale of any lands, tenements or real estate for assessments or taxes may be adjourned or postponed from time to time, or suspended as said council may direct; and if at any sale the whole, or any part thereof, shall remain unsold for want of purchasers, then it shall be lawful for the said council to adjourn the sale not less than thirty days, nor more than sixty days; twenty days' notice at least shall be given as aforesaid of the adjournment of said sale, and if at the adjourned sale there shall be no purchaser of said lands, tenements or real estate, or any part thereof, then it shall be lawful for the treasurer of said city to purchase said lands, tenements or real estate for the use and benefit of the city of Perth Amboy, subject to the redemption as herein provided for; and all moneys paid for the redemption of said lands, tenements or real estate, as aforesaid, together with such taxes and assessments

City may purchase

paid by a mortgagee or judgment creditor, shall be a lien on said lands, tenements or real estate, for the amount so paid, with interest at the rate of seven per centum per annum, and said lien shall have the preference over all other liens on said lands, tenements or real estate; and on foreclosure of any mortgage, by such mortgagee redeeming, shall be directed to be made out of said lands, and on the sale of said lands under any such judgment, shall be paid out of the proceeds of the sale; and a complete record of all taxes and assessments shall be kept in the city clerk's office, which record shall contain the time when such assessments and taxes were laid, the time when they were paid, and if the property has been sold therefor, the time of sale, to whom sold, and if redeemed, when and by whom.

Record of taxes and assessments.

51. *And be it enacted*, That it shall be the duty of the city clerk to record in a book, to be called "record of sales," all declarations of sales as aforesaid, to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on the certificate of the city treasurer of such redemption, and to file such certificate in said clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming and one to be filed in the said clerk's office.

Record of sales.

52. *And be it enacted*, That it shall be the duty of the council to give notice of the expiration of the time limited for the redemption of all lands sold for assessment and taxes as aforesaid, by virtue of this act, by advertisement as aforesaid, sixty days next preceding the expiration of the time so limited for redemption, specifying the property unredeemed and the amount due thereon.

Notice of expiration of time for redemption.

TITLE V.

OF COMMISSIONERS OF STREET IMPROVEMENTS.

53. *And be it enacted*, That it shall be lawful, and shall be the duty of the council to appoint three persons, who shall be residents and freeholders of said city, to be called commissioners of assessments for street improvements, and they shall take and subscribe the oath required by this act, and shall be appointed annually for the term of one year, as pro-

Board of assessment.

vided in title two of this act; in case any one or more of the said board of commissioners of assessments shall be interested in any assessment or improvement, then the council shall appoint some discreet and impartial freeholder or freeholders, residing in said city, to serve with said board of commissioners of assessments in lieu of the commissioner or commissioners so interested, and the person so appointed shall take and subscribe the oath herein required.

Powers of the board.

54. *And be it enacted*, That said board of commissioners for street improvements shall possess and exercise all the powers in this act prescribed, in all cases and matters referred to them by the council under the control of the mayor and council of said city, but this act shall not affect any proceedings in cases of such improvements now in the hands of commissioners heretofore appointed, and all proceedings heretofore referred shall be conducted and concluded by the commissioners to whom the same have been referred, the same as if this act had not been passed.

Majority may act.

55. *And be it enacted*, That all acts required by this act to be done by said commissioners of assessments shall be valid and effectual if the same are done by a majority of them, but each commissioner of assessments shall be notified of the time and place of meeting to consider the subject.

TITLE VI.

OF IMPROVEMENTS AND ASSESSMENTS THEREFOR.

Street improvements.

56. *And be it enacted*, That it shall be lawful for the council, by ordinance, to open, grade, pave, curb, gutter, fill up or macadamize any street, road or avenue, or any part thereof, in said city; to build sewers, drains and receiving basins in and upon any streets, roads or avenues in said city, or any part thereof, when the owners of a majority of the lands in lineal feet on said street, road or avenue shall make application in writing to said council for the same, and all such applications shall be advertised by said council, in a newspaper published and circulating in said city, ten days at least before the ordinance is passed to carry out the same, which ordinance shall be referred to the commissioners of assessments, who shall examine into the whole matter impartially, and to the best of their skill, judgment and ability, and who shall cause a survey and preliminary map to be made of said improvement, distinguishing each lot or parcel by numbers on

said map, and they shall estimate the whole cost of said improvement according to the best of their judgment, and shall assess such estimated cost upon the lands and real estate benefited in proportion to the benefits received, and report the names of the owners of the lots or parcels, as far as practicable, with the amounts assessed to each, and shall file said report and map with the clerk of said city, within twenty days thereafter; the clerk shall give notice of the filing of any such report and map within ten days after the same shall be filed with him, in a newspaper published and circulating in said city, or if no newspaper be published in said city, then in some newspaper published in Middlesex county, and circulating in said city, and by five notices put up on the line of said improvement; and the said council may refer back said report and map to said commissioners of assessment for alterations or corrections in matters of form and substance, when they shall deem the same necessary.

Estimate of costs and report and map to be filed.

57. *And be it enacted*, That whenever the owners of three-fourths of the property interested, per lineal feet, along the line of any street, road or avenue shall apply in writing to the council for any of the improvements provided for in the preceding section, the council shall have power to dispense with the preliminary map and estimate of assessments, and to proceed to cause said improvements to be made; and the council may, by resolution, order sidewalks to be laid in any of the streets, roads or avenues in said city.

Preliminary map may be dispensed with.

58. *And be it enacted*, That all expenses and costs of proceedings for improvements in opening, paving, curbing, guttering, filling up, re-filling, macadamizing, laying sidewalks, sewerage, draining and building receiving basins in or upon any street, road or avenue in said city, or any part thereof, when the same shall be completed shall be assessed by the commissioners of assessments upon and be paid by the lands and real estate benefited by the improvement so applied for in proportion to the benefit received by said land and real estate, and the said commissioners of assessment shall determine and report in writing to the council what proportion of such expenses shall be assessed upon each separate lot or parcel of land, and shall accompany such report with a final map containing each lot assessed and the name of the owner or owners thereof, which report and map shall be filed in the office of the city clerk, whereupon said

Assessing costs and expenses of improvements.

Notice to absent owners.

clerk shall cause to be inserted in a newspaper published and circulating in said city, for at least two weeks, or if no newspaper be published in said city, then in some newspaper published in the county of Middlesex, and circulating in said city, a notice of filing of said report; and in case the owner or owners of any of the property assessed for such improvement be non-residents of said city, the city clerk shall send a written or printed notice, by depositing the same in the post office in said city, directed to him at his last known place of residence, or the post office nearest thereto; and he shall also put up five notices on the line of said improvement in said city, and that the council, or a committee thereof, will meet at a time and place to be designated in said notice, to be at least two weeks from the date of filing of said report to consider said assessment and to receive and consider all objections thereto, which may be presented in writing.

Assessments to constitute a lien.

59. *And be it enacted*, That if said council shall by resolution confirm said assessment, it shall constitute a lien on the property assessed for the amount of such assessment, and shall be collected under and by virtue of a general ordinance made by said council for the collection of assessments, and the said council shall have power to return said map and report for correction, in matters of form and substance, before confirming the same, and in such cases the said commissioners of assessments shall have power to correct the same, and refile it with the clerk within ten days after it shall have been so referred back to them; and if the persons assessed neglect to pay to the collector of revenue upon written notice of the confirmation of the assessment, the said council may proceed to enforce the lien as prescribed under title four of this act; and whenever within said city any assessment on any lot or parcel of land shall remain unpaid for thirty days after the confirmation thereof, it shall be lawful for said council to charge, receive and collect, in addition to the amount of said assessment, interest thereon, at the rate of twelve per centum per annum, from the time of the confirmation of such assessment until the same is paid.

Interest on unpaid assessments.

Regulation of streets, &c.

60. *And be it enacted*, That all streets, roads or avenues to be laid out or opened, shall not be less than forty, nor more than one hundred feet in width, and all streets widened, extended or altered, not less than forty nor more than one hundred feet in width; the sidewalks upon either side of any street, road or avenue shall occupy one-fifth of the whole

width of said street, road or avenue; and the said council shall have power by ordinance to provide that no stoop or step shall project, nor enclosed area [extend] beyond the line of said street, road or avenue, and said council shall have power by ordinance, to regulate the planting of shade trees upon said sidewalks, and to protect the same; and they shall have power to take any lands that may be necessary for opening, widening or altering of any street or road in said city, but no lands shall be taken for the laying out, opening, widening or alteration of any street, road or avenue, without allowing or paying to the owner or owners thereof, the fair value of the lands taken, and the improvements and buildings thereon, and the damage done to any district, lot or parcel of land or tenement by taking any part of it for that purpose.

61. *And be it enacted*, That the valuation of such lands Damages in the last section mentioned, or damages by taking the same shall be a part of the cost and expenses of the improvement requiring such lands or damages, and shall be distinctly estimated, determined, assessed and collected as provided in title four of this act; in case any dwelling or other building may be required to be removed for the purpose of said improvement, and such dwelling or other building shall not be removed by the owners, then it shall be sold at public auction and removed by resolution of said council, and the proceeds of such sale or sales, after paying the expenses thereof, shall be divided pro rata among all persons assessed for said improvement, under such regulations as said council may deem just and proper.

62. *And be it enacted*, That the benefits to be done to the Benefits residue of any lot or parcel of land, a part of which may be taken for such improvements, shall be estimated in the same manner as to other lands, and the commissioners of assessment shall include in their preliminary and final report, the value of the land taken for such improvement, and the value of the erections thereon, and the damages aforesaid, done by taking or removing the same, and to whom said lands belong, and the interest and estate of the several owners in the same, as far as practicable; and in case the lands so valued or damaged by such taking shall be held by a tenant for life or years, and the fee in remainder or reversion, the commissioners shall in their report apportion such value and damages between them; and in case any lands assessed aforesaid, or for

In case of
tenant paying
assessment.

any other assessments and taxes, shall be held by a tenant for life or years, and such tenant shall pay such assessments or taxes, or the same may be made by a sale of his interest in said lands, said tenant or tenants, in his or their legal representatives, shall, at the termination of his or their estate, be repaid such principal sum, as well as the appraised value of all improvements made thereon by said tenant, by the reversioner, his heirs or assigns, and shall have a lien upon said lands for the same, and may, by bill in chancery, have said lands sold to pay such lien, and the proceedings thereon in the court of chancery, except the allegations in the bill, shall be the same as if said reversioner had given a mortgage on said lands, and said bill was filed for the foreclosure thereof, and such lien shall have a priority over all other incumbrance.

Treasurer to
tender pay-
ment.

63. *And be it enacted*, That upon completing the report aforesaid of the commissioners of assessments, assessing the value of lands so taken, and the damages thereby, the city treasurer shall tender and pay to the owner of said lands, if a resident of said city, the amount of such assessment due him, but if such owner is not a resident of the said city, or if upon enquiry he cannot be found therein, or is a lunatic or idiot, or if, for any other lawful cause he is incapacitated to receive the same, or if said owner will not accept the same and sign a proper receipt therefor when tendered, then the treasurer shall make affidavit of such facts and file the same with the city clerk, and the council shall, after inquiring into the facts of the case, by resolution, direct the amount of such assessment to be placed either in the city treasury or some bank for the use of the person to whom it may be due, and upon filing such receipt of the owner, or the passing of such resolution by said council the said lands shall be vested in the said city of Perth Amboy, and the city officers may proceed with such improvement, and the said moneys so deposited shall be paid over by proper warrant to the person entitled thereto on demand, without interest, except from such time as a demand therefor may be made and payment refused.

Repairing the
streets.

64. *And be it enacted*, That the council may by resolution passed at any meeting, direct any cross-walk to be laid or any repairs in the carriage ways or cross-walks of any street, road or avenue, within said city, whenever they shall deem such repairs necessary, in cases where such repairs or improvements are not applied for in the manner prescribed by

this title; such repairs shall be made by contract or otherwise, as said council may direct, shall be superintended by the commissioner of streets, and shall be paid for by said council, upon their approval of the work, out of moneys raised by tax for repairs of streets, and that all repairs of sidewalks and curbs and gutters shall be made by the owner or owners of the lands in front of which said repairs are necessary, upon the written notice of the commissioner of streets; and if said owner or owners shall be non-residents of said city, it shall be sufficient for the commissioner of streets to post such notice upon or near the lot or lots in front of which the sidewalk and curb and gutter may require to be repaired or relaid, and if the same shall not be repaired within twenty days from the serving or posting of said notice, then it shall be lawful for the said council by resolution, to direct the commissioner of streets to cause the same to be made; the costs and expenses for repairing and relaying, as aforesaid, shall be assessed by the commissioners of assessment upon the lands directly in front of which such repairs shall be made, and shall remain a lien thereon, and shall be collected as prescribed by this act for the collection of assessments for improvements.

65. *And be it enacted*, That the grade of any street, road or avenue, when established as provided in this act, shall be ^{Changing the grade of streets.} and remain the permanent grade thereof, and shall not be changed or altered except upon the application to said council by the owners of at least three-fourths of the land to be affected thereby, nor without paying to the owners of any buildings where damages are sustained by the alteration of such grade, the amount of the damage which shall be ascertained and determined by the commissioners of assessment making such assessment; and the cost and expenses of establishing and authenticating such grade shall be assessed upon the lands of those applying for said change, and the same shall be and remain a lien thereon, and the payment thereof enforced in the same manner and to the extent as other assessments in this act provide.

66. *And be it enacted*, That when any sewer or drain heretofore constructed in said city by individuals, at their own expense, shall be adopted by the council as a continuation or receiving sewer of or for any sewer or drain to be constructed under their direction, then the owner or owners of the land

fronting on such sewer or drain heretofore made shall not be assessed for the same.

Streets used
by railroads.

67. *And be it enacted*, That the council are hereby empowered to cause all or any of the improvements authorized by this act to be made in any of the streets, roads or avenues, whether the same is used as a railroad or otherwise (except so far as such improvements may interfere with the corporate rights of such railroad), in and upon all streets, roads or avenues, that have been or shall hereafter be dedicated to public use, whether they have been actually opened to the public travel or not, and any or all of the said improvements may be made in a part of any such street, road or avenue in said city; and the said council shall have power to regulate the position and construction of all railroads to be laid in any street, road or avenue of said city.

Petitions may
embrace several improve-
ments.

68. *And be it enacted*, That the petition filed praying for any improvement contemplated by this act, may embrace any number of improvements upon the same street, road or avenue, or proposed street, road or avenue, but the commissioners of assessment shall return a distinct map and report for each of said improvements embraced in said petition or ordinance.

Owners allow-
ed to do work
on improve-
ments.

69. *And be it enacted*, That in all cases where streets or avenues are ordered to be opened, graded or paved, or where sidewalks are ordered to be made, the owners of property on the line thereof may open and grade and pave, or lay sidewalks and set curbstones and gutters at their own expense, but in the manner directed by the council; *provided*, they do the same within a reasonable time to be fixed by said council, otherwise said improvement shall be done by the city in the manner provided in this act, and the commissioners of assessment shall allow, in the final assessment, for the work done by said owners.

Assessments
may be paid
by bonds

70. *And be it enacted*, That in every case in which an assessment is made for a public improvement, the parties assessed may, within the time provided for the payment of the same, and in lieu of a cash payment, deliver to the city collector a bond, payable to the city treasurer, entered into by the owner or owners of the property assessed, conditioned for the payment of such assessment in five years from the date of the confirmation thereof, by paying twenty per centum of the amount of said assessment in each and every year, with interest upon the amount of said assessment, or such part thereof as may remain unpaid, at the rate of eight per centum

per annum, payable annually; and in case the sum of money mentioned in the condition of the said bond shall not be paid with interest at the expiration of said five years; or in case any installment or interest shall not be paid according to the condition thereof, then the said land and real estate may be sold in the manner provided in this act for the sale of lands for taxes and assessments, for the amount of such assessment, or such part thereof as may remain unpaid, with interest, costs and expenses; and the amount due on such bond shall be placed to the credit of said city, or be paid by the city treasurer to the assignee or holder of said bond, or to the legal representative of said assignee or holder; and in all cases where the council are authorized to make or levy an assessment for any improvement heretofore made, or hereafter to be made, under this act, they shall be authorized to borrow the amount of said assessment, or any portion thereof, in anticipation of the collection of said assessment, to be expended only in payment of such improvements, or loans for the payment thereof; and for that purpose to issue the bonds of the city, to be called "Assessment Bonds of the City of Perth Amboy," payable in six years from the date thereof, with interest at the rate of not to exceed seven per centum per annum; and said city may sell these bonds at public or private sale, at not less than the par value thereof, or borrow money on the pledge of the same; *provided*, that the assessment bonds of the property owners aforesaid, shall be held by the city as specially pledged for the payment of the city bonds issued as above authorized; and in case said assessment bonds should be paid in faster than the city bonds mature, the council shall direct the city treasurer to purchase city bonds with the proceeds at such prices as they may determine.

Assessment
bonds.

Proviso.

TITLE VII.

OF COMMISSIONERS TO MAP STREETS.

71. *And be it enacted*, That it shall be lawful for the mayor and council, by ordinance, to appoint a commission for the purpose of designating, by map or maps, the proper location of all streets, roads and avenues to be hereafter laid out in said city, upon lands which have not been laid out in city lots and dedicated to the public use; and said map or maps when made and completed as aforesaid, and adopted

Permanently
locating
streets.

Report and
map to be
filed.

and confirmed by the mayor and council, shall be and remain the established and proper location of all such streets as are described in said map or maps, and not elsewhere; the said commission shall consist of four residents and freeholders of said city and a city surveyor, who shall severally be duly sworn and affirmed; and it shall be the duty of such commission to make a survey and locate streets upon the lands above mentioned, according to their best judgment and ability, and for the best interests of said city, for the purpose of establishing greater regularity and uniformity in the location and course of all the streets in said city; and cause a map to be made and a report to be made of the same; said report and map shall be filed with the city clerk within such reasonable time as the council may designate by the ordinance creating said commission, or by resolution; whereupon the city clerk shall, within ten days, cause the same to be advertised in a newspaper published in said city, or if no newspaper be published in said city, then in a newspaper published in said county of Middlesex, and circulated generally in said city, and cause twenty-five notices to be posted throughout said city, in which notice a time and place must be designated when and where the council will meet to hear all parties interested, verbally or in writing, why said report and map or maps shall not be confirmed and established as the location of all such streets to be opened.

Final adop-
tion of the re
port.

72. *And be it enacted*, That when the mayor and council accept, adopt and confirm such report, and map or maps, as in the last section provided, then all such streets shall be considered as finally located, and when opened thereafter for public use they shall be opened in conformity with said survey and map or maps, and not otherwise, the same as if they had been dedicated upon application or otherwise, by the owners of such real estate; and the costs and expenses of the proceedings herein provided for shall be paid out of the fund raised for the contingent expenses of said city.

TITLE VIII.

MISCELLANEOUS PROVISIONS.

Acts of coun-
cil to remain
in force.

73. *And be it enacted*, That all acts of the council of the city of Perth Amboy that may be in force when this act shall go into effect, so far as is not inconsistent with this act, shall

be and continue in force, until altered or repealed by the mayor and council hereby created; and nothing in this act shall be construed to invalidate or affect any bonds, contracts, agreements or liabilities of the city of Perth Amboy, heretofore legally given, made or entered into, for any purpose whatever; and the several officers of the city of Perth Amboy, at the time of this act taking effect, shall continue to exercise all the powers of their respective offices under former acts of incorporation until others are elected and qualified under this act.

74. *And be it enacted*, That upon the trial of any issue, or upon any judicial investigation, to which issue or investigation the city of Perth Amboy is a party, or in which said city is interested, no person shall be deemed an incompetent judge, witness or juror, by reason of his being an inhabitant thereof. OR Inhabitants competent as witnesses.

75. *And be it enacted*, That the firemen hereafter regularly enrolled and recognized by the constituted authorities of the city shall be exempt during the term of their service, and after having served seven years consecutively, shall forever thereafter be exempted from service on any jury, and also from serving in the militia, except in case of invasion or insurrection, and that certificates of the time that such persons have served as firemen in said city, signed by the mayor and city clerk, shall be evidence thereof, but no fireman of the city shall be exempted from jury duty unless he actually performs all the duties of a fireman in his company, and to entitle him to such exemption, he shall present to the council a certificate of the foreman, or other chief officer of his company, that he is a faithful and active member thereof. Exempt firemen.

76. *And be it enacted*, That the mayor and council are hereby authorized and empowered for the purpose of purchasing sites for parks, markets, school houses, public buildings and wharves in said city, and for the purpose of erecting suitable buildings thereon, to issue in the name of the mayor and council of the city of Perth Amboy, coupon bonds, to be denominated on the face thereof, "Improvement Bonds of the City of Perth Amboy," to an amount not to exceed fifty thousand dollars, bearing interest at the rate of not over seven per centum per annum, payable half yearly, and the principal of said bonds shall be payable at periods not less than ten nor more than thirty years from the date thereof, and the said bonds may be sold at public or private sale, at Power to issue improvement bonds.

not less than [the] par value thereof at such times and in such amounts only as the proceeds may be required as aforesaid; and for the purpose of paying said bonds and the interest thereon, as the same may become due, the said mayor and council are hereby authorized to assess and collect annually, a tax sufficient to pay the interest each year, and to constitute a proper sinking fund for any portion of said debt which may exist, which tax shall be in addition to any other tax authorized by this act, and the collector of revenue shall collect and pay the same to the city treasurer in the same manner as other taxes, and said tax shall be kept separate and distinct from all other taxes.

Sinking fund.

Bonds to be signed by the mayor.

77. *And be it enacted*, That all bonds issued as aforesaid shall be signed by the mayor of the city and by the city clerk, under the corporate seal of said city; the clerk shall keep a record of all bonds issued or disposed of, and copies of such record shall be made by him and delivered to the city treasurer; all moneys received, from the sale or otherwise, upon said bonds, shall be paid to the city treasurer, who shall pay out the same in the manner that other moneys are paid out in said city.

Conveyance of real estate.

78. *And be it enacted*, That whenever it shall be necessary for said city to make any conveyance of real estate, said conveyance shall be signed and executed under the seal of the city, by the mayor and by the city clerk, and the latter shall keep an accurate record of such conveyance.

Offenders to be committed to county jail.

79. *And be it enacted*, That until such time as a city prison may be erected, the jailor of the county of Middlesex for the time being shall receive and safely keep all offenders against any by-law or ordinance of the city of Perth Amboy as shall be committed to the jail of said county by the recorder or any justice of the peace in the city for the term of his, her, or their imprisonment, as expressed in the warrant of commitment; and all expenses of keeping said offenders in said jail shall be borne and paid by the county of Middlesex.

TITLE IX.

BOARD OF EDUCATION.

Board of education.

80. *And be it enacted*, That the board of education of the city of Perth Amboy shall consist of six school commission-

ers, who shall be elected for the term of two years, as provided for in section three of this act, and who shall not be members of the council; said board shall annually elect a president from their own body, and in his absence a president pro tempore; appoint the times and place of meeting, and determine the rules of their own proceedings, they shall also appoint a secretary, who shall keep a journal of their proceedings and perform such other duties as the board may prescribe; a majority of the board shall constitute a quorum for the transaction of business, and no resolution or order of the board shall be adopted unless with the consent of the majority of the whole board; the president of the board shall have power to call special meetings whenever he shall deem it expedient; that said board shall prepare and trans-
Estimate of current expenses.
 mit to the council, on or before the first day of June in each year, an estimate of the amount of moneys necessary for the support of public schools in said city during the year, which estimate shall specify particularly, under the several heads of repairs of school houses, salaries of teachers, school books, school furniture and school libraries, stoves and fuel and incidental expenses, as nearly as may be, the several sums required for each branch of expenditure, and all moneys appropriated by said council for the support of public schools, as well as other taxes or money devoted to that object shall be expended by said board of education for the support of public schools in the city of Perth Amboy; that said board of education shall take charge of the public school houses in said city and
General powers.
 shall cause all necessary repairs to be made to the same, and they are also empowered to establish schools of different grades adapted to the age and progress of pupils, including evening schools for apprentices; to select and employ teachers, to provide school books, furniture and school libraries, to purchase stoves and fuel and incur such incidental expenses for the maintenance of the schools as may be necessary; to adopt rules and regulations for the admission of pupils, the visitation and inspection of the schools and the government and studies to be pursued therein; and the board of education shall have power to purchase real estate for school purposes, and to erect buildings thereon, when appropriations for those purposes are made by the mayor and council of said city, and the real estate so purchased shall be vested in said city of Perth Amboy; and all moneys so appropriated shall be expended by the board of education,

in compliance with the laws of the state, and the said board shall, at the close of the fiscal year, prepare a report embracing the number of schools under their charge, specifying their grades, the number and names of the teachers, the number of pupils on the roll, and the average attendance in each school, and a full and true account of the expenditures of said board during the year, under the respective heads of repairs to school houses, salaries of teachers, school books, furniture and libraries, stoves and fuel, and incidental expenses, which statement the council shall cause to be printed in a newspaper published in said city; and shall transmit the annual report to the council, and a copy thereof to the state superintendent of common schools, and the treasurer of said city of Perth Amboy shall credit said board of education with the sum or sums of money appropriated for the support of public schools in said city, and it shall be the duty of said treasurer to enter on his books the sums so appropriated under the respective heads to which the same may be appropriated, and the treasurer of said city shall, to the extent of said appropriations pay on presentation all drafts drawn upon him by order of said board of education and duly attested by the signatures of the president and secretary, for the time being, of said board, which drafts shall specify from which appropriation the same is to be paid, and all suits or proceedings brought against any person or persons or body corporate, for damages or injury to any school house, or out building, fences, trees, or other improvements, or to any furniture or school books in any school under the charge of said board, shall be in the name of the treasurer of said city; and all damages received in such actions shall be paid into the city treasury, and shall be credited to the school fund of said city, and it shall be the duty of the assessor of said city to make out a list of the children capable of attending school between the ages of five and eighteen years within said city, specifying the age of each child, with their names, and the names of their parents or guardians, and to transmit the same under proper certificate on or before the first day of October, annually, to the secretary of the board of education; and the sum of two dollars for every one hundred names of children contained in said lists respectively shall be allowed to the assessor duly making and transmitting the same, and the city of Perth Amboy shall be entitled to its just quota of the annual appropriation made by the state

Annual report

Treasurer to
pay drafts.

Assessor to
make enumeration
of children.

for the support of public schools, to be ascertained according to law, which shall from time to time be paid to the treasurer of said city, to be expended by the board of education for the support of public schools in said city.

81. *And be it enacted*, That the said board of education shall prescribe the duties and fix the compensation of the superintendent of schools; said board may appoint, whenever it may deem necessary, two citizens of said city, to constitute with the superintendent, a board of examiners for teachers in the public schools of said city; said appointments shall continue during the pleasure of the board of education and no longer.

Compensation
of superinten-
dent.

Board of ex-
aminers.

82. *And be it enacted*, That all laws and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed, but this repeal shall not affect any proceedings had or commenced under the same when this act takes effect, nor any rights or dues which the city of Perth Amboy, or any person or persons is or are entitled to by virtue thereof.

Repealer.

83. *And be it enacted*, That this act before going into effect shall be submitted to the legal voters of said city, at a special election to be held in said city, of which five days' notice by the city council shall be given by handbills printed and posted in the most public places in said city, or by advertisement in a newspaper published and circulated in said city, and should the said legal voters determine by a majority of the votes cast on written or printed ballots "for revised charter," their acceptance of said charter, then this act to be in full force and effect; otherwise it shall be void and of no effect.

Submission of
act to legal
voters.

84. *And be it enacted*, That this act shall take effect immediately upon this charter being duly declared accepted by such majority vote.

Approved March 17, 1870.

CHAPTER DVIII.

An Act respecting the Central Railroad Company of New Jersey
and the Newark and New York Railroad Company.

Route of rail
road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey.* That the said "The Central Railroad Company of New Jersey," be, and is hereby authorized to survey, lay out and construct a branch railroad from any point on the track of their road, east of Broad street, in the city of Elizabeth, to connect with the railroad of the said "The Newark and New York Railroad Company," at some point east of the intersection of St. Charles and Ferry streets, in the city of Newark, the said branch to be wholly easterly of a straight line connecting said points, and wholly easterly of the newly located branch of the New Jersey Railroad commonly known as the "Cut-off line" as the same is located on a map now on file in the office of the secretary of state; and in the survey, location and construction thereof, and in its maintenance, use and enjoyment, all the provisions of the act entitled "An Act to incorporate the Somerville and Easton Railroad Company," passed February twenty-sixth, eighteen hundred and forty-seven, and the supplements thereto, shall extend and be applicable to the said branch road in every particular.

First-class
wooden picket
fence to be
erected and
maintained.

2. *And be it enacted,* That the third and fourth sections of the act entitled "A Further Supplement to an act entitled 'An Act to incorporate the Somerville and Easton Railroad Company,'" passed February twenty-sixth, eighteen hundred and forty-seven, which said supplement was passed March seventeenth, eighteen hundred and fifty-four, shall be, and are hereby made applicable in relation to "The Newark and New York Railroad Company," anything in any of the provisions of the act incorporating the said "The Newark and New York Railroad Company," to the contrary, notwithstanding; and all the provisos in the seventh section of the last named act, be, and the same are hereby repealed; but the said company shall through said cut in the city of Bergen build and maintain along their railroad first-class wooden

picket fence, worth at least two dollars per lineal foot; and that the words "all of whom shall be residents of this state," in the fourth section of said act be and are hereby stricken out; *provided however*, that nothing in this act contained shall grant ^{Proviso.} or be construed to grant any right, title, estate or easement, or power, authority or franchise, or privilege of any kind in or over any lands now under tide water, or that were heretofore under tide water, or to import that any claim, matter or thing in any acts herein referred to, or referred to in any of the acts herein referred to, did grant any right, title, estate or easement, or power, authority or franchise, or privilege of any kind in or over any lands now under tide water, or that were heretofore under tide water, or be construed [to] in any way affect the claim of the state of New Jersey to the rent mentioned in the act entitled "An Act to lease certain lands of the state to the Newark and New York Railroad Company and to enlarge the powers of said company;" *and pro-* ^{Proviso.} *vided also*, that the provisions of the sixth section of the act entitled "A Supplement to the act entitled 'An Act to incorporate the Newark and New York Railroad Company,' approved March first, eighteen hundred and sixty-six," which said supplement was approved February twenty first eighteen hundred and sixty-seven, shall extend and be applicable to the said branch road in every particular, anything in any of the provisions of this act or of the acts incorporating the Central Railroad Company of New Jersey, the Somerville and Easton Railroad Company and the Newark and New York Railroad Company, and the several supplements to each of said railroads to the contrary notwithstanding.

3. *And be it enacted*, That as soon as the said railroad ^{Statement of costs and ex-} or any part of it is in operation, the president of the said ^{penses to be made and filed} company shall file under oath or affirmation, a statement of the amount of the costs of the said railroad including equipments, appendages and all expenses in the office of the secretary of state, and annually thereafter on the first Monday in January of each year, he shall under oath or affirmation make a statement to the secretary of state, of the cost, equipments, appendages and expenses of said road; and after the said railroad or any part thereof shall be in operation the said corporation shall pay to the treasurer of ^{State tax.} this state a tax of one-half of one per centum on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and

such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad, or any part thereof shall be in operation, the said corporation shall be regularly assessed, and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner, for the same purpose and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Proviso.

4. *And be it enacted*, That this shall be deemed a public act and shall take effect immediately.

Approved March 17, 1870.

CHAPTER DIX.

An Act granting certain powers and franchises in this State to the Erie Railway Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Erie Railway Company, and the said company is hereby authorized and empowered, to construct a branch road from some point on the line of the roads leased by said company in the counties of Hudson and Passaic, to some point on the line between the States of New York and New Jersey, at or near Port Jervis; and may connect the same with any other railroads in this state, built or authorized to be built in the counties of Passaic, Morris and Sussex; and the said company shall have power to survey, lay out and construct, equip, maintain and operate said railroad; and that all the rights

May construct
branch road.

powers, privileges and franchises granted to any other railroad company authorized to build or operate a road in any of the said counties, be and they are hereby conferred upon the said Erie Railway Company, in respect to its said branch road and its leased lines; and that all lands required for the said company for the railroad hereby authorized, and for depots thereon, may be taken in the same manner, to the same extent, and under the same mode of compensation provided for by law, in respect to any of the railroads above mentioned; *provided*, that it shall not be lawful to take without its consent, any of the lands or works which any other railroad or canal company now have or may be entitled to acquire, to complete its necessary right of way, except for the purpose of crossing said railroad or canal; and that in assessing the value of land and damages the benefits to be derived shall not be considered, and that no county or township through which said branch road shall be located or built shall be assessed or bonded, or in any way be made liable for any costs or expenses in constructing the same; *and provided further*, that nothing herein contained shall in any wise affect the rights or interests of the state of New Jersey to land under water.

2. *And be it enacted*, That as soon as the said branch railroad or any part of it is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said branch railroad, including equipments, appendages and all expenses, in the office of the secretary of state, of the cost, equipments, appendages and expenses of said branch road; and after the said branch railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state, a tax of one-half of one per centum on the cost, equipments and appendages of said branch road, to be paid annually thereafter, on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws; and until the said branch railroad or some part thereof shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of the real estate taken for such branch railroad, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the

Proviso.

Proviso.

Statement of costs and expenses to be filed.

State tax.

Proviso. same time and rate, and in the same manner, for the same purpose, and by the same person or persons, as other taxes are assessed in said city or cities, township or townships ; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Repealer. 3. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER DX.

An Act relating to taxes to be paid by the Erie Railway Company for certain property owned, leased, used or occupied by it in this State.

Maps to be
made and filed
with secre-
tary of state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Erie Railway Company shall, on or before the first day of November next after the passage of this act, make and file in the office of the secretary of state, a map and plan of all the lands, improved or unimproved, railroads, docks, piers and wharves, owned, leased, used or occupied by the said Erie Railway Company, and the Long Dock Company, within the state of New Jersey, east of the westerly side of Bergen Hill, and shall attach thereto a just and true account of the cost of said lands, railroads, docks, piers, wharves and improvements, verified by the affidavit of the president of the said Erie Railway Company; and said Erie Railway Company shall thereafter pay to the treasurer of the state, yearly and every year, a tax of one-half of one per cent. upon the amount of said cost, which shall be in lieu of all taxes upon the Long Dock Company, and all taxes and impositions on any and all real and personal estate owned, leased, used or occupied by the said Erie Railway Company within the state of New Jersey, east of the westerly side of Bergen Hill; and all the real and personal

State tax.

estate aforesaid, in whomsoever the legal title may be, and said Long Dock Company shall be subject to no other tax or imposition whatever.

2. *And be it enacted*, That in case of non-payment of said tax by the said Erie Railway Company, on or before the first Monday of January, in each and every year, the collection of the same shall be enforced in the manner prescribed for the collection of taxes; and the payment of said tax shall be in lieu and satisfaction of all other taxation and imposition whatsoever, heretofore or hereafter made or to be made. Collection of tax may be enforced.

3. *And be it enacted*, That in case the said Erie Railway Company shall hereafter acquire for the accommodation of its business, other lands and further improvements, additional maps or plans, verified as to cost as before provided, shall be filed as aforesaid, after which such additional land and improvements shall be subject to the tax herein provided, and no other. Maps of additional lands to be filed.

4. *And be it enacted*, That all acts and parts of acts, either general or special, public or private, inconsistent with this act, be and the same are hereby repealed, and no municipal power or arrangement whatever, shall be set up to defeat the true intent and meaning of this act. Repealer.

5. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately.

Approved March 17, 1870.

CHAPTER DXI.

An Act to consolidate and make into one city, to be called Jersey City, the cities of Jersey City, Hudson and Bergen, in the county of Hudson.

- Preamble. WHEREAS, by an act of the legislature, approved April second, eighteen hundred and sixty-nine, to consolidate and make into one city, to be called Jersey City, certain cities and townships in the county of Hudson, it was provided that an election should be held in said cities and townships on the first Tuesday in October, eighteen hundred and sixty-nine, for the purpose of giving an opportunity to the electors of said cities and townships respectively to decide upon the question of consolidation; and, whereas, at such election, held on the said first Tuesday in October, eighteen hundred and sixty-nine, a majority of the electors voting in the cities of Jersey City, Hudson and Bergen, respectively, voted in favor of consolidation, by depositing ballots containing the word "charter;" therefore,
- Name. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the cities of Jersey City, Hudson and Bergen be and they hereby are consolidated and made into one city, to be called "Jersey City."
- Boundaries. 2. *And be it enacted*, That the city of Jersey City shall hereafter consist of all the territory included within the following boundaries, to wit: beginning in the middle of the Hudson river, at a point bearing south sixty degrees east from the southwest corner of block number seventy-six, as shown on the map of property of Cornelius Van Vorst; thence running northerly up the middle of the Hudson river to a point bearing south sixty degrees east from the northerly mouth of Harsimus or Mill creek; thence north sixty degrees west to the said Mill creek; thence up the middle of the said creek to the first branch thereof; thence in a northwesterly direction to the Hoboken embankment; thence southwesterly along the southerly side of said embankment to the easterly boundary line of Hudson City; thence northerly along said

boundary line to a point opposite the centre of Tenth street, in the city of Hoboken; thence westerly in a direct line to the centre of the Paterson and New York plank road; thence along the centre of said plank road to the centre of Paterson avenue; thence northwesterly along the centre of said avenue to the centre of Secaucus road; thence northerly along the centre of said road to the middle of Penhorn creek; thence southerly along the centre of Penhorn creek to the centre of Hackensack river; thence northerly along the centre of the Hackensack river to the mouth of Saw Mill creek; thence southerly in a direct line to the middle of the Passaic river, where the Newark and New York plank road bridge now crosses the same; thence down the middle of the Passaic river to its junction with the Hackensack river; thence northeasterly up the middle of said Hackensack river to the Newark and New York railroad bridge; thence easterly along the centre of said railroad to the boundary line between the city of Bergen and the township of Greenville; thence southeasterly along said boundary line to the shore of New York bay; thence in a continuous course with the last mentioned boundary line to a point in New York bay, where the centre line of the Hudson river produced southerly would intersect the same; thence northerly along the centre line of the Hudson river produced to the place of beginning; *provided*, that no part of the territory west of the middle of the Hackensack river shall be included in the boundaries of said city. Proviso.

3. *And be it enacted*, That all citizens of this state who now are, or hereafter may be, inhabitants within said limits, shall be and are hereby constituted a body politic and corporate by the name of "The Mayor and Aldermen of Jersey City," with all the powers incident to a municipal corporation, and necessary for the purpose of carrying out the objects of this act; and the corporate seal of Jersey City as heretofore in use, shall continue to be the corporate seal of the said consolidated city, until altered or renewed by order of the aldermen of said city. Constituted a body politic.

4. *And be it enacted*, That the said city shall be divided into sixteen wards, as follows: the seven wards comprising Jersey City, as the same existed before the act of consolidation, to remain divided and numbered the same, except that all that part of the seventh ward east of the centre line of Grove street shall be and remain the seventh ward, and all that part of the seventh ward west of the centre line of Boundaries of wards.

Grove street shall hereafter be the eighth ward of said city; and the alderman who was elected in the year eighteen hundred and sixty-nine now representing the seventh ward shall hold over, and represent the eighth ward of said city until the election of eighteen hundred and seventy-one as ordered in this act; the first, second, third and fourth wards of the city of Hudson, as the same were divided before the passage of said act, to be the ninth, tenth, eleventh and twelfth wards respectively; and the first, second, third and fourth wards of the city of Bergen, as the same existed before the said act, to be the thirteenth, fourteenth, fifteenth and sixteenth wards respectively; and all the new territory included within the boundaries of the new city outside of the present limits of Hudson City and Bergen, be included, that north of the centre of the New Jersey railroad, in the twelfth ward of the new city, and in the second police district; and that south of the centre of the said railroad, in the thirteenth ward of the new city, and in the third police district.

Police districts.

5. *And be it enacted*, That the said city shall be divided into three districts, to be respectively called the first, second and third police districts; the first police district shall consist of all that portion of the said city comprising Jersey City before the passage of the act of consolidation; the second shall consist of all that portion of said city comprising the city of Hudson and that portion of the new territory as mentioned in the preceding section; and the third shall consist of all that portion of said city known as the city of Bergen before the passage of said act, and that portion of the said new territory as mentioned in the preceding section; *provided*, that after the United States census of eighteen hundred and seventy shall have been taken, and the government shall have ascertained and reported the population of the different wards in said city, the mayor and council thereof shall proceed to divide the aldermen among the present wards, so that each ward and district of the city shall be represented in the council in proportion to its population, but the number of aldermen shall not exceed thirty-two in all.

Proviso.

OF THE OFFICERS OF THE CITY, THEIR SELECTION, DUTIES
AND TERM OF OFFICE.

6. *And be it enacted*, That all persons holding any office under this act, whether elected or appointed, shall be, at the

time of their election or appointment, citizens of the United States, and of this state; the city officers shall consist of a mayor, who shall receive a salary of three thousand dollars (\$3,000) per annum; a city judge, who shall receive a salary of twenty-five hundred dollars (\$2,500) per annum; a treasurer, a comptroller, a clerk of the city, an overseer of the poor, who shall receive a salary of twelve hundred dollars (\$1,200) per annum; a chief engineer of the fire department, who shall receive a salary of fifteen hundred dollars (\$1,500) per annum; a corporation council, who shall receive a salary of twenty-eight hundred dollars (\$2,800) per annum; a corporation attorney, who shall receive a salary of eighteen hundred dollars (\$1,800) per annum; a school superintendent, a street commissioner, who shall receive a salary of fifteen hundred dollars (\$1,500) per annum; two or more city surveyors, one assessor for each ward, who shall each receive a salary of eight hundred dollars (\$800), (provided that the several assessors now in office shall continue in office the full term for which they were elected; and the term of the new assessors hereafter to be elected shall commence at the expiration of the term of those now in office, respectively); a receiver of taxes and two police justices; the mayor, school superintendent, police justices and assessors, shall be elected at the next charter election after the passage of this act, each for the term of two years, except the police justices, who shall be elected and hold their offices for the term of five years; and that Cornelius C. Martindale be and he is hereby appointed city judge for said city and he shall hold said office as aforesaid, for the term of five years, at the expiration of which term, the governor of the state shall by and with the advice and consent of the senate appoint a successor, who shall hold said office for the term of five years; and in case of a vacancy in said office, the governor shall appoint to fill said vacancy until the meeting of the legislature, when he shall nominate and appoint a city judge as aforesaid; the clerk of the city, corporation attorney and counsel, receiver of taxes, comptroller, a city treasurer, one overseer of the poor, a street commissioner, and two or more city surveyors, and so many pound masters, and such other officers as the council may, from time to time, by ordinance, provide for, shall be appointed by the aldermen annually, a majority of all those elected shall be necessary for a choice, who shall be elected in the same manner as provided for in the forty-

City officers,
their election,
appointment,
terms of office
and salaries.

seventh section of this act for the election of president and other officers; the chief engineer of the fire department shall be elected every two years by the members of said department, subject to the approval of the council; and a board of engineers, which shall consist of a chief engineer and seven assistants who shall be elected by the respective companies in said city, one of whom shall be a member of one of the companies located in the first assembly district, and one of whom shall be a member of some company located in the second assembly district, and one of whom shall be a member of a company located in the third assembly district, and two from the companies located in the city of Hudson, and two from the companies located in the city of Bergen, as the same were constituted before the act of consolidation, said assistant engineers to hold their respective offices for the term of two years from the date of their election; *provided*, that no two assistant engineers shall be elected at the same time who shall be members of the same company; the ward officers to be elected shall be, for each ward, three judges of election, (except where the ward is divided into election districts, and then three judges for each district), two aldermen and one constable, one chosen freeholder, one commissioner of appeals in cases of taxation, a clerk who shall be the clerk of election, and perform all the other duties required by law of the clerks of the townships in this state, as far as the same are not otherwise provided for by this charter, (and in case any ward shall be divided into election districts, then there shall be elected one clerk for each district); and each ward, for general purposes not provided by this act, shall be considered a township; and each of the assessors shall in the meeting of the county assessors, have the same voice as the assessor of any township in the county.

Proviso.

Time and
mode of city
elections.

7. *And be it enacted*, That the city election shall be held on the second Tuesday in April in each year, at such place or places in each ward as the aldermen shall designate; the election shall be held and conducted by the judges of election and clerk of election, at the same hour, in the same manner, and under the same regulations in all things as prescribed by law for the state elections for members of the legislature, except that the returns of the elections shall be made to the city clerk within seventy-two hours after the closing of the polls, which returns shall be full, true and correct copies of the original statements of the result of such election made

by said judges, and shall be signed by them with their own hands, and attested by the clerk; and the city clerk shall, when he receives said returns, immediately file the same in his office as official papers; the first election in April, eighteen hundred and seventy, shall be held in each ward at the place designated for the election in that ward, under the charter of the city in which that ward now is, and shall be held by the judges and clerk of election, elected or appointed for said ward, under the present charter of said city; the returns of such first election shall be filed in the office of the clerk of the present city of Jersey City, and the first board of canvassers shall meet in the council chamber of said city, and the clerk of that city shall be their clerk, and their statement of the result shall be filed in the office of the clerk of said city; that the first board of canvassers shall consist of the judges of election appointed to attend for that purpose, and the aldermen or members of the council of the city of Bergen, and of such aldermen or members of the council of the cities of Hudson and Jersey City, as may continue in office after the first Monday in May next.

8. *And be it enacted*, That every person who would, by the existing laws of this state, be entitled to vote at an election for members of the legislature if held on that day, shall be entitled to vote at the charter election, and every person voting shall vote in the ward or district where he shall actually reside, and in no other. Who entitled to vote.

9. *And be it enacted*, That the person or persons receiving the greatest number of votes of those given in the city for any city office, and of the votes given in each ward, respectively, for an office in that ward, shall be elected to that office. Election declared.

10. *And be it enacted*, That the judges of election in each ward, or election district, in every such election shall appoint one of their number to attend the meeting of the board of city canvassers, hereinafter provided for, as a member thereof, and shall deliver to the judge who shall be so appointed the original statement of the result of such ward or election district, which shall be certified as hereinbefore directed; and it shall be the duty of the judges of election who shall have been so appointed to attend the meeting of the board of city canvassers for such election as members thereof. Statement of result to be delivered to city canvassers.

11. *And be it enacted*, That the judges of election to whom the original statements of the result of such election in the Board, how constituted.

Meeting of
board.

Oath of mem-
bers.

Oath of clerk.

Certified copy
of statement
may be used
if original is
not produced.

wards, or election districts, to which they respectively belong shall have been delivered, as directed in the preceding section of this act, together with the aldermen whose term of office will not expire till after the next succeeding charter election, shall constitute the board of city canvassers; a majority of said board shall be a quorum, and the city clerk shall be clerk of said board; that such board shall meet on the Saturday next after the election, at five o'clock in the afternoon of that day, at the council chamber in said city; and at that hour, without delay, the members of said board who shall be then present, if more than six in number, shall proceed to choose one of their number, who shall be chairman thereof; and as soon as such chairman shall be appointed it shall be his duty to administer to each of the other members, and of each of the other members to take an oath or affirmation in the following form: "I do swear, (or affirm, as the case may be) that I will faithfully and impartially execute the duties of a member of this board of city canvassers according to law;" and thereupon one of the members of said board shall administer to said chairman, and said chairman shall take an oath or affirmation in the same form as that taken by the other members of said board; and if the city clerk shall be absent at such meeting at the time appointed therefor, the board shall forthwith, after the oaths or affirmations shall have been administered as hereinbefore directed, proceed to appoint a fit person to be clerk of such board; and before proceeding to canvass and estimate votes, the chairman of the said board shall administer to the clerk thereof, and the said clerk shall take an oath or affirmation in the following form: "I do swear (or affirm, as the case may be), that I will faithfully execute the duties of a clerk of this board according to law;" thereupon the judges of election, who shall be present as members of said board, shall produce the original statements which shall have been delivered to them respectively as hereinbefore directed, and lay the same before such board, and from them the said board shall proceed to ascertain the number of votes given at such election for the several persons voted thereat for the several offices mentioned in such statements.

12. *And be it enacted*, That if any of the judges who shall have been appointed to attend the meeting of the board of city canvassers as a member thereof, shall be unable to attend such meeting on the day appointed therefor, he shall

at or before the hour of five o'clock in the afternoon of that day, deliver or safely transmit to the city clerk the original statement of the result of the election, which shall have been delivered to him as hereinbefore directed; and if from any cause such original statement shall not be produced to said board of city canvassers, at the time appointed for the meeting of the said board, the city clerk shall produce and lay before the said board the certified copy thereof filed in his office; and thereupon the said board shall proceed to make their statement and declaration, from such certified copy in the same manner and with the same effect as if the original statement had been produced by the judge of election to whom the same was delivered.

13. *And be it enacted*, That the said board of canvassers shall make a written statement of the whole number of votes given for mayor of said city, as well as for the several other officers to be elected for the said city, and the several districts and wards thereof, the names of the persons for whom such votes were given, and the number of votes given for each. Written statement to be made.

14. *And be it enacted*, That upon such statement the board shall proceed to determine and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement; the statement and final determination of the board shall be certified by the presiding officer and clerk, and filed in the office of the city clerk. Statement of board to be filed.

15. *And be it enacted*, That the clerk shall keep proper minutes of the proceedings of the board, and enter the same with the statement and declaration of the board in the book of minutes of the aldermen; said statement and declaration shall, within one week thereafter, be published in three of the newspapers printed in said city; and within ten days after the board shall have determined what persons shall have been elected to the several offices in said city, the said clerk shall cause written notice of his election to be given to each of the persons so elected. Statement and declaration to be published.

16. *And be it enacted*, That at the annual charter election to be held in the year one thousand eight hundred and seventy, the returns of the election shall be made to the city clerks of the respective cities comprising this city, within the same time and in the same manner as provided in the seventh section of this act, and the said city clerks shall, Returns, how to be made in case of election in the year eighteen hundred and seventy.

when they receive said returns, immediately file the same in their respective offices as official papers.

Board of canvassers for the year eighteen hundred and seventy.

17. *And be it enacted*, That the board of city canvassers for the annual charter election of eighteen hundred and seventy, shall consist of the judges of election who shall have been appointed to attend the meeting of the board of city canvassers as members thereof, as provided in section tenth of this act, together with the city clerks of the respective cities hereby consolidated, and the said board shall forthwith, after taking the oaths or affirmations required by law, proceed to appoint some fit person to be clerk of said board, and the said board shall proceed in the same manner and perform the same duties as the board of city canvassers hereinbefore provided for by this act.

State and county elections.

18. *And be it enacted*, That all elections hereafter to be held within the said city for members of the senate, and general assembly of this state, for sheriff, clerk, surrogate and coroners of the county of Hudson, and for members of the house of representatives of the United States, and electors of president and vice president of the United States, or for any other officers of the general or state governments, or officers of the said county of Hudson to be elected by the people, shall be held in the several wards or districts of the said city, at the places therein appointed by the aldermen for holding the city elections on the day or days which now are, or hereafter may be designated for holding such elections; the polls shall be opened at seven o'clock in the forenoon, and closed at seven o'clock in the afternoon, and the judges of election, before mentioned, shall preside at and conduct all such elections, and the clerks of the said wards or districts shall be the clerks of such elections in their respective wards or districts; every person in said city entitled to vote at such elections shall give his vote in the ward, or district, wherein he actually resides at the time of such election, and not elsewhere; and in case any person, at any election whatever held in said city, shall fraudulently vote, or offer his vote, in a ward or district in which he is not entitled to vote, he shall be liable to the penalty prescribed in the fiftieth section, chapter first, of the act entitled "An Act to regulate elections," approved April sixteenth, eighteen hundred and forty-six, to be sued for and recovered in the name of the clerk of the ward, or district, where the offence shall be committed, in

an action of debt, with costs, and applied to the use of the poor of said city.

19. *And be it enacted*, That the said judges of elections shall take the same oaths, and conduct such elections, and make returns thereof in the same manner as township officers of elections are, or may by law, be required to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the same duties, and be subject to the same penalties as the like officers of the townships of this state are, or may be, by law vested with, allowed, or subject to; and in case of the absence, death, incompetency, or refusal to serve of any of the said officers of election at any election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state; and the clerks of the said wards or districts respectively, shall procure election boxes for the use of their wards or districts (unless the aldermen shall seasonably provide the same), in such manner and of such description as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are subject to for neglecting to procure such boxes and keeping the same in repair.

20. *And be it enacted*, That the mayor shall be elected every two years, and no person shall be eligible to that office unless he shall have resided in the city at least two years immediately preceding his election and attained the age of thirty years; it shall be his duty to see that the laws of the state, and the ordinances of the city, are faithfully executed therein, and to recommend to the aldermen such measures as he may deem necessary or expedient for the welfare of the city; he shall maintain peace and good order therein, and shall have power to suppress all riots and tumultuous assemblies, and to cause to be arrested, without process or waraant, and to commit for trial, all persons violating, or whom he has reason to believe have violated, the laws of the state or ordinances of the city; he shall possess the same powers and authority in criminal cases with which justices of the peace are invested; in case of his absence from the city or his inability to perform the duties of his office, the president of the council shall, during the continuance of such absence or inability be vested with the powers and execute the duties of the mayor; and in case of

his death, or resignation of his office, there shall, at the ensuing annual charter election, be a mayor elected for the full term of two years.

Powers of police justices.

21. *And be it enacted*, That the police justices shall be elected by general ticket, one shall reside in the second and one in the third police district, and shall have all the powers in criminal matters that justices of the peace in and for the several counties of the state now have, and shall have like powers as are given to the mayor, to cause to be arrested and committed without process, any person guilty, or that they may have reason to believe guilty, of any crime, misdemeanor or breach of the peace.

City judge authorized to issue warrants for breach of ordinance.

22. *And be it enacted*, That the city judge of said city be and he is hereby empowered, on oath, affirmation or affidavit, made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of the said city, to issue process, either in the nature of a summons or warrant, as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than five nor more than ten entire days; that such process shall state what ordinance, by the defendant or defendants named therein, has or have been violated, and in what manner the same has been violated; and that on the return of such process, or at the time to which the city judge shall have adjourned the same, the said city judge shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings; and that the city judge shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; the city judge shall have and exercise all the powers of a police justice in said city.

Police justices and city judge may inflict fines.

23. *And be it enacted*, That the said police justices and city judge shall be severally and respectively further empowered to inflict such fines, not exceeding the sum of twenty dollars, on such persons as shall be brought before them, and charged with vagrancy, disorderly conduct, breach of the peace, or any other light offence, if found guilty, or in their discretion to order such persons committed to the county jail or workhouse for any period not exceeding ninety days; *provided*., that in all cases when the fine or penalty shall exceed twenty

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dollars, or where the punishment shall be imprisonment, there may be a trial by jury, to be conducted as in cases now triable in the courts for trial of small causes, and also an appeal as in all cases where an appeal may now be had from judgment in courts for the trial of small causes; *and proviso provided also*, that in such cases an appeal may be made to the aldermen for a remission of any penalty that may be inflicted or adjudged.

24. *And be it enacted*, That the city judge of said city, in addition to the powers heretofore conferred upon him, be and he is hereby empowered to cause any person or persons who shall be found guilty of a violation of the ordinances of said city, and who may refuse or neglect to pay any penalty imposed by reason of the same, and all or any person or persons found guilty of a breach of the peace, or of any other light offence within the jurisdiction of the said city judge, to be sent to the workhouse for such time as in his discretion may seem meet, and there to perform work in said workhouse, and to conform to the rules and laws of the same; *provided how- Proviso. ever*, that such person shall not be sent to said workhouse to be confined there for a longer time than ninety days for any offence; and the police justices shall have like powers in cases within their jurisdiction.

25. *And be it enacted*, That the officers empowered to serve any warrant issued by the police justice or the city judge shall be, besides the constables elected or appointed within the said city, the policemen of said city, and that said process shall be returned in the same manner, so far as circumstances may permit, as warrants for the arrest of persons issued out of the court for trial of small causes are returned; and that the defendant or defendants named therein shall, if the police justice or the city judge see fit to adjourn the hearing of the charge made, and so order, enter into recognizances as near as may be in the manner directed in the courts for the trial of small causes, in the amount of the penalty named in the process, or any proceedings to be brought for the recovery of the same, with such surety as may be approved by the police justice or the city judge, unto the mayor and aldermen of Jersey City, for his appearance on the day to which said hearing may be adjourned; and in default of his appearance, the said recognizance may be collected in the same manner as the same might have been, had

the said recognizance been taken in a proceeding in courts for the trial of small causes.

Publication of ordinances.

26. *And be it enacted*, That the publication of all ordinances by the mayor and aldermen in three newspapers, as hereinafter provided, shall, in all cases arising before the city judge in proceedings to recover penalties, be presumed to have been made until the contrary is proven.

Powers of policemen.

27. *And be it enacted*, That the policemen of the city shall have the same powers in criminal matters within the limits of the city, as constables of the several wards possess, and that they are hereby empowered to convey to and from the county jail, or county workhouse, all prisoners who may be ordered so conveyed by the police justices or city judge of said city or any justice of the peace; *provided*, that said policemen shall be entitled to receive no fees for services performed under this section other than the compensation awarded to them as policemen of the city.

Fees of police justices or city judge in case of return to certiorari.

28. *And be it enacted*, That in all cases in which persons shall bring certioraries to remove the order, proceedings or judgment given or made by the city judge or police justices of Jersey City, it shall be lawful for the said police justices or city judge to charge and receive before the delivery of the return thereto, at the rate of ten cents per folio for the same.

Bond in case of certiorari.

29. *And be it enacted*, That no justice of the supreme court shall grant or allow any certiorari to remove any order, proceedings or judgment to be had or made by the city judge or police justices of the city, unless the party applying for such certiorari shall enter into bond to the mayor and aldermen of Jersey City in the sum of one hundred and fifty dollars, with one or more good surety or sureties, conditioned that such applicant shall prosecute the said certiorari in the supreme court, shall pay the penalty recovered before the said city judge or police justices with interest and costs if the judgment be affirmed, and shall in all things stand to and abide the judgment of the supreme court respecting the order, proceedings or judgment given or made by the said city judge or police justices; which said bond shall be tendered to the said justice granting such certiorari, to be by him filed with the clerk of the supreme court for the benefit of said mayor and alderman, and on failure thereof, no certiorari shall be allowed.

Costs on certiorari.

30. *And be it enacted*, That if any proceedings of the said city judge or police justices shall, on removal by cer-

tiorari, be affirmed by the supreme court, the plaintiff in certiorari shall pay to the defendant all costs on such suit in the said supreme court; but if such proceedings be reversed, then the plaintiff in certiorari shall be entitled to costs.

31. *And be it enacted*, That if any person having been an officer of the said city, shall not, within ten days after he shall have vacated or been removed from the office, and upon notification and request by the city clerk, or within such reasonable time thereafter as the aldermen shall allow, deliver over to his successor in office all the property, books and papers belonging to the city or appertaining to such office, in his possession, or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs. Penalty for not delivering over books, &c., to successor in office.

32. *And be it enacted*, That every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the aldermen shall, before he enters upon the duties of such office, take and subscribe before the mayor, city clerk, or some person authorized to administer the same an oath or affirmation, faithfully, fairly and impartially to execute the duties of his office, according to the best of his knowledge, skill or ability, and file the same in the office of the city clerk; and if any person shall neglect to take such oath or affirmation for twenty days after receiving notice of his election or appointment, or shall neglect within the said twenty days to give such security as may be required of him, he shall be considered as having declined such office, and the same shall be deemed vacant; and whenever any vacancy shall occur in any of the offices in which by this act the aldermen may make appointments, they shall proceed to appoint suitable persons to fill such vacancies. Officers to take an oath or affirmation.

33. *And be it enacted*, That the treasurer shall receive, safely keep and disburse, under the direction of the aldermen, all moneys belonging to, or under the control of the city; he shall also keep an accurate account of all receipts and payments, and make returns thereof monthly, or oftener if required, in such manner as the aldermen shall direct; no money shall be paid out of the treasury except by warrant signed by the mayor or acting mayor and countersigned by the city clerk, except for the payment of bonds of the city, and certificates of indebtedness for improvements, given by the city, and interest on the same; and money paid into the Duties of the treasurer.

city treasury for the redemption of property sold for taxes and assessments ; and no warrant shall be drawn on the treasurer by said officers except in pursuance of an order of the aldermen passed at a stated meeting thereof and entered in their minutes ; all such warrants shall be numbered and made payable to the order of the person or persons entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid ; it shall be the duty of the clerk, before he shall deliver any warrant so drawn, to enter in the margin of a book, to be provided for the purpose, to be called the warrant book, opposite to said warrant, the number, date and amount of the same ; the date of the order or resolution authorizing it drawn ; the purpose for which it was ordered, and the name of the person or persons to whose order the same is made payable, and to take his or their receipt in said book at the end of the said marginal entry for the said warrant.

Further duties of city clerk.

34. *And be it enacted*, That the city clerk shall, in addition to the duties in this act required of him, have charge of all the records, books, papers and documents of the city, except when the aldermen shall by ordinance otherwise direct ; countersign all licenses signed by the mayor and keep the record of the proceedings of the aldermen ; he shall engross all the ordinances of the aldermen in a book to be provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the mayor or acting mayor and said clerk ; copies of all papers duly filed in his office, and transcripts thereof, and of the records and proceedings of the aldermen, and copies of the laws or ordinances of the said city, certified by him under the corporate seal, shall be evidence in all courts and places ; he shall also receive and pay over to the treasurer all moneys which by any law or usage are paid to the clerk of the city.

Duties of the overseer of the poor and superintendent of schools.

35. *And be it enacted*, That the overseer of the poor and superintendent of schools shall respectively perform such duties as by the laws of this state now appertain to and devolve upon the overseers of the poor and superintendents of schools in the several townships of this state, except as changed by this act, or any ordinance passed by virtue thereof, and shall, in addition thereto, perform such other duties and receive such compensation as the aldermen shall by ordinance direct and award.

36. *And be it enacted*, That the commissioners of appeals shall have the same powers, and perform the same duties, and be entitled to like compensation that commissioners of appeals in the several townships of the state now have, or hereafter may have; and, in addition, they shall have the power to examine the person or persons appealing in cases of taxation, under oath, as to the valuation or amount of the chattels assessed against them respectively; and it shall be the duty of the said commissioners to receive the oath of any person appealing, when offered by him relative thereto; the city surveyors, street commissioner, chief engineer of the fire department, and marshal shall respectively perform such duties and receive such compensation as the council shall by ordinance direct and award.

37. *And be it enacted*, That every alderman shall have the power, and it shall be his duty without warrant, to arrest, or cause to be arrested, any person engaged in his presence in disturbing the public peace, or violating any law of the state, or ordinance of the city, for the preservation thereof, or of good order or morality, and to bring, or cause such persons to be brought, before the city judge or one of the police justices or some other magistrate, to be dealt with according to law.

38. *And be it enacted*, That the official term of the several persons who shall be elected in pursuance of this act, shall commence on the first Monday of May next after their election, and they shall continue in office until the end of their term.

39. *And be it enacted*, That the official term of the city officers who shall be appointed by virtue of this act shall commence on the second Monday in May in every year, and they shall continue in office until the end of their term, and until others are qualified and appointed in their place, unless removed as herein provided.

40. *And be it enacted*, That the city treasurer, city clerk, collector of revenue, and such other officers as the aldermen may require, shall, before they enter on the duties of their office, give bonds to the city, in its corporate name, in such sums and with such securities as the aldermen may approve for the faithful performance of their duties; and all constables shall give bonds to the city, in the manner required by law, with sureties, to be approved of by the aldermen.

41. *And be it enacted*, That for the election of jus-

Election of
justices of the
peace.

tices of the peace, each ward shall be considered as a township, and until the next census each ward shall be entitled to two justices only.

Fines.

42. *And be it enacted*, That all fines inflicted by ordinances shall, when received, be paid into the city treasury.

Legislative
powers.

43. *And be it enacted*, That the legislative powers of the said corporation shall be vested in the mayor and the aldermen of said city.

Aldermen.

44. *And be it enacted*, That the aldermen of said city shall consist of the aldermen elected from each ward; and every alderman shall, at the time of his election, be an elector of the ward in which he shall be chosen, and shall have been a resident of the city for at least two years immediately previous thereto, and shall have attained the age of twenty-five years; *provided*, that the aldermen now in office and holding over, as provided in section forty-five, shall continue to act as aldermen until the expiration of the terms mentioned in said section forty-five, and with like effect as if such election had taken place under the provisions of this act.

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Terms of office
of aldermen.

45. *And be it enacted*, That the term of office of the aldermen of Jersey City and Hudson City, who were elected in April, one thousand eight hundred and sixty-eight, shall expire on the first Monday of May, one thousand eight hundred and seventy; and the term of those who were elected in April, one thousand eight hundred and sixty-nine, shall expire on the first Monday of May, one thousand eight hundred and seventy-one; and on the second Tuesday of April, one thousand eight hundred and seventy, and annually thereafter, one alderman shall be elected in each of the wards of said two cities herein above named, for the term of two years; and in that part of the said consolidated city, heretofore known as the city of Bergen, two aldermen shall be elected in each of the wards thereof on the second Tuesday of April, one thousand eight hundred and seventy, and at the first meeting of the aldermen of said consolidated city, they shall determine by lot, which of the two from each ward of said city of Bergen, as heretofore constituted, shall serve for one year only, and which for the full term of two years; and on the second Tuesday of April, one thousand eight hundred and seventy-one, and annually thereafter, one alderman shall be elected in each of the said wards now constituting the city of Bergen, for the term of two years.

46. *And be it enacted*, That in case any alderman shall, ^{Removals, re-signations, &c.} after his election or during his term of office, remove out of the ward in which he shall have been elected, his office shall be deemed vacant, and he shall no longer act as an alderman; any alderman may resign his office at any time by filing written notice thereof with the city clerk, and the aldermen shall have power to direct a special election to supply the vacancy that may occur; but the person so elected shall hold his office only for the residue of the term so vacated.

47. *And be it enacted*, That a majority of the aldermen ^{Board of aldermen, organization how effected.} shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day, and compel the attendance of absent members; the aldermen shall annually elect a president from their own body, and all voting therefor shall be viva voce upon a call of the roll, and if after calling said roll five times the president be not elected, then a vote shall be taken between the two persons only having the highest number of votes on the last roll call, and the one having the most votes on that roll call shall be president, and in his absence a president for the time being shall be by them chosen in the same manner; the aldermen shall choose officers, appoint their time and place of meeting, determine the rules of their own proceedings, be the sole judge of the qualifications of aldermen, keep a journal of their proceedings, and may expel any alderman for disorderly conduct or a violation of the rules, or declare his seat vacated by reason of absence; *provided*, such absence be continued for the space of two ^{Proviso.} months, but no expulsion shall take place except by vote of two-thirds of all the aldermen elected, nor until the delinquent member shall have had an opportunity to be heard in his defence.

48. *And be it enacted*, That every ordinance of the aldermen and every resolution of the aldermen affecting the interests of the city, shall, before it takes effect, be presented, ^{Ordinances to be signed by the mayor.} duly certified, to the mayor, and the report of the clerk shall be conclusive evidence that the said ordinance has been so presented to the mayor; if he approve it, he shall sign it, if not, he shall return it with his objections, and file the same with the clerk within ten days after he received it; and the aldermen shall, at their first regular meeting thereafter, order the objections to be entered at large on their journal, after which they shall proceed to reconsider the same; and if two-

thirds of all the aldermen elected shall then pass the same it shall take effect as a law ; but in every such case the votes shall be taken by ayes and noes, and entered on the journal, and if such ordinance or resolution shall not be so returned by the mayor within ten days after he shall have received it, it shall become a law in like manner as if he had signed it ;

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provided always, that each and every ordinance so passed as aforesaid, shall be published for the space of twenty days in three newspapers published and circulated in said city before said ordinance shall go into effect ; *provided also*, that no ordinance or by-law shall be enacted or passed by the said aldermen unless the same shall have been introduced before the aldermen at a previous stated meeting, and upon its passage agreed to by at least two-thirds of all the members of the aldermen elected.

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Annual statement of receipts, expenditures, &c ; to be published.

49. *And be it enacted*, That the aldermen shall, at least once a year, and not more than thirty nor less than twenty days before the annual city election, publish in three of the newspapers printed in the city a full statement of all the receipts and expenditures of every description, for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of city revenue, the amount received under each, the several appropriations made by the aldermen, the object for which the same were made, and the sums expended for each ; also any moneys borrowed upon the credit of the city, whether by temporary loans or by the issue of bonds, the terms upon which they were obtained, the authority under which they were borrowed and the purposes to which they were applied, and how much of the same or other city indebtedness has been repaid and by what means ; the statement shall also include a detailed account of the city property, existing debts of every description, and the condition of the sinking fund, with all such other information as may be necessary for a full understanding of the financial concerns of the city.

Meetings of the aldermen.

50. *And be it enacted*, That the aldermen shall hold stated meetings at least once in each month, at such time and place as they may appoint ; but the mayor, or in his absence, any three aldermen may call special meetings, by at least one day's notice to each of the aldermen, served personally or left at his usual place of abode.

Resignations.

51. *And be it enacted*, That resignations of any office held under the provisions of this act may be made to the alder-

men ; the aldermen may fill vacancies in any office provided for by this act, for the remainder of the current civil year, excepting in the case of justices of the peace or aldermen.

52. *And be it enacted*, That any officer may be removed from office for cause, by the resolution of the aldermen ; *provided*, that no such removal shall take place until the party sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the aldermen elected vote therefor ; whenever any such removal shall take place, the cause therefor, together with the ayes and noes upon the vote taken, shall be entered at large upon the journal of the aldermen.

Removals
from office.

Proviso.

53. *And be it enacted*, That no alderman or other officer of the city, whether elected or appointed, shall, during the period for which he was elected, be appointed to, or be competent to hold any other office, the emoluments of which are paid from the city treasury, or be directly or indirectly interested in any contract, work, or business, or sale, or purchase of any article, the expense, price or consideration of which is paid from the city treasury, or by any assessment levied by any act or ordinance of said aldermen ; nor shall any alderman be directly or indirectly interested in the purchase of any real estate or other property belonging to the corporation, or which shall be sold for taxes or assessment, or become security for any officer appointed by said aldermen or for any contractor under the city government.

Aldermen not
to hold any
other office
emoluments of
which are paid
from the city
treasury.

54. *And be it enacted*, That the aldermen shall have power to compel the attendance of witnesses to testify before them, and before the standing and special committees of said aldermen, and to send for persons and papers to be used in evidence in all investigations lawfully to be had before said aldermen and any of the said committees ; that whenever any person shall be required to give evidence before the said aldermen, or any of the committees thereof, if it shall be necessary to send for any papers to be used before said aldermen, or any of its committees, a subpoena shall be issued by the clerk of said aldermen in the name of the state of New Jersey, under the seal of the city, to be signed by said city clerk, and attested in the name of the president of said aldermen, directed to such witness or witnesses, or person or persons, demanding him, her or them to appear before said aldermen, or such committee, at a time or place to be named therein, to give evidence before said aldermen or such com-

Aldermen au-
thorized to
compel atten-
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nesses

mittee in the matter that may be under investigation ; and if any person to whom such subpoena may be directed shall have in his or her possession any paper which may be required by said aldermen or committee, such person may be required to produce said papers before said aldermen or committee upon being legally served with a subpoena and ticket, issued as hereinbefore provided.

OF THE POWERS OF THE ALDERMEN.

- Ordinances. 55. *And be it enacted*, That the said aldermen shall have power to pass, alter and repeal ordinances, to take effect within said city, for the following purposes :
- Public build- I. To manage, regulate, control and protect the finances ings. and property of the city, and for the building, erecting, and maintaining a city hall, school houses, engine houses, hospital, alms houses, city prison, armory, and such other buildings as may be necessary for the objects of this charter.
- Fire depart- II. To establish, regulate and control a fire department, ment. with power to exempt its members from militia duty in time of peace, and from serving as jurors in courts for the trial of small causes, and the mode of their removal and appointment ; to provide fire engines, apparatus and houses therefor, and establish hook and ladder companies with proper apparatus and houses ; and for the purpose of guarding against fire, and providing for the safety of firemen ; to regulate the manner of building dwelling houses and other buildings, and of constructing and placing engines, chimneys, flues, pipes and all other matters connected therewith, and the keeping of lights in stables, and the manufacture or keeping kerosene oil or other oil, camphene or spirit gas, nitroglycerine, gunpowder, fireworks and other dangerous, explosive or combustible materials ; and to raze or demolish any building or erection, or any part thereof which may be deemed unsafe or dangerous to the public, in the opinion of the mayor and chief engineer of the fire department, after reasonable notice thereof to the owner or occupants of such unsafe or dangerous condition ; and to pass, alter and repeal such other ordinances for the peace and good order of the city, or the comfort or protection of the citizens, as they may deem expedient, and impose penalties for the violation thereof in the manner as in this act provided ; to limit the height of all buildings, and pre-

vent, in certain limits, to be from time to time prescribed by ordinance, the erection of wooden buildings; to establish a board of fire commissioners, who shall perform the duties now performed by the fire commissioners of Jersey City, and such other duties as shall be required and defined by ordinance; the said board shall consist of seven members, the present fire commissioners of Jersey City shall be members for the unexpired term of each respectively, and two others, one from the present city of Hudson and the other from the present city of Bergen, shall be nominated by the mayor from six persons to be nominated by a convention composed of three delegates from each company of the volunteer fire department, and appointed by the aldermen; the one for six years, the other for seven years from the second Monday of May, and thereafter in the same manner, one commissioner each year for the term of seven years from the second Monday of May; said commissioners shall also be fire wardens, and perform such duties as may by ordinance be required and defined, and shall receive such compensation therefor as the aldermen shall annually by ordinance direct; and said fire wardens shall annually elect one of their members to be fire marshal, who shall perform such duties as may be by ordinance required and defined, and receive such compensation therefor as the aldermen shall annually by ordinance direct; *provided*, that the fire departments of the said Proviso. several cities hereby consolidated shall continue their present organizations under the officers herein provided for, until other provision be made under the powers contained in this act.

III. To provide lamps for, and light the streets, wharves, Lamps. docks and piers, and public squares of the city;

IV. To make, lay out and open all streets, squares and Open, grade and regulate streets. public grounds, upon all and every part of said premises, and to establish such as have already been laid out; to grade, repair and remove all obstructions in all streets, public grounds and public squares, and to widen or alter the grade, refill, gutter, curb, widen, repave, open, bridge, rebridge and repair any street or avenue, and for planting and protecting shade trees, and from time to time to regulate the same, and to regulate and govern the leveling, pitching and constructing of the said streets, and the raising and the leveling of all lots and grounds for buildings, as well public as private; to ascertain and establish the boundaries of all streets and

public alleys in said city, and to prevent and remove all encroachments, encumbrances and nuisances in or upon the same, and may, by resolution, approved in the same manner as resolutions affecting the interest of the city are approved, cause notices to be served on the owner or owners, or their agents, of any lot or tract of land, which may become covered with stagnant water or obnoxious matter or substance (whether the same shall be caused by the raising of streets or otherwise), requiring him or them to fill or refill the said lot within the space of a certain number of days, not less than ten, after service of a copy of such notice; and in case the owner or owners shall refuse or neglect so to do within the time aforesaid to order by said resolution the same to be done under the direction of the committee on streets, and that the expense of such filling or refilling shall be assessed and collected in the same manner as for improvements in opening, altering, repairing, filling up, grading, altering the grade of, refilling, guttering, curbing, bridging, planking and repairing streets, as hereinafter provided for;

Pave streets
with Belgian
or other pave-
ment.

Proviso.

Proviso:

V. To pave with Belgian, or other pavement, any street, and to macadamize, gravel, curb and gutter the streets; *provided*, that in case one-half of the owners of land bounded by the street, or part of a street, so to be improved with Belgian, or other pavement, shall, within two weeks after presentation and publication of the application for such improvement to the aldermen, file with the city clerk a remonstrance signed by them against the same, said aldermen shall proceed no further with such improvement; *provided*, that hereafter every horse railroad company within the limits of the consolidated city shall be required to keep in good order and repair, but not to pave, that portion of the street or streets and pavement within their rails and eighteen inches out side of each track, and such corporations shall not unnecessarily encumber any street or make the same impassable, at any one point, for more than forty-eight hours at any one time, and shall continue the same facilities as now for travel on their respective lines, and after the first day of May, one thousand eight hundred and seventy, such corporations within the limits, or running cars within the limits of said consolidated city, shall furnish and sell tickets at a price not to exceed eight cents for carrying each passenger the entire extent or distance of any one of their routes;

VI. To repair the sidewalks and flag the same or any part

of them or any part thereof; to reset the curbs and gutters Repair side-walks. in the streets; to compel the owners of lots to curb and flag the sidewalks opposite their lots, and to keep the same and the gutter swept and clean, and clear of snow and ice and other impediments;

VII. To prevent horses, cattle, sheep, swine, goats, ducks, Impounding of cattle, &c. and geese from running at large in the streets, and to provide for the impounding and sale of the same; and to regulate and control the driving of sheep, swine, mules or cattle in droves, through, upon, or over the streets of the city, affixing penalties for any violation of ordinances regulating the same, with power to enforce the payment thereof;

VIII. To prevent immoderate, dangerous or reckless driving Driving. in the streets, and riding or driving over or upon the sidewalks, and to regulate the speed and running of locomotive engines or dummy engines and railroad cars through said city;

IX. To make and adopt an assessment map, whereby to Assessment map. describe lands assessed for taxes or improvements;

X. To regulate or prohibit interments within the city; Interments.

XI. To order and regulate the building of all docks, piers Docks, piers and wharves. and wharves in and about said city, and to regulate said docks, wharves and piers, and the use thereof when built, and the rates of wharfage, and to make such by-laws and regulations touching the same, not inconsistent with the laws of this state and the United States, as to them may appear proper and necessary; and to order and direct that all lands under water between high water mark and the place where such dock, wharf, or pier may be built or extended, and for such width as they may deem advisable, shall be filled in by the owner of such dock, wharf or pier, or of the shore right from whence such dock, wharf or pier or filling up may be directed; and in case more land is thus filled in than may be necessary for the use of said wharf as a wharf or dock, lay out proper streets upon the same; and the residue thereof not wanted for wharves or streets may be appropriated to his own use and sold by the owner of such shore or dock so directed to construct or extend said dock, and to fill up said lands upon his complying with such directions; but the parts reserved for public streets and a wharf shall be held by such person, or his legal representatives, for such purposes only; *provided*, that the improvements contemplated by this paragraph shall not be made without the consent of a majority Proviso.

in interest of the owners of the shore in front of which the proposed improvement is to be made ;

Proviso. XII. To build and construct wharves, docks and piers which may adjoin the present or future termination of any of the streets within the limits of said city, and which may be flowed with tide water ; *provided however*, that the said city may lawfully acquire the title to the land at such terminations of any of the said streets not now owned or subject to the control of said city, by purchase of the owner or owners thereof, or by condemnation ; and to control and to have the proceeds therefrom deposited in the city treasury for the benefit of the city ; and to purchase or hold such land and any other land south of Grand street in Jersey City, whether covered by tidewater or otherwise, or the rights of the owners of the shore therein, as they may deem for the interests of the city, in order to have constructed and built, in any part of Jersey City south of Grand street, when in their judgment the public necessities require the same, wharves, docks and piers, and to control, regulate and govern the same in the manner hereinbefore mentioned ; *provided*, that no such wharf or pier shall be so extended into tide water as to obstruct navigation ; and that in order to enable the said mayor and aldermen of Jersey City to defray the expenses of the improvements in this section mentioned, it shall be lawful for the said mayor and aldermen to issue bonds for the payment thereof, at such rates of interest, not exceeding seven per centum per annum, and in such amounts as they may deem expedient, which said bonds shall be deemed and taken as a debt of the city, over and above any loans now authorized ;

Proviso. *provided*, that the whole amount for which said bonds shall be issued shall not exceed the sum of five hundred thousand

Proviso. dollars ; *and provided*, that nothing in this act shall grant, or be construed to grant, any right, title or estate of the state of New Jersey to any lands under water or any easement, right, franchise, privilege or authority over such lands, until compensation shall have been made to the state for the value of such right, title, estate, easement, franchise, privilege or authority, and conveyance thereof made by the state to said corporation, nor shall anything herein contained authorize any interference with the exterior lines for solid filling or piers fixed heretofore ;

Nuisances. XIII. To declare by general law, what shall be considered nuisances in lots, streets, docks, wharves and piers, and to

direct, provide for, and to enforce their removal, and to provide for the sale or other disposition of all encumbrances on the streets, sidewalks, docks, wharves and piers ;

XIV. To provide health laws and establish a board of ^{Board of health.} health, and to enact all such ordinances as they may deem necessary to protect the health of the city ;

XV. To establish a board of education, and to provide for ^{Board of education.} their appointment ; to define their powers and duties ; to order and regulate public schools and everything appertaining thereto, in such manner as they shall deem expedient, not contrary to the laws of this State ; to expend and appropriate such portion of the state school fund as shall be apportioned to the said city as hereby consolidated, or the wards composing the same, in the same manner as the city taxes for the support of public schools are expended ; *provided*, ^{Proviso.} that the present boards of education of the said three several cities hereby consolidated shall remain as heretofore until a new board shall be nominated and appointed and duly qualified ;

XVI. To maintain, regulate and control a hospital ^{Hospital.} within the limits of said city, as hereinafter provided, and to make such contracts and agreements relative to the receiving of patients, and relative to the compensation to be paid by such patients or others willing to indemnify the said city by reason of receiving such patients, as to them may seem just and reasonable, and to enforce, by appropriate actions at law, such contracts and agreements ;

XVII. To license and regulate inns and taverns, and ^{Inns and taverns.} regulate the sale of spirituous or intoxicating liquors, or prohibit such sale within the limits of the city, when in their judgment the applicant is not a suitable person to be licensed ; they shall have the power to make all necessary rules and regulations, and to fix the price of license, and penalty for a failure to take out license, and collect the same, and to do and perform all such other acts as may be necessary to carry out the provisions of this section ;

XVIII. To license, regulate, or prohibit hawkers, peddlers, ^{Peddlers, &c.} hucksters, butchers, slaughter houses and markets, on such terms and under such regulations and penalties as the council shall by ordinance impose ; and no other license for such purposes within said city granted by any other authority shall be lawful, except licenses granted by the governor to hawkers and peddlers ;

- Auctioneers. XIX. To license auctioneers, and to regulate and control their duties, and make them liable on their official bonds for the faithful performance of the duties enjoined upon them, as well as for the payment of any money collected by or intrusted to them by the said aldermen, or such persons as may employ them as hereinafter provided ;
- Hack drivers, &c. XX. To license cartmen, hack drivers, omnibus drivers and porters, and to prohibit all persons not so licensed from following the employment of a cartman, hack driver, omnibus driver or porter in said city ;
- Keepers of the city prison, harbor masters, &c. XXI. To provide that the said aldermen, or a majority of them, by not less than sixteen concurring votes, shall and may from time to time elect and appoint keepers of the city prison, measurers of grain, weigh masters, and such subordinate officers and agents of said city not herein named and otherwise provided for, as they shall think necessary, either for the better ordering and governing the said city, or for the convenience, safety and advantage of commerce, and to define and prescribe their powers and duties, which officers so appointed, except where it is herein otherwise provided, shall continue in office until others shall be appointed to succeed them, and be sworn into office ;
- Gaming houses, &c. XXII. To prevent and suppress gaming houses, and to prohibit gaming ; and to restrain and punish all mendicants, vagrants, and street beggars and common prostitutes ;
- Riots. XXIII. To suppress riots, disorderly and tumultuous assemblages, and to suppress vice and immorality ;
- Violation of ordinances. XXIV. To punish by fines, or imprisonment in the city prison, all violations of any ordinance authorized by this act, and to provide all means which they may judge necessary to carry into effect the objects and powers provided for by this act, and no fine shall exceed fifty dollars, or imprisonment beyond ten days ;
- Bathing, &c. XXV. To regulate or prohibit bathing in the waters of said city, and the exhibition of shows, caravans, circuses, or other like matters, and the firing of guns, fire crackers or other fireworks in the city ;
- Dogs. XXVI. To restrain all dogs from running at large, and to authorize their destruction ;
- Fishing. XXVII. To regulate or prohibit the setting up or fixing of poles for fishing in the waters within the limits of the city, whereby the lives of persons may be endangered, or navigation obstructed ;

XXVIII. To construct and maintain a work house adjoining and connected with the alms house in the city, and to compel such paupers as now are or may at any time or times hereafter become inmates of said almshouse and such persons as may be committed thereto by the police justices as herein provided, to perform work and labor therein, and to purchase such material as may be necessary to keep such paupers or prisoners in employment in said workhouse, and to sell the products manufactured in said workhouse, and appropriate the moneys arising from such sale to such purpose or purposes as they may deem advisable; *provided, however, that* said money shall be appropriated to city purposes; and to cause proper, prudent, and discreet punishments to be inflicted upon such inmates as refuse to obey the laws or rules of said workhouse, or the person or persons intrusted with the superintendence of the same, and to otherwise regulate and control the said workhouse as they may deem advisable. Workhouse.
Proviso.

56. *And be it enacted*, That it shall be lawful for the mayor and aldermen, by ordinance, to appoint a commission for the purpose of designating, by map or maps, the proper location of all streets to be hereafter laid out in said city, upon lands which have not been laid out in city lots and dedicated to the public use, or laid out by authority of either of the consolidated cities before May first, eighteen hundred and seventy; and said map or maps, when made and completed as aforesaid, and adopted and confirmed by the council and approved by the mayor, shall be and remain the established and proper location of all such streets as are described in said map or maps, and not elsewhere; the said commission shall consist of four residents and freeholders of said city, no two of whom shall come from the same ward, and a city surveyor, who shall severally be duly sworn or affirmed; and it shall be the duty of such commission to make a survey and locate streets upon all the lands above mentioned, according to their best judgment and ability, and for the best interests of said city, for the purpose of establishing greater regularity and uniformity in the location and course of all the streets in said city, and cause a map to be made and a report to be made of the same; said report and map shall be filed with the city clerk within such reasonable time as the aldermen may designate by the ordinance creating said commission, or by resolution; whereupon the city clerk shall, within ten days, cause the same to be advertised in at least Commission
for locating
streets.

three of the Jersey City newspapers circulated and published in said city, and cause one hundred notices to be posted throughout said city, in which notice a time and place must be designated when and where the aldermen or their committee will meet to hear all parties interested, verbally or in writing, why said report and map or maps shall not be confirmed and established as the location of all such streets to be opened.

Costs and expenses of opening streets assessed on the land benefited.

57. *And be it enacted*, That when the aldermen accept, adopt and confirm such report and map or maps, as in the last section provided, and the mayor approve of the same, then all such streets shall be considered as finally located, and when opened thereafter for public use, they shall be opened in conformity with said survey and map or maps, and not otherwise, the same as if they had been dedicated upon application or otherwise by the owners of such real estate, and the costs and expenses of the proceedings herein provided for shall be assessed by the board of assessments, upon the land benefited thereby; but no assessment shall be made upon lands through which streets have already been opened and dedicated to public use by map or otherwise, or laid out by authority of either of the consolidated cities; and to regulate the building of vaults and the laying of gas pipes in or under the streets, and in every other respect to secure to the public and the adjoining owners, the safe and convenient use of the streets and sidewalks, squares and public grounds, for the purpose for which they are or may be laid out and dedicated.

Aldermen may borrow money.

Proviso.

58. *And be it enacted*, That it shall be lawful for the said aldermen of Jersey City to borrow money from time to time, for all purposes for which by this act they are authorized to raise money by tax, and to secure the payment thereof by a bond or other instrument, under the common seal and signature of the mayor, and to provide by tax for the payment thereof; *provided*, that it shall not be lawful for the said aldermen to raise any sum by loan whereby the payment of the said loan shall not be otherwise provided for than by a tax upon the persons and property in said city, unless a majority of the aldermen and the mayor shall approve the same.

May raise money by tax.

59. *And be it enacted*, That it shall be lawful for the aldermen to raise by tax every year so much money as they may deem expedient for the purpose of lighting the streets, supporting the police, supplying the city with water for the ex-

tinguishment of fires, for repairing the streets, for improving the public grounds, maintaining the poor, supporting and maintaining public schools, erecting and maintaining market houses, school houses, a city hall or town house, a city prison, an almshouse and workhouse, for contingent expenses, and all other purposes authorized by this charter, and that the ordinances directing the raising of said tax, shall set forth the amount required for each object, and that the expenditures for such specification shall be confined to the objects therein specified, and be appropriated to no other; and that the aldermen shall have the power to erect, build and maintain bridges for the accommodation of the public at large at the expense of the city; if any bridge or bridges shall be built for the accommodation of any particular locality, and for the special accommodation of the residents thereof, for the council to assess all the expenditures upon the property benefited.

OF TAXES AND THEIR COLLECTION.

60. *And be it enacted*, That the assessors shall constitute a board of assessors, who shall confer together for the purpose of regulating the valuation of property in the several wards; each assessor shall within his ward assess the taxes for city purposes, as directed by the laws of this state for assessing township, county and state taxes in manner following: they shall severally assess all real estate and chattels situate in their respective wards, both of residents and non-residents, except such real estate and chattels as is by law exempt from taxation by the assessors of townships, and except also the real estate and chattels belonging to the mayor and aldermen, and except mortgages on real property in the city, and such personal estate as is exempt by law from sales under executions on judgments for debts, on valuing the same at its true, full, fair value, designating the number of lots or parcels of land and the value of personal chattels which they assess to each person; and every person owning or having in his charge any lands or chattels in said city shall, on application of the said assessors, or either of them, disclose and specify the quantity and situation of such lands, and the amount, nature and value of such chattels, and if any person refuse to answer or give such information when required, the said assessor shall value his real estate and chattels at double the amount which they may believe the

Board of assessors.

Manner of assessment and collection of taxes.

same may be worth ; and such person shall have relief therefrom before the commissioners of appeal ; and such tax shall be assessed and raised by such per centum on the whole valuation of such real estate and chattels as is required to make the same ; and all taxes so assessed for city purposes shall be collected by the collector of revenue in the same manner as he is by law directed to collect county and state taxes, and shall be paid over by him to the city treasurer as soon as collected, and before the thirtieth day of December in each year.

State and
county taxes,
how assessed
and collected.

61. *And be it enacted*, That all state and county taxes shall be assessed by the assessors, in like manner and upon the same property as city taxes are assessed, and they shall be collected by the collector in like manner as city taxes are collected by him, and shall be paid over by him to the county collector in like manner and under like penalties as township collectors are directed by law ; *provided however*, that the proportion or quota of tax to be levied and collected in said city, for state and county purposes, shall be adjusted and fixed, from year to year, upon the same basis or ratio as by the laws of the state is or may adjusted and fixed for the several townships in this state, for which purposes the assessors shall make a list of such persons and property as are by law liable to such taxes in their respective wards.

62. *And be it enacted*, That the aldermen of Jersey City shall in no wise be required to contribute to any fund or amount of money which may be ordered by the county authorities, or other power within the said county, by virtue of any act whatever, now passed or hereafter to be passed in relation to bonds issued for war purposes, unless the quota which the aldermen of said city would have been liable to pay, by reason of such enactment, shall exceed the amount which has been or may be actually appropriated for such purposes ; and that in such case the aldermen aforesaid shall be liable to pay only such excess.

Transcript to
be filed with
clerk.

63. *And be it enacted*, That the assessors of the several wards of said city shall cause to be filed with the clerk of the city, a transcript or duplicate of the assessments of taxes levied in the city on or before the first day of October, in each and every year ; and shall also, on or before that day, deliver another such transcript or duplicate to the collector of revenue ; and upon the confirmation of said assessments by the aldermen, the collector of revenue shall proceed to

collect the taxes so assessed, according to law ; and he shall cause public notice to be given in two or more public newspapers printed and published in said city, that the said taxes are due and payable, and what interest and penalties will be added for non-payment thereof, and what rebate allowed for pre-payment ; and then it shall be lawful for the aldermen of the city to pass, alter and repeal ordinances, prescribing penalties for disobedience of this section, to be recovered in the same manner as penalties for violation of other ordinances are now recovered.

64. *And be it enacted*, That it shall be lawful for the said aldermen, by resolution, according to the provisions of this act, from time to time, to pass resolutions, designating an office in the city hall of said city which the assessors shall occupy during certain hours of such days or evenings, and for such period, not less than thirty days, as shall be fixed by said resolution for the purpose hereinafter named.

65. *And be it enacted*, That it shall be the duty of each of said assessors to cause notice to be given in three of the newspapers published in said city, for at least ten days between the first day of May and the first day of June in each year, and also by handbills, five of which at least shall be posted in a conspicuous manner in his particular ward, during the said ten days, (of the giving of which notice, the affidavit of the assessor of each ward filed in the city clerk's office at any time before the meeting of the commissioners of appeal shall be sufficient evidence,) that they will be present at such place and at such times as may be designated by said resolution, to receive statements, under oath or affirmation, of the personal property liable to taxation, of any person or persons, or any corporation, and the exemptions or deductions claimed from taxation on real estate or personal property by such persons or corporations ; *provided*, that the oath or affirmation of any person shall not be conclusive as to the statements therein made.

66. *And be it enacted*, That in case such statement shall not contain the particulars or specific account in the foregoing section named, and it shall appear to the commissioners of appeal that such person endeavored to act in good faith and without deception, he shall not be deprived of the right to appeal in order to correct such statement as to such particular or specified account, but for no other purpose ; and if no such statement, under oath, be made, no relief shall

be afforded on appeal or in legal proceedings of whatever kind, and in such cases such assessment for taxes shall be made by the assessor as to him may seem just and reasonable.

Provision in case of absence from the state.

67. *And be it enacted*, That if any person shall appear before the commissioners of appeal, and prove to the satisfaction of such commissioners under oath, in writing, that he or she was necessarily absent from the state during the time in which such statement should have been left with the assessor, said commissioners shall not deprive him or her of his or her right of appeal; *provided*, that this section shall not be held to apply to any corporation, or to any person or persons engaged in business in said city, and having employees entrusted with such business; *and provided further*, that such oath shall not be conclusive, but that the circumstances of the case may be investigated by said commissioners.

Proviso.

Proviso.

Duties of the assessors.

68. *And be it enacted*, That it shall be the duty of each of the assessors of said wards to attend in person or by some person competent to discharge the duties incumbent upon such assessor (for whose conduct such assessor shall be responsible,) at the time and place designated by said resolution, then and there to receive and accept such statements as shall be deposited by the respective assessors with the commissioners of appeal in cases of taxation, at the first meeting, who shall in turn cause the same to be filed in the office of the city clerk.

Penalty in case of refusal to perform duties.

69. *And be it enacted*, That if either of said assessors or commissioners of appeal shall neglect or refuse to perform any duty required by this act, he shall suffer the same penalties, to be recovered in the manner as is now provided by law for neglect or refusal to perform the duties of his office.

False statement.

70. *And be it enacted*, That if any person shall deliver or send to any assessor, or to the commissioners of appeal in cases of taxation, any statement under oath or affirmation as aforesaid, which shall be false in any of the particulars or accounts authorized by this act, he shall be deemed and taken to be guilty of perjury.

Collector to make returns of delinquent tax payers.

71. *And be it enacted*, That the collector of revenue of said city in case of the non-payment of taxes, shall make out a list of the names of the delinquents, with the sums due from them respectively annexed, and deliver the same to the clerk of the said city, on the first day of March in the

following year, except when the said day shall be Sunday, and then the next day following; and it shall be the duty of such clerk to lay the same before the aldermen at a meeting thereof held next after the same shall be delivered to him, and thereupon the said aldermen shall, by resolution, order the clerk of said city to make out a warrant under the seal of said city, and attested by the clerk, and in form as near as may be to the tax warrants issued by justices of the peace, and to be directed and delivered to the collector of revenue, who shall have power to collect the same, in like manner in all respects as the constables in townships are empowered by law; *provided*, that such collector of revenue shall, when he delivers such list to the city clerk, also file with him affidavit of the publisher or printer of the newspapers in which such notice was published, that due notice, as required by the sixty-third section of this act, was published as therein is required; the said collector of revenue shall have power to issue his warrant under his hand and seal, directed to any constable of said city, commanding him to levy and make said tax by distress and sale of the goods and chattels of the delinquent against whom the said warrant shall be issued, upon advertising the said sale at least six days previous to the day of sale; and the said collector of revenue shall report weekly to the aldermen the total amount of delinquencies, the amount collected in each week, and the balance remaining unpaid. Proviso.

72. *And be it enacted*, That whenever within the said city any tax shall remain unpaid after the twentieth day of December in any year it shall be lawful for the collector of revenue to charge, receive and collect, in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum from the twentieth day of December in each year until the same be paid, and a penalty of one per centum on the amount of the tax if the same be not paid before the tenth day of January ensuing; and a further penalty of one per centum additional if the same be not paid before the first day of February ensuing; and a further penalty of one per centum additional if the same be not paid before the first day of March ensuing; and such interest and penalties shall be paid over by the said collector of revenue to the treasurer of said city in like manner and at the same time as he may be required to pay over to the said treasurer all taxes by him collected. Interest to be charged on unpaid taxes.

Collector au-
thorized to de-
duct interest
in certain
cases.

Proviso.

Further du-
ties of collec-
tor.

Pay over mo-
neys to city
treasurer.

Real estate
may be sold
for payment
of taxes.

73. *And be it enacted*, That if any person or persons from whom any tax shall hereafter be due and payable to the said city, for state, county or city purposes, shall pay the same or any part thereof to the collector of revenue of the city, before the twentieth day of December of each year, it shall be lawful for the said collector to allow and deduct from the amount of tax so paid interest thereon, to be computed at the rate of nine per centum per annum from the time when the said tax shall be received by the said collector, until the twentieth day of December as aforesaid; *provided*, that nothing herein contained shall be so construed as to exempt the said aldermen or the collector of said city from paying over to the treasurer of this state, or the collector of Hudson county the full quota of taxes required by law to be raised in said city for state and county purposes.

74. *And be it enacted*, That it shall be the duty of the collector of revenue, in addition to the duties herein required to be performed by him, to perform such other duties as the aldermen may by ordinance prescribe; and it shall further be his duty to keep a record of all proceedings affecting the revenue of the city, and at the end of each fiscal and every current year the said record of proceedings shall be filed by him in the office of the city clerk.

75. *And be it enacted*, That the said collector of revenue shall pay over all moneys received by him as revenue for the city, as soon as collected, to the treasurer of said city, who shall in turn pay over to the treasurer of this state or to the collector of Hudson county, upon demand, the full quota of taxes required by law to be raised in said city for state and county purposes.

76. *And be it enacted*, That all taxes and assessments which shall hereafter be assessed or made upon any lands, tenements or real estate situate in said city, shall be and remain a lien thereon from the time of the confirmation thereof, by the aldermen, until paid, notwithstanding any devise, descent, alienation, mortgage or other encumbrance thereof, and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed by the aldermen for the payment thereof, it shall and may be lawful for the aldermen to cause such lands, tenements or real estate to be sold at public auction for the shortest term for which any person will agree to take the same and pay such tax or assessment, or the balance thereof remaining

unpaid, with the interest thereon, and all costs, charges and expenses, and to execute under the common seal of the said city a declaration of such sale, to be signed by the mayor and city clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrators or assigns, shall by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate for his or their proper use, against the owner or owners thereof, and all persons claiming under him or them, until his said term shall become completed and ended; *provided*, that the aldermen shall first have caused such sales to be advertised for at least thirty days in at least two public newspapers (or supplements thereto), printed and published in the said city, which advertisements shall describe the said lands, tenements or real estate, and specify the amount of the assessment or tax; and the recitals in such declarations of sale shall be evidence of the assessment, advertising and sale; *and provided also*, that the lands, tenements or real estate sold may be redeemed by the owner, mortgagee, occupant, or person interested therein, or by any other person for and in behalf of the owner or owners, mortgagees, or any creditor or creditors under a judgment, attachment, or mechanics' lien, or claimant of such lands, tenements or real estate, at any time within two years after the sale for either taxes or assessments, or for both, by paying to the treasurer of the city, for the use of said purchaser, the said purchase money, together with any other sum paid for taxes or assessments, water rents or sewerage taxes which the said purchaser may have paid, chargeable on said lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum in addition thereto; and the certificate of the treasurer of the city, stating the payment and showing what lands, tenements and real estate such payment is intended to redeem, shall be evidence of such redemption; the owner or owners, mortgagee, or any creditor or creditors under a judgment, attachment or mechanics' lien shall have power to redeem at any time until after the expiration of the six months' notice herein specified; no mortgagee, whose mortgage shall have been duly recorded before sale for any tax or assessment, shall be affected by such sale, unless six months' notice in writing shall have been given to him by the purchaser, or those claiming under him, either personally, or if not to be found in the city, then such notice shall be de-

Proviso.

Mortgagee
may redeem:

posited in the post office of said city, directed to him at his last known place of residence (or at the post office nearest thereto), but nothing herein contained shall be so construed as to impair the lien created by such tax, assessment or sale ; within a month after the service of such notice by the purchaser, or by those claiming under him, it shall be the duty of the person serving, or causing the same to be served, to file in the city clerk's office a copy of the notice served, together with the affidavit of some person who shall be certified by the officer before whom said affidavit shall be taken, to be a creditable person proving the due service of said notice, which affidavit shall be evidence in all courts of the facts therein contained ; *and provided also*, that the said term of time for which any lands, tenements or real estate are so sold as aforesaid, shall not commence, nor shall said purchaser, or those claiming under him, have a right of possession to said lands, tenements or real estate until the two years limited for the redemption of the same shall have expired ; and the said purchaser, or those claiming under him, shall, at the expiration of said declaration of sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted ; *provided also*, that the sale of such lands, tenements or real estate, or any portion of them, may be adjourned or postponed from time to time, or suspended, as the aldermen may direct ; *and provided*, that if at any sale of lands, tenements or real estate, for assessment of taxes, the whole or any part thereof shall remain unsold for the want of purchasers, then it shall and may be lawful for the said aldermen to adjourn the said sale not less than thirty nor more than sixty days ; twenty days' notice, at least, shall be given as aforesaid, of the said adjourned sale ; and if at said adjourned sale there shall be no purchasers for said lands, tenements or real estate, or any part thereof, then it shall and may be lawful for the treasurer of the city to purchase the said lands, tenements or real estate for the benefit of the city, subject to the same redemption as hereinbefore provided for ; *provided also*, that all moneys paid for the redemption of said lands, tenements or real estate, as aforesaid, together with such taxes and assessments as shall be paid by a mortgagee or other creditor, under a judgment, attachment or mechanics' lien, shall be a lien on said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per

Proviso

Sale may be
adjourned.

Proviso.

Assessments
to be a lien on
property.

centum per annum, and such lien shall have precedence of all other liens on said lands, tenements or real estate; and on foreclosure of any mortgage, by such mortgagee redeeming, shall be directed to be made out of said lands, and on sale of said lands, under any such judgment, attachment or mechanics' lien, shall be paid out of the proceeds of sale; *pro-Provido.* *vided further,* that a complete record of all taxes and assessments shall be kept in the city clerk's office, which record shall contain the time when such taxes and assessments were confirmed, the time when they were paid, (and if the property has been sold therefor,) the time of said sale and to whom sold, and if redeemed, when and by whom; it shall be the duty of the city clerk to record, in a book to be called "Records of Sales," all declarations of sale; to give certificates of search in relation to liens, to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on certificate of the treasurer of such redemption, and to file said certificate in the clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming and one to be filed in the city clerk's office.

77. *And be it enacted,* That it shall be the duty of the aldermen to give notice of the expiration of the time limited for the redemption of all lands sold for assessments or taxes by virtue of this act, by advertisement as aforesaid, sixty days next preceding the expiration of the time so limited for redemption, specifying the property unredeemed, and the amount due thereon; and in case any arrears of taxes or assessments shall remain unpaid the collector of revenue shall place the amount of said tax or assessment under the head of arrears on the next year's bill.

78. *And be it enacted,* That notwithstanding any mistake occurring in the name or names of the owner or owners of any lands or chattels real in said city, in assessing land or real estate for any street improvement authorized by this act, such assessment shall be valid and effectual in law against such lands or chattels real, and the same may be proceeded against and sold in the manner hereinafter prescribed, with the same effect as though such assessment had been made in the name of the real owner or owners thereof; *provided,* that in the advertisement of sale of such lands or chattels real for any

street improvement, the name or names of the real owner or owners, if discovered, shall be made to appear.

OF IMPROVEMENTS AND ASSESSMENTS THEREFOR.

Aldermen empowered to open, &c., streets.

79. *And be it enacted*, That the aldermen of said city shall have power by ordinance passed by them in the manner hereinbefore prescribed, to lay out, open, widen, alter, vacate, fill up, grade, alter the grade of, refill, curb, gutter, plank, pile, and pave any street, road or avenue in said city or any part thereof; and to fill, refill and flag the sidewalks thereof, and to bridge the crosswalks thereof, and to construct wells, pumps, drains and sewers therein, and to build bridges over the Morris canal and Mill creek, and in such other parts of said city as they shall in their discretion determine.

Board of assessments.

80. *And be it enacted*, That it shall be the duty of the mayor of said city to nominate, and with the consent of the council, to appoint a board of assessments, which board shall consist of three commissioners, each one of whom shall be a resident and freeholder in the city, who shall take and subscribe an oath or affirmation honestly, fairly and impartially, to the best of their knowledge, skill and ability, to perform the duties required of them, and shall receive such compensation for their services as the aldermen shall by ordinance prescribe, and who shall hold their offices for three years; in case any one or more of the said board of assessments shall be interested in any assessment to be acted upon by them, the aldermen shall in such cases appoint some discreet and impartial freeholder or freeholders, resident in said city, to serve with such board on such assessment, in lieu of the commissioners so interested, who shall take the oath or affirmation hereinabove prescribed; the commissioners first appointed under this section shall determine by lot in the presence of the city clerk their terms of service, one of said commissioners shall hold office for one year, one for two years, and the other for the whole term of three years, and after the first year there shall annually be appointed one commissioner.

Consent necessary to alter grade, &c.

81. *And be it enacted*, That the aldermen shall not alter the grade of any street which shall have been fixed by any lawful authority, and which shall have been built upon, unless by the consent of the owners of three-fourths of the lots affected thereby, and to be assessed therefor, nor without paying to the owners of such buildings the damages sus-

tained by the alteration of such grade; *provided*, that in all ^{Proviso.} cases where a change of grade shall be made from any existing grade which has been established by any lawful authority, to the grade established by the grade map of the water commissioners, filed in the clerk's office of Jersey City, on the seventh day of October, anno domini one thousand eight hundred and sixty-nine, the owners of all property fronting on that part of the street, the grade of which shall be so altered, which shall be improved and built upon, and which shall be damaged and lessened in value by such change of grade shall be paid the amount of damages which this said property shall sustain by reason of such change of grade, which damages shall be ascertained by the commissioners of assessments, and shall be by them assessed upon the property benefited by such change of grade.

82. *And be it enacted*, That whenever within said city, ^{Removal of surplus earth.} any street, road or avenue, or part thereof, shall require to be graded by the cutting down and removal of the surplus earth therefrom, such grading shall be done and completed before any water pipe be laid, or drain, or sewer made therein, and before the same be paved, curbed or guttered, and before the side or crosswalks are laid thereon; and whenever any such street, road or avenue shall require to be graded by filling up the same, the sewers, drains and water pipes required therein shall be constructed or laid before such improvement shall be fully completed; *provided*, that for good ^{Proviso.} and sufficient cause, the aldermen by a majority vote of the whole number of aldermen elected may order otherwise.

83. *And be it enacted*, That the aldermen shall have power ^{Lands may be taken upon payment of value.} to take any lands that they may judge necessary for the opening, widening or alteration of any street, upon paying to the owner the fair value of the lands taken, and of the improvements thereon, and the damage done to any distinct lot or parcel or tenement, by taking part of it for such purpose.

84. *And be it enacted*, That when any application shall ^{Application for opening streets.} be made for any improvement by persons to be assessed therefor, or for part thereof, describing the particular improvement required, the aldermen shall appoint a time when persons interested therein may be heard before them, or the appropriate committee, on the merits of such application; and the city clerk shall give notice of the nature of such application, and the time and place of hearing, in three of the city papers, for ten days before such time of hearing; and

if the aldermen shall determine to make such improvement, they shall refer the same to the board of assessments (except on applications for drains or sewers), who shall determine what lands and real estate will be benefited by said improvement, and who shall estimate the whole cost of said improvement, according to the best of their judgment, and shall cause a survey and map to be made of said improvement, and of the lots or parcels of land benefited thereby, distinguishing each lot or parcel by numbers on said map, and shall estimate the benefit to be done to the residue of any lot or parcel, of which part may be necessary to be taken for such improvement, in the same manner as to other lands; and they shall also estimate and report the value of lands, if any, to be taken for such improvements, and the erections thereon, and the damages aforesaid done by taking the same, and shall report to whom said lands so taken belong, and the interest and estate of the several owners in the same, as far as practicable, and shall file said report and map with the city clerk within thirty days after such application shall have been referred to them; the city clerk shall give notice of the filing of any such report and map within ten days after the same shall be filed with him, in three of the city papers, and continue the same for two weeks; and unless, within thirty days after the filing of said report and publication of notice thereof the owners of a majority of the lands to be assessed for such improvements, shall file with the city clerk a remonstrance against such improvement, signed by them, or their agents lawfully authorized, said aldermen shall proceed to execute such improvements as required in said application; but if such remonstrance shall be filed, the aldermen shall proceed no further in such improvement under that application; and if the owners of a majority of the lands so assessed or taken shall remonstrate against such assessment or estimate of value or damages, but not against the improvement, the mayor shall thereupon nominate and the aldermen appoint three commissioners, freeholders, resident in the said city, and not members of the board of assessments, to make a new assessment and estimate for the said improvement so remonstrated against, and their assessment or estimate shall be the assessment or estimate in such case; such commissioners shall take the same oath or affirmation above prescribed for the board of assessors; and if no such remonstrance be filed against said first assessment, then the amount reported by said board

of assessments as being the value of any lands to be taken, and the damage by taking the same, shall be the sum to be paid by said aldermen to the respective owners of said lands; and the expenses of said improvements, when completed, including all interest and the cost of the proceedings shall be assessed upon the property reported by said board of assessments as benefited thereby, and in the proportion reported by them; *and provided, also*, that all assessments for curbing, guttering, flagging and paving streets shall be confined to the lots or parcels of land in front of which such improvements are made, and that each lot or parcel of land so improved shall be assessed for its proportionate share of one-half of the cost of improving the nearest intersections and of the crosswalks; and the lots or parcels of land fronting on the cross streets, as far as the centre of the block, shall be assessed for the other half of the cost of such intersections and crosswalks.

85. *And be it enacted*, That if the owner of any lands to be taken shall file a remonstrance against such improvement, and be dissatisfied with the value and damages reported by said board of assessments, or if the owner of any land assessed shall file a remonstrance against any assessment, and be dissatisfied with such assessment, he may apply to one of the justices of the supreme court or circuit court of said county; and said justice, upon petition by such person dissatisfied, setting forth the causes of complaint, shall appoint three disinterested persons commissioners, and who shall take the same oath or affirmation, above described for the board of assessments; such commissioners shall meet on ten days' notice, given by any of said persons so applying, to the said commissioners so appointed, and to the city clerk, and said commissioners shall proceed to examine the premises, with power to send for and examine persons and papers, and to swear witnesses, and to compel their attendance, and the production of papers and books by process of subpoena to issue out of the said supreme or circuit court, and shall review the proceedings of the said board of assessments, so far only as the complaint of the applicants to the said justice is concerned, and shall report in writing under their hands, to the aldermen, their estimate of the value of such lands taken and damaged, and their assessment of such expenses for said improvement on lands benefited; which report shall be filed with the city clerk, and shall be conclusive on all parties;

Proviso.

Remonstrance
against im-
provements.

Assessment of
expenses.

and the cost of their appointment, and of the proceedings of said commissioners, shall, in case their report be more favorable to the applicant than that of the board of assessments, be paid by the city, and added to the expense of the improvement; and in case such report be not more favorable to any applicant than the first report, then said applicant shall pay all such costs and expenses; and the proportion of such costs paid by the city shall be deducted from the sum to be paid to him for damages, or shall be assessed upon his property as the case may be; and shall become a lien thereon, and collected therefrom in the same manner as the assessment for such improvement; and in case the lands so valued or damaged by such taking, shall be held by a tenant for life or years, and the fee in remainder or reversion, the said board of assessments shall, in their report, apportion such value and damages between them; and in case any lands assessed shall be held by a tenant for years or life, and such tenant shall pay such assessment, or the same be made by a sale of his interest in said lands, said tenant, or his legal representatives, shall at the termination of their particular estates, be repaid such principal sum by the reversioner or remainderman, his heirs or assigns, and shall have a lien upon said lands for the same; and may, by bill in chancery, have said lands sold to pay such lien, and the proceedings thereon in the court of chancery, except the allegations in the bill, shall be the same as if said reversioner or remainderman had given a mortgage on said lands, and said bill were filed for the foreclosure thereof; and such lien shall have priority over all other encumbrances.

Costs and ex-
penses.

86. *And be it enacted*, That after any improvement authorized by this act shall be completed, all the cost and expenses of making the same shall be reported to and settled by the aldermen, and the proportion of each lot or parcel of land designated on the original assessment map shall be fixed and settled by a resolution of the aldermen, according to the provisions of this act, which resolution shall be recorded by the city clerk in a book kept for that purpose to be called the "Assessment Book," and shall be signed by the president of the aldermen and the city clerk, which book, or a transcript thereof, certified by the clerk under the city seal shall be conclusive evidence of such assessment.

Assessment
book.

87. *And be it enacted*, That the aldermen of said city in levying or causing to be levied, any assessment for any im-

provement, shall extend the payment of such assessment, and the collection thereof, over a period of five years, dating from the time of the confirmation of such assessment; and shall charge the lands so assessed for any improvement in addition to the amount of the final assessment of the costs and expenses of constructing such improvement interest thereon at the following rates, viz: eight per centum per annum if the same shall be paid at any time within the first two years after such confirmation, unless the same be paid within thirty days after such confirmation; nine per centum per annum if paid at any time within the third year after such confirmation; ten per centum per annum if the same be paid at any time within the fourth year after such confirmation; and twelve per centum per annum if the same be paid after the expiration of four years after such confirmation, which said interest shall be collected at the same time with the assessment, and together with the assessment and all charges, costs and penalties thereon, shall be and remain a lien upon the lands so assessed until paid, and the payment thereof, by the sale of said lands, shall be enforced in the same manner, as is provided in other cases of sales of lands for non payment of taxes or assessments; whenever the mayor and aldermen shall deem the same expedient, they shall have power to issue bonds to meet the expenses of such improvements, to be denominated "Improvement bonds of Jersey City," bearing interest at the rate of seven per centum per annum, payable semi-annually, and to run for a period not to exceed five years, and all payments made to the treasurer of said city on account of such improvement shall be credited to such improvement and constitute a sinking fund for the redemption of said bonds; the due publication and posting of all ordinances and notices required to be published or posted by the provisions of this act shall be verified by the affidavits of the printer of the newspapers in which such publication shall be made, or his foreman or clerk, and of the person who posted such notice; and such affidavit shall be filed in the office of the city clerk, and shall be evidence of such publication and posting in all courts and places.

88. *And be it enacted*, That upon completing the report of the board of assessments, estimating the value of lands taken and damages thereby, the city treasurer shall tender and pay to the owner of said lands, if resident in the city, the

Time of pay-
ment and ad-
ditional in-
terest.

Tender to the owner of lands the amount of estimate due to him, and provisions in case owner cannot be found.

Proviso.

Improvement to be kept in good order

Proviso.

Fees of clerk on certiorari.

amount of such estimate due to him, but if such owner be not resident in the city, or upon due inquiry cannot be found therein, then the city treasurer shall make affidavit of such facts, and file the same with the city clerk ; and the aldermen shall, after inquiry into the facts of the case, direct, by resolution, the amount of such estimate to be placed either in the city treasury, or in some safe bank, or paid into the court of chancery, for the use of the person to whom the same may be due, and upon filing a receipt of the owner, or the passing of such resolution by the council, the said lands shall be vested in the city, and the city officers may proceed with such improvements, and the said moneys so deposited shall be paid to the person entitled thereto, on demand, without interest, except from such time as a demand may be made and payment refused ; *provided*, that if the owner will not receive the same, or, in case of disability or incapacity of the owner to receive the same, by reason of any lien or encumbrance on the lands to be taken, or by reason of the fee being in remainder or reversion, and the interests and estates of the person interested not having been reported by the commissioners or separately estimated, or for any other good and sufficient reason, the chancellor may with consent in writing of such parties as may be interested therein, filed in the office of the court of chancery, order such moneys to be invested as the said parties may desire, until a final order shall be made therein.

89. *And be it enacted*, That whenever any assessment heretofore made shall have been paid, or whenever any assessment hereafter made shall be paid (or the improvement done at the expense of the owners and accepted by the city), the improvement for which such assessment was at any time made, or which was so accepted, shall forever thereafter be kept in good order and condition at the general expense of the said city, from funds to be raised by general tax ; *provided*, that whenever any street or sidewalk shall sink below the grade, the same may be refilled, at the expense of the lands benefited thereby, and a further assessment made for such re-filling.

90. *And be it enacted*, That in all cases in which persons shall bring writs of certiorari to remove the proceedings of the aldermen or board of assessments, it shall be lawful for the city clerk to charge and receive from the parties bringing such certiorari on presenting the same, at the rate of ten

cents per folio for the necessary return thereto, in lieu of his other charges, and which shall be repaid to the prosecutor by the aldermen, together with all other taxable costs in that suit, in case the said assessment shall be reversed.

91. *And be it enacted*, That any assessment or estimate of value and damages made by the board of assessments, or by any commissioners under this act, that may be made upon principles contrary to law and to the provisions of this act, may be reviewed and for such cause set aside by the supreme court upon certiorari, if applied for at any time within six months after the confirmation of such assessment or estimate; and the said court shall, in the case of setting aside any such assessment or estimate, appoint new commissioners to examine into and report anew as to the part set aside; and for the purpose of such examination the said court may require, by rule, the board of assessments or the commissioners to certify specifically as to the principle on which their assessment or estimate was made, or may inquire into the same, by affidavit to be taken for the purpose; and the city, in case of reversal, shall pay the costs on such certiorari and add the same to the expenses of the improvement; *provided*, that no certiorari shall be allowed or granted to set aside any ordinance for any improvement in said city after the contract therefor shall have been awarded by the mayor and aldermen of said city; and no certiorari shall be allowed or granted to set aside any assessment for any improvement in said city after six months shall have expired from the date of the confirmation of said assessment by the mayor and aldermen of said city.

Assessment
may be re-
viewed.

Proviso.

92. *And be it enacted*, That the aldermen shall not alter any street or public highway in such manner as to cut off any lot that shall front upon or adjoin the same, from access thereto, without the consent of the owner of the lot so cut off, except upon the payment of all the damages sustained; but the consent of any owner shall not be necessary for any alteration, except in front of or on the side of the block on which his lot may be situated.

Access to
street not to
be cut off un-
less with con-
sent of owner.

93. *And be it enacted*, That all contracts for improvements shall contain a covenant on the part of the contractor that in the prosecution of such improvement, not more than two hundred lineal feet of sidewalk, and not more than five hundred lineal feet of any street, road or avenue, shall be made impassable for vehicles or foot passengers at any one

Contracts for
improvements

time; that the roadways and sidewalks shall be put in proper order, and all obstructions removed as fast as such improvement shall progress; that the entire improvement shall be completed within a reasonable time therein to be limited; and the contractor shall be liable for all loss and damage occasioned by a breach of said covenant, not only to the city, but also to all persons sustaining loss or damage thereby; and the aldermen shall also in all such contracts, reserve to the city not less than fifteen per centum of the amount to be paid, until the whole shall be completed, approved and accepted.

Award of contracts.

94. *And be it enacted*, That all contracts for doing work or furnishing materials for the improvements provided for in this title, shall at all times be given to the lowest bidder who will comply with all the requirements of the aldermen, and will give ample security for doing said work and furnishing said materials according to contract; but the aldermen shall be under no obligation to accept the lowest bid, and may reject all bids if they think proper; *provided*, that if the application be made by a majority of the owners to be assessed, and shall specify any particular kind of pavement to be laid, and name the price per square yard to be paid for the same, then it shall not be necessary that the contract for laying the same, or for furnishing the materials, be given to the lowest bidder, but the aldermen may contract for the same at any price not exceeding the price named in such application, without advertising for proposals, or other delay.

Proviso.

Between what limits certain streets cannot be opened.

95. *And be it enacted*, That it shall not be lawful, for the term of fifteen years from the passage of this act, to lay out or open any public street east of Provost street and west of Hudson street, as now located, between Pavonia avenue and North Fourth street, except Meadow street from Pavonia avenue to a line one hundred feet north of North First street, and North First street from Meadow street to Provost street, and North First street from Pavonia avenue to a line one hundred feet north of the north side of Pavonia avenue, subject as hereinafter mentioned; *provided*, that the assessment for taxes on lands now bounded by the streets in this section referred to, shall be made in the same manner as though this act had not been passed, and the lands whereon the unopened streets named in this section are located, shall be assessed for taxation as other lands are assessed.

Proviso.

96. *And be it enacted*, That any dedication to public use by

making, filing or recording Mangin's map of Harsimus, or the laying down on that map, of any street running north and south, east of Provost street and south of Pavonia avenue, which is by this act hereinafter declared unlawful to lay out or open, is hereby declared null and void.

Certain dedication declared null and void.

97. *And be it enacted*, That the lands over which the streets will be extended heretofore directed to be laid out and opened in continuation of Warren street, Washington street, Greene and Hudson street, are hereby declared to be dedicated to the public use for such streets in lieu of the streets extending across the same tract of land which have heretofore been dedicated, and the dedication thereof heretofore declared void; and when said streets so directed to be laid out and opened shall be opened and graded by the mayor and aldermen of Jersey City, no estimate shall be made for the value of the land occupied, or of the damage done by taking the same to any person or corporation; but the vacating the streets across said tract, in lieu of which the said streets were directed to be laid out, shall be in full payment for such compensation and damages; and if any owner shall refuse to accept the same in full for such compensation and damages, then so far as his land is concerned the vacation heretofore provided shall be null and void.

Certain streets declared dedicated to public use.

98. *And be it enacted*, That the tract of land over which it is declared unlawful to lay out any street, as hereinbefore stated, shall be protected from the laying out of streets upon the same only so long as the same is used for railroad purposes, and as soon as the use of the same for such purposes is discontinued and abandoned, it shall be lawful to lay out and open public streets upon the same, in the same manner as could be done before the passage of this act; and the parts of said tract now dedicated as public streets shall continue to be so dedicated for the purpose of opening streets thereon after such discontinuance and abandonment of the use thereof for railroad purposes, and in such case streets may be opened over the parts now dedicated for public streets without compensation.

Limit of time during which certain tract of land protected from laying out of streets

99. *And be it enacted*, That all expenses for laying out, ornamenting, or improving public grounds and public squares shall be paid out of the city treasury.

Expenses of ornamentation of city squares.

100. *And be it enacted*, That it shall be the duty of the aldermen of said city, to contract for, order, and superintend, the cleaning and repairing of all streets, roads, and

Street cleaning.

avenues in said city, and to pay the expenses thereof from funds to be previously appropriated by the aldermen for that purpose.

Aldermen authorized to borrow money

101. *And be it enacted*, That in all cases where the aldermen of said city are authorized to make or levy any assessments for any improvements in said city, they shall be authorized to borrow the amount of any such assessment in anticipation of the collection thereof, anything in this act to the contrary notwithstanding.

Amount to which property may be assessed.

102. *And be it enacted*, That the cost of no improvement made under this act, upon contracts or ordinances hereafter to be made, shall be assessed on the property to an extent greater than one half of the value of the property.

WATER COMMISSIONERS.

Water commissioners.

103. *And be it enacted*, That the mayor and aldermen of Jersey City, be and hereby are authorized in the manner hereinafter provided, to take and convey into and through Jersey City, and such other places adjacent thereto, as may desire the same, such portion of the water of Passaic river flowing between the villages of Aquackanonk and Belleville, as may be required to furnish the inhabitants of the said places, with a sufficient quantity of pure and wholesome water for domestic and other purposes.

Board of commissioners.

104. *And be it enacted*, That all authority over the Jersey City Water and Drainage Works shall be exercised exclusively by and through a board of commissioners selected as hereinafter directed; and in pursuance of this authority, the said commissioners may employ all proper engineers, surveyors, clerks and other agents and assistants, necessary or convenient for accomplishing the purpose contemplated by this act; and may enter upon any land or water for the purpose of making surveys and examinations for the same.

Commissioners may hold land and real estate

105. *And be it enacted*, That the commissioners shall, for and in the name of "The Mayor and Aldermen of Jersey City," take and hold any lands or other real estate necessary for the construction of any canals, aqueducts, reservoirs or other works for conveying or containing water, or for the erection of any buildings or machinery, or for laying any pipes or conduits for conveying the water into or through the said places, or for the construction of the sewerage works provided for in this act, or to secure and maintain any por-

tion of the works ; and in general to do any other act necessary or convenient for accomplishing the purposes contemplated by this act ; and may distribute water throughout the corporate limits of Jersey City, and through such portions of the counties of Hudson and Bergen as the inhabitants thereof may desire.

106. *And be it enacted*, That in case of any disagreement between the commissioners and the owners of any lands or water rights which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, or a married woman, or unknown, or insane, or shall be absent from this state, the circuit court in and for the county of Hudson shall, on the application of either party, nominate and appoint three disinterested persons to examine such property, and estimate the value thereof, or damage sustained thereby ; and who shall, after reasonable notice to the parties, of the time and place where they will be heard in relation to the matter, proceed without delay to make their report thereon, and deliver the same to the court at the next session thereof, which shall be held in the said county.

Commissioners appointed to assess value of land.

107. *And be it enacted*, That whenever such report shall be confirmed by the court aforesaid, the commissioners shall, within two months thereafter, pay to the said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damage sustained, as the case may be ; and thereupon the mayor and aldermen of Jersey City shall become seized in fee of such property so required, and shall be discharged from all claim by reason of such damage ; but no claim shall be made or allowed after the expiration of three years from the time the land is taken or the damage suffered.

Payment to owner.

108. *And be it enacted*, That the commissioners in behalf of the mayor and aldermen of Jersey City, and all persons acting under their authority, shall have the right to use the ground or soil under any road, railroad, highway, street, lane, alley, or court, within this state, for the purpose of constructing the works contemplated by this act, on condition that they shall cause the surface of such road, railroad, highway, street, lane, alley, or court, to be restored to its original state, and all damages done thereto to be repaired.

Right to use ground, &c.

Work, how
contracted for

109. *And be it enacted*, That all contracts for materials, or for the construction of the work, shall be made in writing, and of each contract three copies shall be taken, which shall be numbered with the same number and endorsed with the name of the contractor, and a summary of the work to be done or materials furnished; one of such copies shall be deposited with the comptroller of Jersey City or such other officer as the alderman may direct, and one shall be retained by the commissioners.

Public notice
to be given of
time and place
for receiving
proposals.

110. *And be it enacted*, That public notice shall be given of the time and place at which sealed proposals will be received for entering into contracts, by publishing the same in two newspapers published in the county of Hudson for at least twenty days; and all proposals for contracts shall be for a sum certain, as to the price to be paid or received; and no proposition which is not thus definite and certain, or which contains any alternative, condition or limitation as to price, shall be received or acted upon; nor shall more than one proposition be received from any one person for the same contract, directly or indirectly; and all the propositions of any person offering more than one, shall be rejected; and every person or persons proposing as aforesaid, shall accompany such proposition with a bond, to be approved by the commissioners, conditioned to faithfully carry into effect his or their proposition, if accepted.

Security re-
quired.

111. *And be it enacted*, That every person who shall enter into any contract with the commissioners, for the supply of materials or the performance of any work or labor, shall give satisfactory security for the faithful performance of his contract, according to its terms; and no commissioner shall be interested, directly or indirectly, in any contract relating to said work.

Exemption.

112. *And be it enacted*, That all materials procured, or partially procured, under contract with the commissioners, shall be exempt from execution; but it shall be the duty of the commissioners to pay the moneys due to such contractor, for such materials, to the judgment creditor of the contractor, under whose execution such materials might otherwise have been sold, on his producing to them due proof that his execution would have so attached, and such payment shall be held as valid payment on the contract.

Jersey City
water scrip.

113. *And be it enacted*, That for the purpose of defraying all the expenses and the cost of such lands as shall be taken

or purchased for the purposes of this act, and for constructing all works necessary to the full accomplishment thereof, and all expenses incidental thereto, said board of commissioners shall have authority to issue in the name of the said mayor and aldermen of Jersey City, notes or scrip, or certificates of debt, denominated on the face "Jersey City Water Scrip," to an amount in the whole not exceeding two and a half millions of dollars, including the amount already issued, bearing an interest not exceeding seven per centum per annum, and said interest shall be payable semi annually, and the principal of said debt shall be payable at periods not less than fifteen or more than fifty years from date; and the commissioners may sell the same, at public or private sale, at par or above, at such time as the proceeds thereof may be required for the construction of the works, or may pledge the same, for money borrowed, if in their opinion the necessities of the work require such proceeding; *provided*, that no higher rate ^{Proviso.} of interest be paid for any sum of money borrowed on a pledge of said scrip than at the rate of seven per centum per annum, and the payment of all interest accruing beyond the amount which may be paid from the rents received for the use of the water, shall be provided for and paid by the mayor and aldermen of Jersey City, who are hereby authorized and required to raise and assess for that purpose, by tax, such amount as may be necessary, above the other taxes authorized by law; all certificates issued as aforesaid shall be signed by the commissioners, or a majority of them, and countersigned by the mayor of Jersey City; and a record of all certificates issued or disposed of shall be kept by the commissioners, and copies of such record shall be made and delivered to the treasurer of Jersey City; all moneys received by the commissioners shall be deposited by them in some bank or banks of good credit in the state of New Jersey or in the city of New York, and be made payable to the joint order of the president, and at least two other members of the board only.

114. *And be it enacted*, That the commissioners shall ^{Books of account.} keep regular books of accounts, and books for recording the whole of their official proceedings; and the said commissioners and the clerks employed in their service, shall be sworn to the faithful performance of their duties; and all such books shall be open to the examination of any person or persons appointed for that purpose by the mayor and aldermen of Jersey City; the commissioners shall also on the first

Tuesday in January, in every year, make a report to the said mayor and aldermen of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same.

Distribution
and use of
water.

115. *And be it enacted*, That the board of commissioners for the time being, shall regulate the distribution and use of the water in all places, and for all purposes, where the same may be required, and from time to time shall fix the price for the use thereof, and the times of payment; and may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used; all of which they may change at their discretion.

Water rents.

116. *And be it enacted*, That the water commissioners of Jersey City shall from time to time fix the price to be charged for the use of Passaic water where the same is taken and used, and the owner and occupier of any house, lot or tenement, shall each be liable for the payment of the price so fixed; and the said commissioners shall also from time to time fix a sum to be assessed annually upon all vacant lots, and lots with buildings thereon, in which Passaic water is not taken, if the same are situated upon any road, street, avenue, lane, alley, or court, through, or in which pipes for distributing the water are laid, which prices and sums so fixed and assessed shall be denominated "water rents," and the said water commissioners shall from time to time determine and give public notice of the times and places at which the said water rents shall be due and payable, and the penalties to be charged for delaying the payment beyond the times so fixed; and the said water rents shall, until paid, be liens upon the property charged therewith; and the water commissioners may, at any time after the twentieth day of December in each year, deliver to the mayor and aldermen of Jersey City, an account certified under the hands of the president of all such water rents and penalties for delinquency as are then due, and remain unpaid, with the name of the owner or occupier of the lot liable to said rent, or whereon the water was used, for which such rent was charged, and a description or designation of such lot, and such certified account shall be filed in the office of the city clerk, and recorded in a book to be kept for that purpose; said account and book, and duly certified copies thereof, shall be evidence of the facts contained therein, and the said mayor and alder-

men may, and shall, upon receiving said certified account, cause said lands to be sold for the payment of said water rents and penalties, and the interest thereon from the said twentieth day of December, at the rate of twelve per centum per annum, and also costs, charges and expenses of advertising and sale, in the same manner as said mayor and aldermen are, or may be, authorized by law to sell lands in said city for the payment of taxes thereon, and said proceedings, and the effect thereof shall be the same in all things as if the said lands were sold for taxes; and said mayor and aldermen, shall, upon receiving the rents, penalties and interest from such sale, immediately pay over the same to said water commissioners, and until such sale said water commissioners shall have power to collect and receive said water rents and penalties, with interest thereon at the rate of twelve per centum per annum from such twentieth day of December, and the costs that may have accrued thereon, and shall, before such sale, certify to the city clerk what rents, penalties and interest thereon, contained in such certified account, have been since paid.

117. *And be it enacted*, That the said commissioners shall make no contract for the price of using water for a longer term than three years, and at the expiration of any term or lease, the price for the use thereof shall be adjusted according to the regulations then established. Term for which rent charged.

118. *And be it enacted*, That the water commissioners of Jersey City shall fix the aforesaid water rents or prices for water and assessments upon property situated where distributing pipes are laid, with reference to paying from the proceeds thereof the interest and principal of the "Jersey City Water Scrip," or bonds, as they respectively fall due; and such portions of the moneys received by the said commissioners as may remain after paying all expenses for extending and maintaining the works, and raising and distributing the water, and salaries, wages and incidental charges, shall be applied, first, to the payment of interest upon the debt created for the construction of the works; next, to the purchase of the "scrip" or bonds issued therefor, if the same can be obtained at reasonable rates, or if that cannot be effected, then to be safely invested by the said water commissioners, and allowed to remain as a sinking fund, to be applied to the payment of scrip at its maturity. Water rents, how assessed.

119. *And be it enacted*, That if the occupier of any tene-

Proceedings
in case of re-
fusal to pay
water rents.

ment or lot, for the use of water, upon which any water rent may become due while the same is occupied by him, shall refuse or neglect to pay the same when due, the owner of such tenement or lot may pay said rent and penalties thereon, with interest, and may recover the same with lawful interest thereon, from such payment of such occupier, by action, or in case such occupier is the tenant or subtenant of such owner, by action or distress, to be made and conducted in the same manner as a distress for rent for said premises, such distress to be levied in six months after such payment, and not to be levied for more than one year, with rent and penalties and interest thereon, and such rent, penalties and interest shall in no case be recovered by such owner of such occupier, unless, as between said owner and occupier, such occupier shall be by law bound to pay the same.

Quorum.

120. *And be it enacted*, That a majority of the said commissioners shall constitute a quorum for the transaction of any business allowed or required by the powers or duties of their commission, and all contracts and engagements, acts and doings of said commissioners within the scope of their duty or authority, shall be obligatory upon and be in law considered as done by the mayor and aldermen of Jersey City, and the said mayor and aldermen and all real estate within Jersey City, and all goods and chattels, within said city belonging to residents thereof, shall be liable for the payment of the principal and interest that may become due on the scrip or bonds to be issued by virtue of this act.

Name by
which com-
missioners
may prosecute
action at law,
&c.

121. *And be it enacted*, That the said commissioners may prosecute or defend any action or process of law or in equity, by the name of the "Water Commissioners of Jersey City," against any person or persons, for money due for the use of water; for the breach of any contract, express or implied, touching the execution or management of the works or the distribution of the water, or of any promise or contract made to or with them; and also for any injury, or trespass, or nuisance done or suffered to the water courses, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water; and any vacancy, or the filling any vacancy in the board of commissioners, either before or after any cause of action arises or suit is commenced, shall not change the right of said commissioners, as a body, to commence or maintain such action or process at law or in equity; but in all

such cases they shall be considered from the time of organization of the board as a corporation.

122. *And be it enacted*, That if any person or persons shall maliciously or wilfully divert the water or any portion thereof from the said works, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe, conduit, machinery, or other property, used or required for procuring or distributing the water, or shall in any manner wilfully or maliciously destroy, injure, or obstruct any works connected with the drainage of Jersey City, or shall unnecessarily or maliciously open any gates belonging thereto, or otherwise let off or waste the water, to the injury of any part of the said works, or shall in any way, hinder or impede any operations intended to be accomplished thereby, he, she or they so offending, shall be considered guilty of a misdemeanor, and on being convicted thereof, shall be punished by fine or imprisonment, or both, at the discretion of the court in which such conviction shall be had; *provided*, such fine shall not exceed the sum of fifty dollars, nor the imprisonment the term of one year; and such criminal prosecution shall in no case impair the right of action for damages by a civil suit which may be brought by the water commissioners of Jersey City.

Penalty in case of willful destruction, &c.

Proviso.

123. *And be it enacted*, That for the security and proper management of the Jersey City water works and drainage works, and to prevent the waste or improper use of water, the water commissioners of Jersey City shall have power to make such by-laws, rules and regulations respecting the introduction of Passaic water into houses, tenements, and manufactories, or other places where the same may be required, and may from time to time regulate the use thereof in such manner as shall seem to them necessary and proper; and also to fix and determine of what size and forms, and of what materials, and in what manner private drains shall be laid and connected with the sewers or drain pipes in the streets or thoroughfares in the city, and may fix the penalties to be recovered for breaches or evasions of all such rules; *provided*, such rules, regulations and by-laws are not inconsistent with the constitution and laws of the state of New Jersey, or of the United States, and that the penalty imposed in any one case shall not exceed the sum of fifty dollars.

Power to regulate use of water.

Proviso.

124. *And be it enacted*, That the water commissioners of Jersey City, and all engineers, superintendents or inspectors

Authority to enter places where water is used.

in their service, are hereby authorized and directed to enter at all reasonable hours any dwelling or other place where Passaic water is taken or used, or where unnecessary waste thereof is known or suspected, and examine and inquire into the cause thereof; and the said commissioners, engineers, superintendents and inspectors shall have full power to examine all service-pipes, stop-cocks and other apparatus connected with the water supply or drainage works, for the purpose of ascertaining whether the same are of the character and dimensions, and fixed in the manner directed in the permits issued therefor; and if any person or persons shall refuse to permit such examination, or oppose or obstruct such officer in the performance of such duty, he, she or they so offending shall be liable to such penalty, not exceeding ten dollars for each offence, as the water commissioners may impose, and the supply of water shall also be shut off until the required examination is made, and such alterations and repairs are completed as may be found necessary.

Penalty for interfering with water or works.

125. *And be it enacted*, That if any person shall place any stones, bricks, lime, sand, lumber, or any other article, in such situation in any street, avenue, lane, or alley, as to prevent access to any water pipe, stop-cock, or fire hydrant, belonging to the Jersey City water works, or to any man-hole, side culvert, or gully of any sewer or drain, or in such situation as to interfere with the regular action of such works, the owner or owners of such materials shall forfeit and pay for each offence the sum of twenty-five dollars, and ten dollars for each day such articles are suffered to remain in such situation after written notice from the water commissioners to remove the same.

Fines and penalties, how recovered.

126. *And be it enacted*, That all fines, forfeitures, and penalties imposed by or under authority contained in this act, may be sued and recovered by an action of debt instituted in the name of the "Water Commissioners of Jersey City," before any justice of the peace, or in any court having cognizance in similar cases.

Property not exempt from taxes.

127. *And be it enacted*, That any land or real estate taken, held, or occupied, or used for the Jersey City water works, or any of the purposes thereof, shall be assessed and taxed in the manner prescribed by law.

Authority to construct sewerage works.

128. *And be it enacted*, That the water commissioners of Jersey City are hereby authorized and empowered to construct all necessary sewerage works, at such time as the

mayor and aldermen shall decide that the several parts are required for the benefit or convenience of the citizens, or the promotion of the public health.

129. *And be it enacted*, That when application shall be made to the mayor and aldermen of Jersey City to have a sewer made or constructed in any street, avenue, lane or alley in said city, by any one or more of the owners of lots fronting on any part of the line of the proposed sewer, they shall refer the same to the board of water commissioners, who shall return it with an estimate of cost, and description of the property to be assessed for the sewer, which estimate and description shall be advertised by the city clerk, within ten days of the receipt of the same, in two of the city papers and continued therein for ten days, with notice that all remonstrances against the proposed improvement shall be filed in his office within twenty days of the first publication of the notice; and if the mayor and aldermen, after considering the application and objections thereto, if any are made, shall decide that the sewer applied for ought to be constructed, they shall give notice in writing of such decision to the water commissioners, who shall thereupon proceed and construct the said sewer, and connect therewith the drain pipes required for draining the adjacent streets, and the said water commissioners are hereby authorized to extend the outlet of any sewer into the tide-water of New York bay, Hackensack or Hudson rivers, or under the Morris canal, at such time and in such manner as may be deemed by them necessary or expedient.

130. *And be it enacted*, That the sewers authorized to be constructed in Jersey City by the water commissioners of said city shall not be constructed on the plans heretofore adopted and authorized in that part of said city east of Provost street, and between Pavonia avenue and North Fifth street; and no sewer shall be constructed in that part of said city except as hereinafter provided, but shall be so constructed as to drain the parts of said city lying west of Provost street, and between Pavonia avenue and North Fifth street, and along North First street west of Meadow street, as effectually and completely as could be done by the plan heretofore authorized and adopted, and that for that purpose the sewers authorized to be constructed in North Second, North Third, North Fourth and North Fifth streets, shall, at Provost street, intersect and discharge into a sewer of sufficient dimensions,

to be constructed in Provost street to North Fifth street, and thence along North Fifth street easterly to the Hudson river, and at such a descent as will carry off the water at ordinary low tide, with the same flow as it would have run along the sewers designed by the plans heretofore adopted.

Assessments
where plan is
varied from.

131. *And be it enacted*, That in assessing the expenses for constructing any sewer authorized by this act, which in any respect differs from the sewers authorized and established by the existing plan, the water commissioners of Jersey City shall not assess upon any lands except the lands east of Provost street, and between Pavonia avenue and North Fifth street, now owned by the Long Dock Company, any greater expense than said lots would have been subject to if said sewers had been constructed on the plans now authorized and adopted; and any excess of such cost and expense over and above what would have been the cost if constructed on the present plans, shall be assessed upon and collected from the land lying east of Provost street, and between Pavonia avenue and North Fifth street, which are now owned by the Long Dock Company; and such assessments may be made upon, and levied and collected from said lands, by such proceedings and sale as now are, or may be hereafter authorized by law to assess, levy and collect the cost and expenses of other sewers upon and from the lands in said city made subject thereto.

Map showing
height and al-
terations to be
filed.

132. *And be it enacted*, That the water commissioners shall, within twelve months, file in the city clerk's office of Jersey City, a map or maps showing the proper height of all points in the streets of said city, with such alterations from time to time as shall become necessary to suit any changes which shall be made in the grades of sewers which map and alterations shall be the authorized grade map of Jersey City; *provided*, that after such map is so filed no alteration shall be made in any grade unless with the consent of the aldermen after daily publication of the same in two of the city papers for the space of thirty days.

Proviso.

Construction
of sewers paid
by improve-
ment certifi-
cates.

133. *And be it enacted*, That it shall be lawful for the board of water commissioners to cause improvement certificates to be issued, under the hand of their president, attested by the signature of the registrar to said board, in such sums as may seem to them necessary, in payment for the construction of sewers or their appurtenances, now or hereafter to be authorized to be constructed by them, and that the same

shall be made payable, with such rate of interest, not to exceed seven per centum per annum, as they may deem best, which said certificates shall be paid out of the moneys realized from the assessments imposed for such sewers and appurtenances, and in default of the collection of the same, within twelve months of the date thereof, they, the said water commissioners will, on thirty days' written notice by the holder, cause the same to be paid, with the interest which shall accrue on the same.

134. *And be it enacted*, That the said certificates shall be made transferable, by endorsement, and be of like validity as to the security for their payment, as the other evidences of indebtedness authorized to be issued by this act. Certificates transferable.

135. *And be it enacted*, That when any sewer and the drain pipes, and other work connected therewith shall be completed, the water commissioners shall ascertain the whole cost thereof, and the number and sizes of all lots or separate parcels of ground drained thereby, and shall fix the amount to be paid for each in proportion to their dimensions, without reference to their situation or value; and to the whole ascertained cost the commissioners shall add interest at the rate of seven per centum per annum upon all payments made on account of the work during its progress, from the time of payment until thirty days after the first publication of the notice hereinafter directed, and such interest shall be added to and constitute a part of the cost of the work; and when the proportion of the whole cost chargeable to each lot or parcel of ground is ascertained in the manner before directed, public notice shall be given by an advertisement, containing a full statement thereof, which shall be inserted one week in two newspapers printed in Jersey City, and notice shall also be given in the same manner of the place when payment will be received, if tendered within thirty days next succeeding the date of such notice. Assessments, how determined.

136. *And be it enacted*, That when the whole cost of any sewer, and the works therewith connected, shall be ascertained and the interest added, and the amount to be paid for each lot fixed, the same shall be a lien upon said lots respectively; and if the same shall not be paid at the end of the thirty days from the first publication of the notice provided for in the preceding section, then the said water commissioners shall in addition to the amount of the final assessment, charge interest thereon at the following rates: eight per Assessments, when fixed, to remain a lien, &c.

centum for the first year, commencing at the expiration of the said thirty days, nine per centum for the second year, ten per centum for the third year, eleven per centum for the fourth year, and twelve per centum for any time after the expiration of the fourth year, and after five years shall have expired, they shall make out and deliver to the mayor and aldermen of Jersey City an account thereof, and certify that the same remains due and unpaid, and the mayor and aldermen shall thereupon order and direct the collector of revenue to proceed and collect the amount due, in the same manner that arrears of taxes and assessments are collected, and with the interest thereon, and the said collector shall thereupon proceed and collect the same in such manner.

Proceedings
when an as-
sessment is
set aside.

137. *And be it enacted*, That if any assessment made by the water commissioners of Jersey City for the cost of the construction of any sewer, and the drains and works connected therewith shall have been (set) aside by themselves or any other competent tribunal, said water commissioners may make a new assessment of said cost, according to law, and the same shall be as valid and of the same effect as if it had been the first assessment, and shall be made, collected and enforced in the same manner.

When any old
sewer is taken
up.

138. *And be it enacted*, That when any old sewer in Jersey City is wholly or in part taken up, to benefit other lots by building a new sewer for the use of other lots not otherwise properly drained, instead of assessing to the lots heretofore assessed for the old sewer, their full share of the costs as now required by law, it shall be optional for the assessor to assess said costs and charges on the lots requiring such extension and use of such sewer and tributaries, or such proportion on the city and on the lots before assessed for the old sewer, as in their judgment will be equitable and proper.

Parties off line
may drain.

139. *And be it enacted*, That the water commissioners may permit parties owning lots off the line of any main sewer or lateral to drain the said land into the said sewer or lateral, upon payment of such an assessment as may be deemed just; *and provided however*, that no assessment for this purpose shall be made or annual sum paid on any lot or parts of lots, the owners of which have heretofore paid an annual sum for the drainage of said lots or parts of lots into said sewer; *and provided also*, that where the construction of any such sewer or lateral shall obstruct the natural drainage of any lot or lots, the commissioners shall provide an

Proviso.

Proviso.

outlet for said water, or permit the owner or owners of any such lots to drain into said sewer, under certain restrictions or until they provide a sewer.

140. *And be it enacted*, That the water commissioners of Jersey City shall have exclusive power over, and take full charge of the repairing and cleansing of all public sewers and the necessary parts thereof, constructed in Jersey City, and that for the purpose of enabling the said commissioners to pay the expenses incident to such repairs and cleansing, they are hereby authorized to impose upon each lot of land in said city benefited by said sewer, and which shall have been assessed for building the same, embracing twenty-five hundred square feet of land or less, an annual tax not exceeding fifty cents, which said tax shall be a lien upon said lot, and shall be assessed and collected at the same time and in the same manner as water rents are now assessed and collected.

141. *And be it enacted*, That before any cross sewer or other receptacle for flushing water shall be made or commenced, the water commissioners of Jersey City shall cause the route for the same to be carefully surveyed and distinctly marked, and a correct map made thereof, and shall obtain detailed estimates of the probable cost of constructing the same; and the said water commissioners shall give public notice by an advertisement published at least two weeks in all the newspapers printed in the county of Hudson, of the time in which they will present certified copies of the said map and estimates to the circuit court, at a regular session thereof, to be held in and for the county of Hudson, and ask for the appointment of commissioners hereinafter directed; and the said court, after receiving and considering the said map and estimates, and hearing the parties interested in the matter, shall appoint three judicious, disinterested men, not residents of the county of Hudson, as commissioners to apportion and assess the estimated cost of said work upon all such real estate lying in Jersey City, or adjacent thereto, as will in their opinion be benefited thereby.

142. *And it be enacted*, That the commissioners so appointed shall give public notice to all concerned of the time and place at which they will meet for the purpose of performing the duties herein directed, by causing the same to be published at least two weeks in each newspaper printed in the county of Hudson; and they shall personally examine

the route of the proposed work surveyed and marked as hereinbefore directed; and after hearing such parties as claim to be interested therein, and considering all matters relating thereto, shall make out and present to said court a report in writing, containing a list of all such land as in their opinion ought to be assessed for the payment of the cost of the said canal and the proportion of the whole cost which ought to be charged to each separate parcel thereof.

Proceedings if
court approve

143. *And be it enacted*, That if the report so made and presented shall be approved and confirmed by the said court, the county clerk of the county of Hudson shall give notice thereof to the water commissioners of Jersey City, by delivering to them a certified copy of said report, with the action of the court in relation to the matter endorsed thereon; and the said water commissioners shall, on a receipt thereof, be authorized to proceed and construct the said cross-sewer, and when completed shall ascertain the whole cost of the same, and collect the amount so ascertained from the owners of the land described in the report of the commissioners of appraisement, and in the proportions fixed therein, together with the legal interest accruing thereon from the time the amount is ascertained until the day of payment; and if the whole or any part of the sum or sums so ascertained and assessed shall remain unpaid for a longer time than thirty days after the date of a notice to be published by said water commissioners, that the canal or other work is completed, and payment is due therefor, the same measures shall be pursued to enforce the payment thereof, as are directed for the collection of sewer assessments.

Council to di-
rect taking up
old sewers.

144. *And be it enacted*, That it shall be lawful for the council of Jersey City, whenever in their estimation the public good will be promoted thereby, and application shall be made to them as directed in the twenty-seventh section of this act for such purpose, to direct, in the manner provided in said section, the water commissioners of Jersey City to take up any sewer or sewers which may have proved in the estimation of said water commissioners, inoperative for the purposes for which the same were intended, and to rebuild the same, whereupon it shall become the duty of the said water commissioners to take up and rebuild said sewers in the manner now authorized for other sewers in said city.

145. *And be it enacted*, That for the purpose of enabling the water commissioners to pay the costs and expenses inci-

dent to the taking up and rebuilding the sewer or sewers, or parts thereof, in the one hundred and forty-third section of this act mentioned, it shall be lawful for the said commissioners to issue bonds from time to time as occasion may require, payable in not less than five years, and at such rates of interest not exceeding seven per centum per annum as they may deem expedient, and the water commissioners shall on or before the fifteenth day of May, in each year, transmit to the aldermen an estimate of the amount required to pay the interest on said bonds, with one hundred per centum added, to be devoted to paying the principal of the same as as they shall become due, and also of such sum as they will require for cleaning and repairing sewers for the ensuing year, whereupon the aldermen shall proceed and collect the same, at the same time and in the same manner that other taxes are collected and pay the same to the water commissioners when so collected; *provided*, that nothing in this section shall be so construed as to relieve the city of Jersey City from paying water taxes and assessments on property and charges on fire hydrants the same as if owned by private individuals.

Bonds authorized for taking up and rebuilding old sewers.

Proviso

145. *And be it enacted*, That it shall be lawful for the said water commissioners, from time to time, to invest the proceeds of the tax provided for in the preceding section of this act in such manner as to them may seem advisable and judicious, and to change such investment when in their judgment the interest of the public may demand the same, to the end that the amount so levied may be increased by the cumulation of interest thereon; *provided*, that nothing in this section contained shall be construed as restraining the said commissioners at any time from appropriating any part of said proceeds to the payment of the interest or principal on said bonds, as prescribed in the said section of this act.

Power to invest proceeds of tax.

147. *And be it enacted*, That the bonds authorized to be issued in the one hundred and forty-fourth section, shall be of the same force and effect, and as valid for all the purposes directed by law, as the other bonds or scrip authorized by this act, and that the same may be negotiated and pledged in the same manner and on the same terms as directed for the bonds heretofore authorized.

Bonds legalized.

148. *And be it enacted*, That there shall be a board of six water commissioners, to consist of the present three commissioners, who shall continue in office, one for one, one for

Board of commissioners, how constituted.

two, and one for three years respectively; and in case their respective terms are not already fixed; they shall proceed to determine the same at their first meeting after the election of eighteen hundred and seventy; and three other commissioners, to be elected at the next charter election, one from the present city of Bergen, and one from the present city of Hudson, and one from the present Jersey City, who shall be clothed with the same powers, and perform the same duties as the other members of the present board of water commissioners, and shall hold their offices one for one, and one for two, and one for three years, which shall be determined by lot between themselves in manner aforesaid after the election; and the said commissioners shall elect annually, one of their number to be president of the board; the mayor of said city shall be ex-officio a member of said board; in the year eighteen hundred and seventy-one, and annually thereafter, there shall be elected at the annual city election two commissioners, whose term of office shall continue for three years; all vacancies in said board shall be filled by the council on the nomination of the mayor; and the persons so appointed shall hold office until the next charter election; and each of the water commissioners before entering upon the duties of his office shall give a bond of twenty thousand dollars, with two good and sufficient sureties, to the mayor and aldermen of Jersey City, and to be approved by said mayor and aldermen for the faithful performance of their duties as such commissioners.

Qualifications
of commis-
sioners.

149. *And be it enacted*, That the said commissioners shall be citizens of this state, residents of Jersey City, of the age of at least thirty years, and shall have been residents of said city for at least three years next before their appointment; and that they shall, before entering upon their duties as commissioners, each take and subscribe an oath faithfully to perform the duties of water commissioners of Jersey City according to law, which oath shall be administered by any notary public of this state, or the city clerk of Jersey City, and filed by said city clerk in his office.

President to
take general
charge of
works.

150. *And be it enacted*, That it shall be the duty of the president of the board of said water commissioners to take the general charge, supervision and direction of the Jersey City water and drainage works, and of all officers, agents, overseers, inspectors, workmen and others employed in the care and management of the same, subject to the special direction and general rules of the board; and it shall also be

the duty of said president and at least one of the other commissioners to visit the engine house and inspect the pumping engines and other machinery, the reservoirs and other parts of the water works, once in each month, or oftener, if necessary; and to make and preserve, in a book to be provided for that purpose, a record of all such visits, with remarks upon the condition in which the several parts of the water works were found, and upon the conduct of those having charge thereof.

151. *And be it enacted*, That the salary of the president of said board of water commissioners shall not exceed the sum of one thousand dollars per annum to be paid out of any money belonging to said board. Salary of president limited.

152. *And be it enacted*, That the mayor and aldermen of Jersey City shall, at any time, remove any commissioner; Commissioners may be removed by aldermen. *provided*, it shall satisfactorily appear, after reasonable notice to the parties and hearing the causes of complaint and answers thereto, if any shall be offered that the commissioner whose removal is sought, has been guilty of such mal-administration, or such neglect of the duties of his office, that his removal will be right and proper; and two-thirds of all the aldermen elected shall concur in such removal.

POLICE COMMISSIONERS.

153. *And be it enacted*, That all that portion of Hudson county formerly known as Jersey City, Hudson City and Bergen City, but now consolidated, shall hereafter be known and designated as the "Jersey City Police District." City constituted a police district.

154. *And be it enacted*, That the powers and duties connected with and incident to the police government and discipline of the said district, shall be as is hereafter more especially provided, vested in and exercised by a board of Jersey City police commissioners, consisting of five members, and a Jersey City police force composed of a chief, captains, sergeants and patrolmen, and such other officers, agents and servants as the said board may from time to time appoint. Powers vested in commissioners.

155. *And be it enacted*, That the present police commissioners of Jersey City shall continue in office until the expiration of their present term of office; and at the charter election to be held in the consolidated city on the second Tuesday of April, eighteen hundred and seventy, there shall Commissioners, who to continue in office and who elected.

be elected three police commissioners, one of whom shall have been resident for one year last past of the first police district, one a resident for one year last past of the second police district, and the third a resident for one year last past of the third police district; and said police commissioners shall be and they are hereby constituted a board of police commissioners of Jersey City, in the county of Hudson, and hereafter there shall not be any ex-officio commissioners, and that on or before the first day of May, eighteen hundred and seventy, the said three commissioners elected as hereinbefore provided, shall proceed to determine by lot their respective terms of office, three, four, and five years, the result of which allotment shall be filed in the office of the city clerk; and that the commissioners so constituted shall continue to serve in said board until their successors are duly elected and qualified; and any of the said commissioners may be at any time removed for cause by the aldermen of Jersey City, provided he shall first be served with written charges and have an opportunity to defend himself, and two-thirds of all the aldermen find him guilty as charged, and vote for his removal upon that ground.

Commissioners to be elected in eighteen hundred and seventy-one.

156. *And be it enacted*, That at the annual charter election in Jersey City, for eighteen hundred and seventy-one, the qualified voters of Jersey City shall elect one commissioner to serve in the said board for the term of five years from the first Monday of May, eighteen hundred and seventy-one, and they shall at each charter election thereafter elect one person as police commissioner to serve in the said board for the term of five years next succeeding the first Monday of May next after his election, and the said board so constituted and qualified shall have the sole power of the government, appointment, and dismissal of the police force of Jersey City; that each member of the police force of said city shall be liable to be removed from said force on a vote of at least four-fifths of said police commissioners, and no person shall be appointed to membership of said force who has not been a citizen of the United States one year prior to his appointment, and a resident of Jersey City, one year prior to his appointment, or who has been convicted of crime, or who cannot read and write.

Commissioners shall hold no other office nor accept a nomination.

157. *And be it enacted*, That any one of the said commissioners who shall, during his term of office, accept or hold any other place of public trust or emolument, or who shall

during his term of office be publicly nominated for any office elective by the people, and shall not within ten days succeeding the same, publicly decline the said nomination, shall be in either case deemed thereby to have resigned, and the remaining members of said board shall select from the qualified electors of said city a person to fill said vacancy until the next charter election, when one commissioner shall be elected to fill the unexpired term of said commissioner.

158. *And be it enacted*, That the said board shall elect one of their own number to act as president, who shall preside at their meetings, which shall be held at least twice in every month; and in case of vacancy in the office of chief of police by removal, disability or otherwise, the president shall perform all the duties and possess all the powers of said chief during the continuance of said vacancy. President, how elected.

159. *And be it enacted*, That the salary of the chief shall be twenty five hundred dollars per annum; each of the captains shall be fifteen hundred dollars per annum; each of the sergeants shall be twelve hundred dollars per annum; each of the detectives shall be twelve hundred dollars per annum; each of the patrolmen eleven hundred dollars per annum; the police surgeon shall be six hundred dollars per annum; the clerk to the commissioners five hundred dollars per annum; the counsel of said commissioners shall receive five hundred dollars per annum. Salaries.

160. *And be it enacted*, That the said board shall have power to make such rules and regulations as to them may seem proper; *provided*, they do not conflict with the provisions of this act or of the constitution or laws of this state or of the United States. Power to make rules.

161. *And be it enacted*, That the said board of police commissioners shall have power to issue subpoenas in the name of the president, and compel the attendance of witnesses upon any proceedings by virtue of its rules and regulations, and each commissioner, the chief of police, and the clerk of the board of police commissioners, are hereby authorized and empowered to administer affirmations and oaths to any person summoned or appearing as a witness in any matters or proceeding authorized as aforesaid, or to take any deposition necessary to be made under the rules and regulations of the said board; any wilful and corrupt false swearing by any witness or person, to any material fact in any necessary proceeding under the said rules and regulations or Authority to sustain rules and subpoena witnesses.

under this act, shall be deemed perjury, and punished in the manner as willful and corrupt perjury as is now prescribed by law.

District di-
vided into pre-
cincts.

162. *And be it enacted*, That the said Jersey City police district shall be divided by the board of Jersey City police commissioners, into precincts, not to exceed four in number, and to each precinct shall be assigned a captain and as many sergeants and patrolmen as the said board may deem sufficient.

Number of
patrolmen
limited.

163. *And be it enacted*, That the said board shall appoint such number of patrolmen as they may deem necessary, but the whole force shall not exceed one hundred and thirty.

Orders, how
promulgated.

164. *And be it enacted*, That the said board shall promulgate all orders and regulations through the chief of police, who shall be the executive head of the whole police force of the Jersey City police district, and shall have the direction and control of said force, subject to the rules and regulations of the said board.

Police, cer-
tain organiza-
tions termi-
nated.

165. *And be it enacted*, That the present police organization of Hudson City and Bergen City and the government thereof shall terminate on the first Monday of May next, and the board of police commissioners created by this act shall, on or before said date, have made all necessary arrangements for the organization of the new board and police force, but no person shall be appointed upon said force except by at least three affirmative votes, and all books, papers and property now belonging to and used by the present police organization in Jersey City, Hudson City and Bergen City shall on that date be delivered up to the board of police commissioners created by this act.

Record of pro-
ceedings to be
kept

166. *And be it enacted*, That the said board of police commissioners shall keep a correct record of all their proceedings in a book or books provided for the purpose, and they shall annually, on the first Monday in May, submit a full report of their transactions, together with a financial statement, to the aldermen of Jersey City, which report shall be published in the same manner as the mayor's message, and a copy shall be filed in the office of the city clerk.

Ordinances to
be executed.

167. *And be it enacted*, That the said board shall at all times aid and assist the mayor and aldermen of Jersey City in the execution of all laws and ordinances in force in said city.

168. *And be it enacted*, That in the month of May in each

year, the said board of police commissioners shall estimate in detail the expenses of the police department for the ensuing year, and transmit the same to the aldermen, who shall make provision for the assessment for the same in the tax ordinance.

169. *And be it enacted*, That in paying salaries a pay-roll shall be made out by said board and submitted to the aldermen, who shall order a warrant drawn on the city treasurer to the order of the police commissioners, and it shall be the duty of the president of said board to pay the men according to said pay-roll.

170. *And be it enacted*, That no moneys shall be drawn from the city treasury for said board except by warrant ordered by the aldermen in pursuance of a requisition by said board.

171. *And be it enacted*, That in cases of riot, pestilence, or any other emergency, the said board are hereby empowered to employ temporarily any number of extra policemen, at a compensation not to exceed three dollars per diem.

172. *And be it enacted*, That the said board shall be entitled to a clerk and counsel of their own selection, whose duty shall be specified in the rules and regulations.

173. *And be it enacted*, That the members of the force are hereby invested with all the powers applicable to constables in the state (except to serve civil process); they shall also be exempt from duty as jurymen and from military service during the time they shall remain members of said force.

174. *And be it enacted*, That the commissioners of police and the several members of the police force of the Jersey City police district, shall have power and authority, immediately and without process, to arrest and take into custody any person who shall commit in the presence of such commissioner or member of the police force, or within his view, any breach of the peace, or offence directly prohibited by act of the legislature or by any ordinance of the city of Jersey City, but such commissioner or member of the police force shall forthwith, after such arrest, convey in person such offender before the city judge or any police justice of Jersey City, that he may be dealt with according law.

175. *And be it enacted*, That the said board shall provide such office and business accommodations as it shall deem re-

Annual estimate, when made.

Salaries, how paid.

Moneys, how drawn.

Extra policemen may be employed.

Entitled to clerk and counsel.

Powers vested in police force.

Power to arrest without warrant in certain cases.

Central and other offices.

quisite for the transaction of its own business and that of its subordinate officers; there shall be a central office, to be known as the "Central Office of the Jersey City Police."

Information
furnished the
mayor and
aldermen.

176. *And be it enacted*, That the said board shall at all times, whenever consistent with the rules and regulations of said board and with the requirements of this act, furnish all police information desired by the mayor and aldermen of Jersey City.

Duties of the
police force.

177. *And be it enacted*, That it is hereby made the duty of the Jersey City police force, at all times of the day and night within the said Jersey City police district, to preserve the public peace, prevent crime, and arrest offenders, and enforce all the laws of the state concerning crimes, and also all the ordinances of the city.

Jersey City
force not to be
affected by re-
organization.

178. *And be it enacted*, That the re-organization of the police shall in no way affect the present Jersey City police force, but that the present Jersey City police force are hereby declared to be the police force under the new organization provided for by this act; and the members of the present police force in Hudson and Bergen cities, shall be members of the new organization.

Chief custo-
dian of stolen
property.

179. *And be it enacted*, That the chief of police, under the direction of the commissioners, shall be the custodian of all stolen or unclaimed property that may come into his possession by virtue of regulations of the board, and all money or valuables seized on suspicion of having been stolen or improperly retained, and shall on the first day of May and November of each year, cause the same to be advertised in one or more of the daily papers of said city for three days in succession, when, if not claimed and ownership satisfactorily established, it shall be sold at public sale and the proceeds paid into the treasury of the city.

Police subject
to mayor in
case of riot.

180. *And be it enacted*, That in case of any riot or civil commotion, the police force of Jersey City shall be under the direction and control of the mayor of said city during the continuance of said riot or civil commotion.

MISCELLANEOUS PROVISIONS.

Property of
the old cities
transferred to
new

181. *And be it enacted*, That all the works in either of the said cities hereby consolidated, and all the property, real and personal, rights and effects belonging to the same, or connected therewith, be and are hereby transferred to the

city by this act consolidated and incorporated, and henceforth to be held and owned by the said city for the benefit of the inhabitants thereof, and also all rents and profits arising from said works; and also that all debts accrued against either of the said cities hereby consolidated for the construction, improvement, and repairs of said works, and the water pipes and the setting the same, and the expense of keeping the same in successful operation and repair, outstanding, whether of principal or interest, at the adoption of this charter by the said city, shall be considered and are hereby assumed as debts of the whole city embraced by this act, to be paid by said city whenever necessary, by a uniform rate of tax on the whole property taxable in said city.

182. *And be it enacted*, That all the property, real and personal, all debts, dues and demands, all judgments recognizances and claims, and all liens, actions and rights of action belonging to any of the consolidated cities embraced in this act, be and they are hereby vested in the mayor and aldermen of Jersey City, subject to any pledges or liens thereon made by the particular city heretofore made and existing thereon, and the mayor and aldermen of Jersey City may sue for and recover, settle on compromise, all debts, dues, claims and rights of action in its corporate name; and it shall be the duty of the comptroller, the committee on finance of the aldermen, and three citizens of the several cities consolidated, to be nominated by the mayor and appointed by the aldermen to state an account of all such property and the fair value thereof to the corporation as near as may be of each of the said cities, and also an account of all the debts outstanding against each of said cities respectively; and if the debts of any of the said cities exceed the amount of said property, such excess shall be and continue the particular debt of such city, and the property of each of said cities is pledged for its own particular debt in case of such excess, and such excess shall be made and raised by tax upon that particular city; and all debts of the cities consolidated shall become the debt of the whole city, and for the final payment thereof the faith of the city hereby consolidated and chartered, and the property of the aforesaid cities, respectively are pledged; and the mayor and aldermen of Jersey City shall have power to borrow from time to time such sums as they may deem expedient, not exceeding in the whole the sum total of the debts due by all the cities consolidated (ex-

Property, &c.
vested in the
mayor and al-
dermen.

clusive of the amount of such indebtedness as has heretofore been secured by the bonds of either of the said cities) becoming due and payable after the first day of January, eighteen hundred and seventy-five, on either registered or coupon bonds to be denominated "Jersey City Consolidated Bonds," and to be issued by the mayor and aldermen under the seal of said city, bearing interest at the rate of seven per centum per annum, payable half yearly, and said bonds shall be payable at such period as shall be fixed by the mayor and aldermen of Jersey City, not less than twenty nor more than thirty years from the date of the issue thereof; and said bonds may be sold at public or private sale as the aldermen of said city may direct; *provided however*, that no such bonds shall be sold at less than ninety-five per centum of their par value.

Proviso.

Tax for interest on debt.

183. *And be it enacted*, That until the said particular debts of the cities are or shall be fully paid, there shall be levied and collected annually, by a general tax on the residents and property within the present limits of each city, still remaining so indebted, in the same manner as other taxes for the said city at large, such sum as will be sufficient to pay off the accrued interest.

Ex officio commissioners of sinking fund.

184. *And be it enacted*, That the mayor, president of the aldermen, treasurer, chairman of the finance committee and comptroller of said city, shall be ex-officio commissioners of the sinking fund of the several cities, so particularly indebted as aforesaid; and the whole amount of the net proceeds of said special tax for each of said indebted cities shall, when collected, be paid to said commissioners, who shall receive the same and pay off the interest due, and invest the balance as a part of the sinking fund for such city, in bonds and mortgages, state bonds of New Jersey, or United States securities, or bonds of the said consolidated city, or of Hudson county, and pay off the debts of said cities, from time to time, as they shall become due, or at such other times as they may be able advantageously to do so.

Commissioners of sinking fund report.

185. *And be it enacted*, That the commissioners shall report to the aldermen, at least once in each year, a particular account of the condition of each of said funds, specifying the receipts and payments since the last report, the amounts and manner of their investments, the interest they bear, and the balance of each fund in hand, and of the particular debt of each city still outstanding and unpaid.

186. *And be it enacted*, That all suits now pending, or such as shall be hereafter commenced by or against any of the said cities, may be prosecuted or defended by the consolidated city with the same force and effect as if said corporation were still in existence, and the said city shall be liable therefor in the same manner and form as the said corporation might or would be if still existing.

Pending suits
to be prosecuted by new
city.

187. *And be it enacted*, That the funds raised by the several indebted cities, for the payment of their particular debts, shall not be diverted from said purpose, or paid or loaned for any other purpose or object, and in case the amount raised by tax as hereinbefore stated shall at any time be insufficient to make the necessary and appropriate payments and investments, then the deficiency shall subsequently and as soon thereafter as may be, be raised and paid over to said commissioners, until all the said debts are due and paid off.

Funds raised
to pay debts of
old cities not
diverted.

OF THE AUDITING OF CLAIMS AGAINST THE CITY.

188. *And be it enacted*, That all claims and demands against the city shall be presented to the comptroller and reported, as soon as may be, by the said comptroller to the aldermen, upon days to be designated for that purpose at least as often as once in each month, and by them audited; *provided*, that no claim shall be passed upon by the aldermen on the day of its presentation; all claims must be presented in writing; they shall be numbered and filed by the clerk, and a brief entry of the name of the claimant, number, nature and amount of the claim made by the clerk, in a book kept by him for that purpose, prepared with appropriate letters and columns so that the entry shall serve as an alphabetical index to the claim; the book shall be provided with a column, in which shall be entered, after the claim, the date when it is audited, and the amount, if any, allowed thereon; the claims shall be audited and the amounts allowed, paid without unreasonable delay; in case the aldermen shall disallow any claim, or allow but a part thereof, its decision shall be a bar to the claim disallowed, or the part not allowed, unless an action shall be commenced against the city thereon within six months from the time the same was audited.

Claims
against city,
how collected.

Proviso.

189. *And be it enacted*, That at least two weeks before Thursday in the second week prior to the annual city election, the aldermen shall cause a notice to be published in

Annual auditing of unpaid
claims.

three of the newspapers published in said city, and the publication to be continued for two weeks, that upon such Thursday it will meet for the purpose of auditing all claims and demands against the city, which have not been audited; upon such Thursday the aldermen shall meet and proceed to audit all claims against the city which may have been or may then be presented, and to make provision for the payment of all such claims, and of all portions of claims which it shall have allowed or may then allow.

No claim
withdrawn.

190. *And be it enacted*, That no claim against the city, which has been presented to the aldermen, to be audited, shall be withdrawn from their files.

Taxes and as-
sessments not
paid.

191. *And be it enacted*, That all taxes and assessments made and due before this act takes effect in Jersey City or places hereby incorporated therewith, and not then paid, shall be collected and received by the aldermen of Jersey City, in the name of such of the corporations as may be entitled to collect the same; and the property liable to be sold therefor shall be sold as if this act had not been passed; and any duty, in such collection and sale, imposed upon any officer in such present corporations, shall be performed by the corresponding officer of the mayor and aldermen of Jersey City under this act.

Loss by auc-
tioneer, how
compensated.

192. *And be it enacted*, That if any person shall sustain loss by the neglect or default of any auctioneer licensed in the said city hereby incorporated, in the discharge of his duties, whereby such bond shall become forfeited, and shall by himself, his agent or attorney, make affidavit of such loss before any person authorized to administer the same, and shall tender such affidavit to the city clerk, it shall be the duty of such officer to file the said affidavit in his office, and thereupon forthwith to deliver to the person or persons making such affidavit, his, her or their agent or attorney, a certified copy of such bond, to the end that an action may be brought upon such bond, and which certified copy shall be evidence in all courts and places.

Proceedings in
such case.

193. *And be it enacted*, That it shall be lawful for any person or persons to bring suit on such bond in any court having jurisdiction, for the amount of loss alleged in said affidavit to have been sustained, and that the process shall be in the name of said persons as plaintiff, referring briefly to said bond and giving the date of the same; and that he shall in his declaration or state of demand, after setting forth the

said bond according to the established practice, and his cause of action, allege that said action is brought in pursuance of this act; and if upon a verdict of a jury, or otherwise, judgment shall be given for the plaintiff, such judgment shall be for the amount found to be the loss of such plaintiff, and not for the penalty of said bond, and that the costs incurred in such action shall be incurred by the parties thereto in pursuance of law, and that the proceedings in any such action shall be in other respects regulated as in suits on bonds brought in this state.

194. *And be it enacted*, That such suits may be brought from time to time upon said bonds, or any of them, by any person sustaining loss, as aforesaid, upon his complying with the provisions of this act. Suits authorized.

195. *And be it enacted*, That all ordinances of the mayor and aldermen of Jersey City, as at present incorporated, and other ordinances now in force in the other cities hereby consolidated, that may be in force when this act shall go into effect, so far as the same may be applicable to the city hereby incorporated, and so far as not inconsistent with this act, shall be in force within the limits of the city for which they were enacted, respectively and until altered or repealed by the aldermen hereby created. Ordinances of old cities, when in force.

196. *And be it enacted*, That the aldermen shall have the power to fix the salary, pay or compensation of all officers, both elected and appointed, by general ordinance, except those fixed in this act, and the salary and compensation of any officer which has once been fixed by the aldermen, shall not be increased during the continuance of his term in office, except such officer be elected or appointed for a longer term than one year, and that the salary, pay or compensation of such officer shall be fixed in the manner heretofore designated, in each and every year, and when once fixed shall not be increased during such year. Power to fix salaries.

197. *And be it enacted*, That upon the trial of any issue, or upon judicial investigation of any fact, to which issue or investigation the mayor and aldermen of Jersey City shall be a party, or in which it shall be interested, no person shall be deemed an incompetent judge, witness or juror, by reason of his being an inhabitant, freeholder, or freeman of the said city; and if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be No inhabitant to be incompetent in legal proceedings.

lawful for such person to plead the general issue, and to give this act and special matter in evidence at the trial.

Repealer.

198. *And be it enacted*, That all acts in relation to any or either the said cities, inconsistent with the provisions of this act, are hereby repealed, but this repeal shall not affect any proceedings had or commenced under the same when this act takes effect, nor any rights or dues to which any or either of the said cities, or any person or persons is or are entitled by virtue thereof.

Certain persons continued in office.

199. *And be it enacted*, That the present justices of the peace and commissioners for acknowledgment and proof of deeds for the cities, hereby consolidated, shall continue in office for the residue of their terms as justices and commissioners respectively, in that ward in which they shall respectively reside at the passage of this act.

Amendments to be published.

200. *And be it enacted*, That all amendments to this act shall be published at large, particularly specifying such amendments in at least two newspapers printed and circulated in said city, for one full month before the time of the meeting of the legislature, at which such amendments shall be passed.

Rights of corporations not interfered with.

201. *And be it enacted*, That nothing in this act contained shall be construed to interfere with or impair the vested rights and privileges of any person or corporation whatever, except as to property taken for public use, upon compensation, as provided for in this act; *it is further provided*, that all contracts made by either of the cities consolidated, prior to the first day of May, eighteen hundred and seventy, shall remain in full force, and be carried out (so far as practicable) in the same manner as if such consolidation had not taken place; such contracts to be executed according to the terms thereof, and the charters and ordinances of the respective cities in which the same may have been made; the proper officers of the consolidated city having the power to make the necessary assessments to carry out the terms of any such contract, or make assessments upon property benefited thereby, with power to collect the same, as provided by the respective cities before said first day of May, eighteen hundred and seventy, and with like effect as if this act had not been passed.

Proviso.

Cities that voted "no charter" empowered to reconsider.

202. *And be it enacted*, That any city, town or township named in the said act entitled "An Act to consolidate and make into one city, to be called Jersey City, the cities of

Jersey City, Hudson City, Hoboken and Bergen, the town of Union, and the townships of North Bergen, Union, West Hoboken, Greenville, Bayonne and Weehawken, and part of the township of Kearney," approved April second, eighteen hundred and sixty-nine, that may have at the election therein provided for rejected said charter, may reconsider its vote at any subsequent election, to be called as provided in said act, by the board of chosen freeholders of the county of Hudson, upon the application of the member or members of said board from said city, town or township; and if at such subsequent election, said city, town or township, shall vote, by a majority of electors voting at such election, "charter" such city, town or township, shall be included in said consolidated city, if the territory of any other city, town or township, whose vote shall still remain "no charter," do not intervene between said city, town or township so desiring to come in, and the territory of said consolidated city.

203. *And be it enacted*, That any corporation located within the limits of said consolidated city, having the words "Bergen" or "Hudson" in its name or title, may alter such name or title and assume a new name or title, by resolution passed at a meeting of its trustees, directors or managers, and certified under its corporate seal, and proved in the same manner as deeds for lands are required to be proved, and filed in the office of the clerk of Hudson county, and shall be thereafter known as, and may bring and defend actions and suits at law or in equity, by such new name; *provided*, that nothing herein contained shall be construed to relieve any such corporation from any of its legal contracts, obligations, debts or other liabilities, or release any legal existing obligations, debts or other liabilities, or rights, due to, held by, or belonging to such corporation. Corporations authorized to change name.

204. *And be it enacted*, That the aldermen of said consolidated city, by a vote of at least two-thirds of all the aldermen elected, with the concurrence or approval of the mayor, shall be and they hereby are authorized to make a loan to cover and retire the floating debt of the three cities consolidated, or so much thereof as they shall determine, and issue coupon or registered bonds therefor, to run for a period of not less than thirty years, bearing interest at the rate of not to exceed seven per centum per annum, which bonds shall not be pledged, sold or negotiated at a price to net less than ninety-five cents on the dollar. Floating debts to be retired.

Width of side-
walks regu-
lated.

205. *And be it enacted*, That on and after the passing of this act, the sidewalks upon either side of any street, road or avenue, or any part thereof, (except those which have been otherwise specially ordered as exceptional and designated by name in the charter of either of the consolidated cities,) shall occupy one-fifth of the whole width of the street, road or avenue; and no stoop or steps shall project more than one-tenth, and no enclosed area shall occupy more than one-fifteenth part of the width of said street, road or avenue; and no vault shall extend beyond the curb line of any street, road or avenue; and no part of any structure of over ten feet in height above the sidewalk, shall project more than twenty inches beyond the line of the street, except by permission granted under authority of a general ordinance; *provided*, that any street, road or avenue, or any part thereof, which shall have previously been paved and curbed in accordance with the charter under which the improvement was made, shall be changed only by ordinance, and the cost of such change shall be paid out of the city treasury; *and provided*, that any stoops, steps or areas built in accordance with any law in force at the time they were built may remain as built; *and provided*, that Academy street and Railroad avenue, where they are bounded by the railroad, shall have a sidewalk on the opposite side only, and the remainder of such street and avenue shall be used as carriage ways; *and provided also*, that any street may be altered by the aldermen on application of property owners.

Proviso.

Proviso.

Proviso.

Grand street
regulated.

206. *And be it enacted*, That Grand street, from Mill creek to Washington street, shall be graded, paved and re-paved, in the same manner as that part of Grand street west of Mill creek is now being graded and paved; and the width of the roadway from Mill creek to Jersey avenue, shall not be less than sixty feet, and from Jersey avenue to Grove street, not less than fifty-five feet, and from Grove street to Washington street, not less than forty feet, and the width of the sidewalks from Mill creek to Washington street, shall not be less than ten feet in width, on both sides of said street, and no obstructions shall be built or allowed upon said sidewalks, between the points above mentioned, and that Montgomery street, from Mill creek to Jersey avenue, shall be opened to the full width of eighty feet, under the direction of the commissioners of assessments, and said part of Montgomery street shall be graded and paved in the same manner as

Montgomery
street opened.

Montgomery street west of Mill creek, may be done, and the provision in the charter allowing remonstrances against improvements shall not apply to this section, and the cost of making of the above improvement, shall be assessed and collected in the manner provided in the city charter.

207. *And be it enacted*, That in all cases where it is required by this act that real estate shall be specified and described in any advertisement, it shall be deemed a sufficient specification and description thereof if the advertisement names the streets and limits in the street within which the land is located, and such advertisement shall have the same force and effect as if each lot or parcel of land was particularly described; *provided*, that this section shall not apply to advertisements of lands to be sold for the non-payment of taxes or assessments.

Specification of real estate in advertisements.

Proviso.

208. *And be it enacted*, That the charters of the several cities consolidated by this act and the several amendments and supplements thereto, except so far as specially saved by this act, and all acts and parts of acts, heretofore passed, inconsistent with this act, be and the same are hereby repealed.

Former charters repealed, except in certain cases.

209. *And be it enacted*, That the act to consolidate said cities of Jersey City, Hudson City and Bergen and other parts of Hudson county into one city, approved April second, eighteen hundred and sixty-nine, be and the same is hereby repealed, such repeal to take effect immediately; and said act shall not be so construed as to repeal or to have repealed the charters of said cities of Jersey City, Hudson City or Bergen, or the supplements or amendments thereto, or either of them; but this act shall repeal the same on and after the first Monday of May next, and it is hereby declared and enacted that such charters, supplements and amendments have remained and do remain in full force, so far as the effect of said act is concerned, and shall continue in full force till the first Monday in May next only, and all ordinances passed, acts done, and contracts made by the municipal authorities, officers or agents of said cities respectively, authorized by said charters or supplements are hereby declared lawful, valid and binding so far as the effect of any such repeal of said charters and supplements is concerned.

Former consolidation act repealed.

210. *And be it enacted*, That this act shall take effect on the first Monday of May next, except such parts as are directed to take effect before, and except such parts as

Act, when to take effect.

authorize or require anything to be done before that time, and such parts as are required to go into effect before that time, to give, eventually, validity to this act, or any provision thereof, which excepted parts shall take effect immediately.

Approved March 17, 1870.

CHAPTER DXII.

An Act to incorporate the West Hunterdon Railroad Company.

Names of corporators.

Corporate name.

Amount of capital stock.

Election of directors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Hugh Capner, Roberson Hyde, Amplus B. Chamberlin, Ambrose Barcroft, Westley Bellis, Peter F. Opdyke, Elisha Warford, Opdyke Arwine and Jacob Lake, and such other persons as may be hereafter associated with them, shall be and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of "The West Hunterdon Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of their incorporation.

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

3. *And be it enacted*, That the above named persons may open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places as they or a majority of them may think proper; and as soon as the same shall be subscribed, to give notice for a meeting of the stockholders to choose nine directors; and such election shall be made at the time and place appointed by such

of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of the directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting, and at the annual election of the said corporation, shall as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power as the by-laws of the said corporation shall provide.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation, and shall have power to call in the capital stock of said company by such installments and at such times as they may direct; and in case of the non-payment of said installments, or any one of them, upon due notice being given, may forfeit the share or shares upon which such default shall arise.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from the village of Flemington, in said county, through or near Baptistown to the borough of Frenchtown, in the said county of Hunterdon, not exceeding one hundred feet in width, except in those places, where from the depth of the excavation

Failure to elect not to dissolve.

Failure to pay installments to work a forfeiture.

May survey, lay out and construct railroad.

or the height of the embankments it is necessary to take more land for the slope and protection of the side banks of the said railroad, or where it is necessary to procure materials for the construction or repairs of the said railroad, in which cases so much land as may be necessary for the purpose, and no more, shall be taken, with as many sets of tracks and rails as they may deem necessary; and it shall and may 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 and waters for the purpose of exploring, surveying, leveling or laying out the route of such railroad, 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 of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works necessary, to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment, or tender of payment, of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company or any person under their direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

Proviso.

Proceedings
when no
agreement can
be made be-
tween compa-
ny and owners
of land

7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required lands or material for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of the said road 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 this state to make publication thereof, as he shall direct, for any term not less than six 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 residents in the county in which the lands or materials in controversy lie or the owners reside, commissioners to examine and appraise the said lands 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 six 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 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 land or materials, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages as shall be paid by the said company for such lands 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 lands or materials are situate, to remain on 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 the said company to have, hold, use, occupy, possess and enjoy the said lands 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 application of either party, and on reasonable notice to the other, 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, as they or he shall think equitable and right, which shall be paid by the said company.

Proceedings
in case of ap-
peal.

8. *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 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, 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, but such application shall not prevent the company from taking the said land or materials upon filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same, upon a tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

Bridges to be
constructed
and kept in
repair.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad where any public or other road shall cross the same, and to

alter and grade the said public road so that the passage of carriages, horses and cattle passing and repassing shall not be impeded thereby; and also where the said road shall intersect any farm or land of any individuals, to provide and keep in repair suitable wagon ways over or under said road, so that they may pass the same.

10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed or to purchase all machines, engines, wagons, carriages or vehicles for the transportation of persons or any species of property on their railroad as they may think reasonable, expedient or right; *provided*, they shall not charge more than at the rate of six cents per ton per mile for the transportation of property on the said road, which is usually weighed by the ton, or more than half that rate for fertilizing materials, or three cents per mile for carrying each passenger on said railway, when carried five miles or more, and when carried less than five miles, a sum in the whole not to exceed fifteen cents.

11. *And be it enacted*, That the president and directors shall within one year after the said railroad shall have been completed, declare and make such dividends as they may deem prudent and proper of the net profits thereof, and shall, in like manner, semi-annually thereafter, declare such dividends and pay the same to the stockholders of the said company in proportion to the amount of shares held by them respectively, as they may deem proper and prudent.

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

13. *And be it enacted*, That the said company may have and hold real estate at the termini of their railroad, and at any intermediate stations upon the line of the same, not exceeding five acres at each place, and may erect and build thereon such houses, warehouses, machine shops, and other buildings and improvements as they may deem expedient for the safety of property and the construction and repairing of cars, carriages, steam engines and for other necessary uses,

which said land shall be obtained in the manner provided in the seventh section of this act.

Statement of
costs and ex-
penses to be
made and filed

14. *And be it enacted*, That as soon as the said railroad or any part of it is in operation, the president of the said company shall file under oath or affirmation, a statement of the amount of the costs of the said railroad including equipments, appendages and all expenses in the office of the secretary of state, and annually thereafter on the first Monday in January in each year, he shall under oath or affirmation make a statement to the secretary of state, of the cost, equipments, appendages and expenses of said road; and after the said railroad or any part thereof shall be in operation the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad, or any part thereof shall be in operation, the said corporation shall be regularly assessed, and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

State tax.

Proviso.

May borrow
money.

15. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of the said company, and to secure the repayment thereof by bond and mortgage or otherwise on the said road, lands, privileges, franchises and appurtenances of, or belonging to said corporation.

Limitation.

16. *And be it enacted*, That the said railroad must be commenced within one year from the fourth day of July, eighteen hundred and seventy-two, and be completed within four years from said date.

May build a
bridge across
Delaware river

17. *And be it enacted*, That the said company shall have the privilege of building a bridge across the river Delaware, so far as the jurisdiction of the state of New Jersey extends.

18. *And be it enacted*, That the governor, the attorney ^{Who may ride free} general, the chancellor, the justices of the supreme court, and the judges of the court of errors and superintendent of public schools of this state, while traveling for the purpose of discharging the duties of their office, and the members and officers of both houses of the legislature of this state, during their term of office, shall pass and repass on the railroad of said company in their cars free of charge.

19. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER DXIII.

An Act to incorporate the West Jersey Mutual Insurance Company of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David B. Elmer, John T. Nixon, Robert Newell, Robert K. Mattock, Edmund L. B. Wales, Richard D. Edmunds, Thomas Beesley, William J. Sewell, Leaming M. Rice, Walters B. Miller and others, their associates, successors and assigns, shall be and are hereby constituted and declared to be a body politic and corporate, for the purpose of life insurance, by the name of "The West Jersey Mutual Insurance Company," to locate it in the city of Cape May, county of Cape May, in this state, with power to establish and maintain branch offices and agencies, at such places and for such periods of time as may seem advantageous or convenient to said corporation, and by that name to sue and be sued, to plead and be impleaded, and to have and to use a common seal, and to alter and change the same at pleasure, and also by that name shall be and hereby are empowered to purchase, hold, and possess and enjoy, for themselves and their successors, any estate, real or personal for the use of said corporation; *provided*, the lands, tenements ^{Corporate name and powers.} and hereditaments which it shall be lawful for the said cor- ^{Names of corporators.} ^{Proviso.}

poration to hold, be only such as shall be requisite for its purposes in the transaction of its business, or such as shall have been mortgaged or conveyed in good faith by way of security for loans, or such as shall have been conveyed in satisfaction of debts previously contracted in the course of its business, or such as shall have been purchased at sales upon judgments or decrees obtained for such debts, and all such real estate as shall not be necessary for the purpose of said corporation in the transaction of its business, except lands mortgaged or conveyed as aforesaid, shall be sold and disposed of within five years after the said corporation shall have acquired title to the same; and it shall not be lawful for the said corporation to hold such real estate for a longer period, unless the said company shall procure a certificate from the comptroller, or other principal financial officer of the state in which said lands may be, that the interests of the company will suffer by a forced sale of said real estate, in which event the time of the sale may be extended to such time as the said financial officer shall direct in such certificate.

May insure
lives of indi-
viduals.

2. *And be it enacted*, That the business of the company shall be to make insurance upon the lives of individuals, and every insurance or contract appertaining to or connected with like risks on such terms and conditions as from time to time may be provided for by the by-laws of said company, to purchase or loan upon any policy of insurance, dividends or obligations of said company for its benefit, to receive from any insured person, such sum or sums of money, or property or securities, and upon such conditions as may be agreed upon, for the purpose of securing the payment of the accruing premiums upon his or her policy of insurance or other obligations, and to grant, purchase and dispose of annuities.

Amount of
capital stock.

3. *And be it enacted*, That the capital of said company shall be one hundred thousand dollars in cash, divided into one thousand shares of one hundred dollars each, which shall be personal property, transferable only on the books of the company, in conformity with the by-laws; the holders of the said capital stock may receive a semi-annual dividend upon the stock not to exceed three and one-half per centum, such dividends to be paid at the times and in the manner designated by the directors; the earnings or receipts of said com-

pany, over and above the dividends, losses and expenses, shall be accumulated and disposed of as hereinafter directed.

4. *And be it enacted*, That the corporate powers of said company shall be vested in a board of directors, and shall be exercised by them and by such officers as they may from time to time empower to act; the board of directors shall consist of the persons named in this act, and such other persons as they may elect to the number of fifty-two persons, one-fourth of whom shall be citizens of the state of New Jersey, each of whom shall be the owner of at least five shares of the said capital stock; the board of directors may previous to any annual election, and after giving notice at the previous meeting of the board, provide for diminishing the board of directors to not less than thirty-two, in which case one-quarter of the total board as thus diminished shall be elected annually in the same manner as hereinafter provided in regard to the fifty-two directors above mentioned, and the same powers and authority shall vest in the said board of directors thus diminished as were previously exercised by the former board of directors; the persons named in this act shall, after the organization of the company, proceed to complete the number of the board of directors by election, and the said board of directors shall as soon as may be thereafter divide themselves into four classes of thirteen each; the term of the first class shall expire at the end of one year from the date of the annual election in December, that of the second at the end of two years from that time, that of the third at the end of three years from that time, and that of the fourth class at the end of four years from that time, and so on successively, and in each and every subsequent year; one-quarter of the board of directors shall hereafter be elected annually as provided in the following section, and shall hold office for four years or until their successors are chosen, but any director shall be eligible for re-election; vacancies occurring in the intervals of elections by death or resignation, may be filled by the board in the manner set forth in the by-laws; the annual election of directors shall be held on the first Wednesday in the month of December, at such place as the directors shall designate, of which fourteen days' previous notice shall be given in two of the daily or weekly papers of said city of Cape May; the directors shall be chosen by ballot, and a plurality of votes shall elect; the board of directors shall appoint three inspectors of election, who shall

Corporate
powers vested
in a board of
directors

Directors
shall divide
themselves
into classes.

Vacancies,
how filled.

Annual elec-
tion of direc-
tors.

be policy holders in the company ; and the president may supply any vacancy occasioned by the omission of any inspector to serve ; in case of failure to elect directors on that day, the remaining directors whose terms of office do not then expire, shall have power to fill the said vacancies ; in the election of directors, every stockholder in the company shall be entitled to one vote for every share of stock held by him, and such votes may be given in person or by proxy ; at any time hereafter, the board of directors, after giving notice at two previous stated meetings may, by a vote of three fourths of all the directors, provide that each policy holder who shall be insured in not less than five thousand dollars shall be entitled to one vote at the annual election of directors, but such vote shall be given personally and not by proxy ; the board of directors shall have power to declare by a by-law what number of directors, not less than seven, shall constitute a quorum in the transaction of business.

General powers.

5. *And be it enacted*, That after each annual election the board of directors shall elect annually from among their number a president, and may at their option, also elect a vice president or vice presidents ; the board of directors may also appoint at any time, a president, and vice president to act temporarily when said officers are absent, interested or unable to act ; the board shall also appoint a secretary and such other officers as they may deem requisite, and who shall hold office during the pleasure of the board of directors ; the directors shall have power to enact by-laws, rules and regulations for the government of the officers and agents, and for the management of the affairs of the company not inconsistent with this charter or with the constitution and laws of this state, and such by-laws, rules and regulations may be amended or repealed by them at pleasure ; the directors may determine the rates of premium and the amounts to be insured on any one life and the terms of such insurance, and shall have power to purchase for the benefit of the company any policies of insurance, dividends or other obligations issued by the company.

Business to be conducted on the mutual plan.

6. *And be it enacted*, That the insurance business of the company shall be conducted upon the mutual plan ; all premiums shall be payable in cash ; in case any policy holder shall omit to pay any premium due to the company from him, or violate any other condition of the policy of insurance, the board of directors may forfeit the policy ; the officers of the

company within sixty days after the first day of February in every year, shall cause a balance to be struck of the affairs of the company which shall exhibit its assets and liabilities both present and contingent, and also the net surplus after deducting a sufficient amount to cover all outstanding risks and obligations, and which shall be verified by the oath of the president and secretary of the company and filed in the office of the treasurer of the state; each policy holder shall be credited with an equitable share of the surplus, which share may be paid in cash or applied in reversionary insurance, or in reducing the annual premiums, or may be applied in such manner as the directors may decide, or in the purchase of an annuity at such rate of interest as the directors shall designate.

7. *And be it enacted*, That any married woman may in her own name, or in the name of a third person as her trustee, cause to be insured the life of her husband for her sole benefit, on such terms and conditions as may be agreed upon with said corporation, the proceeds of which shall enure to her on the death of her husband, free from all claims of others whatsoever, which said policy she may sell, assign or demise, and enter into any contract respecting it in all respects as if she were unmarried. Married woman may insure life of her husband.

8. *And be it enacted*, That this corporation may invest its funds, assets or accumulations in or loan the same, upon bonds and mortgages on real estate, in such states as the directors may designate, or wherever the laws may require investments to be made, said real estate to be worth fifty per centum more than the sum loaned thereon, or in stocks of the United States, stocks of this or other states, or the stocks of any incorporated city or township in this or other states, if the same shall be at or above par, and in stocks created under the laws of this or other states that shall be at the time of such investment, at a market value in this state or in the state where the same shall be located at or above par, and in such securities as shall be required by laws other than the laws of this state where the company may be doing business, charging such interest and commission for the same as may be agreed upon; *provided*, the rate of interest shall in no case exceed seven per centum per annum. Investment of funds. Previso.

9. *And be it enacted*, That before said company shall proceed to do any business, the whole capital of said company shall be invested in the stocks of this state, or of the United Whole amount of capital to be invested.

States, or in bond and mortgage upon real estate in this state, worth fifty per centum more than the sum invested, which said stocks or bonds and mortgages shall be deposited with the treasurer of the state, to be held by him as security for the policy holders in said corporation; and the treasurer is authorized and directed to collect the interest falling due upon said investment, and pay over the same to the said company or its authorized agent appointed to receive the same.

Fiscal year.

10. *And be it enacted*, That the fiscal year of the company shall commence on the first day of January, and terminate on the thirty-first day of December in each year, and that the directors may meet at such place as the board may designate.

May change name.

11. *And be it enacted*, That it shall be lawful for this corporation at any time to change its corporate name, and to adopt another at its pleasure, upon due notice of such change in writing, filed with the secretary of state, and published in a newspaper of the county of Cape May.

12. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER DXIV.

An Act to incorporate the Live Stock Transit Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles McIntosh, John R. McPherson, G. A. Fuller, Henry W. Miller, A. J. Wright, William Taylor, Henry Hobbs, and such other persons as now are or may hereafter become associated with them, are hereby constituted a corporation by the name of "The Live Stock Transit Company," for the purpose of carrying or transporting live stock from place to place, in and about the waters of the harbor of New York and the Hudson river.

Corporate name and object.

2. *And be it enacted*, That it shall and may be lawful for the said corporation to purchase or lease such real estate, ^{May purchase or lease real estate.} and make thereon wharves, docks and slips, as provided by the laws of this state, and to build or purchase and equip such boats and vessels as may be necessary and proper for the transaction of their said business.

3. *And be it enacted*, That the capital stock of the said corporation shall be thirty thousand dollars, divided into shares of one hundred dollars each, and the said company may issue such portion of its stock as it may deem proper in payment for real and personal property, purchased or leased for the transaction of their lawful business; and the said company may at any time, by a majority of its directors, increase the said capital stock to one hundred thousand dollars. ^{Amount of capital stock.}

4. *And be it enacted*, That the affairs of said company shall be managed by a board of five directors, one of whom shall be president, who shall be shareholders, and a majority of whom shall be residents in the state of New Jersey, and the persons named in the first section of this act shall constitute the first board of directors; the said directors shall be chosen by the shareholders annually thereafter (each share entitling the holder to one vote) and they shall hold office until their successors are elected; the annual election for directors shall be held on the first Tuesday in May in each year, but if for any reason such election shall fail to be held at the said time it may be held at any time thereafter, upon twenty days' notice being given by the directors. ^{Election of directors.}

5. *And be it enacted*, That the meetings of the said corporation shall be held in this state, and its principal office shall be within the county of Hudson. ^{Principal office.}

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER DXVI.

A Further Supplement to "An Act to incorporate the Paterson and Passaic Horse Railroad Company," approved February twenty-eighth, eighteen hundred and sixty-eight.

May lay out
and construct
railway.

Route.

Proviso.

Powers and
privileges.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Paterson and Passaic Horse Railroad Company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a single or double track railway, with the necessary turnouts in the city of Paterson, through and along any street, avenue, road and highway in said city, running easterly or westerly from the Paterson and New York plank road as the said streets, avenues and roads in said city are now laid out or may hereafter be laid out and extended, also from the present terminus of said railway in Main street, at Broadway, northerly through and along Main street to the Passaic river, through River street to Washington street, along Washington street to Broadway, along and across Broadway to Mansion street, along Mansion street to Ellison street, along and across Ellison street to Hamilton street, and thence along Hamilton street to Market street, also through any other street, avenue or road in the said city of Paterson, through which the said company have not already the power and authority to lay their track; *provided*, that the said railway shall not be constructed through any of the streets or avenues through which the company have not already the power and authority to lay their track without first obtaining the permission of a majority of the owners of property fronting on the proposed streets or avenues through which said railroad is contemplated to be laid, and also of the mayor and aldermen of said city of Paterson for that purpose.

2. *And be it enacted*, That in the construction, equipment, management, running and operation of said railroad, the said company shall have and possess all the powers, authority and privileges granted to or conferred upon them

and be subject to the restrictions and conditions imposed by the original act and supplements thereto, to which this is a supplement.

3. *And be it enacted*, That the said company shall have power and authority to increase their capital stock from time to time to any amount not exceeding five hundred thousand dollars, and this act shall take effect immediately. Capital stock may be increased.

Approved March 17, 1870.

CHAPTER DXVII.

An Act to incorporate the Red Bank and Rumsom Neck Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Anthony Reckless, Ehrick Parmly, Robert B. Mateland, John W. Stout, Thomas Chalmers, Samuel Harvey, Albert R. Borden, David Conover, David B. Keeler, Jr., Samuel T. Hendrickson, James H. Peters, William S. Sneden, John R. Bergen, Matthew White, Benjamin B. Hance, and such other persons as may be hereafter associated with them, shall be and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of the "Red Bank and Rumsom Neck Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation. Names of corporations. Corporate name.

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

3. *And be it enacted*, That the above named persons, or

Election of
directors.

a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places as they, or a majority of them, may think proper; and as soon as fifty thousand dollars of the capital stock shall be subscribed, such commissioners or a majority of them shall give notice for a meeting of the stockholders, to choose five directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named commissioners, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners, or a majority of them.

Election of
president

4. *And be it enacted*, That the directors chosen at such meeting, and at the annual elections of said corporation shall, as soon as may be after every election, choose out of their number a president, who shall hold office until after the next succeeding election and until another shall be appointed, and they shall have power to fill any vacancy which at any time may exist in their board by death or otherwise, until the next succeeding annual election.

Not dissolved
by failure to
elect directors

5. *And be it enacted*, That annual elections for directors shall be held at such times and places as the board of directors shall hereafter direct, of which elections public notice shall be given at least two weeks, in one of the newspapers published in the county of Monmouth, and such elections shall be made as is hereinbefore directed; and in case it shall happen that an election of directors shall not be made during the day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but the said election shall be held as soon thereafter as possible, and public notice shall be given as before directed, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places; three directors shall be a quorum to transact all business of the said corporation, and the directors shall be authorized to call in the remaining capital stock of said company

Payment of
installments.

by such installments and at such times as they may direct; *provided*, that such payments shall not exceed twenty dollars Proviso. on each share per month, and in case of the non-payment of the said installments, or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of said corporation; and also to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of the said corporation, and also to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president as the said directors shall appear proper.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from any point on the New Jersey Southern railroad at or north of the village of Red Bank, in the county of Monmouth, to any point on the Long Branch and Sea Shore railroad at or north of Jumping Point; *provided always*, that the land taken for said railroad shall not exceed one hundred feet in width, except in such places where, from the depth of the excavation or the height of the embankment, it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as will be necessary for the purpose, and no more, shall be taken, with as many sets of tracks and rails as the company may deem necessary; and it shall and may 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 and waters for the purpose of exploring, surveying, leveling or laying out the said route of said railroad and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property, and when the route of said railroad shall have been determined upon and a survey of the same deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges and all other works necessary to lay rails, and

to do all other things which shall be suitable or necessary for the completion or repair of said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of the payment of all damages for the occupancy of lands through which the said railroad may be laid out, shall be made before the said company or any person under their direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such land be first had and obtained.

Proceedings
in case no
agreement can
be made with
owners of prop-
erty.

7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required land or materials, for the use or purchase thereof, or when, by 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 said road 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 and out of this state, to make publication thereof, as he shall direct, for any term not less than ten 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, residents in the county in which the land 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 ten days; and it shall be the duty of 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 to

proceed to view and examine the said lands or materials, said commissioners at the same time taking into consideration all the benefit to be derived from or in consequence of the said railroad, as the case may be, to the said owner or owners, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages as shall be paid by the company for such lands 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 cost, 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 within 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, upon 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, as they or he shall think equitable and right, which shall be paid by the company; *provided, always*, that should the said company or the owner or owners of any of the land or materials feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said land or materials may lie.

8. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section shall be made in writing, and in the form of petition to said court, and filed with the clerk of the said circuit court of the county wherein the land or materials appraised by the said commissioners shall be, and notice, in writing, of such appeal shall be given to the opposite party within ten days after

Proviso.

Proceedings
in case of ap-
peal.

the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said 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, 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 owner or owners, and shall find a less sum than the company shall have offered or the said commissioners shall have awarded, then 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 said court shall direct; but such application shall not prevent the company from taking the said land upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons for the purpose of actually constructing said railroad, or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of said company until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners, as the value of such lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of appeal shall refuse upon tender thereof being made to receive the same, or shall be out of the state or under any legal disability, then the payment of the amount assessed or found as aforesaid into the circuit court of the county wherein the said lands lie, shall be deemed a valid and legal payment; *and, further*, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred

Proviso.

thereby from his, her or their appeal from the report of the commissioners.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road, now or hereafter laid, shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under the said railroad, and shall also construct and maintain suitable and proper cattle-guards at all road crossings.

Bridges shall be constructed and kept in repair.

10. *And be it enacted*, That the president and directors of said company shall have power to have constructed or to purchase, with the funds of the company, all machinery, engines, wagons, carriages or cars for transportation of persons, or any species of property on the said railroad or any railroad connected with it, and also suitable and safe boats at the terminating points of the said road, as they may think fit, reasonable, expedient or right; *provided*, that they shall not charge more than five cents per mile for carrying each passenger, but no charge shall be required in the aggregate to be less than ten cents, nor shall said company charge more than ten cents per mile per ton for the transportation of any description of property; and the said railroad, with the appendages and the lands over which the same shall pass, and all the work and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors, for and during the continuance of their charter.

Rates of fare and transportation.

Provide.

11. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of the said railroad.

Dividends.

12. *And be it enacted*, That the said company may purchase, have and hold real estate at or near the commencement and termination of the said road, or at any other point on the line of the said road where the directors may think proper to establish a depot, not exceeding twenty acres at each place, and may also erect and build thereon houses, warehouses, work shops, and such other buildings and improvements as they may deem expedient for the safety of

May have and hold real estate.

- their property and for other necessary uses appertaining to their business, and receive the rents and emoluments thereof, and may build and maintain over such rivers and streams as the road may cross, such piers and bridges as they may deem expedient; *provided*, that suitable and sufficient draws shall be made over any navigable streams, so as not to obstruct the navigation thereof.
- Proviso.
- May make contracts.
13. *And be it enacted*, That it shall be lawful for the said company, at any time during the continuance of its charter, to make contracts and engagements with any other corporation, or with individuals, for transporting or conveying any kinds of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts.
- Penalty for injuries.
14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the railroad enjoyed under the provisions of this act, or of any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt, and further, shall be liable for all damages.
- Annual statement.
15. *And be it enacted*, That as soon as the railroad with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of costs of said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of this state, and annually thereafter the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road, and the treasurer of said company shall, under oath or affirmation, make an annual statement to the treasurer of this state of the number of passengers and the number of tons of merchandise transported thereon.
- Statement of costs and expenses to be filed.
16. *And be it enacted*, That as soon as the said railroad or railroads shall be constructed, or any part of them is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages and all expenses, in the office of the secretary of state, and annually thereafter on the first Monday in January of each year, he shall under oath or affirmation, make a statement to the secretary of state, of the cost, equipments, appendages and

expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state, a tax of one-half of one ^{State tax.} per centum on the cost, equipments and appendages of said road, to be paid annually thereafter, on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws; and until the said railroad or any part thereof shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons, as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company. ^{Proviso.}

17. *And be it enacted*, That the said Red Bank and Rum- ^{May borrow} som Neck railroad company shall have power to borrow such ^{money to} sum or sums of money from time to time, as shall be necessary to build, construct or repair their road, and furnish all ^{equip road.} necessary engines, machinery and boats, for the uses and objects of said company, and to secure the repayment thereof by the execution and negotiation of any bond or bonds, and secured by mortgage on said road, lands, privileges, franchises and appurtenances of and belonging to the said company, said bonds bearing not more than seven per centum interest per annum; *provided*, however, that the said com- ^{Proviso.} pany shall not plead the statute of usury in consequence thereof; *and provided further*, that said bonds shall consti- ^{Proviso.} tute a first lien on the railroad, its cars, boats, real estate and franchises, and to dispose of said bonds for the purpose of aiding in the construction of said railroad, at a rate not less than eighty per centum of their par value, and redeemable in thirty years from date.

18. *And be it enacted*, That it shall be lawful for the said ^{May lease or} corporation to lease the said railroad or any portion thereof ^{consolidate} to or consolidate with any connecting railroad company; ^{road.} *provided*, the said lease or consolidation be first agreed to by ^{Proviso.} a majority of the stockholders of the railroad companies interested in said lease or consolidation.

Limitation

19. *And be it enacted*, That if the said railroad shall not be commenced within five years, and be completed within seven years from the fourth day of July next ensuing, that then and in that case this act shall be void.

20. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER DXVIII.

An Act to incorporate the Newark and Hudson Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Gasherie De Witt, Gustavus N. Abeel, Hugh Holmes, Nehemiah Perry, John Hopper, and such other persons as may hereafter be associated with them, shall be and are hereby constituted and declared to be a body politic and corporate in fact and in name, by the name of the "Newark and Hudson Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation.

Corporate name, and powers.

Amount of capital stock.

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

Directors, when and how chosen.

3. *And be it enacted*, That the above named persons may open books to receive subscriptions to the capital stock of the said corporation, at such time or times, or place or places, as they or a majority of them may think proper, and as soon as the same shall be subscribed, to give notice for a meeting of the stockholders, to choose five directors, a majority of

whom shall be residents and citizens of this state ; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote ; and the above named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors, and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting and at the annual election of said corporation shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident and citizen of this state, and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them ; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president, pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

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

Not dissolved
by failure to
elect directors

5. *And be it enacted*, That a majority of directors of said corporation shall be competent to transact all the business of said corporation, and shall have power to call in the capital stock of said company by such installments and at such times as they may direct ; and in case of non-payment of such installments or any one of them, to forfeit the share or shares upon which such default shall arise ; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation, and also shall have power to appoint a secretary and so many clerks and servants as to them shall

Powers of di-
rectors.

seem meet, and to establish and fix such salaries to them and also to the president of said company as to the said board shall appear proper.

Route of rail-
road.

6. *And be it enacted*, That it shall be lawful for the said company to lay out and construct a railroad, not exceeding one hundred feet in width, from a point in the city of Newark, in the county of Essex, in this state, at or near Gouverneur street, in said city, to a point in the county of Hudson, where the said railroad may connect with the New Jersey Railroad and Transportation Company, or with some other railroad in said county of Hudson, running to the waters of the Hudson river, and may connect the same with the New Jersey Railroad and Transportation Company, and other railroads in the counties of Essex and Hudson, upon such terms as may be agreed upon, and for that purpose the said company may erect and maintain bridges over the Passaic and Hackensack rivers, the said bridges to be provided with draws at least seventy feet in width.

Opening the
draws.

7. *And be it enacted*, That it shall be the duty of said company to keep or cause to be kept at such bridges careful persons, to open said draws for the free passage of vessels, day and night, and shall at night, during the period of navigation, cause to be kept lights at said draws, and for each neglect to open said draws, and keep said lights, the said company shall forfeit and pay the sum of fifty dollars, to be recovered in any court having jurisdiction thereof, by any person who may sue for the same, within three months after such neglect, but this section shall not be deemed to prevent the company from being liable for all damage which may be incurred by reason of such neglect.

May enter on
lands.

8. *And be it enacted*, That it shall be lawful for the said company, their agents, engineers, or others in their employ, to enter upon all lands and waters for the purpose of exploring, surveying, leveling, or laying the said route of said railroad, and to make and erect all necessary works therefor, doing no unnecessary injury to private property, and when the general route of said railroad shall have been determined on, and a survey of said route shall have been deposited in the office of the secretary of state, then it shall be lawful for said company or its servants to enter upon, take possession of, hold, use, occupy and excavate, any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable

or necessary for the completion or repair of said road, subject to such compensation as is hereinafter provided; *provided*, Proviso. that the payment or tender of the payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company or its servants shall enter or break ground thereon, except for the purpose of surveying or laying out said road, unless the consent of the owner or owners of said land be first had and obtained.

9. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of land or materials required for the use of said railroad, or when, by 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 the said company in the construction of said railroad, 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, to make publication thereof as he shall direct, for any time not less than six 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 and publication of such notice aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, 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 six days; and it shall be the duty of 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 land and materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of

Proceedings
when compa-
ny and own-
ers of land
cannot agree.

damages aforesaid, which report shall be made in writing, under the hands and seals of such commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands 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 on 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 the said company, to have, hold, use, occupy, possess and enjoy the said land; and either of the justices of the said court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justices, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Proceedings
in case of ap-
peal.

10. *And be it enacted*, That in case the said company, or owner or owners of the said land or material, shall be dissatisfied with the report made by the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county in which the land or materials lie, at the first term after filing of said report, by proceeding in form of petition to said court, which proceeding shall vest in said court full right and power, to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be empaneled and sworn, as in other cases, and a view of the premises, if either of the parties desire it, and the issue to be tried at the same term of said court to be holden in said county, upon like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of said land and the damages sustained, and if they shall find a greater sum than the commissioners have awarded or the company have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against the said company and execution awarded thereon, and if said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered, then the said costs shall be paid by the 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,

and the sum awarded by the commissioners, or in case of an appeal from the award of the commissioners, then the sum assessed by the jury and such costs as the court shall direct, shall be paid by the company to the owner or owners of the land in controversy, but such application shall not prevent the company from taking the said land upon filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being under legal disability, the same being first paid into the court of chancery; *provided*,^{Proviso.} that the taking by the owner of the sum awarded by said commissioners, shall not preclude the taking of an appeal from said award, and in case the sum assessed by the jury shall be less than the award, then the company shall have judgment in their favor for the difference, and execution therefor.

11. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages over or under the said railroad, where any public or other road shall cross the same, and to alter or grade the said roads, so that the passage of carriages, horses and cattle passing and repassing, shall not be impeded thereby, and also where the said railroad shall intersect any farm or land of any individual, to provide and keep in repair, suitable wagon ways over or under said railroad, so that the same may be conveniently passed.^{Bridges to be constructed and kept in repair}

12. *And be it enacted*, That the president and directors of said company shall have the power to have constructed, or to purchase with the funds of the company, all machines, engines, wagons, carriages or vehicles, for the transportation of persons or any species of property on their railroad, as they may think fit, reasonable, expedient or right; *provided*, they^{Rates of fare and transportation} shall not charge more than at the rate of six cents per mile for the transportation of property on the said road which is usually weighed by the ton, or three cents per mile for carrying each passenger on said railway.^{Proviso.}

13. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividends as they may deem prudent and proper from the net profits thereof, and shall in like manner, semi-annually thereafter, declare such dividends and pay the same to the stockholders of the said^{Dividends.}

company, in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

Penalty for
injury to prop-
erty.

14. *And be it enacted*, That if any person shall willfully impair, injure, destroy or obstruct the use of any railroad enjoyed under the provisions of this act, or any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction in an action of debt, and further, shall be liable for all damages.

May have and
hold real es-
tate.

15. *And be it enacted*, That the said company may purchase, have and hold real estate at the termini of their railroad, and at any intermediate depots upon the line of the same, not exceeding five acres at each place; and may erect and build thereon such houses, warehouses, machine shops and other buildings and improvements as they may deem expedient for the safety of property, and the construction and repairing of cars, carriages, steam engines, and for other necessary uses.

Statement of
costs and ex-
penses to be
made and filed

16. *And be it enacted*, That as soon as the said railroad or any part of it is in operation, the president of the said company, shall file under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages, and all expenses in the office of the secretary of state, and annually thereafter on the first Monday in January of each year; he shall under oath or affirmation, make a statement to the secretary of state, of the cost, equipments, appendages, and expenses of said road, and after the said railroad, or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state, a tax of one-half of one per cent on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads, over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said railroad or any part thereof shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons, as

State tax.

other taxes are assessed in said city or cities, township or townships, provided that no other tax or impost shall be levied or assessed upon said company.

17. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the necessary engines and machinery, for the uses and objects of the said company, and to secure repayment thereof by bond and mortgage, or otherwise, on the said road, land, privileges, franchises and appurtenances, of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury in any court of law or equity, in any suit instituted to enforce the payment of any bond or mortgage executed under this section.

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

thereof, shall be vested in the state of New Jersey upon the payment of the amount so reported to the said company; *provided*, the sum so to be paid shall in no case exceed the original cost of said road; 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 cost of said road, and of all the receipts and disbursements of the company.

Persons who
may ride free.

19. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court and the judges of the court of errors of this state, whilst traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during the year or years for which they are elected, shall pass and repass on said railroad, in the cars, free of charge.

20. *And be it enacted*, That this act may be altered, amended or repealed whenever the legislature may deem the public good requires the same.

21. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER DXIX.

An Act to provide for the appointment of a Harbor Master for the Harbor of Elizabeth and Elizabeth Creek, in this State.

Appointment
of harbor mas-
ter

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be appointed on the nomination of the governor, by and with the advice and consent of the senate, a harbor master for the harbor of Elizabeth and Elizabeth creek; said harbor master shall hold his office for two years or until another shall be appointed in his place.

Harbor master
to execute
bond.

2. *And be it enacted*, That said harbor master before entering upon the duties of his office shall execute a bond to the state of New Jersey in the penal sum of one thousand

dollars, with two sufficient sureties, to be approved by the mayor of the city of Elizabeth, conditioned for the faithful performance of his duties and said harbor master shall perform all the duties, exercise all the powers and derive all the emoluments imposed and authorized by this act.

3. *And be it enacted*, That said harbor master shall have ^{Powers and duties.} authority to regulate and station all ships, vessels and boats in the harbor of Elizabeth and Elizabeth creek and to remove from time to time such ships, vessels or boats as are not employed in receiving and discharging their cargoes; to make room for such others as require to be immediately accommodated for the purpose of receiving or discharging cargoes; and as to the fact of their being fairly and bona fide employed in receiving or discharging their cargoes, the said harbor master is hereby constituted sole judge; the said harbor master shall have authority to determine how far and in what instances it is the duty of masters' and others having charge of ships, vessels and boats to accommodate each other in their respective situations, and if any master or other person having charge of any ship, vessel or boat shall refuse or neglect to obey the direction of said harbor master in matters within his authority to direct, or if any person shall resist or oppose the said harbor master in the execution of the duties of his office, such master or other person having charge of any ship, vessel or boat or other person whatsoever shall for every such offence forfeit and pay the sum of fifty dollars, to be recovered with costs of suit, in the name of the state of New Jersey, before any court having cognizance thereof; all which fines when collected shall be paid to the treasurer of this state and shall be subject to the disposition of the legislature thereof.

4. *And be it enacted*, That said harbor master shall have ^{Fees that may be demanded and received.} power to demand and receive from the commanders, owners and consignees, or either of them, on all domestic ships, vessels or boats, and on all ships, vessels or boats of any foreign nations that are permitted by the laws of the United States to enter on the same terms as said domestic vessels of the United States, and which shall enter the said harbor of Elizabeth and Elizabeth creek, and load or unload, or make fast to any wharf therein, one and one-half of one per centum per ton, to be computed from the tonnage expressed in the register or enrolments of such ships, vessels or boats, respectively, and no more, and also on all other foreign ships,

vessels or boats, which shall arrive at and enter the said harbor or creek, and load, unload or make fast to any wharf therein, double the amount of fees above specified, according to the rates of tonnage or burden of said ships, vessels or boats, respectively, to be ascertained by their respective registers or other documents on board the same.

Penalty for
non-payment
of fees.

5. *And be it enacted*, That the master, owner or consignee of any ship, vessel or boat, subject to the payment of fees to the harbor master as aforesaid, shall, within forty-eight hours, after the arrival of such ship, vessel or boat, pay the fees so due thereon, at the office of the said harbor master, and in default of such payment, such master, owner or consignee, shall forfeit and pay double the amount of such fees, to be sued for and recovered by the said harbor master, and for his use in any court having cognizance thereof.

6. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER DXX.

An Act to authorize the President and Directors of the Hackettstown Aqueduct Company to convey their works and franchises to "The Inhabitants of the Town of Hackettstown," and to provide for the management of said works.

Preamble.

WHEREAS, "The Inhabitants of the town of Hackettstown" have purchased the whole of the capital stock of the Hackettstown Aqueduct Company, and have thus become the real owners of said works, but are compelled to manage and conduct the same pursuant to the provisions of the charter of the said company, in whom the legal title to said work is still vested; therefore,

May convey
property to
the town of
Hackettstown

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Hackettstown Aqueduct Company, and they are hereby re-

quired, on or before the first day of May next, to convey unto "The Inhabitants of the Town of Hackettstown" all the real estate, works and property, and all the corporate rights, powers, franchises and privileges of said company, and that upon the due execution of such conveyance the legal title to said real estate, works and property, and all the corporate rights, powers, franchises and privileges of said company shall pass to and vest in "The Inhabitants of the Town of Hackettstown," in as full and ample a manner as the same now are or heretofore have been held and enjoyed by the said company.

2. *And be it enacted*, That the said water works shall be conducted and managed exclusively by and through a board of commissioners to consist of six persons, to be appointed as hereinafter directed, and that all the authority, powers and duties relative thereto, now exercised and performed by the president and directors of said company shall be exercised and performed by said commissioners, except as is hereinafter provided, and in pursuance of this authority the said commissioners may appoint and employ all proper clerks, officers, agents and assistants, necessary or convenient for the purposes aforesaid, at such compensation as they may deem reasonable; *provided*, that the said commissioners shall have no power or authority to create loans or borrow money, and shall not be entitled to take or receive any compensation for their services.

Water works
to be managed
by a board of
commission-
ers.

Proviso.

3. *And be it enacted*, That the real estate, works and property, hereby conveyed, or hereby authorized to be conveyed to "The Inhabitants of the Town of Hackettstown," and the income thereof shall be and remain liable in their hands for the payment of all debts heretofore contracted by the president and directors of the Hackettstown Aqueduct Company, and that for the purpose of paying such debts, and to provide for the further extension of said aqueduct or water works, it shall and may be lawful for the common council of said town, upon the written application of said commissioners, to issue the bonds of the town for an amount not exceeding twenty-five thousand dollars, which bonds shall have the town seal attached, and be signed by the mayor and treasurer of said town, and shall bear interest at the rate of seven per centum payable semi-annually, and shall not be liable to any tax which may hereafter be levied or assessed by order of the said common council, the principal of said bonds shall

Property and
estate to be
and remain
liable for
debts.

- be made payable at such time or times as the said common council may by ordinance prescribe; *provided*, that such bonds shall not be issued in any case unless a majority of the whole number of the common council shall concur therein, and no bonds shall be disposed of at less than their par value.
- Proviso.*
- Proceeds of bonds, how applied.
4. *And be it enacted*, That the said bonds or the proceeds thereof when sold by the said commissioners, shall be applied first to the payment of the debts of the president and directors of the Hackettstown Aqueduct Company, and the balance shall constitute a fund for the future extension of said works, and shall be used exclusively for that purpose and no other, and said bonds shall constitute what shall be called the water bonds of the town of Hackettstown.
- Rents and revenue, how appropriated.
5. *And be it enacted*, That the net rents and revenue received from the said water works or aqueduct after paying all expenses for maintaining the works, and extending the pipes and paying salaries, wages and incidental expenses, shall be appropriated first to the payment of the interest on the said bonds, and the balance thereof, if any, shall be set apart as a sinking fund for the payment of the principal of said bond, and that no part of said rents and revenues shall be appropriated or used for any other purpose whatever until the whole of said debt is paid and satisfied.
- Statement of expenditures to be made.
6. *And be it enacted*, That the said commissioners shall on the last Monday of April, and the last Monday of October in each year, pay over to the treasurer of the town of Hackettstown the net rents and revenue of said aqueduct and water works, and at the same time exhibit to the common council of said town a full and detailed statement of all the expenditures of every kind and description made by them or under their order during the preceding six months, and also a full and detailed statement of all the rents, revenues and incomes of said commissioners during the said time, which statement shall be audited and approved by a majority of said common council.
- Amount of deficiency to be raised by tax.
7. *And be it enacted*, That if at any time the net rents and revenues of said aqueduct or water works shall not be fully sufficient to pay the interest on the said water bonds of the town of Hackettstown, and the expenses of said aqueduct or water works, it shall be the duty of the said commissioners in the month of April in each and every year to certify to the common council of said town what deficiency it

will be necessary to raise to pay said interest and expenses, and thereupon the said common council may impose, assess and collect such an amount of tax as shall be sufficient with the revenues of said works or aqueduct to pay the interest on said bonds and the said expenses for that year, and the said common council are hereby empowered to add to the amount they now are and hereby may be authorized to raise in the general assessment such sums as shall be necessary for the purpose aforesaid, notwithstanding any limitations or restrictions contained in the charter of said town, or the supplements thereto.

8. *And be it enacted*, That a majority of said commissioners shall constitute a quorum for the transaction of business, and they shall keep regular books of account and books for recording the whole of their official proceedings, and all such books shall be open at all times to the examination of any member of the common council of the said town, and of any person or persons appointed by the said common council for that purpose, and the said commissioners shall also, once in every year, make a report to the said common council of the condition of the said aqueduct or water works, and a detailed statement of their receipts and expenditures shall be published with the annual statement of the town treasurer.

Statement of
receipts and
expenditures
to be made
annually.

9. *And be it enacted*, That all the contracts and engagements, acts and doings of the said commissioners within the scope of their duty and authority, shall be obligatory upon and be in law considered as done by the inhabitants of the town of Hackettstown, and any judgment recovered against the said commissioners in their official capacity, shall have the same force and effect as a judgment against the said town, and shall be enforced by the same process and in the same manner as if the same had been rendered in an action brought against the inhabitants of the town of Hackettstown.

Contracts and
engagements.

10. *And be it enacted*, That the said commissioners may sue and be sued, and prosecute or defend any action or process at law or in equity, by the name of "The Water Commissioners of the town of Hackettstown," against any person or persons for money due for the use of the water, for the breach of any contract expressed or implied, touching the execution or management of the works or said aqueduct, or

General powers.

the distribution of the water, or of any promise or contract made to or with them, and also for any injury, trespass or nuisance done or suffered to the water, reservoirs, pipes, machinery, or any apparatus connected with or belonging to said works or aqueduct, or for any improper use or waste of the water; and any vacancy, or the filling of any vacancy in the board of commissioners, either before or after any cause of action arises, or suit is commenced, shall not change the right of said commissioners, as a body, to commence, maintain or defend such action or suit, but for such purposes and in such cases they shall be considered, from the time of the organization of the board, as a corporate body.

Enforcement
of contracts.

11. *And be it enacted*, That all promises and contracts made by or with the president and directors of the Hackettstown Aqueduct Company, previous to the execution of the conveyance hereinbefore authorized, shall be binding on the said commissioners, and upon the other contracting party in the same manner, and to the same extent, as if said promise or contract had originally been made by or with said commissioners, and that all actions, suits and remedies, relative thereto, shall be brought, prosecuted and enforced in the manner specified in the last preceding section, as in full and ample a manner as the same might or could have been prosecuted or enforced by or against the president and directors of the Hackettstown Aqueduct Company, in case this act had not been passed.

Commission-
ers to regu-
late the use
and supply of
water, &c.

12. *And be it enacted*, That the board of commissioners for the time being, shall have power and authority to regulate the supply and use of the water, to fix the prices for the same, and the times of payment, to make and prescribe such rules, regulations, conditions and restrictions, as they may deem necessary, or expedient with the reference to the use and mode of drawing the water, the collection of water rents, and the mode of enforcing such collections, and they shall have power to impose such penalties in addition to the cutting off the water, as they may deem expedient, for the violations of such rules and regulations and restrictions.

Erection of
fire plugs.

13. *And be it enacted*, That it shall be the duty of the commissioners to erect and maintain fire plugs in the public streets of said town through which water pipe shall have been laid in such numbers and locations as the common council may from time to time direct, and to supply the same with

water, and such plugs shall be under the control and direction of the common council, who are hereby authorized by ordinance to make the necessary rules and regulations respecting the use thereof, and to prescribe penalties for their violation, and the mode of collecting such penalties.

14. *And be it enacted*, That the said commissioners shall elect annually one of their number to be president of the board, who shall under their direction, have the general superintendence of the water works or aqueduct and the business of the board; the president, or in his absence one of the commissioners appointed by the board for that purpose, shall sign all contracts and all orders on the treasurer for the payment of moneys, which may be authorized by the said commissioners. ^{Election of president.}

15. *And be it enacted*, That the said commissioners shall require and take from their treasurer and such officers and agents as they may appoint, such bonds and securities for the faithful performance of their duties as they may deem proper. ^{Treasurer and officers to give bonds.}

16. *And be it enacted*, That John Shields, Isaac W. Crane, Redding Bell, Robert Rusling, Lewis J. Youngblood, William L. Johnson, shall constitute the first board of water commissioners and shall at their first meeting determine by lot or otherwise the terms during which they shall hold their offices, and these shall be as follows: two of them shall remain in office one year, two of them two years, and two of them three years, all to be computed from the first day of May next. ^{First commissioners.}

17. *And be it enacted*, That the common council of said city, shall in the month of April, eighteen hundred and seventy-one, and in the same month in every year thereafter, elect two commissioners, who shall hold their office for three years, to be computed from the first day of May next ensuing their election, and any vacancy that may occur in said commission by death, resignation or otherwise, shall be filled by the common council at a regular monthly meeting, but the person appointed to fill such vacancy shall hold his office only for the residue of the term for which he may be appointed; *provided*, that no member of the common council shall be appointed a water commissioner, or act as such after his election as a member of said council. ^{Commissioners to be elected annually. Proviso.}

18. *And be it enacted*, That all acts or parts of an act

conflicting with this act, be and the same are hereby repealed.

Repealer.

19. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER DXXI.

An Act to incorporate the Weehawken Railway Company.

Names of corporators.

Corporate name.

Amount of capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Frederick H. Cossitt, William V. V. Mabin, John S. Schutze, George H. Brown, Denning Duer, A. Gracie King, Samuel B. Dod and William W. Shippen, and such other persons as may hereafter be associated with them, shall be and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Weehawken Railway 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 the courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient for the objects of this corporation.

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, but said company may increase the same to an amount not exceeding one

million of dollars ; the said capital stock shall be deemed personal property, and shall be transferable in such manner as the by-laws of said company shall direct.

3. *And be it enacted*, That the above named persons, or a majority of them, may open books and procure subscriptions to the capital stock of the said company, at such time or times, and place or places, as they, or a majority of them, may think proper ; and whenever there shall be one thousand shares of the said stock subscribed, the said corporation, or a majority of them, may give notice for a meeting of the subscribers to choose nine directors, and such election shall be made at the time and place appointed in the said notice by such subscribers as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote ; and the said above named corporators, or a majority of them, shall be inspectors of such election, and shall certify under their hands the names of the persons duly elected as directors, and deliver over the subscription books to the said directors at the first meeting of the said directors ; and the said directors so chosen as aforesaid, shall at their first meeting, or annually, at the annual election of the said company, or as soon as may be after every such election, choose out of their own number a president, and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them, and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such powers and functions as the by-laws of the said company shall provide.

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

5. *And be it enacted*, That five directors of said company shall be competent to transact all business of the said company, and they shall have power to call in the capital stock of said company, by such installments, not to exceed twenty

Election of directors.

Failure to elect not to dissolve.

Failure to pay installments to work a forfeiture.

Proviso.

dollars on each share at any one time, and at such times as they may direct; *provided*, that such installments shall not be called for at a shorter period than thirty days from each other, and in case of the non-payment of said installments, or any of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of the said company, and shall also have power to appoint a treasurer and a secretary, and so many clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

May survey,
lay out and
construct rail-
road.

6. *And be it enacted*, That the president and directors of the said company, be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point on the Hudson river, in the township of Weehawken, in the county of Hudson, through King ravine to some point on the Hackensack river north of the New York and Paterson plank road bridge, with power to build branches thereto to connect with any railroad that may now or hereafter be constructed in the county of Hudson, and to build a bridge over the Hackensack with such draws as are hereinafter specified and described; but such railway shall not exceed one hundred feet in width, unless more land shall be required for the slopes of cuts and embankments, with as many sets of tracks and rails as said company may deem necessary; 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 waters for the purpose of exploring, surveying, leveling and laying out the route or routes of such railways, and of locating the same, and to locate and erect all necessary works, buildings, conveniences, appurtenances and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such railways, and the location or locations of other works, buildings, conveniences, appurtenances and appendages thereof shall have been determined upon, and a survey of such route or routes, location or locations, deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, workmen and other persons in their employ, to enter

upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges and all other necessary works, lay rails, and to do all other things which may be suitable or necessary for the completion, management or repairs of said railways, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of payment of all damages for the occupancy of lands through or upon which the said railway and its conveniences, appurtenances and appendages may be laid out or located, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said railways and its conveniences, appurtenances and appendages, and of locating the same, unless the consent of the owner or owners of such lands be first had and obtained.

7. *And be it enacted*, That if the owner of the land on which such survey or location for said company shall be made, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court, who is disinterested in the premises, upon the application of either party, and after giving ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners to assess the price or value of said lands, who shall be sworn or affirmed faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises and hear the parties and evidence if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such decision and award, together with a description of the said land and the quantity taken, by whom owned and how situated and bounded, and described in writing, under their hands and seals, or under the hands and seals of any two of them, to the justice who appointed them, and to be by him returned and filed in the office of the clerk of the county wherein the lands lie, together with all the papers before him relating thereto, there to be kept as a public record, and copies taken if required by either party, and if either party shall feel aggrieved by the decision and award of the said commissioners, the party so aggrieved may appeal to the circuit court at the next term after such decision and

Proviso.

On Proceedings when no agreement can be made between company and owners of land.

award, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and if required they shall award a venire in proper form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained, and if the said jury be demanded by the said company, and they shall find a greater sum than the said commissioners, then judgment shall be given with costs against the said company, and execution issued if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum awarded by the said commissioners, or execution issued therefor, as may be directed by the said court, and upon payment or tender of the sum so found by the said commissioners, or by the jury, with costs, if any, the said company shall be deemed to be seized and possessed in fee simple, of all such lands and real estate appraised as aforesaid.

Proceedings
in case of dis-
ability.

8. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos, out of the state or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said company to pay the amount of any award or report so made in behalf of any such person, into the court of chancery to the clerk thereof, subject to the order of the said court for the use of any such owner or owners, all of which said proceedings, as well under this as the preceding section of this act, shall be at the proper costs and charges of the said company, except in cases of appeal above provided for, and the said justice shall and may order and direct as to the amount of costs and charges of such valuation and appraisement and witness fees, and as to the payment thereof in cases where an appeal is made.

Crossings to
be kept in
repair.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient crossings, where any public or other road shall cross the same, so that the passage of carriages, horses

and cattle across the said railway shall not be impeded thereby.

10. *And it be enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and to place on any railway constructed by them under the provisions of this act, all machines, engines, wagons, carriages or vehicles, for the transportation of persons or any species of property thereon, as they may think reasonable, expedient and right; *provided*, they shall not charge more than at the rate of twelve cents per mile per ton for the transportation of property on the said railway, or eight cents per mile for carrying each passenger on said railway in the carriages of the company, or six cents per ton per mile for each ton of property transported, or four cents per mile for each passenger carried on said railway in the carriages of others, and three cents per ton per mile for each empty carriage; *provided*, that no charge shall be required to be less than that authorized for one mile, and the said railway and its appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to said company, at any time or times, are hereby vested in the said company, incorporated by this act, and their successors and assigns, during the continuance of this act.

Rates of fare
and transpor-
tation.

Proviso.

Proviso.

11. *And be it enacted*, That it shall be lawful for this company to contract for the running of the trains of this company over their own railroad or roads, or to let and lease the same to any other corporation or individuals to operate, and that the railroad or roads authorized by this act shall be and are hereby declared public highways, free for the passage of any railway car or carriage thereon with passengers and property, subject to the rates hereinbefore mentioned; *provided*, that the trains or cars of any other corporation, company or individuals passing over or on said railroad or roads, shall be subject to the regulations of this company as to time and speed of running said trains or cars.

May contract
for running
trains.

Proviso.

12. *And be it enacted*, That the president and directors shall, within one year after the said railway shall have been completed, declare and make such dividends as they may may deem prudent and proper.

Dividends.

13. *And be it enacted*, That if any person shall wilfully impair, destroy or obstruct the use of the railway constructed

under the provisions of this act by the said company, or any of its necessary wharves, bridges, carriages, machines or appendages, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by it recovered in any court having competent jurisdiction in an action of debt, with costs, and further shall be liable for all damages.

Penalty for injury to property.

14. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said railway, and at the several stations on the line of said railway to a sufficient extent to provide accommodations and conveniences for the business of said railway, and may erect and build thereon houses, warehouses, machine shops and such other buildings and improvements as it may deem expedient for the safety of property and construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain such bridges over any rivers or streams of water on the line of its railway as it may find expedient and necessary for full enjoyment of all the benefits conferred by this act; *provided*, that any bridge erected by said company over any navigable stream shall have a suitable and sufficient draw at a convenient place for the passage of vessels, so as not to impede the navigation thereof.

May purchase and hold real estate.

Provide

15. *And be it enacted*, That as soon as the said railroad or any part of it is in operation, the president of the said company shall make under oath or affirmation, a statement of the amount of the cost of the said railroad including equipments, appendages and all expenses in the office of the secretary of state, and annually thereafter on the first Monday in January of each year, he shall under oath or affirmation make a statement to the secretary of state, of the cost of the equipment, appendages and expenses of said road; and after the said railroad or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad, or any part

Statement of costs and expenses to be made and filed

State tax.

thereof shall be in operation, the said corporation shall be regularly assessed, and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner, for the same purposes and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company. Proviso.

16. *And be it enacted*, That any time after fifty years from the completion of the said railway, the legislature of this state may cause an appraisement of the said railway 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 appraisement, 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 their appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or, in case the said six shall be appointed as aforesaid, and they cannot agree upon the seventh man, then, upon two weeks notice to the said company, the said chief justice shall appoint the seventh man as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege for three years of taking the said railway, upon the payment to the company of the amount of said report, within one year after electing to take said railway, which report shall be filed in the office of the secretary of state, and the whole property and interest of said company, 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 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 cost of said railway and of all receipts and disbursements of the said company; *provided always*, that the aforesaid valuation shall be made without reference to the receipts and disbursements of the company, or advance of Legislature may elect to take railway at an appraised value. Proviso.

the stock ; and the said valuation shall in no case exceed the first cost of said railway with the appendages thereof.

May operate
road.

17. *And be it enacted*, That when any part of the said railway shall be completed the said company may commence operating the same for the transportation of passengers and property, enjoying all the privileges and subject to the restrictions created by this act.

Limitation.

18. *And be it enacted*, That the said railway, or some part thereof, shall be commenced within five years and completed within ten years from the fourth day of July next ensuing, otherwise this act shall be void, as to so much of the road as is not then completed.

May make
contracts.

19. *And be it enacted*, That it shall be lawful for said company to make contracts and engagements with any other corporation or individuals for transporting or conveying any kind of goods, produce, merchandise, freight or passengers and to enforce the fulfillment of said contract.

May borrow
money.

20. *And be it enacted*, That the said corporation shall have power to borrow from time to time, such sum or sums of money as shall be necessary to secure rights of way, make surveys, to construct or repair said railroad, and to furnish the said corporation with the necessary engines, machinery, cars, boats and buildings for the uses and objects of said corporation and to secure the repayment thereof by bond and mortgage or otherwise, on the said road or roads, lands, property, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum ; *provided*, that it shall not be lawful for the said corporation to plead any statute or statutes of this state against usury, in any court of law or equity in any suit instituted to enforce the payment of any bond or mortgage executed under this section of this act.

Proviso.

Who may ride
free

21. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors and appeals of this state, the state superintendent of public schools and the principal of the normal school, whilst traveling for the purpose of discharging the duties of their offices, the members and officers of both houses of the legislature of this state during the year for which they were elected shall pass and repass on the railroad of said company free of charge.

Stocks and
bonds.

22. *And be it enacted*, That it shall be and may be lawful

for any corporation to subscribe for, purchase and hold the stock and bonds of the said railway company.

23. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER DXXII.

An Act to incorporate the Highwood Land Company.

1. BE IT ENACTED *by the Senate and General Assembly of* Names of corporators.
the State of New Jersey, That Archibald Gracie King,
 Edward King, John A. King, Denning Duer, Edgar H.
 Richards, John C. Bancroft Davis and James L. McLane,
 and their associates, are hereby created a body politic and
 corporate by the name of "The Highwood Land Company," Corporate name.
 and by that name shall have power to sue and be sued, com-
 plain and defend in any court of law and equity, to make
 and use a common seal and to alter the same at pleasure.

2. *And be it enacted*, That the capital stock of the said com- Amount of capital stock.
 pany shall consist of twenty-five hundred shares of fifty dol-
 lars each, and said shares shall represent the lands, tene-
 ments and hereditaments which the said company by this
 act are empowered to purchase, hold or acquire.

3. *And be it enacted*, That the said company are hereby May receive conveyances from devisees.
 empowered to receive conveyances from the devises of James
 G. King, late of Hudson county, deceased, of the lands and
 real estate held and owned by them, and also the title, by
 said devises acquired from the state of New Jersey to lands
 under water under the act entitled "Supplement to an act
 entitled 'An Act to ascertain the rights of the state and of
 riparian owners in lands lying under the waters of the bay of
 New York and elsewhere in this state,'" approved April
 eleventh, eighteen hundred and sixty-four, which said sup-
 plement was approved March thirty-first, eighteen hundred
 and sixty-nine; and the shares of stock in the said corpora-

tion shall be apportioned among the said devisees so as to represent their interest and estate in the said lands; and the trustees under the said will of the said J. G. King, and other trustee or trustees that hereafter may be appointed by any competent authority, shall hold the stock of the said company to represent the trust property in the said will described upon the trusts in the said will set forth, and the said company can also acquire the title to other lands; *provided*, that no more than five hundred acres shall at any time be held by the said company.

Improvement
of lands.

4. *And be it enacted*, That the said company are and shall be empowered to improve the said lands; to lay the same out in streets, lots and blocks, to reclaim the lands under water, the title to which has been or shall be acquired from the state of New Jersey, in pursuance of the laws of the said state, upon compensation made or to be made therefor; to erect houses, buildings, wharves, piers, docks and other structures on the property of the said company, and to establish and regulate the rates of wharfage and charges for the use of said wharves, piers and docks, and to establish, keep up and maintain one or more ferries from said property which they may acquire to the city of New York or elsewhere; to sell, mortgage, rent or lease the said property, and to execute the proper conveyances and assurances therefor.

Election of
directors.

5. *And be it enacted*, That the affairs of the said company shall be managed by seven directors; the corporators above named being the directors for the first year, and thereafter said directors shall be elected by the stockholders, each share being entitled to one vote; said directors shall be elected on the first Monday in May of each year; in case there shall be a failure to elect directors at any day fixed for an election, this corporation shall not for that cause be dissolved, but the directors previously elected shall hold their office until others shall be lawfully chosen; two weeks notice of every election for directors shall be given by publication in a daily newspaper published in the county of Hudson; any vacancy among the directors can be supplied by a majority of the remaining directors until an election shall be had to supply such vacancy; one of the said directors shall be chosen president of the company, by the votes of a majority of the said directors, who shall hold his office for one year, and until another shall be chosen in his place.

6. *And be it enacted*, That a majority of the directors shall ^{General powers.} form a board for the transaction of business, and shall have power to make by-laws, ordinances and regulations, and to appoint all officers and agents as they may think proper, and to fix their compensation.

7. *And be it enacted*, That dividends can be made of the ^{Dividends.} proceeds of the sale of lands and of the profits of the said company by the directors.

8. *And be it enacted*, That the said company shall be at ^{Company may take stock of railroad companies, &c.} liberty to subscribe for and take stock in any railroad, canal, turnpike or other highway. that now is or hereafter may be incorporated or established by the legislature, which shall pass to or through any lands that may be owned by the said company, and to take stock in or establish as aforesaid a ferry or ferries from their lands to the city of New York or elsewhere.

9. *And be it enacted*, That the said company can increase ^{Capital stock may be increased.} their capital stock, from time to time, to an amount not to exceed two millions of dollars, and in case of such increase, shall file a statement thereof in the office of the secretary of state of this state, and this company shall be liable to taxation in like manner as all other corporations of the same character are liable in this state.

10. *And be it enacted*, That this corporation shall cease at ^{Limitation.} the end of fifty years, and the legislature can at any time alter, modify and repeal this act, and this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER DXXIII.

An Act to incorporate the Half-dime Savings Bank, of the Town of Orange, in the County of Essex.

Names of corporators.

Corporate name and powers.

Proviso.

Proviso.

Election of managers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Michael Mohor, John L. Blake, John Otterbine, James Sheridan, Henry A. Howe, James Brady, James P. Burton, Leander Williams, Thomas J. Smith, John S. Holey, Sam W. Baldwin, Jabez P. Condit, jr., William N. Williams, Edward D. Pierson, Alvin M. Condit, Lewis F. Taylor, David Dodd, Henry M. Matthews, Sebastian Trabold, Thomas G. Barber, Ross C. Browning, James F. Wilson, William M. Kent, George Spottiswoode, Isaac L. Vanorden, James Peck, David S. Beach, Thomas P. Bayes, Jared B. Porter, Amzi S. Dodd, Charles M. Banta, and their successors, shall be and hereby are incorporated a body corporate and politic, under and by the name of the "Half-dime Savings Bank, of the Town of Orange," and, by that name, shall be capable of purchasing, taking, holding and enjoying any real or personal estate of any kind or description whatsoever, and in fee simple or otherwise, and of selling, conveying, leasing or otherwise disposing of the same, or any part or parts thereof, at their will and pleasure; *provided always*, that the clear annual income of such real estate, other than that which may be taken in the payment or securing of any loan or loans, shall not exceed the sum of twenty-five thousand dollars; *and provided also*, that no such real estate shall be sold or purchased (except in the payment or securing of a loan, as aforesaid) without the consent and approval of at least three-fifths of the whole number of the board of managers hereinafter mentioned.

2. *And be it enacted*, That the business and affairs of said corporation shall be conducted at some convenient place in the town of Orange, in the county of Essex, and by a board of thirty-one managers, of whom four members shall constitute a quorum; and that the corporators named in the first section of this act shall be the first board of managers; and that said board shall have power, by the vote of at least

three-fifths of their whole number, to declare vacant the seat of any manager who may have neglected to attend the regular meetings of the board for the space of six months or longer, and, also, in the same manner, to fill any vacancy which may at any time occur in said board, whether by death, resignation or otherwise.

3. *And be it enacted*, That the board of managers shall meet annually on the first Monday in March, and shall then choose from among their own number a president and vice president, and they shall and may, from time to time, appoint and remove a secretary and treasurer, and such other officers and agents as to them may seem necessary for the transaction of their business; and that said officers so chosen or appointed, shall continue in office until others shall be chosen or appointed in their stead; and that the said president, vice president, secretary and treasurer, shall severally make oath or affirmation, before any person or persons authorized to administer oaths or affirmations in this state, for the honest and faithful execution of the duties of their respective offices, and shall also give ample security therefor in such sum or sums as may be required and approved by the board.

4. *And be it enacted*, That no emolument or other compensation for services shall be received, whether directly or indirectly, by any of said managers, except the president, secretary and treasurer, and any committee who may be entrusted with the examination of property offered as security for loans, who shall receive such compensation as may from time to time be established by a vote of three-fifths of the whole number of managers; and that no officer or manager shall be allowed, whether directly or indirectly, to hire or borrow any money from said corporation, or to become in any way security for any hirer or borrower of any such money, or to use the funds or other property of such corporation for his own purposes in any way whatever; and that said corporation shall not take or hold any bond, mortgage or other security for the payment of money drawn or endorsed by, or existing against any of its said officers or managers, as security for any money loaned by said corporation, unless the same shall have been received in the payment of debts due from other parties.

5. *And be it enacted*, That the said board of managers shall have power, from time to time, to make, ordain, establish,

General powers.

No compensation to managers.

May adopt by-laws.

alter and repeal such by-laws and regulations as they shall judge proper, for the election or appointment of said officers or agents, and for prescribing their duties, and, in general, for regulating and directing the management of the business and property of the corporation; *provided*, that such by-laws or regulations shall not be repugnant to the constitution and laws of this state or of the United States of America, and that the same shall not be at any time altered in such way as to affect injuriously any deposit of money made previously thereto.

Proviso.

May receive
and invest de-
posits.

6. *And be it enacted*, That the corporation may receive, on deposit, any and all sums of money which may be offered therefor, in such amounts, and at such times, and upon such terms as the by-laws shall prescribe; which moneys shall be invested in the manner hereinafter directed, and be repaid to the depositors, or their legal representatives, at such times, and with such interest, and under such regulations as the board of managers may from time to time order and direct; and the said corporation may accept and execute all such trusts of every kind as may be committed to them by any person or persons whatsoever, by will or otherwise, or be transferred to them by the order of any court; *provided*, that said corporation shall not be required to receive on deposit, at any time, any less sum of money than five cents.

Proviso.

Investment of
deposits.

7. *And be it enacted*, That the corporation may invest the moneys so left with them on deposit as aforesaid, in no other public stocks or bonds than such as are or shall be created and issued under the laws of the United States of America, or of the several states of said union, or by the cities of New York and Brooklyn, in the state of New York, or by any town, township, city or county of the state of New Jersey, they being thereunto duly authorized by the laws of said states respectively; nor upon bond and mortgage, except such mortgage shall be on unincumbered real estate worth at least double the amount so invested, nor upon personal securities, unless the same be of a temporary character, and be accompanied by pledges of collateral securities worth at least twenty per centum more than the amount loaned in each case; *provided however*, that the whole amount so to be loaned upon personal security shall not at any one time exceed one-half part of the aggregate amount of the assets of the said corporation.

Proviso.

8. *And be it enacted*, That it shall be the duty of the board

of managers to determine the rate of interest allowed to depositors, in such manner that they shall receive a just proportion of the profits to be realized upon the business of the corporation, after deducting therefrom all necessary expenses, and laying aside a reasonable surplus or contingent fund; *provided*, that the said rate of interest may, in the discretion of the managers, be so regulated as that the interest allowed to any depositor having more than five hundred dollars on deposit shall be at least one per centum less than the rate allowed to other depositors; *and provided also*, that the corporation shall not be required to allow interest upon any deposit until it amounts to the sum of five dollars, nor upon the fractional parts of five dollars, nor upon the fractional parts of a month; and that no interest or dividend on account of any surplus or contingent fund, shall be allowed for or upon any moneys which may have been previously withdrawn from deposit.

Regulation of interest.

Proviso.

Proviso.

9. *And be it enacted*, That it shall be lawful for the said corporation, in their discretion, to pay any depositor, being a minor, any such sum of money, not exceeding one thousand dollars, as may be due to such depositor, in any case where such deposit shall have been made personally by such minor, and not by any other person for his or her benefit; and that the receipt or acquittance of such minor therefor shall be as valid and effectual in law, and shall as fully exonerate and discharge said corporation as though the same had been given or executed by his or her legal guardian.

Minors may give acquittance for deposits.

10. *And be it enacted*, That, in case the said corporation shall receive any deposit from any married female, or from any single female who may afterwards marry, it shall be lawful for the said corporation to hold said deposit, together with any interest or dividends that may accrue thereon, as the separate property of such female, and as though she were feme sole and unmarried, and that the same shall not be in any way subject to the control, nor liable for the debts, of her husband, and that said corporation may lawfully pay the same, or any part thereof unto the said female, upon her separate check, order, receipt or demand, without the knowledge or consent of her said husband, and that such payment shall fully exonerate and discharge said corporation from any and all further liability by reason or on account thereof.

Deposits by females not to be controlled by husband.

11. *And be it enacted*, That a book shall be kept at the office of the said corporation, in which any depositor shall be

Depositor
may appoint
person to re-
ceive moneys.

at liberty to appoint any person or persons to whom, in the event of his or her death, the amount of such deposit, together with the interest or dividends thereon, shall be paid, if not otherwise disposed of by will; and all payments made to such person or persons, so appointed, shall be a full discharge to said corporation; but should no such appointment be made, then such deposit, with the interest or dividends thereon, shall be paid to the legal representatives of the deceased.

Annual state-
ment.

12. *And be it enacted*, That it shall be the duty of said corporation to make an annual report of its affairs, and of the nature and character of its investments, to the legislature of this state; which report shall be verified by the oaths or affirmations of the president or vice president, and of the treasurer, and at least three other members of the board of managers.

Act to be fa-
vorably con-
strued.

13. *And be it enacted*, That this act shall be construed in all courts favorably and benignly for every beneficial purpose therein included, and that no misnomer of said corporation in any deed, grant, devise, or other instrument of writing, shall vitiate or defeat the same; *provided*, the said corporation shall be so described as to show the intention of the parties to said instrument.

Proviso.

Limitation.

14. *And be it enacted*, That this act is hereby declared to be a public act, and that the legislature may, at any time hereafter, amend, modify, or repeal the same; and, also, that it shall take effect immediately, and continue in force twenty years unless sooner repealed by the legislature.

Approved March 17, 1870.

CHAPTER DXXIV.

An Act to amend an act entitled "An Act to incorporate the Woodbridge Tramway Company," passed March thirtieth, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Amendments} *the State of New Jersey*, That the act entitled an act to incorporate "The Woodbridge Tramway Company," passed March thirtieth, eighteen hundred and sixty-nine, shall be and hereby is amended as follows, to wit:

In section three of said act, strike out the words "of two" and insert in their stead the words "of seven."

In the same section (three) strike out the words "installments or" and insert in their stead the words "installments and."

In section six of said act, strike out all that part which follows the word "Middlesex," and which begins with the words "and whenever" and ends with the words "same month."

In section seven of said act strike out the words "said one or," and insert in their stead the words "at least one of said."

In section eleven of said act, insert between the words "pass" and "provided," the words "and are to be passed."

In section fifteen of said act, after the word "within" strike out the word "twelve," and insert in its stead the word "three."

In section seventeen of said act, after the word "constructed," strike out the words "upon any lands," and insert in their stead the words, "into or through any mines."

In the same section (seventeen) after the word "such," strike out the word "lands," and insert in its stead the word "mines."

In section eighteen of said act, strike out the figure "eighteen," and insert in its stead the figure "nineteen."

In section one of said act, after the word "Middlesex," add the following "east of the Raritan river."

In section seven of said act, in line three, after the last

syllable of word "Middlesex," add the following: "east of the Raritan river."

In section eleven of said act, line three strike out the words "upon the same grade or."

In section eleven, strike out all after the word "thereon," in line five to end of section.

In section twelve, line two, after the word "Middlesex," insert the following: "east of the Raritan river."

In section sixteen, lines two and three, strike out the words "property and passengers," and insert in place thereof the words "clay and other minerals."

Amendments

2. *And be it enacted*, That the following shall be added to said act, and shall be known therein as section eighteen, to wit: "18. *And be it enacted*, That in payment of shares of, and of subscriptions to, the capital stock of said company, the said company shall have the right to receive from individuals, firms and corporations, all kinds of real property, as well as mortgages on real property situated within said county of Middlesex, as well as all kinds of personal property, obligations to pay, and certificates of indebtedness, and to hold, use and dispose of the same as said company may deem best."

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER DXXVI.

A Further Supplement to the act entitled "An Act to facilitate judicial proceedings in the county of Essex," approved March fifteenth, eighteen hundred and fifty-nine.

Compensation

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the additional judge provided for by the act to which this is a supplement, shall be, from and after the passage of this act, thirty-five hundred dollars per annum.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER DXXVII.

An Act to incorporate the Amboy Iron Works.

1. BE IT ENACTED *by the Senate and General Assembly of* Names of corporations.
the State of New Jersey, That James Montgomery, Charles H. Marvin, William Bell, James A. Cowing and Augustus T. Post, and such other persons as they may associate with them, and their successors, shall be and hereby are created a body politic and corporate, in fact and in law by the name of "The Amboy Iron Works;" that the capital stock of the said corporation shall be five hundred thousand dollars, divided into shares of one hundred dollars each, which shall Corporate name, and amount of capital stock.
 be subscribed and paid in at such times, upon such notice and in such manner and installments as the directors of said corporation by their by-laws or otherwise may direct, that such payments shall be made either in money or in real or personal property, including patent rights necessary for the business of said corporation, and in case of payment in real or personal property including patent rights, the directors of said corporation may issue in payment therefor the stock of the said corporation upon such terms as they may deem best for its interests; that in case of the failure of any stockholder to pay any installment on his or her stock at the place and within thirty days of the time appointed by the said directors, for the payment thereof his or her share and shares of stock may be sold at public auction to the highest bidder, upon such notice and in such manner as the by-laws of the said corporation may prescribe, and the proceeds of such sale may be applied to the payment of any such installment, and each subscriber to the capital stock of said corporation shall be personally liable to said corporation for the full payment

of all the stock that shall be subscribed for by him or her, until such stock shall be fully paid for.

Stock trans-
ferable.

2. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and the shares of stock shall be transferable in such manner as the board of directors by their by-laws may direct; and every share of stock shall entitle the holder thereof to one vote either in person or by proxy.

Election of
directors.

3. *And be it enacted*, That the said corporation shall be organized and shall have all the rights and powers conferred by this act when one hundred thousand dollars of its capital stock shall be subscribed; the affairs of said corporation, shall, after its organization, be managed by at least five, and not exceeding nine directors, as shall be determined by the board of directors, such directors to be chosen, except as hereinafter provided, by the stockholders of said corporation annually, at such time and in such manner as the by-laws of said corporation may direct; a majority of the directors shall be a quorum for the transaction of business and the directors so chosen shall serve for one year and until others are chosen in their stead, and at least two weeks previous notice of the election of directors shall be given by the publication thereof in a newspaper printed and published in the county of Middlesex; said directors shall from time to time elect a president of the said corporation, from their own number, who shall hold his office until the next annual election for directors, and until another shall be elected in his place, and they may also appoint such other officers as they may deem necessary; and any vacancy in the board of directors may be filled by the remaining directors until the next election, and if for any reason the election for directors shall not be held at the time appointed, the corporation shall not for that reason or cause be dissolved, but such election may be held at any time thereafter; *provided*, two weeks notice shall be given of such election by the publication thereof in some newspaper published in the county of Middlesex.

First directors

4. *And be it enacted*, That James Montgomery, Charles H. Marvin, William Bell, James A. Cowing and Augustus T. Post, shall be the first directors of said corporation, and shall be authorized to receive subscriptions for the capital stock of said corporation, and a majority of them shall, as soon as convenient after the sum of one hundred thousand

dollars of the capital stock shall be subscribed for, assemble and organize such corporation, and they shall continue in office until others as hereinbefore directed shall be chosen in their stead.

5. *And be it enacted*, That the said corporation be and the same is hereby authorized and empowered to carry on the business of ship and boat building and other manufacturing business and of selling and disposing of the things that shall be manufactured by said corporation, and take, hold, use, possess, convey, mortgage and dispose of real and personal property of every description ; and said corporation shall at all times have an office in this state where a legal process may be served upon it.

6. *And be it enacted*, That the amount of the capital of the said corporation may be increased from time to time as the board of directors shall determine to an amount not exceeding two million dollars.

7. *And be it enacted*, That the said directors may from time to time make, alter and repeal by-laws for the government of the said corporation, its officers and agents, the preservation and use of its property and the conduct and management of its business ; *provided*, that no such by law shall conflict with any law of this state ; and the said board of directors may hold its meetings in the city of New York.

8. *And be it enacted*, That the real and personal property of the said corporation shall be subject to taxation in like manner as the property of individuals, and that the corporation shall not be subject to any other tax whatever.

9. *And be it enacted*, That the said corporation shall possess all the rights and powers, and be subject to all the liabilities incident to a corporation, and particularly that it shall possess all the rights and powers and be subject to the restrictions and liabilities provided for in an act entitled "An Act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto, so far as the same are applicable.

10. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER DXXVIII.

A Supplement to the act entitled "An Act relative to taxes in certain Counties in this State," approved April second, one thousand eight hundred and sixty-nine.

Assessment of
taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Wayne, in the county of Passaic, be, and is hereby included in the said act to which this is a supplement, and that the taxes hereafter to be assessed in the said township of Wayne, for the purposes mentioned in said act, shall be assessed and raised according to the provisions of the said act, and that the said act be so modified as not to include the said township in the exception in the said act mentioned.

Lands, where
taxed.

2. *And be it enacted*, That all lands situate in the said township of Wayne, shall be assessed therein.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1870.

CHAPTER DXXIX.

A Further Supplement to an act entitled "An Act to divide the township of North Bergen, in the county of Hudson," passed February twenty-eight, one thousand eight hundred and sixty-one.

Annual report
to be pub-
lished.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual report as audited by the township committee of North Bergen, shall at least ten days before the annual town election in said township,

be published and distributed among the taxable inhabitants, said report to be in pamphlet form, and to explain the monetary concerns of the township by an exhibit of receipts and outlays setting forth clearly all credits and moneys that were received by the collector, the treasurer, and by any other person or persons in behalf of the township during the fiscal year, and the said township committee shall also designate an approximate total in funds, presumptively required to defray and liquidate the current and prospective expenses and obligations of said township for the coming fiscal year, giving likewise particular amounts as estimated by them, for printing, for salaries, and for any and all other needful disbursements, said approximate estimate to follow the statement of the yearly accounts in the annual report as aforesaid.

2. *And be it enacted*, That under and by the title of "The Inhabitants of the Township of North Bergen," said township committee shall possess the prerogative and exercise the authority of prohibiting and regulating inns and taverns, with the power to license the keepers of the same within the bounds of said township; the petition of innkeepers, usual under the existing law, to be directed to the said township committee and to be recognized and recorded by the said township committee, who are empowered, for the use and revenue of said township, to require an annual fee of ten dollars from each person licensed to sell ale and beer, and a like fee of twenty-five dollars from every person licensed to sell ale, beer, and other liquors, said committee are empowered to prohibit the sale of intoxicating drinks by any person or persons not licensed; *provided*, that all licenses shall expire on the first day of May next ensuing their issue in each year.

Licensing of
inns and taverns, &c.

Proviso.

3. *And be it enacted*, That hereafter the collector of North Bergen township shall, immediately after the second Monday in September in each year, give the notice required by the tenth section of "An Act concerning Taxes," approved April fourteenth, eighteen hundred and forty-six, and he shall make demand and give notice required by section eleven of said act, within ten days after the second Monday in September, and the final day fixed for payment of taxes shall not be later than the last Monday of October; the commissioners of appeal in cases of taxation are required annually to convene on the second Tuesday in Octo-

Collector to
give notice.

ber, for the discharge of their official duties, and they may adjourn from day to day their sessions, however, in no year to exceed three days.

Township
committee to
provide by or-
dinance for
laying out
streets, &c.

4. *And be it enacted*, That it shall be lawful for the township committee of said township by ordinance, to provide for the laying out, opening, altering, widening, filling up, grading, altering grade, refilling, guttering, curbing, planking, graveling, macadamizing and paving any one or more of the streets, roads and avenues, or part or parts thereof, within said township; and also for flagging or planking sidewalks, repairing and setting curb and gutters, building drains and sewers, upon an application in writing to said township committee, signed by the line owners representing the larger extent of frontage along which said improvement shall pass; and, that upon any application to these ends being made, said committee, after becoming satisfied that such majority of line owners favor the measure proposed, and having received and receipted for a needful deposit to cover preliminary expenses of publication, shall designate a time and place to hear direct objections, and shall require said petition to be published in a newspaper circulating in said township, for the space of two weeks, the clerk to post printed copies of the petition in at least five of the most public places in said township, together with a notice that written objections to the proposed improvement may be filed with him, and of the time and place when and where said township committee will convene to consider such objections, which time shall not be less than fourteen days from the date of the first publication in said newspaper, said period of time having elapsed without objections impugning the measure, the clerk shall affix an affidavit to the petition and notice, exhibiting the same to have been posted and published as required by law, whereupon the said committee may proceed to consider an ordinance ordering such improvements, which ordinance may be introduced and adopted at the same meeting, after which said clerk shall publish and post said ordinance in like manner and for a like period as required in the case of the petition, and he shall at the proper time make and annex to a copy thereof an affidavit showing said ordinance to have been duly published and posted; advertisements for proposals in a newspaper designated by said township committee may be ordered any time after passage of said ordinance, and at the time of the expiration of the limitation for publishing and posting said ordinance, said

committee may contract with any person or persons to furnish work and materials for such improvement; said committee may decline accepting with all others the lowest bid, should they deem it for the best interests of the township so to do, in a case of such rejection said committee shall again advertise and proceed in all particulars as though no bids had been offered; a bond with ample freehold security for a due performance of the contract shall be required by said committee, whereupon the contractor shall at once begin the work, and carry on the same to completion; and said committee may issue certificates of improvement under seal and signatures of the township, the chairman and the clerk, payable by the treasurer designated to hold the improvement funds; which certificates shall bear interest from the date of the completion of the work to the time of payment, at the rate of seven per centum per annum.

5. *And be it enacted*, That at any time after the letting out of such improvement work by contract, said township committee may appoint by resolution three disinterested freeholders, residents of the township, as commissioners, who shall assess damages due owners of any lands assumed and taken for the public use in laying out and altering any street, road or avenue, and shall report thereon to the township committee; and the said commissioners shall likewise ascertain and determine costs and expenses of such improvement, including damages payable to owners as aforesaid, and shall assess the same upon the frontage lands, or real estate fronting on the improvement, in proportion to the benefit received. Commissioners to assess damages.

6. *And be it enacted*, That said commissioners, before entering upon their duties, shall respectively take and file with the township clerk an oath, which said clerk is hereby given power to administer, and in said oath they are severally to depose that they have no interest in said improvement, and do not own any property along the line thereof, that they are freeholders and reside in said township, and that they will faithfully and impartially execute and discharge the duties of their trust as commissioners; after taking said oath and after examining into the whole matter of their charge, said commissioners shall report in writing to the township committee what real estate fronting upon said improvement ought to be assessed and what proportion of the entire expense thereof shall be assessed to each separate parcel or Powers and duties of the commissioners.

lot of land, and shall accompany their report with a map exhibiting lots, parcels and owners' names; but no assessment shall be deemed defective because of an immaterial omission in the report, or any insignificant error in a name, said report having been filed with the township clerk, and the township committee having designated a time and place to hear objections, the said clerk shall give publication after the manner of the notice touching the petition for said improvement; said notice to be given for at least ten days, and stating that the map and report have been duly filed and when and where said committee will convene to consider objections, in writing, touching said assessment; and at such time and place named in such notice or at any adjourned meeting thereafter said committee may ratify and confirm the said assessment, or may return the report for particular amendments, and said commissioners may so amend as to the corrections specified, and report again; whereupon said committee, without other or further notice to any person, may confirm the said assessment, such formal confirmation to constitute the said assessment a full and effectual lien on the property assessed for the amount thereof; and the township committee are hereby empowered to appoint a collector or treasurer, and to fix a time for payment, and if said assessment shall remain unpaid for the space of thirty days after said confirmation, it shall be lawful for the collector or treasurer to receive and collect interest upon each unpaid assessment at the rate of twelve per centum per annum from the date of said confirmation until the same is paid; and such delinquent assessment bills as are unpaid after the time fixed for the payment thereof, may be collected by sale of lands in the manner of the sales for current township taxes remaining unpaid; other notices than those named in this act need not be given to any person or persons interested in any improvement or assessment hereinbefore enumerated.

Proceedings
in certiorari.

7. *And be it enacted*, That after thirty days have elapsed from the date of confirmation named in the preceding section, no certiorari may be allowed or granted touching an assessment for any improvement herein named, should an assessment be set aside on certiorari after portions of the same shall have been collected; in such cases the collections shall be paid back to parties out of the first sums received under the new assessment which is to be made, with no regard to the fact that a previous assessment had been made.

8. *And be it enacted*, That the township clerk, in all cases ^{Duty of the} where the township committee may not otherwise direct, shall ^{township} hold in his custody the archives, documents and records of ^{clerk.} the township; and the minutes of the township committee and all papers filed with the township clerk or certified copies thereof, shall be evidence in all courts and places that the records therein noted are true and everything therein stated has been done and performed as therein set forth.

9. *And be it enacted*, That the township collector shall ^{Township-col-} be the treasurer of said township unless the township com- ^{lector shall be} mittee shall deem it advisable to select a treasurer, who, for his services, shall receive a sum in no case to exceed one per centum on all moneys paid out on improvement certificates; and said treasurer's bond, for the faithful discharge of his duties, shall be approved by the township committee and be in all particulars like the bond required for the collector.

10. *And be it enacted*, That the compensation of the ^{Compensation} commissioners appointed by virtue of the fifth section of this ^{of commis-} act, may be fixed by the township committee, and shall not ^{sioners.} exceed the rate of three dollars per day for each day actually employed in the duties of such service.

11. *And be it enacted*, That all taxes and all assessments ^{Taxes and as-} which shall hereafter be levied, assessed or made upon any ^{essments to} lands, tenements or real estate situated within said township ^{remain a lien} of North Bergen, shall be and remain a lien thereon until ^{on lands.} paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof, and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed by the township committee for the payment thereof, it shall and may be lawful for the said committee to cause such lands, tenements or real estate to be sold at public auction, for the shortest time for which any person or persons will agree to take the same and pay such tax or assessment on the balance thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses, and to execute under the common seal of said township a declaration of such sale, to be signed by the chairman of the township committee and the township clerk, and to deliver the same to the purchaser, and said committee may appoint one of said committee to act as auctioneer to sell lands, tenements or real estate for unpaid taxes or assessments, and the purchasers, their executors, administrators or assigns shall, by virtue thereof lawfully

hold and enjoy the said lands, tenements or real estate for his and their own proper use against the owner or owners thereof, and persons claiming under him or them until said term shall be ended; *provided*, that the said township committee shall first have caused sale to be advertised for at least sixty days, in at least one public newspaper generally circulated in said township, which advertisements shall describe the said lands, tenements or real estate, and specify the amount of assessment or tax, and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided also*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or person interested therein, or by any other person for or in behalf of the owner, mortgagee or claimant of such lands, tenements or real estate at any time within two years after the sale for either taxes or assessments, or for both, by paying to the treasurer of the township for the use of said purchaser the purchase money, together with any other sum paid for tax or assessment which the said purchaser may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do with interest thereon at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the township, stating the payments and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption, and the treasurer shall give the purchaser notice of said redemption within five days thereafter; *and provided*, the said term for which any lands, tenements or real estate so sold as aforesaid, shall not commence nor shall the said purchaser or those claiming under him, have right of possession to said lands, tenements or real estate until the two years limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of the time limited in such declaration of sale, quit and surrender the said lands, tenements or real estate, in as good state and condition as when he entered thereon, natural wear and unavoidable accidents excepted; *provided also*, that the said sale may be adjourned or postponed from time to time or suspended, as the township committee may direct; *and provided*, that if at any sale, as aforesaid, for assessments or taxes the whole, or any part thereof, shall remain unsold for the want of purchasers, then it may be lawful for said township committee to adjourn said

Proviso.

Proviso.

Proviso.

Proviso.

Proviso.

proposed sale not less than thirty days nor more than sixty days; twenty days notice, at least, shall be given as aforesaid, of said adjourned sale, and the notice thereof shall be posted in at least five of the most public places in said township, and if, at said adjourned sale, there shall be no purchasers for said lands, or for any part thereof, then it shall be lawful for the clerk or treasurer of the said township to purchase the said lands, tenements or real estate for the benefit of the township, subject to the redemption as hereinbefore provided; *and provided further*, that a complete Proviso. record of all taxes and assessments shall be kept by the said township clerk, which record shall contain the time when such assessments and taxes were laid, when they were paid, and if the property has been sold therefor, the time of said sale and to whom sold, and if redeemed, when and by whom; the township clerk shall also record in a book to be called "Record of Sales," all declarations of sale," he shall likewise give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, a certificate of the township treasurer of such redemption and to file such certificate with the clerk; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming and one to be filed with said clerk, and the following fees, over and above those payable for advertising and to the collector, shall be lawful, to wit: to the township committee, for each lot or parcel of land sold, a fee of fifty cents; to the clerk for drawing and recording each declaration of sale, fifty cents to the treasurer for each couplet of redemption, certificates fifty cents.

12. *And be it enacted*, That all acts and parts of acts in- Repealer. consistent with the provisions of this supplement be and the same are hereby repealed, and this shall be deemed a public act and shall take effect immediately.

Approved March 18, 1870.

CHAPTER DXXXI.

An Act to change the name of William Henry Jones to that of William Henry Winton.

Name changed 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of William Henry Jones, of Hudson City, in the county of Hudson, be and the same is hereby changed to William Henry Winton, and by that name he shall possess and enjoy all the rights, powers and privileges which he would have possessed and enjoyed had he retained his original name of William Henry Jones.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1870.

CHAPTER DXXXII.

Supplement to the act entitled "An Act to incorporate Jersey City," passed March eighteenth, eighteen hundred and fifty-one.

May lease, sell and convey lands and real estate. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of Jersey City shall have power to lease, sell, assign and convey by proper leases, deeds, conveyances or other assurances sufficient in the law for such purpose, duly executed under the seal of said city to any purchaser of the same, all or any lands, tenements or real estate which may have been purchased by the city treasurer at any sale of lands for taxes or assessments, at any time after the owners of said lands shall have lost their right to redeem the same, and

that such leases, sales, assignments and conveyances may be made at private or public sale, as the said mayor and common council shall direct, and for such consideration and price as may be obtained for the same, which consideration money shall be paid into the treasury of the city for the use of said city.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1870.

PROCLAMATION

BY THEODORE F. RANDOLPH, GOVERNOR.

PROCLAMATION.

A Proclamation by the Governor of New Jersey.

To acknowledge the goodness of Almighty God, and render to Him the sincere homage of grateful hearts, is the duty of a Christian community, and upon no people does this obligation rest more fully than upon this Commonwealth.

Recognizing this obligation, and conforming to a time-honored and revered custom of the people of this State, I earnestly recommend to my fellow-citizens that Thursday, the eighteenth day of November next, be observed in the State of New Jersey as a day of thanksgiving and prayer; and that, abstaining from our usual avocations, we gather in Divine worship on that day, rendering unto God our grateful tribute for His immeasurable mercies and blessings to us as a people.

Given at the Executive Chamber, in the city of Trenton, this twenty-sixth day of October, in the [L. S.] year of our Lord one thousand eight hundred and sixty-nine, and of the independence of the United States of America the ninety-fourth.

THEO. F. RANDOLPH.

Attest:—

SAMUEL C. BROWN, *Private Secretary.*

ACCEPTANCE OF ACTS.

ACCEPTANCE OF ACTS.

Acceptance by the Camden Mutual Insurance Association of Supplement to its Charter.

At a meeting of the members of the "Camden Mutual Insurance Association," convened by the directors of the said company at Getz's Hall, in the city of Camden, New Jersey, on the thirty-first day of March, Anno Domini eighteen hundred and seventy, upon two weeks' notice of the time and place of said meeting, printed and published in the "West Jersey Press," a newspaper published in the city of Camden, a preamble and resolutions, of which the following are copies, were unanimously adopted:

WHEREAS, by an act of the Legislature of the State of New Jersey, approved on the first day of March, eighteen hundred and seventy, and entitled "A Supplement to an act entitled 'An Act to incorporate the Camden Mutual Insurance Association,'" passed March twelfth, eighteen hundred and forty-one, authority was given to the directors of said association to issue certificates of stock to the members of the said association, in proportion to the amount of premiums paid upon the policies held by them to the whole amount of the moneys, securities and property held and owned by the said association or company, and to create a capital stock and sell new stock, and to declare dividends from the earnings of the said company, and to do certain other acts and things in the said act specified; and by the eleventh section of the said act it was enacted, "that this act shall go into effect as soon as a meeting of the members of the said company, convened by the directors of the said company upon two weeks' notice of the time and place of the said meeting, to be printed in a newspaper printed

in the city of Camden, shall by resolution accept the same as a supplement to and part of the charter of the said company, which resolution of acceptance shall be certified under the hand of the president and secretary and corporate seal of the said company, and shall be filed in the office of the Secretary of State," &c. ; and whereas, this meeting of the members of the said "The Camden Mutual Insurance Association" is now convened, in the mode and according to the provisions of the said act ; therefore,

Resolved, That we do accept of the said act and each and every provision thereof, as a supplement to and part of the charter of the said company "The Camden Mutual Insurance Association."

Resolved, That a certificate of the resolution of the acceptance of said act be made and certified, under the hands of the President and Secretary and corporate seal of this company or association, and be filed in the office of the Secretary of State of this State, according to the terms and requirements of said act.

Now, therefore, in pursuance of the requirements of the said act, and in pursuance of the said resolution, we have caused the said resolution of the acceptance of the members of the said company of the said act and of each and every provision thereof, as a supplement to and part of the charter of the said company, to be hereby certified.

In witness whereof, we, the President and Secretary of the said company, have caused the common seal of the said company to be hereunto affixed and
[L. S.] our hands to be hereunto subscribed, this second day of April, in the year of our Lord one thousand eight hundred and seventy.

WM. P. TATEM, *President*.

JONATHAN BURR, *Secretary*.

State of New Jersey :

I, Horace N. Congar, Secretary of State of the State of New Jersey, do hereby certify the foregoing to be a true copy of a paper writing purporting to be "Acceptance by 'The Camden Mutual Insurance Association' of supplement to its charter," as the same is taken from and compared with the original filed in my office the fifth day of April, A. D. eighteen hundred and seventy, and now remaining on file and of record in my said office.

In witness whereof, I have hereunto set my hand
[L. S.] and affixed my seal of office this nineteenth day of
April, A. D. eighteen hundred and seventy.
H. N. CONGAR.

Acceptance by the Central Railroad Company of New Jersey of
the act respecting said Company and the Newark and New
York Railroad Company.

To all to whom these presents shall concern :

WHEREAS, the Legislature of New Jersey, at its late session,
passed an act entitled "An Act respecting 'The Central
Railroad Company of New Jersey' and 'The Newark and
New York Railroad Company,'" which was approved on
the seventeenth day of March, in the year eighteen hun-
dred and seventy; and whereas, the board of directors of
"The Central Railroad Company of New Jersey" did, on
the eleventh day of April, eighteen hundred and seventy,
adopt the following resolution, that is to say—

"Resolved, That the secretary be and hereby is authorized
to notify the Secretary of State of the acceptance of the bill
passed by the Legislature relating to this company and the
Newark and New York Railroad Company, and approved by
the Governor March 17, 1870,"

Now, therefore, in pursuance of the said resolution, it is
hereby declared by the said "The Central Railroad Company
of New Jersey" that the said company do accept the said act
of the Legislature of New Jersey, and each and every pro-
vision thereof.

In witness, the said company have hereto caused
their corporate seal to be affixed, and the signature
[L. S.] of their secretary to be subscribed, this fifteenth
day of April, in the year eighteen hundred and
seventy.

CENTRAL R. R. CO. OF NEW JERSEY,
per SAM'L KNOX, *Secretary*.

State of New Jersey :

I, Horace N. Congar, Secretary of State of the State of New Jersey, do hereby certify the foregoing to be a true copy of a paper writing purporting to be "Acceptance by the Central Railroad Company of New Jersey of "An Act respecting the Central Railroad Company of New Jersey and the Newark and New York Railroad Company," approved March 17, 1870, as the same is taken from and compared with the original filed in my office, the sixteenth day of April, A. D. eighteen hundred and seventy, and now remaining on file and of record in my said office.

In witness whereof, I have hereunto set my hand
[L. s.] and affixed my seal of office, this nineteenth day of
April, A. D. eighteen hundred and seventy.

H. N. CONGAR.

Acceptance by Newark and New York Railroad Company.

OFFICE OF THE NEWARK AND NEW YORK R. R. Co., }
NEWARK, April 13th, 1870. }

Hon. H. N. Congar, Secretary of State, Trenton, N. J. :

DEAR SIR—I am instructed by the directors of this company to inform you that they accept the supplement to their charter passed by the late Legislature of New Jersey.

Yours, respectfully,

THEO. P. HOWELL, *Secretary,*

State of New Jersey :

I, Horace N. Congar, Secretary of State of the State of New Jersey, do hereby certify the foregoing to be a true copy of a paper writing purporting to be "Acceptance by the Newark and New York Railroad Company of 'An Act respecting the Central Railroad Company of New Jersey and the Newark and New York Railroad Company,'" approved March 17, 1870, as the same is taken from and compared with the original filed in my office, the fourteenth day of

April, A. D. eighteen hundred and seventy, and now remaining on file and of record in my said office.

[L. S.] In witness whereof, I have hereunto set my hand and affixed my seal of office, this nineteenth day of April, A. D. eighteen hundred and seventy.

H. N. CONGAR.

New Jersey State Library

1944

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